



APPROPRIATIONS COMMITTEE

Tuesday, February 16, 2016
3:00 PM – 6:00 PM
212 Knott Building

Meeting Packet

Volume 1
REVISED

Steve Crisafulli
Speaker

Richard Corcoran
Chair



The Florida House of Representatives

Appropriations Committee

Steve Crisafulli
Speaker

Richard Corcoran
Chair

AGENDA

Tuesday, February 16, 2016

212 Knott Building

3:00 PM – 6:00 PM

I. Call to Order/Roll Call/Opening Remarks

II. **Consideration of the following bills:**

CS/CS/CS/HB 11 Missing Persons with Special Needs by Judiciary Committee,
Education Appropriations Subcommittee, Criminal Justice Subcommittee, Porter

HB 117 Education Funding by Beshears

HB 331 Compensation of Victims of Wrongful Incarceration by DuBose

CS/HB 371 Florida Council on Poverty by Government Operations Subcommittee,
Williams, A., Albritton

CS/HB 429 Military and Veterans Affairs by Veteran & Military Affairs Subcommittee,
Steube

CS/HB 499 Ad Valorem Taxation by Local & Federal Affairs Committee, Avila

CS/HB 533 Arthur G. Dozier School for Boys by Government Operations
Subcommittee, Narain

CS/HB 593 Government Accountability by Government Operations Subcommittee, Metz

CS/HB 701 Art in the Capitol Competition by K-12 Subcommittee, Lee

CS/HB 1235 Housing Assistance by Children, Families & Seniors Subcommittee, Miller,
Brodeur

CS/HB 1299 Public Assistance by Children, Families & Seniors Subcommittee, Eagle

CS/HB 1347 Illicit Drugs by Criminal Justice Subcommittee, Ingram

HB 4027 Traffic Infraction Detectors by Artiles

HB 4049 Scrutinized Companies by Combee

HB 7107 Public Employees by State Affairs Committee, Caldwell

III. Adjournment

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/CS/HB 11 Missing Persons with Special Needs
SPONSOR(S): Judiciary Committee; Education Appropriations Subcommittee; Criminal Justice Subcommittee; Porter and others
TIED BILLS: None **IDEN./SIM. BILLS:** CS/SB 230

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	12 Y, 0 N, As CS	Cox	White
2) Education Appropriations Subcommittee	13 Y, 0 N, As CS	deNagy	Heflin
3) Judiciary Committee	16 Y, 0 N, As CS	Cox	Havlicak
4) Appropriations Committee		deNagy 	Leznoff 

SUMMARY ANALYSIS

Elopement, which means leaving an area without supervision or caregiver permission, is prevalent among persons with certain special needs and may expose them to dangerous situations. Individuals with Alzheimer's disease or autism are two populations at higher risk to elope.

There are a number of personal devices on the market which aid in search-and-rescue of individuals who elope.

The bill creates the "Project Leo" pilot projects, with the first pilot project serving Alachua, Baker, Columbia, Hamilton, and Suwanee Counties and the second pilot project serving Broward and Palm Beach Counties. Each pilot project must provide personal devices to aid in search-and-rescue efforts for persons with special needs in cases of elopement.

The first project will be developed and administered by the Center for Autism and Related Disabilities at the University of Florida (CARD UF) and the second project to be developed and administered by CARD at the Florida Atlantic University (CARD FAU). The bill directs CARD UF and CARD FAU to select participants on a first-come, first-serve basis to receive a personal device to aid in search-and-rescue efforts. Participants will be selected based on criteria developed by CARD UF or CARD FAU. Each center's criteria must, at a minimum, consider the individual's risk of elopement. The number of participants shall be determined based on available funding within the each center's existing resources. The respective county sheriff's offices will distribute these devices to the project participants.

The bill requires CARD UF and CARD FAU to submit preliminary and final reports to the Governor, the Speaker of the House of Representatives, and the President of the Senate. The final reports must include recommendations for modifications or continued implementation of the program.

The bill provides that the act is subject to available funding within the center's existing resources and expires on June 30, 2018. The bill provides a total appropriation of \$200,000 in nonrecurring general revenue funds for the 2016-2017 Fiscal Year to purchase personal devices to aid search-and-rescue efforts. The bill provides that \$100,000 is appropriated to CARD UF and \$100,000 is appropriated to CARD FAU. See fiscal section.

The bill is effective on July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Elopement of Individuals with Special Needs

Elopement, which means leaving an area without supervision or caregiver permission, is prevalent among persons with certain special needs and may expose a person to dangerous situations.¹ Wandering and elopement are concerns in particular with children and adults with autism and seniors with Alzheimer's.²

Elopement and Wandering of Individuals with Autism

There are various reasons someone with autism may wander; more often than not, he or she will wander to something of interest (especially bodies of water) or away from something that is bothersome (such as uncomfortable noise or bright lights).³ Children and adults with autism wander from all types of settings, such as educational, therapeutic, residential, camp programs, outdoor, public places, and home settings.⁴

Approximately half of children with autism have a tendency to wander or elope.⁵ Families report that about half of the children who have a tendency to wander have gone missing long enough to cause serious concern. A substantial portion of those children who wander are at risk for bodily harm.⁶ Of those children who went missing, 24% were in danger of drowning and 65% were in danger of a traffic injury.⁷

Elopement and Wandering of Individuals with Alzheimer's Disease

Wandering and elopement can also be dangerous for individuals with Alzheimer's disease and other forms of dementia, as the individual may become disoriented, even in familiar places and may not remember his or her name or address to assist rescuers. An individual with Alzheimer's disease who wanders or elopes is most often looking for someone or something familiar, escaping a source of stress or anxiety, or may be reliving the past.⁸

Statistics indicate that in the U.S., more than 34,000 individuals with Alzheimer's disease wander out of their homes or care facilities each year.⁹ Six in ten people with some form of dementia will wander or elope;¹⁰ additionally, it is estimated that 11-24% of institutionalized dementia patients wander.¹¹

¹ Russell Lang, et al., *Treatment of elopement in individuals with developmental disabilities: A systematic review*, RESEARCH IN DEVELOPMENTAL DISABILITIES 30 (2009) 670–681, http://scholar.google.com/scholar_url?url=http://www.researchgate.net/profile/Christina_Fragale/publication/23716164_Treatment_of_elopement_in_individuals_with_developmental_disabilities_a_systematic_review/links/53e3f99e0cf21cc29fc75814.pdf&hl=en&sa=X&scisig=AAGBfm33xL1MHakTS87tq_NEgw_oFixP4w&nossl=1&oi=scholar (last visited October 15, 2015).

² *Autism & Wandering*, AWAARE COLLABORATION, <http://awaare.nationalautismassociation.org/autism-wandering/> (last visited October 15, 2015).

³ *Id.*

⁴ *Id.*

⁵ Michelle Diament, *Autism Wandering Poses "Critical Safety Issue," Survey Suggests*, DISABILITY SCOOP, (April 21, 2011), <http://www.disabilityscoop.com/2011/04/21/autism-wandering-survey/12953/> (last visited October 15, 2015).

⁶ Connie Anderston, et al., *Occurrence and Family Impact of Elopement in Children With Autism Spectrum Disorders*, PEDIATRICS, (October 8, 2012), available at <http://pediatrics.aappublications.org/content/early/2012/10/02/peds.2012-0762.full.pdf+html> (last visited October 15, 2015).

⁷ *Id.*

⁸ *Alzheimer's: Understand and control wandering*, MAYO CLINIC, <http://www.mayoclinic.org/healthy-living/caregivers/in-depth/alzheimers/art-20046222> (last visited October 15, 2015).

⁹ *Wandering and Elopement Resources*, NATIONAL COUNCIL OF CERTIFIED DEMENTIA PRACTITIONERS, <http://www.nccdp.org/wandering.htm> (last visited October 15, 2015).

¹⁰ *Wandering and Getting Lost*, ALZHEIMER'S ASSOCIATION, <http://www.alz.org/care/alzheimers-dementia-wandering.asp> (last visited October 15, 2015).

¹¹ *Supra*, note 9.

Personal Devices for Individuals with Special Needs

Anti-wandering and global-positioning system (GPS)¹² tracking devices can be worn as a bracelet, attached to an individual's shoe or belt loop, or sewn into clothing. If an individual goes missing, a caregiver can utilize products and services from the monitoring company for the device to pinpoint the wearer's location. There are a number of anti-wandering and GPS tracking devices on the market that are specially designed to aid in search-and-rescue efforts for individuals with special needs who are prone to wander. Two examples are the Protect and Locate (PAL) tracking system through Project Lifesaver and the Amber Alert GPS.

The PAL is a tracking device that is worn as a watch by the individual at risk of wandering and has a companion portable receiver that notifies the caregiver of a wandering event. Through the use of cell ID location and GPS technologies, it provides the location of a wearer accurate to nine feet.¹³ If an individual wearing a PAL device wanders outside of a set perimeter, the caregiver's receiver will receive an alert and the caregiver will receive email and text alerts with the date and location of the wandering event.¹⁴ Additionally, a caregiver can press the "find" button on his or her receiver to have the location of the individual and the address displayed on the portable receiver. If the individual wearing the PAL watch/transmitter is lost, he or she can push the panic button on the PAL watch to have the current address shown on the caregiver's portable receiver.¹⁵ The PAL tracking system costs \$249.99 per unit and requires a monitoring/service plan of \$29.95 per month.¹⁶

The Amber Alert GPS is a small disk that can be put in an individual's purse or backpack or, with the purchase of an accessory, can be attached to the individual. The Amber Alert GPS syncs with an online tracking portal and mobile application for iPhone, Blackberry, and Droid cellular phones to provide the real-time location of the wearer.¹⁷ It allows the caregiver to designate up to 20 "safe zones" and receive an alert each time a wearer leaves one of the designated safe zones.¹⁸ It also has a two-way voice feature to allow the caregiver and wearer to talk to each other through the device and an SOS button that the wearer can push in the event of an emergency to notify the caregiver and up to ten additional individuals.¹⁹ Amber Alert GPS costs \$179 per unit and requires a monitoring/service plan of \$10-42 per month.²⁰

Center for Autism and Related Disabilities

The Center for Autism and Related Disabilities (CARD) works with families, caregivers, and professionals to optimize the potential of people with autism and related disabilities.²¹ CARD serves children and adults of all levels of intellectual functioning who have autism, autistic-like disabilities, pervasive developmental disorder, dual sensory impairments (deaf-blindness), or a vision or hearing loss with another disabling condition.²²

There are seven non-residential CARD centers across the state. The Center for Autism and Related Disabilities at the University of Florida (CARD UF) serves fourteen counties in North Central Florida.²³

¹² GPS is a network of computers and earth-orbiting satellites that allows an earth-bound receiver to determine its precise location. BLACK'S LAW DICTIONARY (10th ed. 2014).

¹³ *PAL Info*, PROJECT LIFESAVER, <http://www.projectlifesaver.org/Pal-info/> (last visited October 15, 2015).

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *10 Resources And Devices For Wandering Children With Autism*, FRIENDSHIP CIRCLE BLOG, (June 1, 2011; updated 2014) <http://www.friendshipcircle.org/blog/2011/06/01/10-resources-for-wandering-children-with-autism/> (last visited October 15, 2015).

¹⁷ *Amber Alert GPS Smart Locator*, AMBER ALERT GPS, <https://www.amberalertgps.com/products> (last visited October 15, 2015).

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Supra*, note 16.

²¹ CENTER FOR AUTISM AND RELATED DISABILITIES UNIVERSITY OF FLORIDA, *About CARD FAQ*, <http://card.ufl.edu/about-card/faq/> (last visited October 15, 2015).

²² *Id.*

²³ *Id.*

The counties served by CARD UF are Alachua, Bradford, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Levy, Marion, Putnam, Suwannee, and Union.²⁴

The counties served by CARD at the Florida Atlantic University (CARD FAU) are Indian River, Martin, Okeechobee, Palm Beach and St. Lucie.²⁵

Broward County is currently served by CARD at the University of Miami.

Effect of the Bill

The bill creates the "Project Leo" pilot projects, with the first pilot project serving Alachua, Baker, Columbia, Hamilton, and Suwanee Counties and the second pilot project serving Broward and Palm Beach Counties. Each pilot project must provide personal devices to aid in search-and-rescue efforts for persons with special needs in cases of elopement. The bill does not define the term "special needs."

The first project will be developed and administered by the Center for Autism and Related Disabilities at the University of Florida (CARD UF) and the second project to be developed and administered by CARD at the Florida Atlantic University (CARD FAU). The bill directs CARD UF and CARD FAU to select participants on a first-come, first-serve basis to receive a personal device to aid in search-and-rescue efforts. Participants will be selected based on criteria developed by CARD UF or CARD FAU. Each center's criteria must, at a minimum, consider the individual's risk of elopement. The number of participants shall be determined based on available funding within the each center's existing resources.

Participation in the project is voluntary. Participants will be provided a personal device to aid in search-and-rescue efforts which is attachable to clothing or otherwise wearable. The respective county sheriff's offices will distribute these devices to the project participants. CARD UF and CARD FAU will fund any cost associated with the monitoring of the devices.

The bill requires CARD UF and CARD FAU to submit preliminary and final reports to the Governor, the Speaker of the House of Representatives, and the President of the Senate. Both reports must include:

- The criteria used to select the participants;
- The number of participants;
- The age of the participants;
- The nature of the participants' special needs;
- The number of participants who elope;
- The amount of time taken to rescue a participant following elopement; and
- The outcome of any rescue attempts.

Additionally, the final report must include recommendations for modifications or continued implementation of the program.

The bill provides that the "Project Leo" is subject to available funding within CARD UF's and CARD FAU's existing resources and expires on June 30, 2018. However, the bill also provides a total appropriation of \$200,000 in nonrecurring general revenue funds for the 2016-2017 Fiscal Year to purchase personal devices to aid search-and-rescue efforts. The bill provides that \$100,000 is appropriated to CARD UF and \$100,000 is appropriated to CARD FAU.

B. SECTION DIRECTORY:

Section 1. Creates s. 937.041, F.S., relating to missing persons with special needs pilot program.

²⁴ CENTER FOR AUTISM AND RELATED DISABILITIES UNIVERSITY OF FLORIDA, *About CARD*, <http://card.ufl.edu/about-card/> (last visited February 10, 2016).

²⁵ CENTER FOR AUTISM AND RELATED DISABILITIES FLORIDA ATLANTIC UNIVERSITY, *About FAU Card*, <http://www.coe.fau.edu/centersandprograms/card/aboutcard.php> (last visited February 10, 2016).

Section 2. Provides an appropriation.

Section 3. Provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have any impact on state revenues.

2. Expenditures:

The bill is subject to available funding within the existing resources of the CARD UF and CARD FAU.

The bill provides a total appropriation of \$200,000 in nonrecurring general revenue funds for the 2016-2017 Fiscal Year to purchase personal devices to aid search-and-rescue efforts. The bill provides that \$100,000 is appropriated to CARD UF and \$100,000 is appropriated to CARD FAU.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have any impact on local government revenues.

2. Expenditures:

The bill does not appear to have any impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties and municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill provides that the second pilot project that serves Broward and Palm Beach Counties must be established and maintained by CARD FAU, however, CARD FAU does not currently serve Broward County.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On November 17, 2015, the Criminal Justice Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment adds Alachua County to the list of counties served by the pilot project.

On January 28, 2016, the Education Appropriations Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment clarified that the appropriation of \$100,000 in general revenue is nonrecurring and that it is specifically for the purchase of personal devices to aid search and rescue efforts.

On February 10, 2016, the Judiciary Committee adopted one strike-all amendment and reported the bill favorably as a committee substitute. The strike-all amendment:

- Establishes a second pilot project for Broward and Palm Beach Counties to be created and maintained by CARD FAU;
- Provides an additional \$100,000 appropriation to CARD FAU for implementing the project.

This bill analysis is drafted to the committee substitute as passed by the Judiciary Committee.

1 A bill to be entitled

2 An act relating to missing persons with special needs;
 3 creating s. 937.041, F.S.; creating pilot projects in
 4 specified counties to provide personal devices to aid
 5 search-and-rescue efforts for persons with special
 6 needs; providing for administration of the projects;
 7 requiring reports; providing for expiration; providing
 8 appropriations; providing an effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Section 937.041, Florida Statutes, is created
 13 to read:

14 937.041 Missing persons with special needs pilot
 15 projects.-

16 (1)(a) There is created a pilot project in Alachua, Baker,
 17 Columbia, Hamilton, and Suwannee Counties, to be known as
 18 "Project Leo," to provide personal devices to aid search-and-
 19 rescue efforts for persons with special needs in the case of
 20 elopement.

21 (b) There is created an additional pilot project in
 22 Broward and Palm Beach Counties to provide personal devices to
 23 aid search-and-rescue efforts for persons with special needs in
 24 the case of elopement.

25 (2)(a)1. Participants for the pilot project specified in
 26 paragraph (1)(a) shall be selected based on criteria developed

27 by the Center for Autism and Related Disabilities at the
 28 University of Florida.

29 2. Participants for the pilot project specified in
 30 paragraph (1)(b) shall be selected based on criteria developed
 31 by the Center for Autism and Related Disabilities at Florida
 32 Atlantic University.

33 (b) Criteria for participation in the pilot projects must
 34 include, at a minimum, the person's risk of elopement. The
 35 qualifying participants shall be selected on a first-come,
 36 first-served basis by the respective centers to the extent of
 37 available funding within their existing resources. Each project
 38 must be voluntary and free of charge to participants.

39 (3) Under each pilot project, personal devices to aid
 40 search-and-rescue efforts which are attachable to clothing or
 41 otherwise worn shall be provided by the respective center to the
 42 sheriff's offices of the participating counties. The devices
 43 shall be distributed to project participants by the county
 44 sheriff's offices in conjunction with the respective center. The
 45 respective center shall fund any costs associated with
 46 monitoring the devices.

47 (4) Each center shall submit a preliminary report by
 48 December 1, 2016, and a final report by December 15, 2017, to
 49 the Governor, the President of the Senate, and the Speaker of
 50 the House of Representatives describing the implementation and
 51 operation of its pilot project. At a minimum, each report must
 52 include the criteria used to select participants, the number of

53 participants, the nature of the participants' special needs, the
 54 number of participants who elope, the amount of time taken to
 55 rescue such participants following elopement, and the outcome of
 56 any rescue attempts. Each final report shall also provide
 57 recommendations for modification or continued implementation of
 58 the project.

59 (5) Each project shall operate to the extent of available
 60 funding within the respective centers' existing resources.

61 (6) This section expires June 30, 2018.

62 Section 2. For the 2016-2017 fiscal year, the sum of
 63 \$100,000 is appropriated from the General Revenue Fund to the
 64 Center for Autism and Related Disabilities at the University of
 65 Florida and the sum of \$100,000 is appropriated from the General
 66 Revenue Fund to the Center for Autism and Related Disabilities
 67 at Florida Atlantic University for the purpose of implementing
 68 this act.

69 Section 3. This act shall take effect July 1, 2016.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 117 Education Funding
SPONSOR(S): Beshears
TIED BILLS: IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Education Appropriations Subcommittee	11 Y, 0 N	Seifert	Heflin
2) Education Committee	16 Y, 0 N	Cherry	Mizereck
3) Appropriations Committee		Heflin 	Leznoff 

SUMMARY ANALYSIS

The Florida Education Finance Program (FEFP) is the primary mechanism for funding the operating costs of Florida school districts and is the foundation for financing Florida’s K-12 educational programs. The FEFP recognizes the relatively higher operating cost of smaller districts due to sparse student populations through a statutory formula in which the variable factor is a sparsity index. This index is computed by dividing the full-time equivalent (FTE) of the district by the number of permanent senior high school centers. For districts with FTE student memberships between 20,000 and 24,000, the maximum number of high school centers for eligibility is four. The maximum number of high school centers is reduced to three for districts with fewer than 20,000 FTE students. There are four adjustments to the initial sparsity computation, including a wealth adjustment.

The wealth adjustment reduces the sparsity supplement of districts whose potential discretionary local effort per unweighted FTE student is greater than the state average. There are 12 districts that currently receive a wealth adjustment in the sparsity calculation: Charlotte, Citrus, Flagler, Franklin, Gulf, Jefferson, Martin, Monroe, Nassau, Sumter, Walton, and Florida Atlantic University (FAU) Lab School-Palm Beach.

The bill exempts a school district with a student population of 2,000 or less from receiving a sparsity wealth adjustment.

House Bill 5001, the 2016-2017 House General Appropriations Act (GAA), provides total sparsity funding of \$52.8 million which is distributed to 37 school districts. The bill does not have a fiscal impact on state government but will result in a redistribution of sparsity funding among eligible districts in the FEFP.

This bill takes effect July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

The Florida Education Finance Program (FEFP) is the primary mechanism for funding the operating costs of Florida school districts and is the foundation for financing Florida's K-12 educational programs. A key feature of the FEFP is that it bases financial support for education upon the individual student participating in a particular educational program rather than upon the number of teachers or classrooms.

The FEFP recognizes the relatively higher operating cost of smaller districts due to sparse student populations through a statutory formula in which the variable factor is a sparsity index. This index is computed by dividing the full-time equivalent (FTE) of the district by the number of permanent senior high school centers. Per the GAA proviso, participation is limited to districts of 24,000 or fewer FTE students. For districts with FTE student memberships between 20,000 and 24,000, the maximum number of high school centers for eligibility is four. The maximum number of high school centers is reduced to three for districts with fewer than 20,000 FTE students. There are four adjustments to the initial sparsity computation, including a wealth adjustment. The House GAA FEFP calculation total sparsity supplement funding of \$52,800,000 for the 2016-2017 fiscal year. There are 37 districts eligible to receive a sparsity supplement for the 2016-2017 fiscal year.

Districts with 24,000 or fewer FTE students receive a sparsity supplement calculated in accordance with s. 1011.62(7), F.S., to support the relatively higher operating cost of smaller districts due to sparse student populations. The formula outlined in statute has a variable factor for the sparsity index. This index is computed by dividing the FTE students of the school district by the number of permanent senior high school centers (not to exceed four). The index is compared to a value of 7,308, which is provided in s. 1011.62(7)(a), F.S. If the index is greater than 7,308, the school district is not eligible for a sparsity supplement. If it is less than 7,308, the index is used to calculate a sparsity factor, which when multiplied by the funded weighted FTE and base student allocation results in a computed sparsity supplement. After receiving a wealth adjustment, the computed amount is prorated to equal the sparsity supplement allocation.

The sparsity formula outlined in s. 1011.62(7), F.S., includes a wealth adjustment. The wealth adjustment reduces the sparsity supplement of districts whose potential discretionary local effort per unweighted FTE student is greater than the state average. This is done by multiplying the district's per FTE amount above the state average by its unweighted FTE. The result is then deducted from the calculated unadjusted sparsity supplement.

No district shall have a sparsity wealth adjustment that, when applied to the total potential funds, would cause the district's total potential funds per FTE student to be less than the state average. The total potential funds include all the components of the FEFP except for Florida School Recognition Program funds.

In the House GAA FEFP calculation there are 14 districts (six of which are lab schools) with fewer than 2,000 FTE students. Of these 14 districts, four are currently receiving a sparsity wealth adjustment. This bill would prohibit those four districts (Franklin, Gulf, Jefferson and Florida Atlantic University (FAU) Lab School-Palm Beach) from receiving a wealth adjustment in the sparsity formula.

B. SECTION DIRECTORY:

Section 1. Amends 1011.62, F.S., prohibiting a school district with a specified student population from receiving a sparsity wealth adjustment.

Section 2. Providing an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None known.

D. FISCAL COMMENTS:

House Bill 5001, the 2016-2017 House General Appropriations Act (GAA), provides total sparsity funding of \$52.8 million which is distributed to 37 school districts. In the House GAA FEFP calculation there are four districts (Franklin, Gulf, Jefferson and FAU Lab School-Palm Beach) with fewer than 2,000 FTE students receiving a sparsity wealth adjustment. This bill would exclude these districts from receiving a wealth adjustment, which is currently reducing their sparsity supplement by a total of \$1,196,611.

Because the sparsity allocation is prorated among the districts based on FTE student membership, elimination of the wealth adjustment in districts with fewer than 2,000 FTE students will result in an increase in sparsity funds for those districts and a decrease in sparsity funds among the other districts that received the sparsity supplement. If this bill is implemented in the 2016-2017 House GAA FEFP calculation, the four districts with fewer than 2,000 FTE students (Franklin, Gulf, Jefferson and FAU Lab School-Palm Beach) would see an increase of \$1,196,611 in their overall sparsity supplements. The other 33 eligible districts receiving the allocation would experience a decrease of \$1,196,611 in their sparsity supplements, ranging from a decrease of \$8,494 (FAMU Lab School) to \$76,370 (Jackson).

Estimated Sparsity Calculation Distribution FY 2016-2017

Jackson	(75,488)	Hendry	(46,361)	Bradford	(24,462)	Hardee	(14,569)
Levy	(72,967)	Washington	(46,329)	Hamilton	(24,021)	Okeechobee	(14,368)
Putnam	(68,230)	Gilchrist	(43,799)	Liberty	(23,523)	FAMU Lab School	(8,420)
Highlands	(63,048)	Calhoun	(39,112)	Glades	(23,404)	TOTAL DECREASE	(1,196,611)
Holmes	(56,137)	Columbia	(31,177)	FSU Leon	(23,207)		
Hernando	(52,802)	Flagler	(28,346)	Lafayette	(20,278)	Jefferson	72,605
Gadsden	(50,137)	Dixie	(25,088)	UF Lab School	(19,571)	FAU Palm Beach	192,645
Citrus	(49,875)	Taylor	(24,993)	DeSoto	(17,227)	Gulf	201,792
Suwannee	(49,038)	Madison	(24,978)	Baker	(17,056)	Franklin	699,017
Nassau	(47,222)	Union	(24,767)	Wakulla	(16,059)	TOTAL INCREASE	1,196,611

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None

2. Other:

None

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
 2 An act relating to education funding; amending s.
 3 1011.62, F.S.; prohibiting a school district with a
 4 specified student population from receiving a sparsity
 5 wealth adjustment; providing an effective date.

6
 7 Be It Enacted by the Legislature of the State of Florida:

8
 9 Section 1. Paragraph (d) of subsection (7) of section
 10 1011.62, Florida Statutes, is amended to read:

11 1011.62 Funds for operation of schools.—If the annual
 12 allocation from the Florida Education Finance Program to each
 13 district for operation of schools is not determined in the
 14 annual appropriations act or the substantive bill implementing
 15 the annual appropriations act, it shall be determined as
 16 follows:

17 (7) DETERMINATION OF SPARSITY SUPPLEMENT.—

18 (d) Each district's allocation of sparsity supplement
 19 funds shall be adjusted in the following manner:

20 1. A maximum discretionary levy per FTE value for each
 21 district shall be calculated by dividing the value of each
 22 district's maximum discretionary levy by its FTE student count.

23 2. A state average discretionary levy value per FTE shall
 24 be calculated by dividing the total maximum discretionary levy
 25 value for all districts by the state total FTE student count.

26 3. A total potential funds per FTE for each district shall

27 | be calculated by dividing the total potential funds, not
 28 | including Florida School Recognition Program funds and the
 29 | minimum guarantee funds, for each district by its FTE student
 30 | count.

31 | 4. A state average total potential funds per FTE shall be
 32 | calculated by dividing the total potential funds, not including
 33 | Florida School Recognition Program funds and the minimum
 34 | guarantee funds, for all districts by the state total FTE
 35 | student count.

36 | 5. For districts that have a levy value per FTE as
 37 | calculated in subparagraph 1. higher than the state average
 38 | calculated in subparagraph 2., a sparsity wealth adjustment
 39 | shall be calculated as the product of the difference between the
 40 | state average levy value per FTE calculated in subparagraph 2.
 41 | and the district's levy value per FTE calculated in subparagraph
 42 | 1. and the district's FTE student count and -1. A ~~However, No~~
 43 | district may not shall have a sparsity wealth adjustment that,
 44 | when applied to the total potential funds calculated in
 45 | subparagraph 3., would cause the district's total potential
 46 | funds per FTE to be less than the state average calculated in
 47 | subparagraph 4. A district with a student population of 2,000 or
 48 | fewer students may not receive a sparsity wealth adjustment.

49 | 6. Each district's sparsity supplement allocation shall be
 50 | calculated by adding the amount calculated as specified in
 51 | paragraphs (a) and (b) and the wealth adjustment amount
 52 | calculated in this paragraph.

HB 117

2016

53

Section 2. This act shall take effect July 1, 2016.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 331 Compensation of Victims of Wrongful Incarceration

SPONSOR(S): DuBose

TIED BILLS: None **IDEN./SIM. BILLS:** CS/SB 122

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	13 Y, 0 N	Aziz	White
2) Appropriations Committee		McAuliffe 	Leznoff 
3) Judiciary Committee			

SUMMARY ANALYSIS

In 2008, the Legislature passed the "Victims of Wrongful Incarceration Compensation Act" (Act) to compensate persons determined to be actually innocent of a felony offense they were accused of committing and for which they were wrongfully convicted and imprisoned. The Act provides a process by which persons whose conviction and sentence has been vacated based upon exonerating evidence may petition the court to seek and obtain compensation. In order to apply for compensation, an applicant must not have a prior felony conviction, pled guilty to a felony, or entered a plea of nole contedere to a felony. In addition, the applicant must not have received a felony conviction while incarcerated or while serving parole or supervised release for the wrongful incarceration.

Because of the provision barring applicants with prior felonies, several wrongfully incarcerated individuals have filed claim bills which may be granted in the Legislature's discretion. For example, in 2012, William Dillon received a claim bill for his 27 years of wrongful incarceration. Because Dillon had a single felony conviction for possession of a quaalud, he was ineligible for compensation under the Act.

This bill changes the eligibility requirement under the Act to bar only applicants who have prior violent felonies or violent felonies while wrongfully incarcerated. The Act defines violent felony as a felony listed under s. 775.084(1)(c)1. or s. 948.06(8)(c), F.S. These felonies include violent acts such as: murder, robbery, kidnapping and sexual battery. Thus, an applicant who has a non-violent felony conviction would be able to apply for compensation under the Act. However, the applicant still must demonstrate actual innocence before a Department of Administrative Hearings judge if the prosecution objects to the application.

This bill expands the pool of persons who could be determined to be a wrongfully incarcerated person and therefore could increase the number of persons seeking compensation from the state. The number of persons who may qualify as a wrongfully incarcerated person and the amount of funding required to compensate them, cannot be determined. (See Fiscal Impact Statement) The bill does not appear to have a fiscal impact on local governments.

The bill is effective October 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Victims of Wrongful Incarceration Compensation Act

In Florida, 13 people have been exonerated or released from incarceration since 2000 as a result of post-conviction DNA testing.¹ According to the National Registry of Exonerations² 57 people have been exonerated in Florida, and according to the Department of Corrections, 53 of those have served time in state prison of which 13 have already been compensated. During the regular session of 2008, the Legislature passed the "Victims of Wrongful Incarceration Compensation Act" (Act) to compensate persons determined to be actually innocent of a felony offense they were accused of committing and for which they were wrongfully convicted and imprisoned.³

The Act provides a process by which persons whose conviction and sentence has been vacated based upon exonerating evidence may petition the court to seek and obtain compensation as a "wrongfully incarcerated person"⁴ who is "eligible for compensation."⁵

The Act has a definitions section found at s. 961.02, F.S., and four other primary components:

- The Petition Process: s. 961.03, F.S., provides the process for determining whether a petitioner is a "wrongfully incarcerated person" and is "eligible for compensation."
- Eligibility: s. 961.04, F.S., specifies criteria that render a petitioner ineligible for compensation.
- Application: s. 961.05, F.S., provides the process by which an eligible person may apply for compensation.
- Compensation: s. 961.06, F.S., provides for the entitlement to compensation and other benefits for an eligible person and directs the Chief Financial Officer to purchase an annuity on behalf of the eligible person.

The Petition Process

In order to receive compensation under the Act, a person must return to the court where the judgment and sentence were vacated and file a petition seeking status as a "wrongfully incarcerated person." Section 961.03(1)(a), F.S., requires that a petition must:

- State that verifiable and substantial evidence of actual innocence exists and state with particularity the nature and significance of the verifiable and substantial evidence of actual innocence; and

¹ Frank Lee Smith, Jerry Townsend, Wilton Dedge, Luis Diaz, Alan Crotzer, Orlando Boquete, Larry Bostic, Chad Heins, Cody Davis, William Dillon, James Bain, Anthony Caravella, and Derrick Williams are the thirteen people released from prison or exonerated in this state based on DNA testing. Florida Innocence Project, http://floridainnocence.org/content/?page_id=34. (last visited on February 2, 2016).

² The National Registry of Exonerations, A project of the University of Michigan Law School. <https://www.law.umich.edu/special/exoneration/Pages/browse.aspx?View={b8342ae7-6520-4a32-8a06-4b326208baf8}&SortField=State&SortDir=Asc>

³ Ch. 2008-39, Laws of Fla.

⁴ Section 961.02(4), F.S., defines a "wrongfully incarcerated person" as a "person whose felony conviction and sentence have been vacated by a court of competent jurisdiction and, with respect to whom pursuant to the requirements of s. 961.03, F.S., the original sentencing court has issued its order finding that the person neither committed the act nor the offense that served as the basis for the conviction and incarceration and that the person did not aid, abet, or act as an accomplice or accessory to a person who committed the act or offense."

⁵ Section 961.02(5), F.S., defines "eligible for compensation" to mean "a person who meets the definition of 'wrongfully incarcerated person' and is not disqualified from seeking compensation under the criteria prescribed in s. 961.04." The Act does not currently provide a definition of "actual innocence"; instead some provisions of the Act repeat a lengthy description of a concept of actual innocence. See ss. 961.02(4), 961.03(3), and (7), F.S.

- State that the person is not disqualified, under the provisions of s. 961.04, F.S., from seeking compensation under the Act.

A copy of the petition must be provided to the prosecuting authority of the felony for which the petitioner was incarcerated. In response to the petition, the prosecuting authority may either:

- Stipulate to the petitioner's innocence and eligibility for compensation;
- Contest the evidence of actual innocence; or
- Contest the eligibility of the petitioner to compensation.⁶

Without a stipulation from the prosecuting authority of the petitioner's innocence and eligibility, the original sentencing court, based on the pleadings and the supporting documents, must determine whether the petitioner's eligibility for compensation has been established by a preponderance of the evidence. If the court finds the petitioner is not eligible for compensation, it must dismiss the petition.⁷

If the court finds the petitioner is eligible for compensation and the prosecuting authority contests the actual innocence of the petitioner, the court must set forth its findings and transfer the petition to the Division of Administrative Hearings (DOAH) for a hearing before an administrative law judge. The administrative law judge must make factual findings regarding the petitioner's actual innocence and draft a recommended order on the determination of whether the petitioner has established by clear and convincing evidence that he or she is a wrongfully incarcerated person.⁸ The administrative law judge must file its findings and recommended order within 45 days of the hearing's adjournment.⁹ The original sentencing court must review the findings and recommendation of the administrative law judge and issue its own order declining or adopting the recommended order within 60 days.¹⁰

If, after review of the administrative law judge's findings and recommendations, the court determines that the person is a wrongfully incarcerated person eligible for compensation, the court must include in its order a certification stating:

- That:
 - The administrative law judge found that the petitioner met his or her burden required under the act by clear and convincing evidence; or
 - The court declines to adopt the findings and recommendation of the administrative law judge that the petitioner did not meet his or her burden and that the court makes its own findings that the petitioner has met his or her burden as required under the act; and
- That the findings and recommendations on which its order is based is supported by competent, substantial evidence.¹¹

Eligibility

To be eligible for compensation, a wrongfully incarcerated person must not have a disqualifying felony, which is:

- The person had a prior conviction or pled guilty or nolo contendere to a felony offense in this state, a federal offense that is a felony, or to an offense in another state that would be a felony in this state;
- The person was convicted of, or pled guilty or nolo contendere to, a felony offense while wrongfully incarcerated; or
- While wrongfully incarcerated, the person was serving a concurrent sentence for another felony for which the person was not wrongfully convicted.¹²

⁶ s. 961.03(2)(a) and (b), F.S.

⁷ s. 961.03(4)(a), F.S.

⁸ s. 961.03(4)(b), F.S.

⁹ s. 961.03 (5)(c), F.S.

¹⁰ s. 961.03(5)(d), F.S.

¹¹ s. 961.03(7), F.S.

The Application Process

A petitioner who is found to be a “wrongfully incarcerated person” under the Act has two years to initiate an application for compensation with the Department of Legal Affairs after the original sentencing court enters its order.¹³ Only the petitioner, not his or her estate or personal representative of the estate, may apply for compensation.¹⁴ Section 961.05(4), F.S., lists the content requirements of an application for compensation. In part, it requires that the application include:

- A certified copy of the order vacating the conviction and sentence;
- A certified copy of the original sentencing court's order finding the claimant to be a wrongfully incarcerated person who is eligible for compensation under the Act;
- Certified copies of the original judgment and sentence; and
- Documentation demonstrating the length of the sentence served, including documentation from the Department of Corrections regarding the person's admission into and release from the custody of the Department of Corrections.¹⁵

Compensation

Under s. 961.06, F.S., a “wrongfully incarcerated person” is entitled to:

- Monetary compensation, at the rate of \$50,000 for each year of wrongful incarceration;
- A waiver of tuition and fees for up to 120 hours of instruction at a public career center, community college, or state university;
- A refund of fines, penalties, and court costs imposed and paid;
- Reasonable attorney's fees and expenses incurred and paid; and
- Immediate expunction, including administrative expunction, of the person's criminal record of the wrongful arrest, conviction, and incarceration.¹⁶

Total compensation awarded may not exceed \$2 million.¹⁷

The Problem with Clean Hands

Since its inception, the Act has been scrutinized for its stringent eligibility requirement of blocking any claimant from applying if they have a prior felony or a felony while incarcerated. This eligibility requirement is known as “Clean Hands” for requiring the claimant to have clean hands before receiving compensation. For example, a claim bill was passed in 2012 for the wrongful incarceration of William Dillon.¹⁸ Because of a prior felony conviction for a single quaalude, Dillon was barred from seeking compensation under the Act and instead had to come before the Legislature for passage of a claim bill.

Currently, there are 29 states that have a system to compensate wrongfully incarcerated individuals. Out of these states, only nine states have some form of clean hands provision blocking compensation for convictions, including three states that revoke compensation if the person is later convicted of a felony.¹⁹ However, Florida is the only state that bars applicants for a prior felony.

Effect of the Bill

¹² s. 961.04, F.S.

¹³ s. 961.05(1) and (2), F.S.

¹⁴ s. 961.05(2), F.S.

¹⁵ s. 961.05(4), F.S.

¹⁶ s. 961.06(1), F.S.

¹⁷ *Id.*

¹⁸ Ch. 2012-229, Laws of Fla.

¹⁹ Alabama, Texas, and Virginia.

The bill amends the Act to allow claimants who have a non-violent felony to be eligible to apply for compensation for wrongful incarceration. The bill limits disqualifying felonies under the Act to violent felonies. Violent felony offenses which would preclude a wrongfully incarcerated person from being eligible for compensation under the bill are:

- Kidnapping;
- False imprisonment of a child;
- Luring or enticing a child;
- Murder;
- Manslaughter;
- Aggravated manslaughter of a child;
- Aggravated manslaughter of an elderly person or disabled adult;
- Robbery;
- Carjacking;
- Home invasion robbery;
- Sexual Battery;
- Aggravated battery;
- Armed burglary and other burglary offenses that are first or second degree felonies;
- Aggravated child abuse;
- Aggravated abuse of an elderly person or disabled adult;
- Arson;
- Aggravated assault;
- Unlawful throwing, placing, or discharging of a destructive device or bomb;
- Treason;
- Aggravated stalking;
- Aircraft piracy;
- Abuse of a dead human body;
- Poisoning food or water;
- Lewd or lascivious battery, molestation, conduct, exhibition, or exhibition on computer;
- Lewd or lascivious offense upon or in the presence of an elderly or disabled person;
- Sexual performance by a child;
- Computer pornography;
- Transmission of child pornography; and
- Selling or buying of minors.²⁰

Under the bill, to be eligible for compensation, a wrongfully incarcerated person must not have a disqualifying felony, which is:

- The person had a prior conviction or pled guilty or nolo contendere to a violent felony offense in this state, a federal offense that is a violent felony, or to an offense in another state that would be a violent felony in this state;
- The person was convicted of, or pled guilty or nolo contendere to, a violent felony offense while wrongfully incarcerated; or
- While wrongfully incarcerated, the person was serving a concurrent sentence for another felony for which the person was not wrongfully convicted.

Additionally, if a wrongfully incarcerated person is placed on parole or community supervision while serving the sentence resulting from the wrongful incarceration, the wrongfully incarcerated person is ineligible for compensation if he or she commits a violent felony that results in revocation of the parole or community supervision.

Even if a claimant has a non-violent felony (or a felony not listed in s.775.084(1)(c)1. or s. 948.06(8)(c), F.S.) they still have to follow the application procedures under the Act. This includes the opportunity for

the State's Attorney to object to the compensation and force the claimant to prove actual innocence to a DOAH judge. The clean hands provision only blocks who can apply not who may collect compensation under the Act.

B. SECTION DIRECTORY:

Section 1. Amends s. 961.02, F.S., relating to definitions.

Section 2. Amends s. 961.04, F.S., relating to eligibility for compensation for wrongful incarceration.

Section 3. Amends s. 961.06, F.S., relating to compensation for wrongful incarceration.

Section 4. Reenacts s. 961.03, F.S., relating to determination of status as a wrongfully incarcerated person; determination of eligibility for compensation.

Section 5. Reenacts s. 961.055, F.S., relating to application for compensation for a wrongfully incarcerated person; exemption from application by nolle prosequi.

Section 6. Providing an effective date of October 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have any impact on state revenues.

2. Expenditures:

This bill expands the pool of persons who could be determined to be a wrongfully incarcerated person and therefore could increase the number of persons seeking compensation from the state. The number of persons who may qualify as a wrongfully incarcerated person and the amount of funding required to compensate them, cannot be determined. According to the National Registry of Exonerations²¹ 57 people have been exonerated in Florida, and according to the Department of Corrections, 53 of those have served time in state prison and 13 have already been compensated. However, information on prior convictions, and convictions while incarcerated is not available at this time.

The Office of the State Courts Administrator states "it is unknown how many additional petitions will be filed because of the broadened eligibility criteria. . .the fiscal impact of this legislation cannot be accurately determined due to the unavailability of data needed to quantifiably establish the bill's impact on judicial workload."²²

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have any impact on local government revenues.

2. Expenditures:

²¹The National Registry of Exonerations, A project of the University of Michigan Law School.
<https://www.law.umich.edu/special/exoneration/Pages/browse.aspx?View={b8342ae7-6520-4a32-8a06-4b326208baf8}&SortField=State&SortDir=Asc>

²² Office of the State Courts Administrator, Agency Analysis of 2016 Senate Bill 122 (Jan. 16, 2016).

The bill does not appear to have any impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not appear to create a need for rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None

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

28

29 Section 1. Section 961.02, Florida Statutes, is reordered
30 and amended to read:

31 961.02 Definitions.—As used in ss. 961.01-961.07, the
32 term:

33 (1) "Act" means the Victims of Wrongful Incarceration
34 Compensation Act.

35 (2) "Department" means the Department of Legal Affairs.

36 (3) "Division" means the Division of Administrative
37 Hearings.

38 (7)(4) "Wrongfully incarcerated person" means a person
39 whose felony conviction and sentence have been vacated by a
40 court of competent jurisdiction and who is the subject of an
41 order issued by the original sentencing court pursuant to s.
42 961.03, with respect to whom pursuant to the requirements of s.
43 961.03, the original sentencing court has issued its order
44 finding that the person did not commit ~~neither committed~~ the act
45 or ~~nor~~ the offense that served as the basis for the conviction
46 and incarceration and that the person did not aid, abet, or act
47 as an accomplice or accessory to a person who committed the act
48 or offense.

49 (4)(5) "Eligible for compensation" means that a person
50 meets the definition of the term "wrongfully incarcerated
51 person" and is not disqualified from seeking compensation under
52 the criteria prescribed in s. 961.04.

53 | ~~(5)~~(6) "Entitled to compensation" means that a person
 54 | meets the definition of the term "eligible for compensation" and
 55 | satisfies the application requirements prescribed in s. 961.05,
 56 | and may receive compensation pursuant to s. 961.06.

57 | (6) "Violent felony" means a felony listed in s.
 58 | 775.084(1)(c)1. or s. 948.06(8)(c).

59 | Section 2. Section 961.04, Florida Statutes, is amended to
 60 | read:

61 | 961.04 Eligibility for compensation for wrongful
 62 | incarceration.—A wrongfully incarcerated person is not eligible
 63 | for compensation under the act if:

64 | (1) Before the person's wrongful conviction and
 65 | incarceration, the person was convicted of, or pled guilty or
 66 | nolo contendere to, regardless of adjudication, any violent
 67 | felony ~~offense~~, or a crime committed in another jurisdiction the
 68 | elements of which would constitute a violent felony in this
 69 | state, or a crime committed against the United States which is
 70 | designated a violent felony, excluding any delinquency
 71 | disposition;

72 | (2) During the person's wrongful incarceration, the person
 73 | was convicted of, or pled guilty or nolo contendere to,
 74 | regardless of adjudication, any violent felony ~~offense~~; or

75 | (3) During the person's wrongful incarceration, the person
 76 | was also serving a concurrent sentence for another felony for
 77 | which the person was not wrongfully convicted.

78 | Section 3. Subsection (2) of section 961.06, Florida

79 Statutes, is amended to read:

80 961.06 Compensation for wrongful incarceration.—

81 (2) In calculating monetary compensation under paragraph
 82 (1)(a), a wrongfully incarcerated person who is placed on parole
 83 or community supervision while serving the sentence resulting
 84 from the wrongful conviction and who commits anything less than
 85 a violent felony ~~law violation~~ that results in revocation of the
 86 parole or community supervision is eligible for compensation for
 87 the total number of years incarcerated. A wrongfully
 88 incarcerated person who commits a violent felony ~~law violation~~
 89 that results in revocation of the parole or community
 90 supervision is ineligible for any compensation under subsection
 91 (1).

92 Section 4. For the purpose of incorporating the amendments
 93 made by this act to section 961.04, Florida Statutes, in
 94 references thereto, paragraph (a) of subsection (1) and
 95 subsections (2), (3), and (4) of section 961.03, Florida
 96 Statutes, are reenacted to read:

97 961.03 Determination of status as a wrongfully
 98 incarcerated person; determination of eligibility for
 99 compensation.—

100 (1)(a) In order to meet the definition of a "wrongfully
 101 incarcerated person" and "eligible for compensation," upon entry
 102 of an order, based upon exonerating evidence, vacating a
 103 conviction and sentence, a person must set forth the claim of
 104 wrongful incarceration under oath and with particularity by

105 | filing a petition with the original sentencing court, with a
 106 | copy of the petition and proper notice to the prosecuting
 107 | authority in the underlying felony for which the person was
 108 | incarcerated. At a minimum, the petition must:

109 | 1. State that verifiable and substantial evidence of
 110 | actual innocence exists and state with particularity the nature
 111 | and significance of the verifiable and substantial evidence of
 112 | actual innocence; and

113 | 2. State that the person is not disqualified, under the
 114 | provisions of s. 961.04, from seeking compensation under this
 115 | act.

116 | (2) The prosecuting authority must respond to the petition
 117 | within 30 days. The prosecuting authority may respond:

118 | (a) By certifying to the court that, based upon the
 119 | petition and verifiable and substantial evidence of actual
 120 | innocence, no further criminal proceedings in the case at bar
 121 | can or will be initiated by the prosecuting authority, that no
 122 | questions of fact remain as to the petitioner's wrongful
 123 | incarceration, and that the petitioner is not ineligible from
 124 | seeking compensation under the provisions of s. 961.04; or

125 | (b) By contesting the nature, significance, or effect of
 126 | the evidence of actual innocence, the facts related to the
 127 | petitioner's alleged wrongful incarceration, or whether the
 128 | petitioner is ineligible from seeking compensation under the
 129 | provisions of s. 961.04.

130 | (3) If the prosecuting authority responds as set forth in

131 paragraph (2)(a), the original sentencing court, based upon the
 132 evidence of actual innocence, the prosecuting authority's
 133 certification, and upon the court's finding that the petitioner
 134 has presented clear and convincing evidence that the petitioner
 135 committed neither the act nor the offense that served as the
 136 basis for the conviction and incarceration, and that the
 137 petitioner did not aid, abet, or act as an accomplice to a
 138 person who committed the act or offense, shall certify to the
 139 department that the petitioner is a wrongfully incarcerated
 140 person as defined by this act. Based upon the prosecuting
 141 authority's certification, the court shall also certify to the
 142 department that the petitioner is eligible for compensation
 143 under the provisions of s. 961.04.

144 (4)(a) If the prosecuting authority responds as set forth
 145 in paragraph (2)(b), the original sentencing court shall make a
 146 determination from the pleadings and supporting documentation
 147 whether, by a preponderance of the evidence, the petitioner is
 148 ineligible for compensation under the provisions of s. 961.04,
 149 regardless of his or her claim of wrongful incarceration. If the
 150 court finds the petitioner ineligible under the provisions of s.
 151 961.04, it shall dismiss the petition.

152 (b) If the prosecuting authority responds as set forth in
 153 paragraph (2)(b), and the court determines that the petitioner
 154 is eligible under the provisions of s. 961.04, but the
 155 prosecuting authority contests the nature, significance or
 156 effect of the evidence of actual innocence, or the facts related

157 | to the petitioner's alleged wrongful incarceration, the court
 158 | shall set forth its findings and transfer the petition by
 159 | electronic means through the division's website to the division
 160 | for findings of fact and a recommended determination of whether
 161 | the petitioner has established that he or she is a wrongfully
 162 | incarcerated person who is eligible for compensation under this
 163 | act.

164 | Section 5. For the purpose of incorporating the amendments
 165 | made by this act to section 961.06, Florida Statutes, in
 166 | references thereto, subsection (1) of section 961.055, Florida
 167 | Statutes, is reenacted to read:

168 | 961.055 Application for compensation for a wrongfully
 169 | incarcerated person; exemption from application by nolle
 170 | prosequi.—

171 | (1) A person alleged to be a wrongfully incarcerated
 172 | person who was convicted and sentenced to death on or before
 173 | December 31, 1979, is exempt from the application provisions of
 174 | ss. 961.03, 961.04, and 961.05 in the determination of wrongful
 175 | incarceration and eligibility to receive compensation pursuant
 176 | to s. 961.06 if:

177 | (a) The Governor issues an executive order appointing a
 178 | special prosecutor to review the defendant's conviction; and

179 | (b) The special prosecutor thereafter enters a nolle
 180 | prosequi for the charges for which the defendant was convicted
 181 | and sentenced to death.

182 | Section 6. This act shall take effect October 1, 2016.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Appropriations Committee
 2 Representative DuBose offered the following:

Amendment (with title amendment)

5 Remove lines 66-91 and insert:

7 nolo contendere to, regardless of adjudication, any violent
 8 felony ~~offense~~, or a crime committed in another jurisdiction the
 9 elements of which would constitute a violent felony in this
 10 state, or a crime committed against the United States which is
 11 designated a violent felony, excluding any delinquency
 12 disposition;

13 (2) Before the person's wrongful conviction and
 14 incarceration, the person was convicted of, or plead guilty or
 15 nolo contendere to, regardless of adjudication, more than one
 16 felony that is not a violent felony as defined in this chapter,
 17 or more than one crime committed in another jurisdiction the

Amendment No. 1

18 elements of which would constitute a felony in this state, or
19 more than one crime committed against the United States which is
20 designated a felony, excluding any delinquency disposition;

21 (3)(2) During the person's wrongful incarceration, the
22 person was convicted of, or pled guilty or nolo contendere to,
23 regardless of adjudication, any violent felony offense;

24 (4) During the person's wrongful incarceration, the person
25 was convicted of, or pled guilty or nolo contendere to,
26 regardless of adjudication, more than one felony that is not a
27 violent felony as defined in this chapter;

28 (5)(3) During the person's wrongful incarceration, the
29 person was also serving a concurrent sentence for another felony
30 for which the person was not wrongfully convicted.

31 Section 3. Subsection (2) of section 961.06, Florida
32 Statutes, is amended to read:

33 961.06 Compensation for wrongful incarceration.—

34 (2) In calculating monetary compensation under paragraph
35 (1)(a), a wrongfully incarcerated person who is placed on parole
36 or community supervision while serving the sentence resulting
37 from the wrongful conviction and who commits one violation which
38 is anything less than a violent felony law violation that
39 results in revocation of the parole or community supervision is
40 eligible for compensation for the total number of years
41 incarcerated. A wrongfully incarcerated person who commits one
42 violent a felony law violation that results in revocation of the
43 parole or community supervision is ineligible for any

Amendment No. 1

44 compensation under subsection (1).

45 Section 4. The changes made by this act to sections
46 961.02, 961.04 and 961.06 shall apply only to persons who are
47 determined to be wrongfully incarcerated after the effective
48 date of this act.

49

50

51

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

52

Remove line 16 and insert:

53
54 ineligible for compensation; providing the changes made by this
55 act to sections 961.02, 961.04 and 961.06 shall apply only to
56 persons who are determined to be wrongfully incarcerated after
57 the effective date of this act. reenacting s.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 371 Florida Council on Poverty
SPONSOR(S): Government Operations Subcommittee; Williams and others
TIED BILLS: IDEN./SIM. BILLS: SB 556

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Government Operations Subcommittee	13 Y, 0 N, As CS	Toliver	Williamson
2) Appropriations Committee		Proctor 	Leznoff 
3) State Affairs Committee			

SUMMARY ANALYSIS

The bill establishes the Florida Council on Poverty as an advisory council and assigns it to the Department of Economic Opportunity (DEO). The council consists of five members who must be Florida residents. Members of the council serve four-year, staggered terms. Members also serve without compensation, but are entitled to reimbursement for per diem and travel expenses.

The bill requires the council to hold its initial meeting no later than August 1, 2016. Thereafter, it must meet at least twice a year. Council meetings may be held via teleconference or other electronic means.

The bill requires the council to annually elect a chair and vice chair and establishes quorum requirements.

The bill requires the council to:

- Conduct a review of policies and programs that work to move people out of poverty;
- Develop strategies to address the causes of poverty in the state;
- Develop recommendations to reduce the percentage of people living in poverty in the state; and
- Study the academic outcomes for children in poverty and develop recommendations on how to improve such outcomes.

By January 15 of each year, the council must submit an annual report to the Governor and the Legislature, with the first report due in 2018. The report must contain an accounting of the council's activities as well as any recommendations the council has for legislative, administrative, or regulatory reforms for the purpose of mitigating the existence of poverty in Florida.

The bill may have an insignificant negative fiscal impact on state government which can be absorbed within DEO's existing resources.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

The United States Census Bureau (bureau) tracks the rate of poverty throughout the population of the United States.¹ The bureau estimates that in 2013 there were 48.8 million Americans living in poverty, which equates to 15.8 percent of the country's population.² Florida's poverty rate of 17 percent exceeds the national average.³ As of 2013, there were approximately 3.25 million persons living below the poverty line in Florida,⁴ and of Florida's 67 counties, 47 had poverty rates exceeding the national average.⁵

In order to reduce the number of persons in poverty, some states have created statewide anti-poverty initiatives. The following are examples of such initiatives:

- The Legislative Commission to End Poverty in Minnesota by 2020 was created in 2006 to develop guidelines to end poverty and prepare recommendations on how to do so.⁶
- The Speaker of the House of Representatives for Alabama created a poverty task force in September 2007 to identify and assess conditions that create or worsen poverty throughout Alabama and to develop and propose policy initiatives to reduce or eliminate those conditions.⁷
- The Illinois Commission on the Elimination of Poverty was established in 2008 to address poverty in Illinois consistent with international human rights standards, with an initial goal to reduce extreme poverty in Illinois by 50 percent or more by 2015.⁸
- The Child Poverty Prevention Council for Louisiana was created in 2008 to pursue programs to reduce child poverty in the state by 50 percent over the following decade.⁹
- The Connecticut Legislature created a Child Poverty Council in 2004 to develop a 10-year plan to reduce the number of children living in poverty in Connecticut by 50 percent.¹⁰
- The Rhode Island Legislature created a legislative commission on family income and asset building in 2007 to conduct a comprehensive review of Rhode Island laws, policies, and activities that benefit those in poverty.¹¹

¹ The United States Bureau of the Census determines the poverty status of an individual or group of individual by comparing annual income to a set of dollar values called poverty thresholds that vary by family size, number of children, and the age of the householder. Poverty: 2012 and 2013, American Community Survey Briefs, U.S. Census Bureau, available at <https://www.census.gov/content/dam/Census/library/publications/2014/acs/acsbr13-01.pdf> (last visited Jan. 10, 2016).

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ The following counties have poverty rates exceeding the national average: Wakulla, Manatee, Lee, Volusia, Hillsborough, Monroe, Duval, Citrus, Escambia, Bay, Orange, Baker, Columbia, St. Lucie, Polk, Walton, Jefferson, Marion, Highlands, Osceola, Miami-Dade, Leon, Bradford, Gilchrist, Gulf, Washington, Levy, Calhoun, Union, Taylor, Glades, Suwannee, Hendry, Lafayette, Gadsden, Alachua, Okeechobee, Franklin, Jackson, Putnam, Dixie, Holmes, Liberty, Hardee, Madison, Hamilton, DeSoto. See United States Department of Agriculture, Economic Research Service, County-level Poverty Data Sets, available at <http://www.ers.usda.gov/data-products/county-level-data-sets/poverty.aspx> (last visited Jan. 24, 2016).

⁶ Minnesota Laws 2006, ch. 282, part. 2, s. 27.

⁷ Alabama House of Representatives, Poverty Task Force, Final Report (2008) available at <http://www.clasp.org/documents/PTF-Final-Report.pdf> (last visited Jan. 5, 2016).

⁸ 20 ILL. COMP. STAT. 4080/10 (2008).

⁹ LA, REV. STAT. ANN. s. 46:2801 (2008).

¹⁰ CONN. GEN. STAT. s. 4-67x (2004).

¹¹ 2007 RI H 6561 (2007).

Advisory Bodies

Section 20.052, F.S., provides that an advisory body created by specific statutory enactment as an adjunct to an executive agency must be established, evaluated, or maintained in accordance with certain requirements.

An advisory body may be created only when it is found to be necessary and beneficial to the furtherance of a public purpose,¹² and it must be terminated by the Legislature when it is no longer necessary and beneficial to the furtherance of the public purpose.¹³ An advisory body may not be created unless:

- Its powers and responsibilities conform with the definitions for governmental units in s. 20.03, F.S.;
- Its members are appointed for 4-year staggered terms; and
- Its members serve without additional compensation or honorarium, but may receive per diem and reimbursement for travel expenses.¹⁴

The Governor, the head of the department, the executive director of the department, or a Cabinet officer, must appoint private citizen members of an advisory body that is adjunct to an executive agency.¹⁵

Effect of the Bill

The bill establishes the Florida Council on Poverty as an advisory council as defined in s. 20.03, F.S.¹⁶ It is assigned to the Department of Economic Opportunity (DEO), where it is administratively housed.

The council consists of five members who must be Florida residents. Members of the council are appointed as follows:

- The Governor appoints two members, one of whom must be from the Florida Association of Community Action, Inc.;
- The Chief Financial Officer appoints one member;
- The President of the Senate appoints one member; and
- The Speaker of the House of Representatives appoints one member.

The bill establishes four-year, staggered terms for council members. It also provides that a vacancy be filled for the remainder of a council member's unexpired term in the same manner as the original appointment. Council members serve without compensation, but are entitled to reimbursement for per diem and travel expenses.

The bill requires members of the council to annually elect a chair and a vice chair.

The bill requires the initial meeting of the council to be held no later than August 1, 2016. Thereafter, it must meet at least twice each year at the call of the chair or at such times as may be prescribed by the council. Meetings may be held via teleconference or other electronic means. Three members of the council constitute a quorum, and the affirmative vote of a majority of the members of the council present is necessary to take official action.

¹² Section 20.052(1), F.S.

¹³ Section 20.052(2), F.S.

¹⁴ Section 20.052(4), F.S.

¹⁵ Section 20.052(5)(a), F.S.

¹⁶ Section 20.03(7), F.S., defines the term "council" or "advisory council" to mean an advisory body created by specific statutory enactment and appointed to function on a continuing basis for the study of the problems arising in a specified functional or program area of state government and to provide recommendations and policy alternatives.

The bill requires the council to:

- Conduct a review of policies and programs that work to move people out of poverty;
- Develop strategies to address the causes of poverty in the state;
- Develop recommendations to reduce the percentage of people living in poverty in the state; and
- Study the academic outcomes for children in poverty and develop recommendations on how to improve such outcomes.

By January 15 of each year, the council must submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives that provides an accounting of its activities and recommendations for legislative, administrative, and regulatory reforms to facilitate efforts in mitigating the existence of poverty in Florida. The first report is due in 2018.

B. SECTION DIRECTORY:

Section 1 creates an unnumbered section of law establishing the Florida Council on Poverty.

Section 2 provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill authorizes voting members of the council to receive per diem and travel expenses in accordance with s. 112.061, F.S. DEO advised the costs to implement this bill can be absorbed within existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 26, 2016, the Government Operations Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The strike-all amendment:

- Renamed the Florida Commission on Poverty as the Florida Council on Poverty.
- Clarified that the council is administratively housed within DEO.
- Revised the membership of the council by increasing the number of gubernatorial appointees from one to two, and removed the authorization for the Governor to appoint any number of nonvoting members.
- Removed the requirement that council members be confirmed by the Senate.
- Provided for staggered terms of the appointed council members.
- Required the council to have its initial meeting no later than August 15, 2016.
- Removed the application process for counties to participate in the council's work.
- Clarified the council's scope of activities.
- Removed the authority for the council to procure information, contract for goods and services, and apply for and accept certain funds.
- Required the council to submit its first report on January 15, 2018.

This analysis is drafted to the committee substitute as approved by the Government Operations Subcommittee.

27 2. The Chief Financial Officer shall appoint one member.

28 3. The President of the Senate shall appoint one member.

29 4. The Speaker of the House of Representatives shall
 30 appoint one member.

31 (b) Members of the council shall serve 4-year terms. For
 32 purposes of ensuring staggered terms, the council members
 33 appointed by the Governor and the Chief Financial Officer shall
 34 be appointed to 4-year terms beginning on January 1 of the year
 35 of appointment, and the council members appointed by the
 36 President of the Senate and the Speaker of the House of
 37 Representatives shall be appointed to 2-year terms beginning on
 38 January 1 of the year of appointment. After the initial
 39 appointments, all appointees shall be appointed to 4-year terms.

40 (c) A vacancy shall be filled for the remainder of the
 41 unexpired term in the same manner as the original appointment.

42 (3) MEETINGS; ORGANIZATION.—

43 (a) The first meeting of the council shall be held no
 44 later than August 1, 2016. Thereafter, the council shall meet at
 45 least twice each year. Meetings may be held via teleconference
 46 or other electronic means.

47 (b) Members of the council shall annually elect from its
 48 membership a chair and vice chair. The council shall meet at the
 49 call of the chair or at such times as may be prescribed by the
 50 council.

51 (c) Three members of the council constitute a quorum, and
 52 a meeting may not be held unless a quorum is present. The

53 affirmative vote of a majority of the members of the council
 54 present is necessary for any official action by the council.

55 (d) Members of the council shall serve without
 56 compensation but may be reimbursed for per diem and travel
 57 expenses in accordance with s. 112.061, Florida Statutes.

58 (4) SCOPE OF ACTIVITIES—The council shall:

59 (a) Conduct a review of policies and programs that work to
 60 move people out of poverty.

61 (b) Develop strategies to address the causes of poverty in
 62 the state.

63 (c) Develop recommendations to reduce the percentage of
 64 people living in poverty in the state.

65 (d) Study the academic outcomes for children in poverty
 66 and develop recommendations on how to improve such outcomes.

67 (5) REPORT.—By January 15 of each year, beginning in 2018,
 68 the council shall submit an annual report to the Governor, the
 69 President of the Senate, and the Speaker of the House of
 70 Representatives containing an accounting of its activities and
 71 recommendations for legislative, administrative, and regulatory
 72 reforms to facilitate efforts in mitigating the existence of
 73 poverty in this state.

74 Section 2. This act shall take effect July 1, 2016.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED _____ (Y/N)
 ADOPTED W/O OBJECTION _____ (Y/N)
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER _____

1 Committee/Subcommittee hearing bill: Appropriations Committee
 2 Representative Williams, A. offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. Florida Council on Poverty.-

7 (1) ESTABLISHMENT OF THE COUNCIL.-The Florida Council on
 8 Poverty is established and assigned to the Department of
 9 Economic Opportunity as an advisory council, as defined in s.
 10 20.03, Florida Statutes. The council shall be administratively
 11 housed within the Department of Economic Opportunity.

12 (2) COUNCIL MEMBERSHIP.-

13 (a) The council shall consist of five members who shall be
 14 residents of this state. The members shall be appointed as
 15 follows:

16 1. The Governor shall appoint one member who must be from
 17 the Florida Association for Community Action, Inc.

Amendment No. 1

18 2. The Chief Financial Officer shall appoint one member.

19 3. The Commissioner of Agriculture shall appoint one
20 member.

21 4. The President of the Senate shall appoint one member.

22 5. The Speaker of the House of Representatives shall
23 appoint one member.

24 (3) MEETINGS; ORGANIZATION.—

25 (a) The first meeting of the council shall be held no
26 later than August 1, 2016. Thereafter, the council shall meet at
27 least twice each year. Meetings may be held via teleconference
28 or other electronic means.

29 (b) Members of the council shall annually elect from its
30 membership a chair and vice chair. The council shall meet at the
31 call of the chair or at such times as may be prescribed by the
32 council.

33 (c) Three members of the council constitute a quorum, and
34 a meeting may not be held unless a quorum is present. The
35 affirmative vote of a majority of the members of the council
36 present is necessary for any official action by the council.

37 (d) Members of the council shall serve without
38 compensation but may be reimbursed for per diem and travel
39 expenses in accordance with s. 112.061, Florida Statutes.

40 (4) SCOPE OF ACTIVITIES.—The council shall:

41 (a) Conduct a review of policies and programs that work to
42 move people out of poverty.

Amendment No. 1

43 (b) Develop strategies to address the causes of poverty in
44 the state.

45 (c) Develop recommendations to reduce the percentage of
46 people living in poverty in the state.

47 (d) Study the academic outcomes for children in poverty
48 and develop recommendations on how to improve such outcomes.

49 (5) REPORT.—By January 15 of each year, beginning in 2018,
50 the council shall submit an annual report to the Governor, the
51 President of the Senate, and the Speaker of the House of
52 Representatives containing an accounting of its activities and
53 recommendations for legislative, administrative, and regulatory
54 reforms to facilitate efforts in mitigating the existence of
55 poverty in this state.

56 (6) The Florida Council on Poverty shall be abolished
57 effective July 1, 2019.

58 Section 2. This act shall take effect July 1, 2016.

59

60

61

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

62 Remove everything before the enacting clause and insert:

63

A bill to be entitled

64

An act relating to the Florida Council on Poverty;

65

establishing the council within the Department of

66

Economic Opportunity; specifying the membership of the

67

council; providing for organization of the council;

68

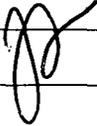
authorizing reimbursement for per diem and travel

Amendment No. 1

69 expenses; prescribing the scope of the council's
70 activities; requiring the council to annually submit a
71 report to the Governor and Legislature; providing for
72 a date to abolish the council; providing an effective
73 date.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 429 Military and Veterans Affairs
SPONSOR(S): Veteran & Military Affairs Subcommittee, Steube and others
TIED BILLS: None **IDEN./SIM. BILLS:** CS/SB 184

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Veteran & Military Affairs Subcommittee	10 Y, 0 N, As CS	Renner	Thompson
2) Appropriations Committee		Cobb 	Leznoff 
3) Local & Federal Affairs Committee			

SUMMARY ANALYSIS

The bill addresses outreach to veterans regarding benefits available as a result of military service, overseas absentee voting for military personnel, and support for student veterans at state colleges and universities.

Specifically the bill:

- Requires the application form for an original, renewal, or replacement driver license or identification card to include a voluntary check-off to allow a veteran to request written or electronic information on federal, state, and local benefits and services.
- Creates the Military and Overseas Voting Assistance Task Force within the Department of State to study issues involving the development and implementation of an online voting system that allows absent uniformed services voters who are overseas to electronically submit voted ballots.
- Provides legislative intent regarding academic credit for military training and coursework and collaboration between the State Board of Education and the Board of Governors on student veteran issues.

The bill has an indeterminate, but likely insignificant negative fiscal impact on the Department of State for the reimbursement of per diem and travel expenses for the Military and Overseas Voting Assistance Task Force. The bill may also have an indeterminate, but likely insignificant negative fiscal impact on the Florida Department of Veterans' Affairs, as well as a negative impact on the Department of Highway Safety and Motor Vehicles' workload which will be absorbed within existing resources. The fiscal impact to the Board of Governors and the State Board of Education is indeterminate. See fiscal comments.

The bill has an effective date of July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Voluntary Check-off for Veterans to Receive Local and Federal Information

Present Situation

Voluntary Contributions on Driver License/Identification Card Applications

The voluntary contribution process, also known as voluntary check-offs, provides the opportunity for citizens to make a donation by checking a box on a form when registering a vehicle or renewing a registration, as well as when applying for a new or replacement driver license or identification card.¹

The Florida Statutes specifically authorize which organizations can receive a voluntary contribution. Section 320.023, F.S., establishes requirements for organizations seeking to establish a voluntary contribution on motor vehicle registration application forms, and s. 322.081, F.S., establishes similar requirements for driver license and identification card applications. Both sections require:

- A request for the voluntary contribution being sought, describing the voluntary contribution in general terms;
- An application fee,² not to exceed \$10,000, to defray the Department of Highway Safety and Motor Vehicles' (DHSMV) cost for reviewing the application and developing the voluntary contribution check-off, if authorized;
- A marketing strategy outlining short-term and long-term marketing plans for the requested voluntary contribution; and
- A financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the voluntary contribution.

There are three veteran or military-related voluntary contributions authorized for driver license and identification card applications. An applicant may elect to contribute \$1 to the State Homes for Veterans Trust Fund, the Disabled American Veterans Charity, and Support Our Troops, Inc.³

Florida Vets Connect Initiative

In 2010, the Department of Highway Safety and Motor Vehicles (DHSMV) and the Florida Department of Veterans' Affairs (FDVA) partnered to create the Florida Vets Connect initiative to stimulate outreach efforts to veterans in Florida by distributing general state and federal veterans' benefits information via e-mail to those individuals who request such information. The initiative allows veterans to voluntarily identify their veteran status to DHSMV when applying for or renewing a driver license or identification card. Pursuant to a memorandum of understanding, once the driver's license record data is exchanged⁴ between the two agencies, the contact information is then forwarded to a third party provider to be used to ensure Florida's veterans are provided information regarding benefits to which they may be entitled.⁵ According to FDVA, it receives the veterans' contact information (which includes email addresses) from

¹ Sections 320.02(8), (14), and (15) and 328.72(11) and (16), F.S., provide motor vehicle registration applicants with 27 options for voluntary contributions. Section 322.08(8), F.S., provides driver license applicants with 20 options for voluntary contributions.

² State funds may not be used to pay the application fee.

³ See s. 322.08(7)(n), (o), and (q), F.S.

⁴ Florida Department of Highway Safety and Motor Vehicles, Memorandum of Understanding (MOU), DHSMV Contract No.: HSMV-0607—13, May 1, 2013.

⁵ Florida CFO Press Release, "Florida Vets Connect' Connects Nearly 30,000 Florida Veterans with Benefits", February 10, 2010; available at: <http://www.myfloridacfo.com/sitepages/newsroom/pressrelease.aspx?id=3738> (Last visited October 27, 2015).

DHSMV and then emails the information to a third party provider. The third party provider then distributes the information via e-mail to the veteran who requests such information on the driver license or identification card application. The following chart depicts the rate that FDVA sent emails to recipients on a monthly basis during the 2015 calendar year.⁶

Month	Emails Sent
January	3214
February	1458
March	2791
April	2779
May	2825
June	2610
July	2873
August	3173
September	2993
October	3007
November	5314
December	5314
Total	38,351

County and City Veteran Service Officers

Section 292.11, F.S., authorizes each county and city to employ a county or city veteran service officer to provide a myriad of assistance to veterans including presenting claims for and securing benefits or privileges to which veterans are or may become entitled by reason of their service in the military. County veteran service officers are county employees, but are certified by the FDVA.⁷ Each county currently employs a veteran service officer; however, not every city has a veteran service officer.⁸

Effect of Proposed Changes

The bill requires the application form for an original, renewal, or replacement driver license or identification card to include a voluntary check-off for veterans to request written or electronic information on federal, state, and local benefits and services available as a result of military service. The veteran may elect to receive the information either through the United States Postal Service or by email from a non-profit third-party provider selected by the FDVA that has sufficient ability to communicate with veterans throughout the state.

The DHSMV must collaborate with FDVA to administer the voluntary check-off. The DHSMV is required to report monthly to the FDVA the name and mailing address or e-mail address of each veteran who requests the information. The FDVA will then distribute the veterans' contact information to the third-party provider to administer delivery of veteran benefit and service information via the indicated preferred method of delivery (U.S. mail or e-mail). The FDVA will also disseminate the contact information for veterans who request the information to the appropriate county or city veteran service officer in order to facilitate further outreach to veterans.

The bill requires that a third-party provider selected by the FDVA to act on its behalf be a nonprofit organization with sufficient ability to communicate with veterans throughout the state. "Nonprofit organization" is defined as an organization exempt from the federal income tax under s. 501 of the Internal Revenue Code of 1986 or any federal, state, or local governmental entity.

⁶ Information provided to staff by the FDVA. On file with Veteran & Military Affairs Committee staff.

⁷ Section 292.11(4), F.S.

⁸ Listing of Florida County Veteran Service Officers, available at http://floridavets.org/wp-content/uploads/2014/02/CVSO_Directory_1-February-2014.pdf (last visited October 28, 2015)

Additionally, the bill requires that a veteran's contact information obtained by a third-party may only be used for purposes outlined in the bill, prohibits a third-party provider from selling a veteran's contact information, and requires a third-party to maintain confidentiality of the contact information in accordance with the public records laws in Ch. 119, F.S., and the federal Driver's Privacy Protection Act of 1994.⁹ Any person who willfully and knowingly violates the aforementioned conditions commits a misdemeanor of the first degree.¹⁰

Creation of the Military and Overseas Voting Assistance Task Force

Present Situation

Military Voters Overseas

Florida currently does not provide for the return of voted absentee ballots through an online system or by other Internet-related or electronic means, except for overseas voters who may return their ballots via secure facsimile.¹¹ Florida law, however, does provide a special extension of time — 10 extra days — for overseas voters to return voted ballots in general elections and presidential preference primaries, provided the ballot is sent by Election Day.¹² Additionally, the Federal Write-In Absentee Ballot (FWAB) serves as an emergency back-up ballot for overseas voters who have requested a regular absentee ballot but didn't receive it.¹³

Further expediting the voting process is the fact that, in addition to mailing a ballot, county election supervisors may e-mail, fax, or provide blank ballots online to voters at their request — an important time-saving measure for overseas electors who submit ballot requests close to an election or who otherwise do not timely receive their ballot.¹⁴

Effect of Proposed Changes

The bill creates the Overseas Military Voting Assistance Task Force (Task Force) to study the development and implementation of an online voting system that would allow absent uniformed services voters who are overseas to submit a voted absentee ballot electronically.

The Task Force must be composed of 11 members as follows:

- The Secretary of State or his or her designee, who must serve as chair.
- The Adjutant General or his or her designee.
- The executive director of the Agency for State Technology or his or her designee.
- One member of the Senate appointed by the President of the Senate.
- One member of the House of Representatives appointed by the Speaker of the House of Representatives.
- Three supervisors of elections appointed by the Florida State Association of Supervisors of Elections.
- Three individuals appointed by the Secretary of State who have relevant expertise in computer technology, the Internet, or other associated technologies.

⁹ 18 U.S.C. § 2721

¹⁰ A first degree misdemeanor is punishable by up to one year in county jail and a \$1,000 fine. Sections 775.082 and 775.083, F.S.

¹¹ Section 101.697, F.S.; Rule 1S-2.030, F.A.C. Notwithstanding, the law directs the Department of State to adopt rules providing for the receipt of absentee ballots from "overseas" (civilian and military) voters by "secure electronic means," if the Department of State determines such security can be established (i.e., verification of the voter, security of the transmission, etc.)

¹² Section 101.6952(5), F.S.

¹³ Section 101.6952(2)(a), F.S.

¹⁴ Section 101.62, F.S.; Rule 1S-2.030, F.A.C. Supervisors begin sending absentee ballots 45 days before each election for those with requests on file with the supervisor, and thereafter upon receipt of a timely request. Overseas voters can request a ballot from their local supervisor when they register to vote using the Federal Post Card Application (FPCA). Otherwise, they can timely request absentee ballots via telephone, mail, fax or email.

Members of the Task Force must serve without compensation, but are entitled to reimbursement for per diem and travel expenses. The Division of Elections of the Department of State (DOS) must provide support staff for the Task Force and the Agency for State Technology must assist the Task Force upon request.

The Task Force must study and report on issues including, but not limited to:

- Any factor that limits the ability of absent uniformed services voters who are overseas to request, receive, and return a voted absentee ballot within the required time period.
- The costs associated with the development and implementation of an online voting system.
- The feasibility of absent uniformed services voters who are overseas using an online voting system to electronically submit a voted absentee ballot.
- The security of electronically submitting a voted absentee ballot through an online voting system.
- Procedures adopted by other states to facilitate greater electoral participation by absent uniformed services voters who are overseas.

The Secretary of State must submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1, 2017, containing Task Force recommendations for the development and implementation of an online voting system that allows absent uniformed services voters who are overseas to electronically submit a voted absentee ballot.

Veterans' Training and Coursework

Present Situation

State Board of Education – Florida College System

The State Board of Education is the chief implementing and coordinating body of public education in Florida, except for the State University System.¹⁵ In accordance with Article IX, Section 2, of the State Constitution, the State Board of Education is responsible for supervising the system of free public education as is provided by law and appoints the Commissioner of the Department of Education.

Some of the specific powers of the State Board of Education include adopting and periodically reviewing and revising the Florida Standards, classifying school services, designating certification subject areas, and establishing competencies and certification requirements for all school-based personnel.¹⁶

There are 28 locally-governed public colleges in the Florida College System. While governed by local boards, the colleges are coordinated under the jurisdiction of the State Board of Education. Administratively, the Chancellor of Florida Colleges is the chief executive officer of the system, reporting to the Commissioner of Education who serves as the chief executive officer of Florida's K-20 System.¹⁷

Board of Governors - State University System

The Board of Governors is the governing body for the State University System of Florida. In accordance with Article IX, Section 7(d), of the State Constitution, it is required to "operate, regulate, control, and be fully responsible for the management of the whole university system." Currently, there are 12

¹⁵ Section 1001.02(1), F.S.

¹⁶ Section 1001.03, F.S.

¹⁷ Florida Department of Education website, About Us, available at: <http://www.fldoe.org/schools/higher-ed/fl-college-system/about-us> (Last visited October 27, 2015).

institutions within the State University System.¹⁸ The System enrolls over 337,000 students, offers nearly 1,800 degree programs at the baccalaureate, graduate, and professional levels, and annually awards over 81,000 degrees at all levels.¹⁹

College Credit for Military Training

Section 1004.096, F.S., directs the Board of Governors to adopt regulations and the State Board of Education to adopt rules enabling eligible members of the U.S. Armed Forces to earn college-level credit for training and education they acquired while in the military. This appears to include active duty members.

The statute requires that the regulations and rules include procedures for credential evaluation and the award of academic college credit, including, but not limited to, equivalency and alignment of military course work with appropriate college courses, course descriptions, type and amount of college credit that may be awarded, and transfer of credit. Such regulations and rules may decrease the amount of time and cost for service members to receive a postsecondary degree.

As a result, the Board of Governors and the State Board of Education have adopted regulations²⁰ and rules,²¹ both requiring their respective institutions to adopt a policy and process that “enables students who are or were eligible members of the U.S. Armed Forces,” to earn appropriate academic college credit for college-level training and education acquired in the military. The phrase, “students who are eligible members of the U.S. Armed forces,” appears to address active duty servicemembers. The phrase, “students who were eligible members of the U.S. Armed Forces,” appears to address students who have separated from military service, including veterans.

Extending the benefit to students who were eligible members of the U.S. Armed Forces, thereby including veterans, appears to go further than the statutory requirement. However, because the statute does not specifically address active duty members or veterans, it is unclear whether veterans were intended to be included.

American Council on Education (ACE)

Since 1945, ACE has provided a collaborative link between the U.S. Department of Defense and higher education through the review of military training and experiences for the award of equivalent college credits for members of the U.S. Armed Forces.²² ACE has established a rigid process in evaluating military services courses to determine the appropriate amount and level of academic credit that should be awarded by postsecondary institutions.

ACE maintains the *Guide to the Evaluation of Educational Experiences in the Armed Forces*²³ which is a standard reference for recognizing learning acquired in the military. Under the BOG’s regulation²⁴, each university board of trustees must utilize this guide in order to determine equivalency and alignment of military coursework with appropriate university courses.

¹⁸ The State University System 2025 System Strategic Plan, page 5, available at: http://www.flbog.edu/pressroom/_doc/2025_System_Strategic_Plan_Revised_FINAL.pdf (Last visited October 27, 2015).

¹⁹ *Id.*

²⁰ BOG 6.013 Military Veterans and Active Duty.

²¹ Rule 6A-14.0302, F.A.C.

²² American Council on Education, *Ace Military Programs*, available at <http://www.acenet.edu/news-room/Pages/Military-Programs-Main-Page.aspx> (last visited October 27, 2015)

²³ American Council on Education, *Military Guide Online*, available at <http://www.acenet.edu/news-room/Pages/Military-Guide-Online.aspx> (last visited October 27, 2015)

²⁴ BOG 6.013 Military Veterans and Active Duty

According to research, institutions of higher learning allow college credit to be granted for training received in the military if recommended by ACE. However, this does not appear to be a state requirement.

Priority Course Registration for Veterans

Section 1004.075, F.S., requires institutions within the Florida College System and the State University System to provide priority course registration for veterans. Specifically, institutions that offer priority course registration for a portion of its student population must also provide priority course registration for veterans of the U.S. Armed Forces and their eligible family members. In order for the benefit to apply, the recipient must be utilizing GI Bill educational benefits.

Effect of Proposed Changes

The bill provides legislative findings and intent to assist veterans in utilizing the training and coursework that they receive in the military in their pursuit of a public postsecondary degree.

Specifically, the bill provides legislative findings that many veterans of the U.S. Armed Forces in this state have completed training and coursework during military service, including overseas deployments, which result in tangible and quantifiable strides in their pursuit of a postsecondary degree.

In addition, the bill finds that the State Board of Education and the Board of Governors of the State University System must work together to ensure that military training and coursework are granted academic credit in order to assist veterans in continuing their education.

Further, the bill intends, not requires, for the State Board of Education and the Board of Governors work collaboratively to do the following:

- Align existing degree programs with applicable military training and experience to maximize academic credit awarded for such training and experience;
- Appoint and train specific faculty within each degree program at each institution as liaisons and contacts for veterans;
- Incorporate outreach services tailored to disabled veterans to inform disabled veterans of disability services provided by the USDVA, and other federal and state agencies, and private entities;
- Facilitate statewide meetings for campus personnel to discuss and develop best practices, exchange ideas and experiences, and hear presentations by individuals with expertise in the unique needs of veterans; and
- Provide veterans with sufficient courses required for graduation, including but not limited to, giving priority registration for veterans.

B. SECTION DIRECTORY:

- Section 1. Amends s. 322.08, F.S., relating to the application for a license and the requirements for a license and identification card forms.
- Section 2. Creates the Military and Overseas Voting Assistance Task Force
- Section 3. Provides legislative intent regarding academic credit for military training and coursework and collaboration between the State Board of Education and the Board of Governors on student veteran issues.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

The DHSMV will have to make the option to receive veterans' benefits information available on both the mail-in renewal form, and the online renewal and replacement forms for driver license and identification card transactions. DHSMV states that the operational and fiscal impact can be accommodated during its modernization effort as the department had already planned to incorporate a larger renewal form with similar changes. DHSMV estimates a total of 2,700 programming hours, or the equivalent of \$175,500 in FTE and contracted resources workload, will be required to implement the bill (2,100 hours or \$142,500 for the mail-in form, and 600 hours or \$33,000 for the online forms) which will be absorbed within existing resources. The option to receive veterans' benefits information is already available for in-office driver license and identification card issuances.

There is a negative fiscal impact to DOS for the reimbursement of per diem and travel expenses for the Military and Overseas Voting Assistance Task Force members. Additionally, the Division of Elections within DOS is required to provide support staff for the Task Force. Depending on the scope of the Task Force's needs, this requirement could impact the ability of the Division to perform its regular duties during an election year and may require additional full-time employees. Also, the Agency for State Technology would be required to provide assistance if requested.²⁵

There may be an indeterminate, but likely insignificant negative fiscal impact to FDVA. The requested information shall be delivered to the veteran by a third-party provider selected by FDVA. According to the FDVA, based on the current contractual agreement, the cost would be \$11,529, not including the cost of postage and the creation of additional outreach materials.²⁶

The Board of Governors also raised concerns about this bill's potential for increased workload for the state universities and colleges and for the Board itself. The fiscal impact to the State Board of Education, the Board of Governors, and the individual universities and colleges is negative indeterminate but the need for more than .5 FTE at each institution would taper off over time.²⁷

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

The bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Student veterans may receive additional academic support, thus, furthering their pursuit of a postsecondary degree.

²⁵ Department of State SB 184 agency analysis. On file with Veteran & Military Affairs Subcommittee staff.

²⁶ 2016 FDVA agency analysis for HB 429. On file with Veteran & Military Affairs Subcommittee staff.

²⁷ Florida Board of Governors analysis for SB 184, pg. 4. On file with the Veteran & Military Affairs Subcommittee staff.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The Department of State's agency analysis contains its public position on a web-based voting system:

Based upon existing studies of online voting and the capabilities of current certified voting systems, the Department of State has determined that secure electronic means do not satisfactorily exist to permit the casting of online ballots by voters, including overseas voters.²⁸

The Secretary of State is a voting member and Chair of the Task Force. Additionally, the Department's analysis identifies the potential disruptive impact of the Task Force (July 1, 2016 – July 1, 2017) because of the partial overlap with the 2016 election cycle. It states that the Task Force staffing duties "could impact the ability of the Division (of Elections) (to) [sic] perform its regular duties during an election year," and notes the possible need for additional full-time employees.²⁹

The Board of Governors noted the following concerns with the bill in their agency analysis:³⁰

...Any law requiring the Board of Governors to "align degree programs" at the universities with specified types of military experience and/or training can be perceived to be in conflict with established Board regulations and accreditation standards.

...Should there be a state-level attempt to align existing university programs with military programs, litigation can be expected from the universities because it will put them in violation of SACSCOC³¹ accreditation requirements.

...Section 3. (2) that calls for the identification and training of "specific faculty within each degree program at each state university" would be difficult and costly to implement due to the number of academic degree programs (1,733 programs) in the State University System.

However, it should be noted that section 3 of the bill provides for legislative intent only.

²⁸ Florida Department of State analysis for SB 184, pg. 4-5. On file with Veteran & Military Affairs Subcommittee staff.

²⁹ *Id.* at pgs. 3-4.

³⁰ State University System of Florida Board of Governors analysis for SB 184, pg. 5. On file with Veteran & Military Affairs Subcommittee staff.

³¹ Southern Association of Colleges and Schools Commission on Colleges.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 19, 2016, the Veteran & Military Affairs Subcommittee adopted one strike-all amendment and reported the bill favorably as a committee substitute. The amendment reduces the number of members to serve on the Military and Overseas Voting Assistance Task Force from 20 to 11. It also revises the dissemination of veteran information provision to establish a voluntary check-off on driver license and identification card applications.

This analysis is drafted to the committee substitute as passed by the Veteran & Military Affairs Subcommittee.

27 provisions; providing a penalty; creating the Military
 28 and Overseas Voting Assistance Task Force within the
 29 Department of State; specifying membership of the task
 30 force; authorizing reimbursement for per diem and
 31 travel expenses; prescribing duties of the task force;
 32 requiring submission of a report to the Governor and
 33 the Legislature by a specified date; providing for
 34 expiration of the task force; providing for staffing;
 35 providing legislative findings and intent regarding
 36 continuing education for veterans of the United States
 37 Armed Forces; providing legislative intent to require
 38 collaboration between the State Board of Education and
 39 the Board of Governors of the State University System
 40 in achieving specified goals regarding educational
 41 opportunities for veterans; providing an effective
 42 date.

43

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

45

46 Section 1. Present subsection (9) of section 322.08,
 47 Florida Statutes, is renumbered as subsection (10), and a new
 48 subsection (9) is added to that section, to read:

49 322.08 Application for license; requirements for license
 50 and identification card forms.—

51 (9) (a) To support carrying out the duties of the
 52 Department of Veterans' Affairs prescribed in s. 292.05 and to

53 facilitate its outreach to veterans residing in this state, the
 54 application form for an original, a renewal, or a replacement
 55 driver license or identification card must include a voluntary
 56 checkoff authorizing a veteran of the United States Armed Forces
 57 to request written or electronic information on federal, state,
 58 and local benefits and services available to veterans. The
 59 veteran may elect to receive requested information through
 60 United States mail or by e-mail. The requested information shall
 61 be delivered to the veteran by a third-party provider selected
 62 by the Department of Veterans' Affairs to act on its behalf.

63 (b) The department shall collaborate with the Department
 64 of Veterans' Affairs to administer this subsection. The
 65 department shall report monthly to the Department of Veterans'
 66 Affairs the name and mailing address or e-mail address of each
 67 veteran who requests information as provided in paragraph (a).
 68 Following receipt of the monthly report, the Department of
 69 Veterans' Affairs shall disseminate the contact information for
 70 each such veteran to the third-party provider acting on its
 71 behalf. The third-party provider must be a nonprofit
 72 organization with sufficient ability to communicate with
 73 veterans residing throughout this state. For purposes of this
 74 paragraph, the term "nonprofit organization" means an
 75 organization exempt from the federal income tax under s. 501 of
 76 the Internal Revenue Code of 1986 or any federal, state, or
 77 local governmental entity.

78 (c) In addition to the requirements of paragraph (b), the

79 Department of Veterans' Affairs shall disseminate the contact
 80 information for a veteran who selects the voluntary checkoff to
 81 the appropriate county or city veteran service officer in order
 82 to facilitate further outreach to veterans.

83 (d)1. The contact information of a veteran which is
 84 obtained by a third-party provider pursuant to this subsection
 85 may be used only as authorized by this subsection. The third-
 86 party provider may not sell such contact information. Except as
 87 otherwise provided, the third-party provider must maintain the
 88 confidentiality of the contact information in accordance with
 89 chapter 119 and the federal Driver's Privacy Protection Act of
 90 1994, 18 U.S.C. ss. 2721 et seq.

91 2. A person who willfully and knowingly violates this
 92 paragraph commits a misdemeanor of the first degree, punishable
 93 as provided in s. 775.082 or s. 775.083.

94 Section 2. Military and Overseas Voting Assistance Task
 95 Force.—The Military and Overseas Voting Assistance Task Force, a
 96 task force as defined in s. 20.03, Florida Statutes, is created
 97 within the Department of State. The task force is created for
 98 the express purpose of studying issues involving the development
 99 and implementation of an online voting system that allows absent
 100 uniformed services voters who are overseas to electronically
 101 submit voted ballots.

102 (1) The task force is composed of 11 members, as follows:

103 (a) The Secretary of State or his or her designee, who
 104 shall serve as chair of the task force.

- 105 (b) The Adjutant General or his or her designee.
- 106 (c) The executive director of the Agency for State
 107 Technology or his or her designee.
- 108 (d) One member of the Senate appointed by the President of
 109 the Senate.
- 110 (e) One member of the House of Representatives appointed
 111 by the Speaker of the House of Representatives.
- 112 (f) Three supervisors of elections appointed by the
 113 Florida State Association of Supervisors of Elections.
- 114 (g) Three individuals appointed by the Secretary of State,
 115 with relevant expertise in computers, the Internet, or other
 116 associated technologies.
- 117 (2) Members of the task force shall serve without
 118 compensation, but are entitled to reimbursement for per diem and
 119 travel expenses pursuant to s. 112.061, Florida Statutes.
- 120 (3) The task force, at a minimum, shall study and report
 121 on the following issues:
- 122 (a) Any factor that limits the ability of absent uniformed
 123 services voters who are overseas to request, receive, and return
 124 absentee ballots within the current statutory time period for
 125 casting absentee ballots.
- 126 (b) The costs associated with the development and
 127 implementation of an online voting system.
- 128 (c) The feasibility of absent uniformed services voters
 129 who are overseas using an online voting system to electronically
 130 submit a voted ballot.

131 (d) The security of electronically submitting a voted
 132 ballot through an online voting system.

133 (e) Procedures adopted by other states to facilitate
 134 greater electoral participation among absent uniformed services
 135 voters who are overseas.

136 (4) The Secretary of State shall submit a report to the
 137 Governor, the President of the Senate, and the Speaker of the
 138 House of Representatives by July 1, 2017, containing the task
 139 force's recommendation of whether the state should pursue the
 140 development and implementation of an online voting system that
 141 allows absent uniformed services voters who are overseas to
 142 electronically submit voted ballots. If the task force favorably
 143 recommends an online voting system, the report must include
 144 recommended steps for developing and implementing such a system.
 145 The task force shall expire upon submission of its report.

146 (5) The Division of Elections of the Department of State
 147 shall provide support staff for the task force. The Agency for
 148 State Technology shall assist the task force upon request.

149 Section 3. Legislative findings and intent; continuing
 150 education of veterans of the United States Armed Forces.—The
 151 Legislature finds that many veterans of the United States Armed
 152 Forces in this state have completed training and coursework
 153 during their military service, including overseas deployments,
 154 resulting in tangible and quantifiable strides in their pursuit
 155 of a postsecondary degree. The Legislature further finds that
 156 the State Board of Education and the Board of Governors of the

157 State University System must work together to ensure that
 158 military training and coursework are granted academic credit in
 159 order to assist veterans in continuing their education.

160 Therefore, it is the intent of the Legislature that the State
 161 Board of Education and the Board of Governors work
 162 collaboratively to:

163 (1) Align existing degree programs, including, but not
 164 limited to, vocational and technical degrees, at each state
 165 university and Florida College System institution with
 166 applicable military training and experience to maximize academic
 167 credit awarded for such training and experience.

168 (2) Appoint and train specific faculty within each degree
 169 program at each state university and Florida College System
 170 institution as liaisons and contacts for veterans.

171 (3) Incorporate outreach services tailored to disabled
 172 veterans into existing disability services on the campus of each
 173 state university and Florida College System institution to make
 174 available to such veterans information on disability services
 175 provided by the United States Department of Veterans Affairs,
 176 other federal and state agencies, and private entities.

177 (4) Facilitate statewide meetings for personnel at state
 178 universities and Florida College System institutions who provide
 179 student services for veterans to discuss and develop best
 180 practices, exchange ideas and experiences, and attend
 181 presentations by individuals with expertise in the unique needs
 182 of veterans.

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2016

183 (5) Make every effort to provide veterans with sufficient
184 courses required for graduation, including, but not limited to,
185 giving priority registration to veterans.

186 Section 4. This act shall take effect July 1, 2016.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Appropriations Committee
 2 Representative Steube offered the following:

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Amendment (with title amendment)

Remove lines 149-185

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

Remove lines 35-41 and insert:
 providing an effective

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 499 Ad Valorem Taxation
SPONSOR(S): Local & Federal Affairs Committee, Avila
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Finance & Tax Committee	16 Y, 0 N	Dugan	Langston
2) Local & Federal Affairs Committee	16 Y, 0 N, As CS	Monroe	Kiner
3) Appropriations Committee		Hawkins 	Leznoff 

SUMMARY ANALYSIS

The bill makes changes to the composition of the Value Adjustment Board (VAB), and amends various provisions addressing the procedures, and oversight of the VAB process. Specifically, the bill:

- Requires the VAB submit the certified assessment roll to the property appraiser by June 1 following the tax year in which the assessments were made, or by December 1 under certain circumstances.
- Revises the requirements for written authorization for representation before the VAB.
- Revises provisions related to the exchange of evidence and the admissibility of evidence.
- Repeals certain Rules adopted by the Department of Revenue which conflict with provisions of this bill.
- Clarifies that a taxpayer may appeal to the VAB the application or resetting of an assessment cap.
- Provides that a taxpayer may appeal the assessment of tangible personal property to the VAB if a complete, timely return was filed.
- Provides for an opportunity to correct an erroneous or incomplete tangible personal property return.
- Allows the property appraiser to waive penalties and interest if an assessment cap was improperly granted "as a result of a clerical mistake or an omission by the property appraiser," and allows the property owner 30 days to pay the taxes, interest, and penalties owed before a lien is filed.
- Provides clarification of the confidentiality of information in the evidence exchange process.
- Changes interest rates for disputed property taxes from 12 percent to the bank prime loan rate; also, the bill proposes to allow property owners to accrue interest at the prime rate when the property appraiser and the property owner reach a settlement prior to the VAB hearing.
- Changes the VAB composition by replacing a county commission member with a citizen member.
- Restricts the ability of a petitioner or property appraiser to reschedule hearings.
- Restricts the qualifications of those who can represent a taxpayer before the VAB.
- Elaborates on what is required in the VAB's findings of fact.
- Specifies that in the appointment/scheduling of special magistrates no consideration is to be given to assessment reductions recommended by any special magistrate.

The bill also requires counties to specify in the budget summary ad the proportionate amount of the proposed county tax millage and the amount of gross ad valorem taxes attributable to the budgets of the county constitutional officers. The bill also extends by one year a process that allows school districts to collect unrealized school funds from the prior year in the event the VAB process is delayed.

The REC estimated that various provisions of the bill will have non-recurring impacts on local revenues of \$37.7 million in FY 2016-17, -\$37.7 million in FY 2017-18, and \$49.8 million in FY 2019-20. The bill is also estimated to have positive impacts on local revenues of \$5.1 million in FY 2016-17, \$3.9 million in FY 2017-18, and \$3.5 million annually thereafter. See the FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT.

This bill may be a county or municipality mandate requiring a two-thirds vote of the membership of the House. See Section III.A.1 of the analysis.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Brief Background

The Florida Constitution reserves ad valorem taxation to local governments and prohibits the state from levying ad valorem taxes on real and tangible personal property.¹ The ad valorem tax is an annual tax levied by counties, cities, school districts, and some special districts based on the value of real and tangible personal property as of January 1 of each year.² The Florida Constitution requires all property be assessed at just value for ad valorem tax purposes,³ and provides for specified assessment limitations, property classifications and exemptions.⁴ From the perspective of protecting a taxpayer's rights, the most important parts of the process are the annual Truth in Millage (TRIM) notice and the VAB appeal process.

The TRIM notice

Each August, a Truth in Millage (TRIM) notice is sent out to all taxpayers providing specific information about their parcel.⁵ This notice is the key step in the property tax process.

The TRIM notice lists each taxing authority that levies taxes on the property, how much they collected from that parcel in the previous year, how much they propose to collect this year, and how much would be levied on the property if the taxing authority made no budget changes. It also lists the day and time that taxing authority will be holding its preliminary budget hearing, so that the taxpayer can participate in the process and provide input to the taxing authority if they disagree with the proposed taxes.⁶ After this meeting, where a tentative millage (tax) rate and budget are adopted, the taxing authority must then publish the proposed millage rate⁷ and the proposed budget⁸ in a newspaper of general circulation before holding a meeting for the final adoption of the millage rate and budget.⁹ This gives citizens two opportunities to have input into the process of setting the millage rate and budget.

The TRIM notice also provides key information about the valuation of the property. It lists the value the property appraiser has placed on the property, shows any reductions which have been made to that value due to a classification or assessment limitation, and shows what exemptions have been granted on that property and the value of those exemptions.¹⁰ This gives taxpayers notice of the assessment of their property, lets them review any assessment limitations or classifications applied, allows them to check to make sure they are getting all of the exemptions they are entitled to receive, and allows them to dispute any of these matters before the tax bills are sent out.

¹ Art. VII, s. 1(a), Fla. Const.

² Section 192.001(12), F.S., defines "real property" as land, buildings, fixtures, and all other improvements to land. The terms "land," "real estate," "realty," and "real property" may be used interchangeably. Section 192.001(11)(d), F.S., defines "tangible personal property" as all goods, chattels, and other articles of value (but does not include the vehicular items enumerated in article VII, section 1(b) of the Florida Constitution and elsewhere defined) capable of manual possession and whose chief value is intrinsic to the article itself.

³ Art. VII, s. 4, Fla. Const.

⁴ Art. VII, ss. 3, 4, and 6, Fla. Const.

⁵ Section 200.069, F.S.

⁶ Section 200.069(4)(g), F.S.

⁷ Section 200.065(3), F.S.

⁸ Section 200.065(3)(l), F.S.

⁹ Section 200.065 (2)(d), F.S.

¹⁰ Section 200.069(6), F.S.

The Appeal Process and the VAB

Taxpayers who disagree with the value placed on their property, no matter if the dispute involves the initial assessment of the property, the application of classified use values or assessment limitations, or the granting or denial of exemptions, have three methods for resolving the dispute:

- A taxpayer may request an informal conference with the property appraiser to resolve the issue.
- A taxpayer may typically file a petition with the Value Adjustment Board (VAB) at any time up to 25 days after the TRIM notice is mailed.¹¹
- A taxpayer may appeal to the Circuit Court within 60 days of the certification for collection of the tax roll or within 60 days of the issuance of a final decision by the VAB.¹²

A taxpayer may pursue any or all of these options. They are non-exclusive and none of these methods is a prerequisite for another.

Part 1 of Chapter 194, F.S., provides for administrative review of ad valorem tax assessments. These VAB hearings are intended to provide taxpayers with a venue in which they can present their case to a neutral party without the need to hire an attorney or go through the formal process of a circuit court case.

The property owner may initiate a review by filing a petition with the clerk of the VAB, typically within 25 days of the mailing of the TRIM notice.¹³ The petition must be accompanied by any required filing fee, which may not exceed \$15 on a single petition.¹⁴ VAB petition forms may be found at the Department of Revenue (DOR) website, the County Property Appraiser's office, and at the office or website of the VAB Clerk.¹⁵ The clerk of the VAB¹⁶ is responsible for receiving completed petitions, acknowledging receipt to the taxpayer, sending a copy of the petition to the property appraiser, and scheduling appearances before the VAB.

A taxpayer receives notice of their hearing at least 25 days before the scheduled hearing.¹⁷ A petitioner is required to provide the property appraiser with a list of evidence, copies of documentation, and summaries of testimony at least 15 days prior to the hearing before the VAB.¹⁸ If the petitioner provides this information, and sends the appraiser a written request for responsive information, the appraiser must provide a list of evidence and copies of documentation to be presented at the hearing, at least 7 days prior to the hearing.¹⁹

In most counties, the value adjustment board hearing takes place in front of a special magistrate instead of the VAB.²⁰ Special Magistrates are experienced appraisers and attorneys who are hired to serve as impartial hearing officers.²¹ After the hearing the special magistrate produces a recommended decision which is given to the VAB which produces the final decision. This step does not occur if the VAB hears the petition directly.

¹¹ There are other windows and deadlines for filing petitions with the VAB. For example, a taxpayer must file with the VAB within 30 days of the mailing of the denied of certain exemptions. However, with rare exceptions such as a petition concerning the denial of a tax deferral, a petition filed within 25 days of the TRIM notice will be accepted by the VAB as timely filed. Examples of other deadlines can be found in Sections 194.011(3)(d), and 197.2425, F.S.

¹² Section 194.171(2), F.S.

¹³ Section 194.011(3), F.S.

¹⁴ Section 194.013, F.S.

¹⁵ Section 194.011(3)(a), F.S.

¹⁶ The county clerk usually serves as the clerk of the VAB. Section 194.015, F.S.

¹⁷ Section 194.032(2)(a), F.S.

¹⁸ Section 194.011(4)(a), F.S.

¹⁹ Section 194.011(4)(a), F.S.

²⁰ Section 194.035(1), F.S., requires the use of special magistrates in counties with a population over 75,000. Smaller counties may opt to use special magistrates.

²¹ Section 194.035(1), F.S.

Once the final written decision is issued by the VAB, if the petitioner disagrees with the decision, he or she then has 60 days to file an action in circuit court contesting that decision.²²

In May 2014, the Florida Auditor General issued a report on county VABs and DOR's oversight of the VAB process.²³ The report made the following findings (footnotes are provided to indicate findings that are being addressed by provisions in this bill):

- Independence in the appeal process at the local level may have been compromised due to local officials involved in the process who may not have been impartial and whose operations are funded with the same property tax revenue at stake in the appeal process.²⁴ Additionally, enhanced uniformity in the way VABs document compliance with appeal process requirements, and the establishment of general information on Florida's property tax system for use statewide by all VABs in complying with the DOR rule requiring the VABs to discuss general information on Florida's property tax system and how taxpayers can participate,²⁵ could promote fairness and consistency in the appeal process.
- Noncompliance with the DOR rules for one VAB that gave the appearance of bias and undue influence in the appeal process in at least one instance.
- Special magistrates served on multiple VABs during the same tax year, which appears to be inconsistent with the State Constitution dual office holding prohibition.²⁶
- Selection of special magistrates may not have been based solely on experience and qualifications,²⁷ contrary to law and the DOR rules, and verification of such information was not always documented.
- Special magistrate training was not verified by DOR prior to issuing statements acknowledging receipt of training, and one VAB did not document special magistrate training in its records.
- Verification of compliance with law and the DOR rules relating to VAB prehearing requirements was not always documented.
- VAB organizational meetings were not always held in accordance with the requirements prescribed by the DOR rules.
- Prescribed procedures for commencing VAB hearings were not always followed by the VABs, contrary to the DOR rules.
- Some VAB records did not evidence consideration of the property appraiser's presumption of correctness issue, and one VAB did not consider this issue first at hearings, contrary to the DOR rules.
- VAB written decisions were not always sufficiently detailed contrary to law and the DOR rules.^{28,29}
- Public notice of VAB organizational meetings and hearings were not always in accordance with the DOR rules.
- VABs did not always allocate expenses between the board of county commissioners and the school board, contrary to law.
- VAB citizen members did not always meet the specific requirements provided in law and the DOR rules to serve on the VABs, and verification of such requirements was not always documented.
- Documentation of taxpayer representation for a hearing was not evident for some petitions, contrary to the DOR rules.³⁰

²² Section 194.171(2), F.S.

²³ STATE OF FLORIDA AUDITOR GENERAL, COUNTY VALUE ADJUSTMENT BOARDS AND DEPARTMENT OF REVENUE'S OVERSIGHT THEREOF: PERFORMANCE AUDIT (May 2014).

²⁴ Changes made to address this finding are discussed under the heading "Composition of the VAB."

²⁵ Rule 12D-9.013(1)(i), F.A.C.

²⁶ See also 2012-17 Fla. Op. Att'y Gen. (May 17, 2012) (citing Art. II, s. 5(a), Fla. Const.

²⁷ Changes made to address this finding are discussed under the heading "Special Magistrates"

²⁸ See Rule 12D-9.030, F.A.C. (relating to recommended decisions) and Rule 12D-9.032, F.A.C. (relating to final decisions).

²⁹ Changes made to address this finding are discussed under the heading "Determinations of VAB."

³⁰ Changes made to address this finding are discussed under the heading "Signature Requirements for VAB Petitions."

Publication of Proposed Budget

Current Situation

After a county has adopted its proposed millage rate and budget, it is required to publish a budget summary in a newspaper of general circulation 2 to 5 days before the final budget hearing is held³¹. This summary must include "for each budget and the total of all budgets, the proposed tax millages, balances, reserves, and the total of each major classification of receipts and expenditures."³² Currently, the budgets of the constitutional officers are usually included as part of the county's operating expenses and are not separately listed in the budget summary.³³

Proposed Changes

The bill amends s. 129.03, F.S., to require the board of county commissioners to specify in the budget summary the proportionate amount of the proposed county tax millage and the proportionate amount of gross ad valorem taxes attributable to the budgets of the sheriff, the property appraiser, the clerk of the circuit court and county comptroller, the tax collector, and the supervisor of elections, respectively.

Tangible Personal Property Tax Returns

Current Situation

Section 193.062, F.S., requires that taxpayers file a tangible personal property tax return by April 1 of each tax year. An extension of that deadline can be granted under s. 193.063, F.S. There are consequences for failing to file a return or for filing an erroneous or incomplete return.

Section 193.073(2), states that: "If no tangible personal property tax return has been filed as required by law, including any extension which may have been granted for the filing of the return, the property appraiser is authorized to estimate from the best information available the assessment of the tangible personal property of a taxpayer who has not properly and timely filed his or her tax return."

Section 193.073(1), F.S., provides for consequences, including the possibility of "an assessment in triplicate" if the Property Appraiser finds that "an erroneous or incomplete statement of personal property has been filed by a taxpayer or that all the property of a taxpayer has not been returned for taxation."

Finally, s. 194.034(1)(f), F.S., which concerns hearings before the VAB, provides that "An assessment may not be contested until a return required by s. 193.052 has been filed." However, this section does not explicitly state when that return must be filed and does not indicate if an erroneous or incomplete return is a sufficient filing to allow a taxpayer to contest their assessment. As a result, a taxpayer who has not previously filed a tangible personal property return may be permitted to appeal to the VAB if they bring a return to their hearing or if they filed a return which was too incomplete for the property appraiser to use it in the assessment process.

Proposed Changes

First, this bill amends s. 193.073, F.S., to require that if a property appraiser finds a tangible personal property return to be incomplete or erroneous before the TRIM notice is mailed, the property appraiser must notify the affected taxpayer and give him or her 30 days to correct the problem, before any consequences occur.

³¹ Section 200.065(2)(d), F.S.

³² Section 129.03(3)(b), F.S.

³³ Section 129.03(3), F.S.

Second, the bill amends s. 194.034(1)(f), F.S. , (which is renumbered as s.194.034(1)(j), F.S., by this bill), to state that in order to appeal an assessment to the value adjustment board the tangible personal property return must have been timely filed (including any extensions granted by the property appraiser). In addition, if the taxpayer was notified that the return was erroneous or incomplete, they must have filed a complete return during the 30 days following the notification that the return was erroneous or incomplete.

Conclusion of VAB Proceedings

Current Situation

Section 194.032(3), F.S., requires that “The board shall remain in session from day to day until all petitions, complaints, appeals, and disputes are heard.” Given the large number of petitions that are heard in some counties, it can take years before the VAB finishes hearing all petitions for a given tax year. For example, as of the writing of this analysis, Broward, Miami-Dade, and Jefferson Counties have not certified the final numbers from their 2014 VABs to the Department of Revenue.³⁴

This has caused issues with the Florida Education Financing Program (FEFP). Each school district’s required local effort (RLE) millage rate is determined by a statutory procedure.³⁵ Because the decisions of the VAB typically reduce the school board’s tax base, the RLE rate does not produce the amount of revenue projected. Accordingly, school districts are allowed to levy an additional millage to make up for this deficit. This additional millage rate is referred to as the prior period funding adjustment millage (PPFAM). The PPFAM is calculated in July of each year. However, the calculation only includes changes in taxable value if the change has been finally adjudicated. If final adjudication does not occur prior to the PPFAM calculation in July, the school district cannot collect the unrealized school funds until that final adjudication occurs, which may be years later.³⁶

In 2015, the Legislature passed a temporary solution for school districts where the local VAB process delays completion of the certification of the final tax roll for longer than one year. For the 2015-16 fiscal year only, such districts can “speed-up” the levy of 2014 unrealized RLE funds by levying a PPFAM equal to 75 percent of the district’s most recent unrealized RLE for which a PPFAM was determined.³⁷

Proposed Changes

The bill requires the VAB to hear all petitions, complaints, appeals, and disputes and submit the certified assessment roll to the property appraiser by June 1 following the tax year in which the assessments were made, beginning with the 2018 tax roll. The June 1 deadline is extended to December 1 in any county where the VAB petitions increase by more than 10 percent from the prior year.

Similar to legislation passed in 2015, the bill provides school districts with a temporary funding solution when the local VAB process delays completion of the certification of the final tax roll for longer than one year. For the 2016-17 fiscal year only, such districts can “speed-up” the levy of 2015 unrealized RLE funds by levying a PPFAM equal to 75 percent of the district’s most recent unrealized RLE for which a PPFAM was determined.

³⁴ For spreadsheets containing the VAB petition summaries as reported to the DOR, see FLORIDA DEPARTMENT OF REVENUE, PROPERTY TAX DATA PORTAL: VAB SUMMARY available at <http://dor.myflorida.com/dor/property/resources/data.html> (last visited on January 11, 2016).

³⁵ 1011.62(4), F.S

³⁶ For more detailed information on this calculation, please see the expanded background provided at the end of this section.

³⁷ Section 1011.62(4)(e)1.c., F.S.

Appealing Assessment Limitations to the VAB

Current Situation

Sections 193.155, 193.193.1554, and 193.1555, F.S., all create limitations on the amount that the assessment of a parcel can increase in any given year. These caps reset when there is a change in ownership of the property. Section 193.155(8)(j), F.S., provides a specific right for homeowners who are porting the differential on their homestead to appeal to the VAB. However, in other situations the statutes are unclear on if a disagreement on the implementation of an assessment cap can be appealed to the VAB. On November 12, 2015, the Department of Revenue produced an Advisory Memorandum³⁸ which stated that such matters could be appealed to the VAB.

Proposed Changes

This bill creates sections 193.155(11), 193.1554(11), and 193.1555(11), F.S., to explicitly state that taxpayers have the right to appeal the implementation of these assessment caps on their property to the VAB.

Assessment Limitations Improperly Granted

Current Situation

Section 196.161(1)(b), F.S., provides that if an exemption was improperly granted on homestead property "as a result of clerical mistake of an omission by the property appraiser" the taxpayer will not be assessed penalties or interest. This statute also allows the taxpayer 30 days to pay the taxes and any penalties or interest due before a lien is filed on his or her property. Since a homestead exemption is required for the homestead assessment limitation to be granted, this statute has allowed property appraiser's to waive penalties and interest when the homestead assessment limitation was improperly applied due to an error or omission.

There is no statutory authority allowing a property appraiser to waive penalties or interest when the other assessment limitations are improperly granted due to an error or omission. In addition, the property owner is given no time to pay off the assessments before lien is filed on the property.

Proposed Changes

Sections 193.1554(10) and 193.1555(10), F.S. are amended to specifically allow a property appraiser to waive penalties and interest if an assessment limitation was improperly granted "as a result of clerical mistake of an omission by the property appraiser" and to allow the taxpayer 30 days to pay the taxes and any penalties or interest due before a lien is filed on his or her property.

Signature Requirements for VAB Petitions

Current Situation

The property owner or their agent may initiate proceedings before the VAB by filing a petition with the clerk of the VAB.³⁹ There is no statutory requirement that the petitioner sign the VAB petition. However, DOR rules state, "A petition filed by an unlicensed agent must also be signed by the taxpayer or accompanied by a written authorization from the taxpayer."⁴⁰ DOR does not require any evidence that the taxpayer has authorized the filing of the petition, or that the taxpayer is aware of the proceedings, if

³⁸ Advisory Memorandum from Steve Keller to Manual Blanco, dated November 12, 2015, on file with the Local & Federal Affairs Committee

³⁹ Section 194.011(3)

⁴⁰ Rule 12D-9.018(4), F.A.C.

the petition is filed by a licensed agent. DOR defines a licensed agent as a licensed real estate broker, sales associate, appraiser, or certified public accountant, or a member of the Florida Bar.⁴¹

Proposed Changes

The bill amends s. 194.011, F.S., to require that a petition to the VAB must be signed by the taxpayer or be accompanied at the time of filing by the taxpayer's written authorization of the representation, unless the representative is a person listed under s. 194.034(1)(a), F.S. That list includes:

- a corporate representative of the taxpayer,
- an attorney who is a member of The Florida Bar,
- a real estate appraiser licensed under chapter 475,
- a real estate broker licensed under chapter 475, or
- a certified public accountant licensed under chapter 473.

If an individual listed in s. 194.034(1)(a), F.S., is found by the VAB to have knowingly and willfully filed a petition without the taxpayer's authorization that individual will have to provide written authorization for all of his or her petitions which are heard by the VAB for the next year. The bill also specifies that an individual, other than those listed above, may represent the taxpayer if they produce a power of attorney. If the person representing the taxpayer is receiving no compensation (such as a neighbor or grandchild) then only written authorization is required.

The bill specifies that a power of attorney or written authorization is valid for one tax year, and a new power of attorney or written authorization by the taxpayer shall be required for each subsequent tax year. In addition, because this bill does allow a licensed individual to represent a taxpayer without showing written authorization, a provision has been added to s. 194.011(3)(h), F.S., to clarify that written authorization is still needed to access a taxpayer's confidential information.

Property Record Cards

Current Situation

A petitioner is required to provide the property appraiser with a list of evidence, copies of documentation, and summaries of testimony on which the taxpayer intends to rely at least 15 days prior to the hearing before the VAB.⁴² If the petitioner provides this information, and sends the appraiser a written request for responsive information, the appraiser must provide a list of evidence and copies of documentation to be presented at the hearing, including the "property record card,"⁴³ but only if the petitioner checks the appropriate box on the form.⁴⁴ The property appraiser is not required to provide a copy of the property record card if it is available online.

The term "property record card" is undefined in statute. The term previously referred to the paper card maintained in the office of the property appraiser where all information specific to a property was written down.⁴⁵ Now that property appraiser's offices are computerized, what constitutes a "property record card" is not as precisely understood, but it is generally presumed to be a record maintained by the property appraiser containing information needed to assess properties in his or her jurisdiction. Section

⁴¹ Rule 12D-9.018(5), F.A.C.

⁴² Section 194.011(4)(a), F.S.

⁴³ Section 194.011(4)(b), F.S.

⁴⁴ Section 194.032(2)(a), F.S.

⁴⁵ Before computerization, property appraiser's office contained large cabinets full of papers cards. Each one contained information about a specific property and as information was gathered about the property, notes were handwritten on those cards. For example, each time the property was sold, the selling price and location of the deed in the clerk's records would be written down.

194.032(2)(a), F.S., does provide some guidance by referring to “the property record card containing relevant information used in computing the current assessment.”

Proposed Changes

The bill modifies the procedures for the exchange of evidence. When the property appraiser responds to the petitioner’s request for evidence, the property appraiser must include the petitioner’s property record card and the property record cards for any comparable property listed as evidence, except those cards that are available online. The bill specifically requires that any confidential information on the property record cards be redacted before they are provided.

Admission of Evidence Previously Requested by Property Appraiser and the Exchange of Evidence

Current Situation

The early 1980’s was a period of great reform in the property tax system. Legislation was passed to bring assessments up to full market or just value in order to enhance school funding and the homestead exemption was increased.⁴⁶ One of the critical pieces of legislation on this subject was HB 4-D in 1980, which was enacted as Chapter 80-274, Laws of Florida. This legislation created the TRIM notice and provided the basics of the current method of levying millage.

One issue the Legislature considered when discussing this bill, and the need to have property assessed at full market value, was how to ensure that property appraisers got the information they needed from taxpayers to make accurate assessments. Property appraisers routinely request information, particularly from owners of commercial property, during the assessment process at the beginning of the tax year. The statutes specifically make this information confidential.⁴⁷ The Legislature’s solution to making sure property appraisers would receive needed data such as income information from taxpayers was to amend s. 194.032(3), F.S., by adding language which said:

Notwithstanding the provisions of this subsection, no petitioner shall present nor shall the board or special master accept testimony or other evidentiary materials for consideration that were requested of the petitioner in writing by the property appraiser of which the petitioner had knowledge and deliberately denied to the property appraiser.⁴⁸

Thus, a taxpayer could not withhold information from a property appraiser, forcing the property appraiser to produce an assessment without the benefit of that data, and then use the withheld information to dispute the assessment.⁴⁹

In 2002 the Legislature passed Chapter 2002-18, L.O.F., creating s. 194.011(4), F.S., which provided for an exchange of evidence between the petitioner and the property appraiser before a VAB hearing.⁵⁰ The new statute showed no evidence of any legislative intent to amend the provisions of s. 194.034(1)(d), F.S., or change how it was being applied by VABs. Likewise, there is no evidence of legislative intent to invalidate the then recent decision of Higgs v. Good⁵¹ which applied the same principal to judicial cases, stating, “it was error for the trial court to allow Good to defer the submission

⁴⁶ Chapter 80-174, L.O.F.

⁴⁷ Section 195.027(3), F.S.

⁴⁸ Language above is from 1981, Florida Statutes. With minor wording changes this provision is now Section 194.034(1)(d), F.S.

⁴⁹ This is analogous to the provisions of s. 194.034(1)(f), F.S., which states that a person who has not provided a tangible personal property return to the property appraiser cannot appeal the tangible personal property assessment.

⁵⁰ The Senate Bill Analysis can be found at:

http://archive.flsenate.gov/session/index.cfm?BI_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2002&billnum=1360

⁵¹ Higgs v. Good, 813 So.2d 178 (Fla, 3rd DCA 2002)

of the income data until it pleased him to submit it (tardily), then use the data to demand either administrative or judicial reduction of his property's tax assessment valuation. It is inappropriate for a taxpayer to conceal an ace-in-the-hole for subsequent play against an official who is attempting to carry out his duties.... If all taxpayers followed Good's example the Appraiser's office could be hamstrung.”

When DOR began writing rules to implement Chapter 2002-18, L.O.F., it perceived a relationship between these two statutory provisions, and promulgated Rule 12D-9.020(8), F.A.C., which states:

No petitioner may present for consideration, nor may a board or special magistrate accept for consideration, testimony or other evidentiary materials that were specifically requested of the petitioner in writing by the property appraiser **in connection with a filed petition**, of which the petitioner had knowledge and denied to the property appraiser (emphasis added to show difference from statute).⁵²

In practice, this rule allows the following set of events to occur:

- The property appraiser requests data, in writing, at the beginning of the tax year for use in assessing the taxpayer's property.
- The taxpayer, knowingly, does not provide that information while the assessment was being developed (before July 1 of the tax year).
- The property appraiser must assess the property without the requested data.
- The taxpayer protests the assessment to the VAB.
- During the evidence exchange, the taxpayer may provide all or part of the information he or she withheld from the property appraiser before the assessment was made, for the purpose of making that information admissible during the VAB hearing.
- The taxpayer may then use the information withheld from the property appraiser when making the assessment to prove the property appraiser's assessment incorrect.

Proposed Change

The bill adds the language from s. 194.034(1)(d), F.S., to s. 194.011(4)(a), F.S., to make it clear that evidence which was requested of the petitioner in writing by the property appraiser of which the petitioner had knowledge and denied to the property appraiser cannot be introduced as evidence in a VAB hearing using the evidence exchange provisions of that statute.

The bill amends s. 194.034(1)(d), F.S., clarifying that the VAB may not admit evidence which was previously requested of the petitioner in writing, if:

- the information was requested at any time during the assessment process up to the hearing of the petition,
- the information was requested under the authorization of any statute, and
- the petitioner had knowledge of the information and denied it to the property appraiser.

Finally the bill specifically repeals Rule 12D-9.020(1),(2), and (8), F.A.C., relating to Exchange of Evidence, and Rule 12D-9.025(4)(a) and (f), F.A.C., relating to Procedures for Conducting a Hearing; Presentation of Evidence; Testimony of Witnesses which are in conflict with the provisions of this bill and its intent.

⁵² Whether the rule adds a condition not created or authorized in the statute is significant. To adopt a rule an agency must have an express grant of authority to implement a specific law by rulemaking. Section 120.536(1), F.S. The particular statute being interpreted or implemented through rulemaking must provide specific standards and guidelines to preclude the administrative agency from exercising unbridled discretion in creating policy or applying the law. *Sloban v. Florida Bd. of Pharmacy*, 982 So. 2d 26, 29-30 (Fla. 1st DCA 2008); *Board of Trustees of the Internal Improvement Trust Fund v. Day Cruise Ass'n*, 794 So. 2d 696, 704 (Fla. 1st DCA 2001). A rule may be an invalid exercise of delegated legislative authority if the rule enlarges, modifies, or contravenes the specific provisions of the law being implemented. Section 120.52(8)(c), F.S.

Confidential Information

Current Situation

Section 193.074, F.S. provides that "All returns of property... submitted by the taxpayer pursuant to law shall be deemed confidential." Similar provisions in other statutes ensure that social security numbers, federal income tax returns, medical records, and proprietary business information are also considered confidential.⁵³ However, information submitted to the VAB as evidence generally becomes public record and is subject to Florida's public records laws.⁵⁴ Since evidence must be submitted under the evidence exchange rules at least 15 days prior to the VAB hearing, it is unclear at what point in time the previously confidential information becomes public record.

Proposed Change

The bill specifies that evidence which is confidential under current law shall remain confidential until it is submitted to the VAB for consideration and admission into the record.

Interest Rate on Partial Payments

Current Situation

Since the VAB process can take years to complete, a problem emerged because petitioners were withholding payment of their entire assessment until their VAB petitions were resolved and new tax bills issued. This could delay the collection of revenue for years and was causing a problem with revenue flow to certain taxing authorities. To address this issue, in 2011 the Legislature created s. 194.014, F.S., requiring petitioners to pay a portion of their ad valorem taxes and all of their non-ad valorem assessments before those taxes and assessments become delinquent on April 1.

Taxpayers challenging their assessments must pay at least 75 percent of the ad valorem taxes.⁵⁵ Petitioners challenging the denial of an exemption or classification, or petitioners contending that their property was not substantially complete, must pay those taxes they admit in good faith are due.⁵⁶ If these payments are not made before April 1, and a petition is pending, the VAB is required to issue a written decision by April 20 denying the petition.⁵⁷

If the VAB subsequently determines that the petitioner owes ad valorem taxes in excess of the amount paid, the unpaid amount accrues interest at the rate of 12 percent per year from the date the taxes became delinquent until the unpaid amount is paid.⁵⁸ If the VAB determines that a refund is due, the overpaid amount accrues interest at the rate of 12 percent per year from the date the taxes became delinquent until a refund is paid.⁵⁹ Interest does not accrue on amounts paid in excess of 100 percent of the current taxes due as provided on the tax notice.

Similarly, taxpayers who file a petition in circuit court must pay the tax collector an amount not less than the amount of tax which the taxpayer admits in good faith to owe.⁶⁰ If the court finds that the amount of tax owed by the taxpayer is greater than the amount the taxpayer has in good faith admitted and paid, a

⁵³ See as examples Sections 192.105, 193.114(5), 195.027(3)&(6), and 196.101(4)(c), F.S.

⁵⁴ Informal, Fla. Op. Att'y Gen. (April 30, 2010) *available at*

<http://www.myfloridalegal.com/ago.nsf/Opinions/946D6B5DA86200268525771B00485776>; FLORIDA DEPARTMENT OF REVENUE PROPERTY TAX INFORMATIONAL BULLETIN, PTO 10-07 – VALUE ADJUSTMENT BOARD HEARINGS AND CONFIDENTIALITY (May 27, 2010).

⁵⁵ Section 194.014(1)(a), F.S.

⁵⁶ Section 194.014(1)(b), F.S.

⁵⁷ Section 194.014(1)(c), F.S.

⁵⁸ Section 194.014(2), F.S.

⁵⁹ Section 194.014(2), F.S.

⁶⁰ Section 194.171(3), F.S.

judgment is entered against the taxpayer for the deficiency and for interest on the deficiency at a rate of 12 percent.⁶¹

Proposed Changes

The bill changes the amount of interest that accrues on partial payments of ad valorem taxes from 12 percent to the bank prime loan rate as determined by the Federal Reserve on July 1 or the first business day thereafter. Further, the bill allows for interest accrual, at the prime rate, when the property appraiser and the property owner reach a settlement prior to the VAB hearing. Currently, the bank prime rate is published on a website titled "H.15 Selected Interest Rates" and is 3.25 percent.⁶² The bill does not change the interest rate for amounts in dispute for court proceedings.

Composition of the VAB

Current Situation

In 1895, the Legislature provided county commissions with exclusive responsibility for hearing taxpayer appeals from assessments.⁶³ In 1969, the Legislature changed the membership to include school board members.⁶⁴ In 2008, the Legislature again changed the membership to include two citizen members.⁶⁵ Currently, the VAB consists of two members of the governing body of the county as elected from the membership of the board of said governing body (one of whom shall be elected chairperson), one member of the school board as elected from the membership of the school board, and two citizen members.⁶⁶ Members of the VAB may be temporarily replaced by other members of the respective boards.

A quorum of three members of the board must include at least:

- One member of the governing body of the county.
- One member of the school board.
- One citizen member.

Per diem compensation is permitted if both governing board of the county and the school board agree.

Proposed Changes

The bill changes the composition of the VAB by replacing one member from the governing body of the county with one citizen member. The membership would be comprised as follows:

- One member of the governing body of the county as elected from the membership of the board of said governing body.
- One member of the school board as elected from the membership of the school board.
- One citizen member, appointed by the governing body of the county, who owns homestead property in the county.
- One citizen member, appointed by the school board of the county, who owns commercial property in the school district.
- One citizen member, appointed by the governing body of the county, who is a licensed real estate appraiser and a resident of the county (if no resident real estate appraiser available, the member can be a homestead or commercial property owner who is a resident).

⁶¹ Section 194.192, F.S.

⁶² FEDERAL RESERVE, H.15 SELECTED INTEREST RATES (March 9, 2015) *available at* <http://www.federalreserve.gov/releases/h15/current/> (last visited December 18, 2015).

⁶³ Ch. 4322, Laws of Fla. (1895).

⁶⁴ Ch. 69-140, Laws of Fla.

⁶⁵ Ch. 2008-197, Laws of Fla.

⁶⁶ Section 194.015, F.S.

A quorum of the board is defined as three members, which must include both the member of the county governing board and the member of the school board, as well as one citizen member. No meeting shall take place unless a quorum is present. Boards are not permitted to temporarily replace members. One member shall be elected to serve as chair. The Department of Business and Professional Regulation must provide continuing education credits to appraiser members of VABs. The bill makes per diem payments for members of the board mandatory.

Rescheduling VAB Hearings

Current Situation

Prior to 2002, petitioners had no right to reschedule a VAB hearing under any circumstances. Some VABs did allow petitioners to reschedule for "good cause" but there was no consensus as to procedures or what constituted good cause. In 2002 the Legislature provided a right to reschedule,⁶⁷ adding a provision to Section 194.032(2), F.S., which states:

Upon receipt of this notification, the petitioner shall have the right to reschedule the hearing a single time by submitting to the clerk of the governing body of the county a written request to reschedule, no less than 5 calendar days before the day of the originally scheduled hearing

When the Department of Revenue implemented this statute, it wrote a rule stating that a petitioner had the right to reschedule one time without showing good cause⁶⁸ and an unlimited number of times if good cause is shown⁶⁹. As part of this rule, the Department created a list of circumstances that constituted good cause.⁷⁰

Proposed Changes

Under this bill, the petitioner and the property appraiser can each reschedule a VAB hearing a single time for good cause. The bill defines good cause as "circumstances beyond the control of the person seeking to reschedule the hearing that reasonably prevent the party from having adequate representation at the hearing." Good cause specifically includes the failure of the property appraiser to comply with statutory evidence exchange guidelines. Finally, the bill provides that if the hearing is rescheduled, the petitioner must be notified by the clerk of the rescheduled hearing 15 days before the rescheduled hearing is held, unless this notice is waived by both parties.

Finally the bill specifically repeals Rule 12D-9.019(4) and (5), F.A.C., relating to Scheduling and Notice of a Hearing which is in conflict with the provisions of this bill and its intent.

Taxpayer Representation

Current Situation

Section 194.034(1)(a), F.S., allows a taxpayer to be represented at the VAB by "an attorney or agent." DOR rules state, "The agent need not be a licensed individual or person with specific qualifications and may be any person, including a family member, authorized by the taxpayer to represent them before the VAB."⁷¹

⁶⁷ Chapter 2002-18, s. 3, Laws of Florida.

⁶⁸ Rule 12D-9.019(4)(a), F.A.C.

⁶⁹ Rule 12D-9.019(4)(b), F.A.C.

⁷⁰ Rule 12D-9.019(4)(b), F.A.C.

⁷¹ Rule 12D-9.018(3), F.A.C.

Proposed Changes

The bill restricts the persons who can represent the taxpayer to:

- a corporate representative of the taxpayer,
- an attorney who is a member of The Florida Bar,
- a real estate appraiser licensed under chapter 475,
- a real estate broker licensed under chapter 475,
- a certified public accountant licensed under chapter 473,
- any person with a power of attorney, or
- an uncompensated individual with written authorization.

Determinations of VAB

Current Situation

Current law requires VABs to render a written decision within 20 calendar days after the last day the board is in session.⁷² The decision of the VAB must contain findings of fact and conclusions of law and must include reasons for upholding or overturning the determination of the property appraiser.⁷³ If a special magistrate has been appointed, the recommendations of the special magistrate shall be considered by the VAB. The clerk of the VAB, upon issuance of a decision, shall notify each taxpayer and the property appraiser of the decision of the VAB. If requested by DOR, the clerk shall provide to DOR a copy of the decision or information relating to the tax impact of the findings and results of the board as described in s. 194.037, F.S., in the manner and form requested.

Proposed Changes

The bill clarifies what must be included in the VAB's findings of fact. Specifically, it states that findings of fact must be based on admitted evidence or a lack thereof.

Special Magistrates

Current Situation

Current law requires counties with a population greater than 75,000 to hire special magistrates to conduct valuation hearings.⁷⁴ Before conducting hearings, a VAB must hold an organizational meeting to appoint special magistrates and legal counsel and to perform other administrative functions.⁷⁵

Special magistrates must meet the following qualifications:

- A special magistrate appointed to hear issues of exemptions and classifications shall be a member of The Florida Bar with no less than five years' experience in the area of ad valorem taxation.
- A special magistrate appointed to hear issues regarding the valuation of real estate shall be a state certified real estate appraiser with not less than five years' experience in real property valuation.
- A special magistrate appointed to hear issues regarding the valuation of tangible personal property shall be a designated member of a nationally recognized appraiser's organization with not less than five years' experience in tangible personal property valuation.

⁷² Section 194.034(2), F.S.

⁷³ Section 194.034(2), F.S.; see also rules 12D-9.030, 12D-9.032, and 12D-10.003(3), F.A.C.

⁷⁴ Section 194.035, F.S.

⁷⁵ Section 194.011(5)(a)2., F.S.

Proposed Changes

The bill specifies that an attorney special magistrate shall hear petitions regarding assessment limitations and denials of tax deferrals. The bill also specifies that in the appointment/scheduling of special magistrates no consideration is to be given to assessment reductions recommended by any special magistrate either in the current year or in any prior year.

B. SECTION DIRECTORY:

Section 1 amends s. 129.03, F.S., to require the board of county commissioners to specify in the budget summary the proportionate amount of the proposed county tax millage and the proportionate amount of gross ad valorem taxes attributable to county constitutional officers.

Section 2 amends s. 192.0105, F.S., to make conforming changes related to taxpayer representation before the VAB.

Section 3 amends 193.073, to require that if a property appraiser finds a tangible personal property return to be incomplete or erroneous before the TRIM notice is mailed, the property appraiser must notify the affected taxpayer and give him or her 30 days to correct the problem, before any consequences occur.

Section 4 amends s. 193.122(1), F.S., to require VABs to complete all hearings and certify assessment rolls to the property appraiser by June 1 following the tax year in which the assessments were made, or by December 1 if the petitions in that county increased by more than 10 percent from the prior year.

Section 5 provides applicability for changes made to ss. 193.122(1) and 194.032(4), F.S.

Section 6 creates s. 193.155(11), F.S., to explicitly grant a taxpayer the right to appeal the implementation of the assessment limitation to their homestead property to the VAB.

Section 7 amends s. 193.1554(10), F.S., to specifically allow a property appraiser to waive penalties and interest if an assessment limitation was improperly granted "as a result of clerical mistake of an omission by the property appraiser" and to allow the taxpayer 30 days to pay the taxes and any penalties or interest due before a lien is filed on his or her property. It also creates s. 193.1554(11), F.S., to explicitly grant a taxpayer the right to appeal the implementation of the assessment limitation to their nonhomestead residential property to the VAB.

Section 8 amends s. 193.1555(10), F.S., to specifically allow a property appraiser to waive penalties and interest if an assessment limitation was improperly granted "as a result of clerical mistake of an omission by the property appraiser" and to allow the taxpayer 30 days to pay the taxes and any penalties or interest due before a lien is filed on his or her property. It also creates s. 193.1555(11), F.S., to explicitly grant a taxpayer the right to appeal the implementation of the assessment limitation to their certain residential and nonresidential property to the VAB.

Section 9 amends s. 194.011, F.S., to revise provisions related to VAB petitions and VAB evidence exchange procedures.

Section 10 amends s. 194.014, F.S., to change the interest rate for disputed property tax assessments from 12 percent to the bank prime loan rate established by the Federal Reserve.

Section 11 amends 194.015, F.S., to revise the composition of the VAB; board members elect the chairman and can get continuing education credits for their service; to provide for per diem compensation; provides applicability.

Section 12 amends s. 194.032, F.S., to revise provisions related to evidence exchange, rehearings, and the VAB timeframe for finishing hearings and certifying the assessment roll.

Section 13 amends s. 194.034, F.S., to specify the authorization need for certain the persons represent a person before the VAB, to clarify what is inadmissible in a VAB hearing, to elaborate on what is required in the VAB's findings of fact, and to specify that for a taxpayer to appeal their tangible personal property assessment to the VAB, his or her tangible personal property return must be timely and complete.

Section 14 amends s. 194.035, F.S., to specify that attorney special magistrates shall hear petitions regarding assessment limitations and the denial of tax deferrals, and to specify that value reductions given by special magistrates cannot be considered in the hiring of special magistrates.

Section 15 amends s. 1011.62(4)(e), F.S., to provide an alternative computation of school funds for the 2016-2017 fiscal year when the final taxable value of a school district is delayed by VAB hearings; provides applicability.

Section 16 nullifies certain Rules promulgated by the Department of Revenue which are in conflict with the provision of this act.

Section 17 provides a finding of important state interest.

Section 18 provides an effective date of July 1, 2016, except as otherwise expressly provided.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The DOR will update the administrative rules relating to VABs to implement the provisions of the bill.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The Revenue Estimating Conference evaluated the impacts of some of the provisions included in the bill:

- Sections 4, 5, and 12, which require VABs to complete their hearings and certify the assessment roll by June 1, are expected to have a \$49.8 million non-recurring positive impact to local government revenues in Fiscal Year 2019-2020 due to a speed-up in the process.
- Sections 7 and 8 reduce the collection of penalties and interest by a property appraiser related to improper assessments granted "as a result of clerical mistake of an omission by the property appraiser". These sections are expected to have a recurring negative impact on local government of \$(0.5) million beginning in FY 2016-17, with \$(0.2) million of the total impacting school levies.
- Section 10 reduces the interest rates on ad valorem taxes contested in a VAB proceeding. This section is expected to have a positive impact on local governments of \$5.6 million in Fiscal Year 2016-2017, \$4.4 million in FY 2017-18 and \$4.0 million annually thereafter. Most petitioners in Miami-Dade County, which has the most VAB petitions, pay the full amount of ad valorem taxes and earn interest at 12 percent annually on the overpaid amount if successful in the petition; the result is more interest is paid out to petitioners than the amount of interest brought in to the county from interest paid on tax underpayments.

- Section 15, provides school districts with a temporary funding solution when the local VAB process delays completion of the certification of the final tax roll for longer than one year. For the 2016-17 fiscal year only, such districts can “speed-up” the levy of 2015 unrealized RLE funds by levying a PPFAM equal to 75 percent of the district’s most recent unrealized RLE for which a PPFAM was determined. This results in a non-recurring, positive fiscal impact of \$37.7 million in Fiscal Year 2016-17 and a non-recurring, negative fiscal impact of \$(37.7) million the following year.

2. Expenditures:

The bill requires local governments to take the following actions, which are likely to require expenditure of local funds:

- Section 1 requires local governments to break out the budgets of county constitutional officers in the budget summary and the TRIM notice.
- Sections 4, 5, and 12 require VABs to complete hearings and certify the tax roll to the property appraiser prior to June 1 of the year following the assessment, unless the petitions in that county increased by more than 10 percent from the prior year.
- Section 9 requires the property appraiser to provide more information as part of the evidence exchange.
- Section 11 authorizes VAB members to receive per diem expenses without requiring the school board and the board of county commissioners to allow such compensation.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Taxpayers that successfully dispute ad valorem assessments through a VAB hearing are expected to receive less revenue (interest paid on overpayments of disputed tax amounts) because of the interest rate change. Taxpayers may receive more revenue (interest paid on overpayments of disputed tax amounts) because this act allows for interest accrual when the property appraiser and the petitioner reach a settlement prior to the VAB hearing.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The county/municipality mandates provision of Art. VII, section 18(a), of the Florida Constitution may apply because this bill may require local governments to take action that requires the expenditure of money. If the bill does qualify as a mandate, the law must fulfill an important state interest and final passage must be approved by two-thirds of the membership of each house of the Legislature. The bill does contain a statement of important state interest.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

DOR projects that ten rules and three forms will need to be amended to implement the provisions of the bill.⁷⁶ If the form or its proposed amendment imposes a requirement or solicits information not

⁷⁶ 2016 Agency Legislative Bill Analysis, Department of Revenue, HB 499 (12/03/2015), available to Legislators and staff at <http://abar.laspbs.state.fl.us/ABAR/Document.aspx?id=6302&yr=2016> (accessed 01/11/2016), and a copy of which is maintained on file by the Local and Federal Affairs Committee.

specifically required by statute or existing rule, the form would constitute a rule⁷⁷ and must be adopted through the statutory rulemaking procedure.⁷⁸ Additionally, any generally applicable statement by DOR implementing, interpreting, or prescribing policy or procedure requirements necessary to implement the provisions of the bill must be adopted through rulemaking.⁷⁹ The bill does not provide any additional rulemaking authority for DOR.

Rulemaking authority is delegated by the Legislature⁸⁰ by law authorizing an agency to “adopt, develop, establish, or otherwise create”⁸¹ a rule. Agencies do not have discretion whether to engage in rulemaking.⁸² To adopt a rule an agency must have an express grant of authority to implement a specific law by rulemaking.⁸³ The grant of rulemaking authority itself need not be specific or detailed.⁸⁴ The particular statute being interpreted or implemented through rulemaking must provide specific standards and guidelines to preclude the administrative agency from exercising unbridled discretion in creating policy or applying the law.⁸⁵

DOR currently is authorized to adopt rules and forms for the assessing and collecting of taxes.⁸⁶ DOR also is required to administer and enforce the taxes levied and imposed under the chapter.⁸⁷ If necessary to resolve an immediate danger to public health, safety, or welfare, DOR is authorized to adopt emergency rules.⁸⁸ While DOR would appear to have sufficient authority to implement the provisions of the bill by administrative rulemaking,⁸⁹ any question may be resolved by authorizing DOR to use its present rulemaking authority under s. 201.11, F.S., to implement the powers granted under the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 27, 2016, the Local & Federal Affairs Committee adopted a strike-all to the bill which makes the following changes to the bill:

- The signature requirement and the restrictions on who can represent a taxpayer have been modified as follows:
 - A licensed individual need not provide written authorization before filing a petition. However, if an individual agent is found by the VAB to have knowingly and willfully filed a petition without the taxpayer’s authorization that individual will have to provide written authorization for all of their petitions which are heard by the VAB for the next year.
 - If an unlicensed individual is representing a person before the VAB, they will need to provide a power of attorney.

⁷⁷ Section 120.52(16), F.S.

⁷⁸ Section 120.54(1)(a), F.S.

⁷⁹ *Id.*

⁸⁰ *SW. Florida Water Mgmt. Dist. v. Save the Manatee Club, Inc.*, 773 So. 2d 594 (Fla. 1st DCA 2000).

⁸¹ Section 120.52(17), F.S.

⁸² Section 120.54(1)(a), F.S.

⁸³ Sections 120.52(8) & 120.536(1), F.S.

⁸⁴ *Save the Manatee Club, Inc.*, supra at 773 So. 2d 599.

⁸⁵ *Sloban v. Florida Bd. of Pharmacy*, 982 So. 2d 26, 29-30 (Fla. 1st DCA 2008); *Board of Trustees of the Internal Improvement Trust Fund v. Day Cruise Ass’n*, 794 So. 2d 696, 704 (Fla. 1st DCA 2001).

⁸⁶ Section 195.022, and 195.027, F.S.

⁸⁷ Section 195.002, F.S.

⁸⁸ Section 120.54(4), F.S. Emergency rules adopted under this subsection are effective for only 90 days and may not be renewed unless the agency has initiated regular rulemaking and there is a pending challenge to the proposed rules or the proposed rules are awaiting legislative ratification. Section 120.54(4)(c), F.S.

⁸⁹ Section 120.536(1), F.S.

- An unlicensed individual receiving no compensation, such as a grandchild or a neighbor, need only provide written authorization under the strike all.
- It contains a provision to clarify that written authorization is still needed to access the taxpayer's confidential information.
- A change was made to the language on rescheduling to clarify that both the petitioner and the property appraiser may each reschedule the hearing one time, and to provide that the 15 day notice of the rescheduled hearing is not needed if both parties waive that requirement.
- The strike-all eliminates that portion of the original bill which created Section 194.011(4)(c), F.S. Instead, the strike-all includes clearer language which states that if:
 - If a property appraiser requested information from a taxpayer in writing under the authority of any statute, and
 - The taxpayer had knowledge of that information and denied it to the property appraiser, then
 - That specific information cannot be used as evidence in the VAB hearing by the petitioner.
- The bill amends s. 194.034(1)(d), F.S., clarifying that the VAB may not admit evidence which was previously requested of the petitioner in writing, if:
 - the information was requested at any time during the assessment process up to the hearing of the petition,
 - the information was requested under the authorization of any statute, and
 - the petitioner had knowledge of the information and denied it to the property appraiser.
- The amendment contains language which repeals the Rules adopted by the Department of Revenue which conflict with the limitations on rescheduling hearings and the admission of evidence knowingly denied to the property appraiser that are contained in this bill.
- The strike-all adds a paragraph 11 to sections 193.155, 193.1554, and 193.155, F.S. to clarify that a taxpayer who disagrees with the application or resetting of an assessment cap can appeal that decision to the VAB.
- A change was made to s. 194.035, F.S., which specifies which type of magistrate should hear which type of case, to specify that attorney special magistrates should hear cases involving the application of an assessment cap or the denial of a tax deferral.
- The amendment provided that taxpayer may appeal to the VAB if a complete, timely return was filed. If the return is found to be incomplete or erroneous before the TRIM notice is sent, the property appraiser shall notify the taxpayer of that fact, and the taxpayer shall have 30 days to correct the return. If the return is corrected, the taxpayer has the right to appeal their assessment to the VAB. If the return is not corrected, the right to appeal to the VAB is lost
- Finally, the strike-all contains language regarding the assessment of taxes when an assessment limitation was improperly granted. The amendment allows the property appraiser to waive penalties and interest if the assessment cap was improperly granted "as a result of a clerical mistake or an omission by the property appraiser." It also allows the property owner 30 days to pay off the taxes and any interest and penalties owed before a lien is filed on his or her property.

27 adjustment board; revising the procedures used during
 28 a value adjustment board hearing; prohibiting the
 29 admission of certain evidence by the value adjustment
 30 board under specified circumstances; revising the
 31 documentation required to be on evidence lists during
 32 value adjustment board hearings; specifying the period
 33 during which certain documents remain confidential;
 34 amending s. 194.014, F.S.; revising the interest rate
 35 upon which certain unpaid and overpaid ad valorem
 36 taxes accrue; defining the term "bank prime loan
 37 rate"; amending s. 194.015, F.S.; revising procedures
 38 for appointment to a value adjustment board; requiring
 39 continuing education for appraiser members; amending
 40 s. 194.032, F.S.; revising requirements for the
 41 provision of property record cards to a petitioner;
 42 requiring the petitioner or property appraiser to show
 43 good cause to reschedule a hearing related to an
 44 assessment; defining the term "good cause"; requiring
 45 value adjustment boards to address issues concerning
 46 assessment rolls by a time certain; providing an
 47 exception; amending s. 194.034, F.S.; revising the
 48 authorization required for various entities that may
 49 represent a taxpayer before the value adjustment
 50 board; prohibiting the admission of certain evidence
 51 by the value adjustment board under specified
 52 circumstances; prohibiting a taxpayer from contesting

53 an assessment unless the return was timely filed;
 54 defining the term "timely filed"; revising provisions
 55 relating to findings of fact; amending s. 194.035,
 56 F.S.; specifying that certain petitions be heard by an
 57 attorney special magistrate; prohibiting consideration
 58 of assessment reductions recommended in previous
 59 hearings by special magistrates when appointing a
 60 special magistrate; amending s. 1011.62, F.S.;
 61 revising dates for purposes of computing each school
 62 district's required local effort; repealing certain
 63 rules adopted by the Department of Revenue; providing
 64 a finding of important state interest; providing
 65 effective dates.

66

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

68

69 Section 1. Effective October 1, 2016, paragraph (b) of
 70 subsection (3) of section 129.03, Florida Statutes, is amended
 71 to read:

72 129.03 Preparation and adoption of budget.—

73 (3) The county budget officer, after tentatively
 74 ascertaining the proposed fiscal policies of the board for the
 75 next fiscal year, shall prepare and present to the board a
 76 tentative budget for the next fiscal year for each of the funds
 77 provided in this chapter, including all estimated receipts,
 78 taxes to be levied, and balances expected to be brought forward

79 and all estimated expenditures, reserves, and balances to be
 80 carried over at the end of the year.

81 (b) Upon receipt of the tentative budgets and completion
 82 of any revisions, the board shall prepare a statement
 83 summarizing all of the adopted tentative budgets. The summary
 84 statement must show, for each budget and the total of all
 85 budgets, the proposed tax millages, balances, reserves, and the
 86 total of each major classification of receipts and expenditures,
 87 classified according to the uniform classification of accounts
 88 adopted by the appropriate state agency. The board shall specify
 89 the proportionate amount of the proposed county tax millage and
 90 the proportionate amount of gross ad valorem taxes attributable
 91 to the budgets of the sheriff, the property appraiser, the clerk
 92 of the circuit court, the county comptroller, the tax collector,
 93 and the supervisor of elections, respectively. The board shall
 94 cause this summary statement to be advertised one time in a
 95 newspaper of general circulation published in the county, or by
 96 posting at the courthouse door if there is no such newspaper,
 97 and the advertisement must appear adjacent to the advertisement
 98 required pursuant to s. 200.065. The board may advertise the
 99 summary statement in a newspaper or other publication more than
 100 once and may post the statement on its website.

101 Section 2. Paragraph (f) of subsection (2) of section
 102 192.0105, Florida Statutes, is amended to read:

103 192.0105 Taxpayer rights.—There is created a Florida
 104 Taxpayer's Bill of Rights for property taxes and assessments to

105 | guarantee that the rights, privacy, and property of the
 106 | taxpayers of this state are adequately safeguarded and protected
 107 | during tax levy, assessment, collection, and enforcement
 108 | processes administered under the revenue laws of this state. The
 109 | Taxpayer's Bill of Rights compiles, in one document, brief but
 110 | comprehensive statements that summarize the rights and
 111 | obligations of the property appraisers, tax collectors, clerks
 112 | of the court, local governing boards, the Department of Revenue,
 113 | and taxpayers. Additional rights afforded to payors of taxes and
 114 | assessments imposed under the revenue laws of this state are
 115 | provided in s. 213.015. The rights afforded taxpayers to assure
 116 | that their privacy and property are safeguarded and protected
 117 | during tax levy, assessment, and collection are available only
 118 | insofar as they are implemented in other parts of the Florida
 119 | Statutes or rules of the Department of Revenue. The rights so
 120 | guaranteed to state taxpayers in the Florida Statutes and the
 121 | departmental rules include:

122 | (2) THE RIGHT TO DUE PROCESS.—

123 | (f) The right, in value adjustment board proceedings, to
 124 | have all evidence presented and considered at a public hearing
 125 | at the scheduled time, to be represented by a person specified
 126 | in s. 194.034(1)(a), (b), or (c) ~~an attorney or agent~~, to have
 127 | witnesses sworn and cross-examined, and to examine property
 128 | appraisers or evaluators employed by the board who present
 129 | testimony (see ss. 194.034(1) ~~(a) and (e)~~ and (4), and
 130 | 194.035(2)).

131 Section 3. Subsection (1) of section 193.073, Florida
 132 Statutes, is amended to read:

133 193.073 Erroneous returns; estimate of assessment when no
 134 return filed.—

135 (1) (a) Upon discovery that an erroneous or incomplete
 136 statement of personal property has been filed by a taxpayer or
 137 that all the property of a taxpayer has not been returned for
 138 taxation, the property appraiser shall mail a notice informing
 139 the taxpayer that an erroneous or incomplete statement of
 140 personal property has been filed. Such notice shall be mailed at
 141 any time before the mailing of the notice required in s.
 142 200.069. The taxpayer has 30 days after the date the notice is
 143 mailed to provide the property appraiser with a complete return
 144 listing all property for taxation. ~~proceed as follows:~~

145 (b) ~~(a)~~ If the property is personal property and is
 146 discovered before April 1, the property appraiser shall make an
 147 assessment in triplicate. After attaching the affidavit and
 148 warrant required by law, the property appraiser shall dispose of
 149 the additional assessment roll in the same manner as provided by
 150 law.

151 (c) ~~(b)~~ If the property is personal property and is
 152 discovered on or after April 1, or is real property discovered
 153 at any time, the property shall be added to the assessment roll
 154 then in preparation.

155 Section 4. Subsection (1) of section 193.122, Florida
 156 Statutes, is amended to read:

157 193.122 Certificates of value adjustment board and
 158 property appraiser; extensions on the assessment rolls.—

159 (1) The value adjustment board shall certify each
 160 assessment roll upon order of the board of county commissioners
 161 pursuant to s. 197.323, if applicable, and again after all
 162 hearings required by s. 194.032 have been held. These
 163 certificates shall be attached to each roll as required by the
 164 Department of Revenue. Notwithstanding an extension of the roll
 165 by the board of county commissioners pursuant to s. 197.323, the
 166 value adjustment board must complete all hearings required by s.
 167 194.032 and certify the assessment roll to the property
 168 appraiser by June 1 following the tax year in which the
 169 assessments were made. The June 1 requirement shall be extended
 170 until December 1 in each year in which the number of petitions
 171 filed increased by more than 10 percent over the previous year.

172 Section 5. The amendments made by this act to ss. 193.122
 173 and 194.032(4), Florida Statutes, first apply beginning with the
 174 2018 tax roll.

175 Section 6. Subsection (11) is added to section 193.155,
 176 Florida Statutes, to read:

177 193.155 Homestead assessments.— Homestead property shall
 178 be assessed at just value as of January 1, 1994. Property
 179 receiving the homestead exemption after January 1, 1994, shall
 180 be assessed at just value as of January 1 of the year in which
 181 the property receives the exemption unless the provisions of
 182 subsection (8) apply.

183 (11) A taxpayer may appeal the implementation of the
 184 property assessment limitation on his or her property for the
 185 current tax year by filing a petition with the value adjustment
 186 board within 25 days after the mailing of the assessment notice
 187 under s. 194.011(1).

188 Section 7. Subsection (10) of section 193.1554, Florida
 189 Statutes, is amended, and subsection (11) is added to that
 190 section, to read:

191 193.1554 Assessment of nonhomestead residential property.-

192 (10) If the property appraiser determines that for any
 193 year or years within the prior 10 years a person or entity who
 194 was not entitled to the property assessment limitation granted
 195 under this section was granted the property assessment
 196 limitation, the property appraiser making such determination
 197 shall record in the public records of the county a notice of tax
 198 lien against any property owned by that person or entity in the
 199 county, and such property must be identified in the notice of
 200 tax lien. Such property that is situated in this state is
 201 subject to the unpaid taxes, plus a penalty of 50 percent of the
 202 unpaid taxes for each year and 15 percent interest per annum.
 203 Before a tax lien may be filed, the person or entity so notified
 204 must be given 30 days to pay the taxes and any applicable
 205 penalties and interest. If the property appraiser improperly
 206 grants a property assessment limitation as a result of a
 207 clerical mistake or an omission, the person or entity improperly
 208 receiving the property assessment limitation may not be assessed

209 | a penalty or interest.

210 | (11) A taxpayer may appeal the implementation of the
 211 | property assessment limitation on his or her property for the
 212 | current tax year by filing a petition with the value adjustment
 213 | board within 25 days after the mailing of the notice under s.
 214 | 194.011(1).

215 | Section 8. Subsection (10) of section 193.1555, Florida
 216 | Statutes, is amended, and subsection (11) is added to that
 217 | section, to read:

218 | 193.1555 Assessment of certain residential and
 219 | nonresidential real property.—

220 | (10) If the property appraiser determines that for any
 221 | year or years within the prior 10 years a person or entity who
 222 | was not entitled to the property assessment limitation granted
 223 | under this section was granted the property assessment
 224 | limitation, the property appraiser making such determination
 225 | shall record in the public records of the county a notice of tax
 226 | lien against any property owned by that person or entity in the
 227 | county, and such property must be identified in the notice of
 228 | tax lien. Such property that is situated in this state is
 229 | subject to the unpaid taxes, plus a penalty of 50 percent of the
 230 | unpaid taxes for each year and 15 percent interest per annum.
 231 | Before a lien may be filed, the person or entity so notified
 232 | must be given 30 days to pay the taxes and any applicable
 233 | penalties and interest. If the property appraiser improperly
 234 | grants a property assessment limitation as a result of a

235 clerical mistake or an omission, the person or entity improperly
 236 receiving the property assessment limitation may not be assessed
 237 a penalty or interest.

238 (11) A taxpayer may appeal the implementation of the
 239 property assessment limitation on his or her property for the
 240 current tax year by filing a petition with the value adjustment
 241 board within 25 days after the mailing of the notice under s.
 242 194.011(1).

243 Section 9. Subsections (3) and (4) of section 194.011,
 244 Florida Statutes, are amended to read:

245 194.011 Assessment notice; objections to assessments.—

246 (3) A petition to the value adjustment board must be in
 247 substantially the form prescribed by the department.

248 Notwithstanding s. 195.022, a county officer may not refuse to
 249 accept a form provided by the department for this purpose if the
 250 taxpayer chooses to use it. A petition to the value adjustment
 251 board must be signed by the taxpayer or be accompanied at the
 252 time of filing by the taxpayer's written authorization or power
 253 of attorney, unless the person filing the petition is listed in
 254 s. 194.034(1)(a). A person listed in s. 194.034(1)(a) may file a
 255 petition with a value adjustment board without the taxpayer's
 256 signature or written authorization by certifying under penalty
 257 of perjury that he or she has authorization to file the petition
 258 on behalf of the taxpayer. If a taxpayer notifies the value
 259 adjustment board that a petition has been filed for the
 260 taxpayer's property without his or her consent, the value

261 adjustment board may require the person filing the petition to
 262 provide written authorization from the taxpayer authorizing the
 263 person to proceed with the appeal before a hearing is held. If
 264 the value adjustment board finds that a person listed in s.
 265 194.034(1)(a) willfully and knowingly filed a petition that was
 266 not authorized by the taxpayer, the value adjustment board shall
 267 require such person to provide the taxpayer's written
 268 authorization for representation to the value adjustment board
 269 clerk before any petition filed by that person is heard, for 1
 270 year after imposition of such requirement by the value
 271 adjustment board. A power of attorney or written authorization
 272 is valid for 1 tax year, and a new power of attorney or written
 273 authorization by the taxpayer is required for each subsequent
 274 tax year. A petition shall also describe the property by parcel
 275 number and shall be filed as follows:

276 (a) The clerk of the value adjustment board and the
 277 property appraiser shall have available and shall distribute
 278 forms prescribed by the Department of Revenue on which the
 279 petition shall be made. Such petition shall be sworn to by the
 280 petitioner.

281 (b) The completed petition shall be filed with the clerk
 282 of the value adjustment board of the county, who shall
 283 acknowledge receipt thereof and promptly furnish a copy thereof
 284 to the property appraiser.

285 (c) The petition shall state the approximate time
 286 anticipated by the taxpayer to present and argue his or her

287 petition before the board.

288 (d) The petition may be filed, as to valuation issues, at
 289 any time during the taxable year on or before the 25th day
 290 following the mailing of notice by the property appraiser as
 291 provided in subsection (1). With respect to an issue involving
 292 the denial of an exemption, an agricultural or high-water
 293 recharge classification application, an application for
 294 classification as historic property used for commercial or
 295 certain nonprofit purposes, or a deferral, the petition must be
 296 filed at any time during the taxable year on or before the 30th
 297 day following the mailing of the notice by the property
 298 appraiser under s. 193.461, s. 193.503, s. 193.625, s. 196.173,
 299 or s. 196.193 or notice by the tax collector under s. 197.2425.

300 (e) A condominium association, cooperative association, or
 301 any homeowners' association as defined in s. 723.075, with
 302 approval of its board of administration or directors, may file
 303 with the value adjustment board a single joint petition on
 304 behalf of any association members who own parcels of property
 305 which the property appraiser determines are substantially
 306 similar with respect to location, proximity to amenities, number
 307 of rooms, living area, and condition. The condominium
 308 association, cooperative association, or homeowners' association
 309 as defined in s. 723.075 shall provide the unit owners with
 310 notice of its intent to petition the value adjustment board and
 311 shall provide at least 20 days for a unit owner to elect, in
 312 writing, that his or her unit not be included in the petition.

313 (f) An owner of contiguous, undeveloped parcels may file
 314 with the value adjustment board a single joint petition if the
 315 property appraiser determines such parcels are substantially
 316 similar in nature.

317 (g) An owner of multiple tangible personal property
 318 accounts may file with the value adjustment board a single joint
 319 petition if the property appraiser determines that the tangible
 320 personal property accounts are substantially similar in nature.

321 (h) The individual, agent, or legal entity that signs the
 322 petition becomes an agent of the taxpayer for the purpose of
 323 serving process to obtain personal jurisdiction over the
 324 taxpayer for the entire value adjustment board proceedings,
 325 including any appeals of a board decision by the property
 326 appraiser pursuant to s. 194.036. This paragraph does not
 327 authorize the individual, agent, or legal entity to receive or
 328 access the taxpayer's confidential information without written
 329 authorization from the taxpayer.

330 (4)(a) At least 15 days before the hearing, the petitioner
 331 shall provide to the property appraiser a list of evidence to be
 332 presented at the hearing, together with copies of all
 333 documentation to be considered by the value adjustment board and
 334 a summary of evidence to be presented by witnesses. However, a
 335 petitioner may not present for consideration, and a board or
 336 special magistrate may not accept for consideration, evidence
 337 that the property appraiser requested from the petitioner in
 338 writing and of which the petitioner had knowledge but denied to

339 the property appraiser.

340 (b) No later than 7 days before the hearing, if the
 341 petitioner has provided the information required under paragraph
 342 (a), and if requested in writing by the petitioner, the property
 343 appraiser shall provide to the petitioner a list of evidence to
 344 be presented at the hearing, together with copies of all
 345 documentation to be considered by the value adjustment board and
 346 a summary of evidence to be presented by witnesses. The evidence
 347 list must contain the property appraiser's property record card
 348 for the property that is the subject of the petition as well as
 349 the property record cards for any comparable properties listed
 350 as evidence, unless the property record cards are available
 351 online from the property appraiser. If the petitioner's property
 352 record card or the comparable property record cards listed as
 353 evidence are available online from the property appraiser, the
 354 property appraiser must notify the petitioner of the cards that
 355 are available online but is not required to provide such card or
 356 cards. The property appraiser must redact any confidential
 357 information contained on any property record card before it is
 358 submitted to the petitioner.

359 (c) Evidence that is confidential under law remains
 360 confidential until it is submitted to the value adjustment board
 361 for consideration and admission into the record. ~~Failure of the~~
 362 ~~property appraiser to timely comply with the requirements of~~
 363 ~~this paragraph shall result in a rescheduling of the hearing.~~

364 Section 10. Subsection (2) of section 194.014, Florida

365 Statutes, is amended to read:

366 194.014 Partial payment of ad valorem taxes; proceedings
367 before value adjustment board.—

368 (2) If the value adjustment board or the property
369 appraiser determines that the petitioner owes ad valorem taxes
370 in excess of the amount paid, the unpaid amount accrues interest
371 at an annual percentage rate equal to the bank prime loan rate
372 on July 1, or the first business day thereafter if July 1 is a
373 Saturday, Sunday, or legal holiday, of the tax ~~the rate of 12~~
374 percent per year, beginning on ~~from~~ the date the taxes became
375 delinquent pursuant to s. 197.333 until the unpaid amount is
376 paid. If the value adjustment board or the property appraiser
377 determines that a refund is due, the overpaid amount accrues
378 interest at an annual percentage rate equal to the bank prime
379 loan rate on July 1, or the first business day thereafter if
380 July 1 is a Saturday, Sunday, or legal holiday, of the tax ~~the~~
381 rate of 12 percent per year, beginning on ~~from~~ the date the
382 taxes became delinquent pursuant to s. 197.333 until a refund is
383 paid. Interest does not accrue on amounts paid in excess of 100
384 percent of the current taxes due as provided on the tax notice
385 issued pursuant to s. 197.322. For purposes of this subsection,
386 the term "bank prime loan rate" means the average predominant
387 prime rate quoted by commercial banks to large businesses as
388 determined by the Board of Governors of the Federal Reserve
389 System.

390 Section 11. Effective July 1, 2017, section 194.015,

391 Florida Statutes, is amended to read:

392 194.015 Value adjustment board.—Each county shall have
 393 ~~There is hereby created~~ a value adjustment board consisting for
 394 ~~each county, which shall consist~~ of one member ~~two members~~ of
 395 the governing body of the county as elected from the membership
 396 of the board of that said governing body, ~~one of whom shall be~~
 397 ~~elected chairperson, and~~ one member of the school board as
 398 elected from the membership of the school board, and three ~~two~~
 399 citizen members, one of whom shall be appointed by the governing
 400 body of the county and must own homestead property within the
 401 county, ~~and~~ one of whom shall ~~must~~ be appointed by the school
 402 board and must own a business occupying commercial space located
 403 within the school district, and one of whom shall be appointed
 404 by the governing body of the county and must be a licensed real
 405 estate appraiser who is a resident of the county. If a licensed
 406 real estate appraiser is not available, another owner of
 407 homestead or commercial property who is a resident of the county
 408 may be appointed by the governing body of the county. The board
 409 shall elect one of its members to serve as chair. The Department
 410 of Business and Professional Regulation must provide continuing
 411 education to appraiser members of value adjustment boards. A
 412 citizen member may not be a member or an employee of any taxing
 413 authority, and may not be a person who represents property
 414 owners in any administrative or judicial review of property
 415 taxes. ~~The members of the board may be temporarily replaced by~~
 416 ~~other members of the respective boards on appointment by their~~

417 ~~respective chairpersons.~~ Any three members shall constitute a
 418 quorum of the board, except that each quorum must include at
 419 least one member of the ~~said~~ governing board, at least one
 420 member of the school board, and at least one citizen member. A
 421 ~~and no~~ meeting of the board shall not take place unless a quorum
 422 is present. Members of the board may receive such per diem
 423 compensation as is allowed by law for state employees ~~if both~~
 424 ~~bodies elect to allow such compensation.~~ The clerk of the
 425 governing body of the county shall be the clerk of the value
 426 adjustment board. The board shall appoint private counsel who
 427 has practiced law for over 5 years and who shall receive such
 428 compensation as may be established by the board. The private
 429 counsel may not represent the property appraiser, the tax
 430 collector, any taxing authority, or any property owner in any
 431 administrative or judicial review of property taxes. A ~~No~~
 432 meeting of the board shall not take place unless counsel to the
 433 board is present. Two-fifths of the expenses of the board shall
 434 be borne by the district school board and three-fifths by the
 435 district county commission.

436 Section 12. Paragraph (a) of subsection (2) of section
 437 194.032, Florida Statutes, is amended, and subsection (4) is
 438 added to that section, to read:

439 194.032 Hearing purposes; timetable.—

440 (2)(a) The clerk of the governing body of the county shall
 441 prepare a schedule of appearances before the board based on
 442 petitions timely filed with him or her. The clerk shall notify

443 each petitioner of the scheduled time of his or her appearance
 444 at least 25 calendar days before the day of the scheduled
 445 appearance. The notice must indicate whether the petition has
 446 been scheduled to be heard at a particular time or during a
 447 block of time. If the petition has been scheduled to be heard
 448 within a block of time, the beginning and ending of that block
 449 of time must be indicated on the notice; however, as provided in
 450 paragraph (b), a petitioner may not be required to wait for more
 451 than a reasonable time, not to exceed 2 hours, after the
 452 beginning of the block of time. ~~If the petitioner checked the~~
 453 ~~appropriate box on the petition form to request a copy of the~~
 454 ~~property record card containing relevant information used in~~
 455 ~~computing the current assessment,~~ The property appraiser must
 456 provide a the copy of the property record card containing
 457 information relevant to the computation of the current
 458 assessment, with confidential information redacted, to the
 459 petitioner upon receipt of the petition from the clerk
 460 regardless of whether the petitioner initiates evidence
 461 exchange, unless the property record card is available online
 462 from the property appraiser, in which case the property
 463 appraiser must notify the petitioner that the property record
 464 card is available online. ~~Upon receipt of the notice,~~ The
 465 petitioner and the property appraiser may each reschedule the
 466 hearing a single time for good cause ~~by submitting to the clerk~~
 467 ~~a written request to reschedule, at least 5 calendar days before~~
 468 ~~the day of the originally scheduled hearing.~~ As used in this

469 paragraph, the term "good cause" means circumstances beyond the
 470 control of the person seeking to reschedule the hearing that
 471 reasonably prevent the party from having adequate representation
 472 at the hearing. Good cause includes, but is not limited to, the
 473 failure by the property appraiser's office to comply with
 474 statutory evidence exchange deadlines. If the hearing is
 475 rescheduled by the petitioner or the property appraiser, the
 476 clerk shall notify the petitioner of the rescheduled time of his
 477 or her appearance at least 15 calendar days before the day of
 478 the rescheduled appearance, unless this notice is waived by both
 479 parties.

480 (4) The board must hear all petitions, complaints,
 481 appeals, and disputes and must submit the certified assessment
 482 roll as required under s. 193.122 to the property appraiser each
 483 year by June 1 of the tax year following the assessment date.
 484 The June 1 requirement shall be extended until December 1 in
 485 each year in which the number of petitions filed increased by
 486 more than 10 percent over the previous year.

487 Section 13. Subsections (1) and (2) of section 194.034,
 488 Florida Statutes, are amended to read:

489 194.034 Hearing procedures; rules.—

490 (1)(a) Petitioners before the board may be represented by
 491 a corporate representative of the taxpayer, an attorney who is a
 492 member of The Florida Bar, a real estate appraiser licensed
 493 under chapter 475, a real estate broker licensed under chapter
 494 475, or a certified public accountant licensed under chapter

495 473, retained by the taxpayer. Such person may ~~or agent and~~
 496 present testimony and other evidence.

497 (b) A petitioner before the board may also be represented
 498 by a person with a power of attorney to act on the taxpayer's
 499 behalf pursuant to part II of chapter 709. Such person may
 500 present testimony and other evidence. The Department of Revenue
 501 shall adopt a form that meets the requirements of part II of
 502 chapter 709 and authorizes a person to represent a taxpayer for
 503 a single petition in a single tax year. A petitioner is not
 504 required to use the department's form to grant the power of
 505 attorney.

506 (c) A petitioner before the board may also be represented
 507 by a person with written authorization to act on the taxpayer's
 508 behalf for which such person receives no compensation. Such
 509 person may present testimony and other evidence. The Department
 510 of Revenue shall adopt a form that authorizes an uncompensated
 511 person to represent a taxpayer for a single petition in a single
 512 tax year. A petitioner is not required to use the department's
 513 form to grant the authorization.

514 (d) The property appraiser or his or her authorized
 515 representatives may be represented by an attorney in defending
 516 the property appraiser's assessment or opposing an exemption and
 517 may present testimony and other evidence.

518 (e) The property appraiser, each petitioner, and all
 519 witnesses shall be required, upon the request of either party,
 520 to testify under oath as administered by the chair ~~chairperson~~

521 of the board. Hearings shall be conducted in the manner
 522 prescribed by rules of the department, which rules shall include
 523 the right of cross-examination of any witness.

524 (f)~~(b)~~ Nothing herein shall preclude an aggrieved taxpayer
 525 from contesting his or her assessment in the manner provided by
 526 s. 194.171, regardless of whether ~~or not~~ he or she has initiated
 527 an action pursuant to s. 194.011.

528 (g)~~(e)~~ The rules shall provide that no evidence shall be
 529 considered by the board except when presented during the time
 530 scheduled for the petitioner's hearing or at a time when the
 531 petitioner has been given reasonable notice; that a verbatim
 532 record of the proceedings shall be made, and proof of any
 533 documentary evidence presented shall be preserved and made
 534 available to the Department of Revenue, if requested; and that
 535 further judicial proceedings shall be as provided in s. 194.036.

536 (h)~~(d)~~ Notwithstanding the provisions of this subsection,
 537 a ~~no~~ petitioner may not present for consideration, and ~~nor may~~ a
 538 board or special magistrate may not accept for consideration,
 539 evidence testimony or other evidentiary materials that were
 540 requested of the petitioner in writing by the property appraiser
 541 requested from the petitioner in writing at any time during the
 542 assessment process and before the hearing and of which the
 543 petitioner had knowledge but ~~and~~ denied to the property
 544 appraiser. This paragraph applies to a written request for
 545 information made by the property appraiser under the
 546 authorization of any statute.

547 | ~~(i)-(e)~~ Chapter 120 does not apply to hearings of the value
 548 | adjustment board.

549 | ~~(j)-(f)~~ An assessment may not be contested unless ~~until~~ a
 550 | return as required by s. 193.052 was timely ~~has been~~ filed. For
 551 | purposes of this paragraph, the term "timely filed" means filed
 552 | by the deadline established in s. 193.062 or before the
 553 | expiration of any extension granted under s. 193.063. If notice
 554 | is mailed pursuant to s. 193.073(1)(a), a complete return must
 555 | be submitted under s. 193.073(1)(a) for the assessment to be
 556 | contested.

557 | (2) In each case, except if the complaint is withdrawn by
 558 | the petitioner or if the complaint is acknowledged as correct by
 559 | the property appraiser, the value adjustment board shall render
 560 | a written decision. All such decisions shall be issued within 20
 561 | calendar days after the last day the board is in session under
 562 | s. 194.032. The decision of the board must contain findings of
 563 | fact and conclusions of law and must include reasons for
 564 | upholding or overturning the determination of the property
 565 | appraiser. Findings of fact must be based on admitted evidence
 566 | or a lack thereof. If a special magistrate has been appointed,
 567 | the recommendations of the special magistrate shall be
 568 | considered by the board. The clerk, upon issuance of a decision,
 569 | shall, on a form provided by the Department of Revenue, notify
 570 | each taxpayer and the property appraiser of the decision of the
 571 | board. This notification shall be by first-class mail or by
 572 | electronic means if selected by the taxpayer on the originally

573 filed petition. If requested by the Department of Revenue, the
 574 clerk shall provide to the department a copy of the decision or
 575 information relating to the tax impact of the findings and
 576 results of the board as described in s. 194.037 in the manner
 577 and form requested.

578 Section 14. Subsection (1) of section 194.035, Florida
 579 Statutes, is amended to read:

580 194.035 Special magistrates; property evaluators.—

581 (1) In counties having a population of more than 75,000,
 582 the board shall appoint special magistrates for the purpose of
 583 taking testimony and making recommendations to the board, which
 584 recommendations the board may act upon without further hearing.
 585 These special magistrates may not be elected or appointed
 586 officials or employees of the county but shall be selected from
 587 a list of those qualified individuals who are willing to serve
 588 as special magistrates. Employees and elected or appointed
 589 officials of a taxing jurisdiction or of the state may not serve
 590 as special magistrates. The clerk of the board shall annually
 591 notify such individuals or their professional associations to
 592 make known to them that opportunities to serve as special
 593 magistrates exist. The Department of Revenue shall provide a
 594 list of qualified special magistrates to any county with a
 595 population of 75,000 or less. Subject to appropriation, the
 596 department shall reimburse counties with a population of 75,000
 597 or less for payments made to special magistrates appointed for
 598 the purpose of taking testimony and making recommendations to

599 the value adjustment board pursuant to this section. The
 600 department shall establish a reasonable range for payments per
 601 case to special magistrates based on such payments in other
 602 counties. Requests for reimbursement of payments outside this
 603 range shall be justified by the county. If the total of all
 604 requests for reimbursement in any year exceeds the amount
 605 available pursuant to this section, payments to all counties
 606 shall be prorated accordingly. If a county having a population
 607 less than 75,000 does not appoint a special magistrate to hear
 608 each petition, the person or persons designated to hear
 609 petitions before the value adjustment board or the attorney
 610 appointed to advise the value adjustment board shall attend the
 611 training provided pursuant to subsection (3), regardless of
 612 whether the person would otherwise be required to attend, but
 613 shall not be required to pay the tuition fee specified in
 614 subsection (3). A special magistrate appointed to hear issues of
 615 exemptions and classifications, the application of assessment
 616 limitations, or the denial of a tax deferral shall be a member
 617 of The Florida Bar with no less than 5 years' experience in the
 618 area of ad valorem taxation. A special magistrate appointed to
 619 hear issues regarding the valuation of real estate shall be a
 620 state certified real estate appraiser with not less than 5
 621 years' experience in real property valuation. A special
 622 magistrate appointed to hear issues regarding the valuation of
 623 tangible personal property shall be a designated member of a
 624 nationally recognized appraiser's organization with not less

625 than 5 years' experience in tangible personal property
 626 valuation. A special magistrate need not be a resident of the
 627 county in which he or she serves. A special magistrate may not
 628 represent a person before the board in any tax year during which
 629 he or she has served that board as a special magistrate. Before
 630 appointing a special magistrate, a value adjustment board shall
 631 verify the special magistrate's qualifications. The value
 632 adjustment board shall ensure that the selection of special
 633 magistrates is based solely upon the experience and
 634 qualifications of the special magistrate and is not influenced
 635 by the property appraiser. The special magistrate shall
 636 accurately and completely preserve all testimony and, in making
 637 recommendations to the value adjustment board, shall include
 638 proposed findings of fact, conclusions of law, and reasons for
 639 upholding or overturning the determination of the property
 640 appraiser. The expense of hearings before magistrates and any
 641 compensation of special magistrates shall be borne three-fifths
 642 by the board of county commissioners and two-fifths by the
 643 school board. When appointing special magistrates or scheduling
 644 special magistrates for specific hearings, the board, the board
 645 attorney, and the board clerk may not consider the dollar amount
 646 or percentage of any assessment reductions recommended by any
 647 special magistrate in the current year or in any previous year.

648 Section 15. Notwithstanding the expiration date in section
 649 9 of chapter 2015-222, Laws of Florida, paragraph (e) of
 650 subsection (4) of section 1011.62, Florida Statutes, is

651 reenacted and amended to read:

652 1011.62 Funds for operation of schools.—If the annual
 653 allocation from the Florida Education Finance Program to each
 654 district for operation of schools is not determined in the
 655 annual appropriations act or the substantive bill implementing
 656 the annual appropriations act, it shall be determined as
 657 follows:

658 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The
 659 Legislature shall prescribe the aggregate required local effort
 660 for all school districts collectively as an item in the General
 661 Appropriations Act for each fiscal year. The amount that each
 662 district shall provide annually toward the cost of the Florida
 663 Education Finance Program for kindergarten through grade 12
 664 programs shall be calculated as follows:

665 (e) Prior period funding adjustment millage.—

666 1. There shall be an additional millage to be known as the
 667 Prior Period Funding Adjustment Millage levied by a school
 668 district if the prior period unrealized required local effort
 669 funds are greater than zero. The Commissioner of Education shall
 670 calculate the amount of the prior period unrealized required
 671 local effort funds as specified in subparagraph 2. and the
 672 millage required to generate that amount as specified in this
 673 subparagraph. The Prior Period Funding Adjustment Millage shall
 674 be the quotient of the prior period unrealized required local
 675 effort funds divided by the current year taxable value certified
 676 to the Commissioner of Education pursuant to sub-subparagraph

677 (a)1.a. This levy shall be in addition to the required local
 678 effort millage certified pursuant to this subsection. Such
 679 millage shall not affect the calculation of the current year's
 680 required local effort, and the funds generated by such levy
 681 shall not be included in the district's Florida Education
 682 Finance Program allocation for that fiscal year. For purposes of
 683 the millage to be included on the Notice of Proposed Taxes, the
 684 Commissioner of Education shall adjust the required local effort
 685 millage computed pursuant to paragraph (a) as adjusted by
 686 paragraph (b) for the current year for any district that levies
 687 a Prior Period Funding Adjustment Millage to include all Prior
 688 Period Funding Adjustment Millage. For the purpose of this
 689 paragraph, there shall be a Prior Period Funding Adjustment
 690 Millage levied for each year certified by the Department of
 691 Revenue pursuant to sub-subparagraph (a)2.a. since the previous
 692 year certification and for which the calculation in sub-
 693 subparagraph 2.b. is greater than zero.

694 2.a. As used in this subparagraph, the term:

695 (I) "Prior year" means a year certified under sub-
 696 subparagraph (a)2.a.

697 (II) "Preliminary taxable value" means:

698 (A) If the prior year is the 2009-2010 fiscal year or
 699 later, the taxable value certified to the Commissioner of
 700 Education pursuant to sub-subparagraph (a)1.a.

701 (B) If the prior year is the 2008-2009 fiscal year or
 702 earlier, the taxable value certified pursuant to the final

703 calculation as specified in former paragraph (b) as that
 704 paragraph existed in the prior year.

705 (III) "Final taxable value" means the district's taxable
 706 value as certified by the property appraiser pursuant to s.
 707 193.122(2) or (3), if applicable. This is the certification that
 708 reflects all final administrative actions of the value
 709 adjustment board.

710 b. For purposes of this subsection and with respect to
 711 each year certified pursuant to sub-subparagraph (a)2.a., if the
 712 district's prior year preliminary taxable value is greater than
 713 the district's prior year final taxable value, the prior period
 714 unrealized required local effort funds are the difference
 715 between the district's prior year preliminary taxable value and
 716 the district's prior year final taxable value, multiplied by the
 717 prior year district required local effort millage. If the
 718 district's prior year preliminary taxable value is less than the
 719 district's prior year final taxable value, the prior period
 720 unrealized required local effort funds are zero.

721 c. For the 2016-2017 ~~2015-2016~~ fiscal year only, if a
 722 district's prior period unrealized required local effort funds
 723 and prior period district required local effort millage cannot
 724 be determined because such district's final taxable value has
 725 not yet been certified pursuant to s. 193.122(2) or (3), for the
 726 2016 ~~2015~~ tax levy, the Prior Period Funding Adjustment Millage
 727 for such fiscal year shall be levied, if not previously levied,
 728 in 2016 ~~2015~~ in an amount equal to 75 percent of such district's

729 most recent unrealized required local effort for which a Prior
 730 Period Funding Adjustment Millage was determined as provided in
 731 this section. Upon certification of the final taxable value for
 732 the ~~2012, 2013, or~~ 2014 and 2015 tax rolls in accordance with s.
 733 193.122(2) or (3), the Prior Period Funding Adjustment Millage
 734 levied in ~~2015 and~~ 2016 and 2017 shall be adjusted to include
 735 any shortfall or surplus in the prior period unrealized required
 736 local effort funds that would have been levied in ~~2014 or~~ 2015
 737 or 2016, had the district's final taxable value been certified
 738 pursuant to s. 193.122(2) or (3) for the ~~2014 or~~ 2015 or 2016
 739 tax levy. If this adjustment is made for a surplus, the
 740 reduction in prior period millage may not exceed the prior
 741 period funding adjustment millage calculated pursuant to
 742 subparagraph 1. and sub-subparagraphs a. and b. and any
 743 additional reduction shall be carried forward to the subsequent
 744 fiscal year.

745 Section 16. The following rules of the Department of
 746 Revenue are repealed, and the Department of State shall update
 747 the Florida Administrative Code to remove the rules:

748 (1) Subsections (1), (2), and (8) of rule 12D-9.020,
 749 Florida Administrative Code, relating to exchange of evidence.

750 (2) Paragraphs (a) and (f) of subsection (4) of rule 12D-
 751 9.025, Florida Administrative Code, relating to procedures for
 752 conducting a hearing, presentation of evidence, and testimony of
 753 witnesses.

754 (3) Subsections (4) and (5) of rule 12D-9.019, Florida

755 | Administrative Code, relating to scheduling and notice of a
756 | hearing.

757 | Section 17. The Legislature finds that this act fulfills
758 | an important state interest.

759 | Section 18. Except as otherwise expressly provided in this
760 | act, this act shall take effect July 1, 2016.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Appropriations Committee
 2 Representative Avila offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. Effective October 1, 2016, paragraph (b) of
 7 subsection (3) of section 129.03, Florida Statutes, is amended
 8 to read:

9 129.03 Preparation and adoption of budget.—

10 (3) The county budget officer, after tentatively
 11 ascertaining the proposed fiscal policies of the board for the
 12 next fiscal year, shall prepare and present to the board a
 13 tentative budget for the next fiscal year for each of the funds
 14 provided in this chapter, including all estimated receipts,
 15 taxes to be levied, and balances expected to be brought forward
 16 and all estimated expenditures, reserves, and balances to be
 17 carried over at the end of the year.

Amendment No. 1

18 (b) Upon receipt of the tentative budgets and completion
19 of any revisions, the board shall prepare a statement
20 summarizing all of the adopted tentative budgets. The summary
21 statement must show, for each budget and the total of all
22 budgets, the proposed tax millages, balances, reserves, and the
23 total of each major classification of receipts and expenditures,
24 classified according to the uniform classification of accounts
25 adopted by the appropriate state agency. The board shall specify
26 the proportionate amount of the proposed county tax millage and
27 the proportionate amount of gross ad valorem taxes attributable
28 to the budgets of the sheriff, the property appraiser, the clerk
29 of the circuit court, the county comptroller, the tax collector,
30 and the supervisor of elections, respectively. The board shall
31 cause this summary statement to be advertised one time in a
32 newspaper of general circulation published in the county, or by
33 posting at the courthouse door if there is no such newspaper,
34 and the advertisement must appear adjacent to the advertisement
35 required pursuant to s. 200.065. The board may advertise the
36 summary statement in a newspaper or other publication more than
37 once and may post the statement on its website.

38 Section 2. Paragraph (f) of subsection (2) of section
39 192.0105, Florida Statutes, is amended to read:

40 192.0105 Taxpayer rights.—There is created a Florida
41 Taxpayer's Bill of Rights for property taxes and assessments to
42 guarantee that the rights, privacy, and property of the
43 taxpayers of this state are adequately safeguarded and protected

Amendment No. 1

44 during tax levy, assessment, collection, and enforcement
45 processes administered under the revenue laws of this state. The
46 Taxpayer's Bill of Rights compiles, in one document, brief but
47 comprehensive statements that summarize the rights and
48 obligations of the property appraisers, tax collectors, clerks
49 of the court, local governing boards, the Department of Revenue,
50 and taxpayers. Additional rights afforded to payors of taxes and
51 assessments imposed under the revenue laws of this state are
52 provided in s. 213.015. The rights afforded taxpayers to assure
53 that their privacy and property are safeguarded and protected
54 during tax levy, assessment, and collection are available only
55 insofar as they are implemented in other parts of the Florida
56 Statutes or rules of the Department of Revenue. The rights so
57 guaranteed to state taxpayers in the Florida Statutes and the
58 departmental rules include:

59 (2) THE RIGHT TO DUE PROCESS.—

60 (f) The right, in value adjustment board proceedings, to
61 have all evidence presented and considered at a public hearing
62 at the scheduled time, to be represented by a person specified
63 in s. 194.034(1)(a), (b), or (c) ~~an attorney or agent~~, to have
64 witnesses sworn and cross-examined, and to examine property
65 appraisers or evaluators employed by the board who present
66 testimony (see ss. 194.034(1) ~~(a) and (e)~~ and (4), and
67 194.035(2)).

68 Section 3. Section 193.0235, Florida Statutes, is amended
69 to read:

Amendment No. 1

70 193.0235 Ad valorem taxes and non-ad valorem assessments
71 against subdivision property.—

72 (1) Ad valorem taxes and non-ad valorem assessments shall
73 be assessed against the lots within a ~~platted~~ residential
74 subdivision and not upon the subdivision property as a whole. An
75 ad valorem tax or non-ad valorem assessment, including a tax or
76 assessment imposed by a county, municipality, special district,
77 or water management district, may not be assessed separately
78 against common elements utilized exclusively for the benefit of
79 lot owners within the subdivision, regardless of ownership. In
80 addition any property located within or adjacent to a
81 residential subdivision conveyed to an association of lot owners
82 within said residential subdivision, or a duly authorized
83 subsidiary of the association, must be considered a common
84 element, regardless of whether the property is used exclusively
85 or partially for the benefit of lot owners. ~~The value of each~~
86 ~~parcel of land that is or has been part of a platted subdivision~~
87 ~~and that is designated on the plat or the approved site plan as~~
88 ~~a common element for the exclusive benefit of lot owners shall,~~
89 ~~regardless of ownership,~~ Common elements shall be prorated by
90 the property appraiser and included in the assessment of all the
91 lots within the subdivision which constitute inventory for the
92 developer and are intended to be conveyed or have been conveyed
93 into private ownership ~~for the exclusive benefit of lot owners~~
94 ~~within the subdivision.~~

95 (2) As used in this section, the term "common element"

Amendment No. 1

96 includes:

97 (a) ~~Subdivision property not included within lots~~
98 ~~constituting inventory for the developer which are intended to~~
99 ~~be conveyed or have been conveyed into private ownership.~~

100 ~~(b)~~—An easement through the subdivision property, not
101 including the property described in paragraph (a), which has
102 been dedicated to the public or retained for the benefit of the
103 subdivision.

104 ~~(b)~~~~(e)~~ Any other part of the subdivision which has been
105 designated on the plat or is required to be designated on the
106 site plan as a drainage pond, or detention or retention pond,
107 for the exclusive benefit of the subdivision.

108 ~~(c)~~~~(d)~~ Property located within the same county as the
109 subdivision and used for at least 10 years exclusively for the
110 benefit of lot owners within the subdivision.

111 Section 4. Subsection (1) of section 193.073, Florida
112 Statutes, is amended to read:

113 193.073 Erroneous returns; estimate of assessment when no
114 return filed.—

115 (1) (a) Upon discovery that an erroneous or incomplete
116 statement of personal property has been filed by a taxpayer or
117 that all the property of a taxpayer has not been returned for
118 taxation, the property appraiser shall mail a notice informing
119 the taxpayer that an erroneous or incomplete statement of
120 personal property has been filed. Such notice shall be mailed at
121 any time before the mailing of the notice required in s.

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122 200.069. The taxpayer has 30 days after the date the notice is
123 mailed to provide the property appraiser with a complete return
124 listing all property for taxation. ~~proceed as follows:~~

125 (b)(a) If the property is personal property and is
126 discovered before April 1, the property appraiser shall make an
127 assessment in triplicate. After attaching the affidavit and
128 warrant required by law, the property appraiser shall dispose of
129 the additional assessment roll in the same manner as provided by
130 law.

131 (c)(b) If the property is personal property and is
132 discovered on or after April 1, or is real property discovered
133 at any time, the property shall be added to the assessment roll
134 then in preparation.

135 Section 5. Subsection (1) of section 193.122, Florida
136 Statutes, is amended to read:

137 193.122 Certificates of value adjustment board and
138 property appraiser; extensions on the assessment rolls.—

139 (1) The value adjustment board shall certify each
140 assessment roll upon order of the board of county commissioners
141 pursuant to s. 197.323, if applicable, and again after all
142 hearings required by s. 194.032 have been held. These
143 certificates shall be attached to each roll as required by the
144 Department of Revenue. Notwithstanding an extension of the roll
145 by the board of county commissioners pursuant to s. 197.323, the
146 value adjustment board must complete all hearings required by s.
147 194.032 and certify the assessment roll to the property

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148 appraiser by June 1 following the tax year in which the
149 assessments were made. The June 1 requirement shall be extended
150 until December 1 in each year in which the number of petitions
151 filed increased by more than 10 percent over the previous year.

152 Section 6. The amendments made by this act to ss. 193.122
153 and 194.032(4), Florida Statutes, first apply beginning with the
154 2018 tax roll.

155 Section 7. Subsection (11) is added to section 193.155,
156 Florida Statutes, to read:

157 193.155 Homestead assessments.— Homestead property shall
158 be assessed at just value as of January 1, 1994. Property
159 receiving the homestead exemption after January 1, 1994, shall
160 be assessed at just value as of January 1 of the year in which
161 the property receives the exemption unless the provisions of
162 subsection (8) apply.

163 (11) A taxpayer may appeal the implementation of the
164 property assessment limitation on his or her property for the
165 current tax year by filing a petition with the value adjustment
166 board within 25 days after the mailing of the assessment notice
167 under s. 194.011(1).

168 Section 8. Subsection (10) of section 193.1554, Florida
169 Statutes, is amended, and subsection (11) is added to that
170 section, to read:

171 193.1554 Assessment of nonhomestead residential property.—

172 (10) If the property appraiser determines that for any
173 year or years within the prior 10 years a person or entity who

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174 was not entitled to the property assessment limitation granted
175 under this section was granted the property assessment
176 limitation, the property appraiser making such determination
177 shall record in the public records of the county a notice of tax
178 lien against any property owned by that person or entity in the
179 county, and such property must be identified in the notice of
180 tax lien. Such property that is situated in this state is
181 subject to the unpaid taxes, plus a penalty of 50 percent of the
182 unpaid taxes for each year and 15 percent interest per annum.
183 Before a tax lien may be filed, the person or entity must be
184 notified and given 30 days to pay the taxes and any applicable
185 penalties and interest. If the property appraiser improperly
186 grants a property assessment limitation as a result of a
187 clerical mistake or an omission, the person or entity improperly
188 receiving the property assessment limitation may not be assessed
189 a penalty or interest.

190 (11) A taxpayer may appeal the implementation of the
191 property assessment limitation on his or her property for the
192 current tax year by filing a petition with the value adjustment
193 board within 25 days after the mailing of the notice under s.
194 194.011(1).

195 Section 9. Subsection (10) of section 193.1555, Florida
196 Statutes, is amended, and subsection (11) is added to that
197 section, to read:

198 193.1555 Assessment of certain residential and
199 nonresidential real property.—

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200 (10) If the property appraiser determines that for any
201 year or years within the prior 10 years a person or entity who
202 was not entitled to the property assessment limitation granted
203 under this section was granted the property assessment
204 limitation, the property appraiser making such determination
205 shall record in the public records of the county a notice of tax
206 lien against any property owned by that person or entity in the
207 county, and such property must be identified in the notice of
208 tax lien. Such property that is situated in this state is
209 subject to the unpaid taxes, plus a penalty of 50 percent of the
210 unpaid taxes for each year and 15 percent interest per annum.
211 Before a lien may be filed, the person or entity must be
212 notified and given 30 days to pay the taxes and any applicable
213 penalties and interest. If the property appraiser improperly
214 grants a property assessment limitation as a result of a
215 clerical mistake or an omission, the person or entity improperly
216 receiving the property assessment limitation may not be assessed
217 a penalty or interest.

218 (11) A taxpayer may appeal the implementation of the
219 property assessment limitation on his or her property for the
220 current tax year by filing a petition with the value adjustment
221 board within 25 days after the mailing of the notice under s.
222 194.011(1).

223 Section 10. Subsections (3) and (4) of section 194.011,
224 Florida Statutes, are amended to read:

225 194.011 Assessment notice; objections to assessments.—

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226 (3) A petition to the value adjustment board must be in
227 substantially the form prescribed by the department.
228 Notwithstanding s. 195.022, a county officer may not refuse to
229 accept a form provided by the department for this purpose if the
230 taxpayer chooses to use it. A petition to the value adjustment
231 board must be signed by the taxpayer or be accompanied at the
232 time of filing by the taxpayer's written authorization or power
233 of attorney, unless the person filing the petition is listed in
234 s. 194.034(1)(a). A person listed in s. 194.034(1)(a) may file a
235 petition with a value adjustment board without the taxpayer's
236 signature or written authorization by certifying under penalty
237 of perjury that he or she has authorization to file the petition
238 on behalf of the taxpayer. If a taxpayer notifies the value
239 adjustment board that a petition has been filed for the
240 taxpayer's property without his or her consent, the value
241 adjustment board may require the person filing the petition to
242 provide written authorization from the taxpayer authorizing the
243 person to proceed with the appeal before a hearing is held. If
244 the value adjustment board finds that a person listed in s.
245 194.034(1)(a) willfully and knowingly filed a petition that was
246 not authorized by the taxpayer, the value adjustment board shall
247 require such person to provide the taxpayer's written
248 authorization for representation to the value adjustment board
249 clerk before any petition filed by that person is heard, for 1
250 year after imposition of such requirement by the value
251 adjustment board. A power of attorney or written authorization

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252 is valid for 1 tax year, and a new power of attorney or written
253 authorization by the taxpayer is required for each subsequent
254 tax year. A petition shall also describe the property by parcel
255 number and shall be filed as follows:

256 (a) The clerk of the value adjustment board and the
257 property appraiser shall have available and shall distribute
258 forms prescribed by the Department of Revenue on which the
259 petition shall be made. Such petition shall be sworn to by the
260 petitioner.

261 (b) The completed petition shall be filed with the clerk
262 of the value adjustment board of the county, who shall
263 acknowledge receipt thereof and promptly furnish a copy thereof
264 to the property appraiser.

265 (c) The petition shall state the approximate time
266 anticipated by the taxpayer to present and argue his or her
267 petition before the board.

268 (d) The petition may be filed, as to valuation issues, at
269 any time during the taxable year on or before the 25th day
270 following the mailing of notice by the property appraiser as
271 provided in subsection (1). With respect to an issue involving
272 the denial of an exemption, an agricultural or high-water
273 recharge classification application, an application for
274 classification as historic property used for commercial or
275 certain nonprofit purposes, or a deferral, the petition must be
276 filed at any time during the taxable year on or before the 30th
277 day following the mailing of the notice by the property

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278 appraiser under s. 193.461, s. 193.503, s. 193.625, s. 196.173,
279 or s. 196.193 or notice by the tax collector under s. 197.2425.

280 (e) A condominium association, cooperative association, or
281 any homeowners' association as defined in s. 723.075, with
282 approval of its board of administration or directors, may file
283 with the value adjustment board a single joint petition on
284 behalf of any association members who own parcels of property
285 which the property appraiser determines are substantially
286 similar with respect to location, proximity to amenities, number
287 of rooms, living area, and condition. The condominium
288 association, cooperative association, or homeowners' association
289 as defined in s. 723.075 shall provide the unit owners with
290 notice of its intent to petition the value adjustment board and
291 shall provide at least 20 days for a unit owner to elect, in
292 writing, that his or her unit not be included in the petition.

293 (f) An owner of contiguous, undeveloped parcels may file
294 with the value adjustment board a single joint petition if the
295 property appraiser determines such parcels are substantially
296 similar in nature.

297 (g) An owner of multiple tangible personal property
298 accounts may file with the value adjustment board a single joint
299 petition if the property appraiser determines that the tangible
300 personal property accounts are substantially similar in nature.

301 (h) The individual, agent, or legal entity that signs the
302 petition becomes an agent of the taxpayer for the purpose of
303 serving process to obtain personal jurisdiction over the

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304 taxpayer for the entire value adjustment board proceedings,
305 including any appeals of a board decision by the property
306 appraiser pursuant to s. 194.036. This paragraph does not
307 authorize the individual, agent, or legal entity to receive or
308 access the taxpayer's confidential information without written
309 authorization from the taxpayer.

310 (4) (a) At least 15 days before the hearing the petitioner
311 shall provide to the property appraiser a list of evidence to be
312 presented at the hearing, together with copies of all
313 documentation to be considered by the value adjustment board and
314 a summary of evidence to be presented by witnesses.

315 (b) No later than 7 days before the hearing, if the
316 petitioner has provided the information required under paragraph
317 (a), and if requested in writing by the petitioner, the property
318 appraiser shall provide to the petitioner a list of evidence to
319 be presented at the hearing, together with copies of all
320 documentation to be considered by the value adjustment board and
321 a summary of evidence to be presented by witnesses. The evidence
322 list must contain the property appraiser's property record card
323 for the property that is the subject of the petition as well as
324 the property record cards for any comparable properties listed
325 as evidence, unless the property record cards are available
326 online from the property appraiser. If the petitioner's property
327 record card or the comparable property record cards listed as
328 evidence are available online from the property appraiser, the
329 property appraiser must notify the petitioner of the cards that

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330 are available online but is not required to provide such card or
331 cards. The property appraiser must redact any confidential
332 information contained on any property record card before it is
333 submitted to the petitioner.

334 (c) Evidence that is confidential under law remains
335 confidential until it is submitted to the value adjustment board
336 for consideration and admission into the record. ~~Failure of the~~
337 ~~property appraiser to timely comply with the requirements of~~
338 ~~this paragraph shall result in a rescheduling of the hearing.~~

339 Section 11. Subsection (2) of section 194.014, Florida
340 Statutes, is amended to read:

341 194.014 Partial payment of ad valorem taxes; proceedings
342 before value adjustment board.-

343 (2) If the value adjustment board or the property
344 appraiser determines that the petitioner owes ad valorem taxes
345 in excess of the amount paid, the unpaid amount accrues interest
346 at an annual percentage rate equal to the bank prime loan rate
347 on July 1, or the first business day thereafter if July 1 is a
348 Saturday, Sunday, or legal holiday, of the tax ~~the rate of 12~~
349 ~~percent per year, beginning on from~~ the date the taxes became
350 delinquent pursuant to s. 197.333 until the unpaid amount is
351 paid. If the value adjustment board or the property appraiser
352 determines that a refund is due, the overpaid amount accrues
353 interest at an annual percentage rate equal to the bank prime
354 loan rate on July 1, or the first business day thereafter if
355 July 1 is a Saturday, Sunday, or legal holiday, of the tax ~~the~~

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356 ~~rate of 12 percent per year, beginning on from~~ the date the
357 taxes became delinquent pursuant to s. 197.333 until a refund is
358 paid. Interest does not accrue on amounts paid in excess of 100
359 percent of the current taxes due as provided on the tax notice
360 issued pursuant to s. 197.322. For purposes of this subsection,
361 the term "bank prime loan rate" means the average predominant
362 prime rate quoted by commercial banks to large businesses as
363 determined by the Board of Governors of the Federal Reserve
364 System.

365 Section 12. Effective July 1, 2017, section 194.015,
366 Florida Statutes, is amended to read:

367 194.015 Value adjustment board. Each county shall have
368 ~~There is hereby created~~ a value adjustment board consisting for
369 ~~each county, which shall consist of one member two members~~ of
370 the governing body of the county as elected from the membership
371 of the board of that said governing body, ~~one of whom shall be~~
372 ~~elected chairperson,~~ and one member of the school board as
373 elected from the membership of the school board, and three two
374 citizen members, two one of whom shall be appointed by the
375 governing body of the county and must own homestead property
376 within the county, and one of whom shall ~~must~~ be appointed by
377 the school board and must own a business occupying commercial
378 space located within the school district. The board shall elect
379 one of its members to serve as chair. A citizen member may not
380 be a member or an employee of any taxing authority, and may not
381 be a person who represents property owners in any administrative

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382 or judicial review of property taxes. ~~The members of the board~~
383 ~~may be temporarily replaced by other members of the respective~~
384 ~~boards on appointment by their respective chairpersons.~~ Any
385 three members shall constitute a quorum of the board, except
386 that each quorum must include at least one member of the said
387 governing board, at least one member of the school board, and at
388 least one citizen member. A ~~and no~~ meeting of the board shall
389 not take place unless a quorum is present. Members of the board
390 may receive such per diem compensation as is allowed by law for
391 state employees ~~if both bodies elect to allow such compensation.~~
392 The clerk of the governing body of the county shall be the clerk
393 of the value adjustment board. The board shall appoint private
394 counsel who has practiced law for over 5 years and who shall
395 receive such compensation as may be established by the board.
396 The private counsel may not represent the property appraiser,
397 the tax collector, any taxing authority, or any property owner
398 in any administrative or judicial review of property taxes. A ~~No~~
399 meeting of the board shall not take place unless counsel to the
400 board is present. Two-fifths of the expenses of the board shall
401 be borne by the district school board and three-fifths by the
402 district county commission.

403 Section 13. Paragraph (a) of subsection (2) of section
404 194.032, Florida Statutes, is amended, and subsection (4) is
405 added to that section, to read:

406 194.032 Hearing purposes; timetable.-

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407 (2) (a) The clerk of the governing body of the county shall
408 prepare a schedule of appearances before the board based on
409 petitions timely filed with him or her. The clerk shall notify
410 each petitioner of the scheduled time of his or her appearance
411 at least 25 calendar days before the day of the scheduled
412 appearance. The notice must indicate whether the petition has
413 been scheduled to be heard at a particular time or during a
414 block of time. If the petition has been scheduled to be heard
415 within a block of time, the beginning and ending of that block
416 of time must be indicated on the notice; however, as provided in
417 paragraph (b), a petitioner may not be required to wait for more
418 than a reasonable time, not to exceed 2 hours, after the
419 beginning of the block of time. ~~If the petitioner checked the~~
420 ~~appropriate box on the petition form to request a copy of the~~
421 ~~property record card containing relevant information used in~~
422 ~~computing the current assessment,~~ The property appraiser must
423 provide a the copy of the property record card containing
424 information relevant to the computation of the current
425 assessment, with confidential information redacted, to the
426 petitioner upon receipt of the petition from the clerk
427 regardless of whether the petitioner initiates evidence
428 exchange, unless the property record card is available online
429 from the property appraiser, in which case the property
430 appraiser must notify the petitioner that the property record
431 card is available online. ~~Upon receipt of the notice,~~ The
432 petitioner and the property appraiser may each reschedule the

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433 hearing a single time for good cause by submitting to the clerk
434 a written request to reschedule, at least 5 calendar days before
435 the day of the originally scheduled hearing. As used in this
436 paragraph, the term "good cause" means circumstances beyond the
437 control of the person seeking to reschedule the hearing that
438 reasonably prevent the party from having adequate representation
439 at the hearing. Good cause includes, but is not limited to, the
440 failure by the property appraiser's office to comply with
441 statutory evidence exchange deadlines. If the hearing is
442 rescheduled by the petitioner or the property appraiser, the
443 clerk shall notify the petitioner of the rescheduled time of his
444 or her appearance at least 15 calendar days before the day of
445 the rescheduled appearance, unless this notice is waived by both
446 parties.

447 (4) The board must hear all petitions, complaints,
448 appeals, and disputes and must submit the certified assessment
449 roll as required under s. 193.122 to the property appraiser each
450 year by June 1 of the tax year following the assessment date.
451 The June 1 requirement shall be extended until December 1 in
452 each year in which the number of petitions filed increased by
453 more than 10 percent over the previous year.

454 Section 14. Subsections (1) and (2) of section 194.034,
455 Florida Statutes, are amended to read:

456 194.034 Hearing procedures; rules.—

457 (1) (a) Petitioners before the board may be represented by
458 an employee of the taxpayer or an affiliated entity, an attorney

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459 who is a member of The Florida Bar, a real estate appraiser
460 licensed under chapter 475, a real estate broker licensed under
461 chapter 475, or a certified public accountant licensed under
462 chapter 473, retained by the taxpayer. Such person may ~~or agent~~
463 and present testimony and other evidence.

464 (b) A petitioner before the board may also be represented
465 by a person with a power of attorney to act on the taxpayer's
466 behalf pursuant to part II of chapter 709. Such person may
467 present testimony and other evidence. The Department of Revenue
468 shall adopt a form that meets the requirements of part II of
469 chapter 709 and authorizes a person to represent a taxpayer for
470 a single petition in a single tax year. A petitioner is not
471 required to use the department's form to grant the power of
472 attorney.

473 (c) A petitioner before the board may also be represented
474 by a person with written authorization to act on the taxpayer's
475 behalf for which such person receives no compensation. Such
476 person may present testimony and other evidence. The Department
477 of Revenue shall adopt a form that authorizes an uncompensated
478 person to represent a taxpayer for a single petition in a single
479 tax year. A petitioner is not required to use the department's
480 form to grant the authorization.

481 (d) The property appraiser or his or her authorized
482 representatives may be represented by an attorney in defending
483 the property appraiser's assessment or opposing an exemption and
484 may present testimony and other evidence.

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485 (e) The property appraiser, each petitioner, and all
486 witnesses shall be required, upon the request of either party,
487 to testify under oath as administered by the chair ~~chairperson~~
488 of the board. Hearings shall be conducted in the manner
489 prescribed by rules of the department, which rules shall include
490 the right of cross-examination of any witness.

491 (f)~~(b)~~ Nothing herein shall preclude an aggrieved taxpayer
492 from contesting his or her assessment in the manner provided by
493 s. 194.171, regardless of whether ~~or not~~ he or she has initiated
494 an action pursuant to s. 194.011.

495 (g)~~(e)~~ The rules shall provide that no evidence shall be
496 considered by the board except when presented during the time
497 scheduled for the petitioner's hearing or at a time when the
498 petitioner has been given reasonable notice; that a verbatim
499 record of the proceedings shall be made, and proof of any
500 documentary evidence presented shall be preserved and made
501 available to the Department of Revenue, if requested; and that
502 further judicial proceedings shall be as provided in s. 194.036.

503 (h)~~(d)~~ Notwithstanding the provisions of this subsection,
504 no petitioner may present for consideration, nor may a board or
505 special magistrate accept for consideration, testimony or other
506 evidentiary materials that were requested of the petitioner in
507 writing by the property appraiser of which the petitioner had
508 knowledge and denied to the property appraiser.

509 (i)~~(e)~~ Chapter 120 does not apply to hearings of the value
510 adjustment board.

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511 (j) ~~(f)~~ An assessment may not be contested unless until a
512 return as required by s. 193.052 was timely has been filed. For
513 purposes of this paragraph, the term "timely filed" means filed
514 by the deadline established in s. 193.062 or before the
515 expiration of any extension granted under s. 193.063. If notice
516 is mailed pursuant to s. 193.073(1)(a), a complete return must
517 be submitted under s. 193.073(1)(a) for the assessment to be
518 contested.

519 (2) In each case, except if the complaint is withdrawn by
520 the petitioner or if the complaint is acknowledged as correct by
521 the property appraiser, the value adjustment board shall render
522 a written decision. All such decisions shall be issued within 20
523 calendar days after the last day the board is in session under
524 s. 194.032. The decision of the board must contain findings of
525 fact and conclusions of law and must include reasons for
526 upholding or overturning the determination of the property
527 appraiser. Findings of fact must be based on admitted evidence
528 or a lack thereof. If a special magistrate has been appointed,
529 the recommendations of the special magistrate shall be
530 considered by the board. The clerk, upon issuance of a decision,
531 shall, on a form provided by the Department of Revenue, notify
532 each taxpayer and the property appraiser of the decision of the
533 board. This notification shall be by first-class mail or by
534 electronic means if selected by the taxpayer on the originally
535 filed petition. If requested by the Department of Revenue, the
536 clerk shall provide to the department a copy of the decision or

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537 information relating to the tax impact of the findings and
538 results of the board as described in s. 194.037 in the manner
539 and form requested.

540 Section 15. Subsection (1) of section 194.035, Florida
541 Statutes, is amended to read:

542 194.035 Special magistrates; property evaluators.—

543 (1) In counties having a population of more than 75,000,
544 the board shall appoint special magistrates for the purpose of
545 taking testimony and making recommendations to the board, which
546 recommendations the board may act upon without further hearing.
547 These special magistrates may not be elected or appointed
548 officials or employees of the county but shall be selected from
549 a list of those qualified individuals who are willing to serve
550 as special magistrates. Employees and elected or appointed
551 officials of a taxing jurisdiction or of the state may not serve
552 as special magistrates. The clerk of the board shall annually
553 notify such individuals or their professional associations to
554 make known to them that opportunities to serve as special
555 magistrates exist. The Department of Revenue shall provide a
556 list of qualified special magistrates to any county with a
557 population of 75,000 or less. Subject to appropriation, the
558 department shall reimburse counties with a population of 75,000
559 or less for payments made to special magistrates appointed for
560 the purpose of taking testimony and making recommendations to
561 the value adjustment board pursuant to this section. The
562 department shall establish a reasonable range for payments per

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563 case to special magistrates based on such payments in other
564 counties. Requests for reimbursement of payments outside this
565 range shall be justified by the county. If the total of all
566 requests for reimbursement in any year exceeds the amount
567 available pursuant to this section, payments to all counties
568 shall be prorated accordingly. If a county having a population
569 less than 75,000 does not appoint a special magistrate to hear
570 each petition, the person or persons designated to hear
571 petitions before the value adjustment board or the attorney
572 appointed to advise the value adjustment board shall attend the
573 training provided pursuant to subsection (3), regardless of
574 whether the person would otherwise be required to attend, but
575 shall not be required to pay the tuition fee specified in
576 subsection (3). A special magistrate appointed to hear issues of
577 exemptions and classifications, the application of assessment
578 limitations, or the denial of a tax deferral shall be a member
579 of The Florida Bar with no less than 5 years' experience in the
580 area of ad valorem taxation. A special magistrate appointed to
581 hear issues regarding the valuation of real estate shall be a
582 state certified real estate appraiser with not less than 5
583 years' experience in real property valuation. A special
584 magistrate appointed to hear issues regarding the valuation of
585 tangible personal property shall be a designated member of a
586 nationally recognized appraiser's organization with not less
587 than 5 years' experience in tangible personal property
588 valuation. A special magistrate need not be a resident of the

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589 county in which he or she serves. A special magistrate may not
590 represent a person before the board in any tax year during which
591 he or she has served that board as a special magistrate. Before
592 appointing a special magistrate, a value adjustment board shall
593 verify the special magistrate's qualifications. The value
594 adjustment board shall ensure that the selection of special
595 magistrates is based solely upon the experience and
596 qualifications of the special magistrate and is not influenced
597 by the property appraiser. The special magistrate shall
598 accurately and completely preserve all testimony and, in making
599 recommendations to the value adjustment board, shall include
600 proposed findings of fact, conclusions of law, and reasons for
601 upholding or overturning the determination of the property
602 appraiser. The expense of hearings before magistrates and any
603 compensation of special magistrates shall be borne three-fifths
604 by the board of county commissioners and two-fifths by the
605 school board. When appointing special magistrates or scheduling
606 special magistrates for specific hearings, the board, the board
607 attorney, and the board clerk may not consider the dollar amount
608 or percentage of any assessment reductions recommended by any
609 special magistrate in the current year or in any previous year.

610 Section 16. Notwithstanding the expiration date in section
611 9 of chapter 2015-222, Laws of Florida, paragraph (e) of
612 subsection (4) of section 1011.62, Florida Statutes, is
613 reenacted and amended to read:

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614 1011.62 Funds for operation of schools.—If the annual
615 allocation from the Florida Education Finance Program to each
616 district for operation of schools is not determined in the
617 annual appropriations act or the substantive bill implementing
618 the annual appropriations act, it shall be determined as
619 follows:

620 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The
621 Legislature shall prescribe the aggregate required local effort
622 for all school districts collectively as an item in the General
623 Appropriations Act for each fiscal year. The amount that each
624 district shall provide annually toward the cost of the Florida
625 Education Finance Program for kindergarten through grade 12
626 programs shall be calculated as follows:

627 (e) Prior period funding adjustment millage.—

628 1. There shall be an additional millage to be known as the
629 Prior Period Funding Adjustment Millage levied by a school
630 district if the prior period unrealized required local effort
631 funds are greater than zero. The Commissioner of Education shall
632 calculate the amount of the prior period unrealized required
633 local effort funds as specified in subparagraph 2. and the
634 millage required to generate that amount as specified in this
635 subparagraph. The Prior Period Funding Adjustment Millage shall
636 be the quotient of the prior period unrealized required local
637 effort funds divided by the current year taxable value certified
638 to the Commissioner of Education pursuant to sub-subparagraph
639 (a)1.a. This levy shall be in addition to the required local

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640 effort millage certified pursuant to this subsection. Such
641 millage shall not affect the calculation of the current year's
642 required local effort, and the funds generated by such levy
643 shall not be included in the district's Florida Education
644 Finance Program allocation for that fiscal year. For purposes of
645 the millage to be included on the Notice of Proposed Taxes, the
646 Commissioner of Education shall adjust the required local effort
647 millage computed pursuant to paragraph (a) as adjusted by
648 paragraph (b) for the current year for any district that levies
649 a Prior Period Funding Adjustment Millage to include all Prior
650 Period Funding Adjustment Millage. For the purpose of this
651 paragraph, there shall be a Prior Period Funding Adjustment
652 Millage levied for each year certified by the Department of
653 Revenue pursuant to sub-subparagraph (a)2.a. since the previous
654 year certification and for which the calculation in sub-
655 subparagraph 2.b. is greater than zero.

656 2.a. As used in this subparagraph, the term:

657 (I) "Prior year" means a year certified under sub-
658 subparagraph (a)2.a.

659 (II) "Preliminary taxable value" means:

660 (A) If the prior year is the 2009-2010 fiscal year or
661 later, the taxable value certified to the Commissioner of
662 Education pursuant to sub-subparagraph (a)1.a.

663 (B) If the prior year is the 2008-2009 fiscal year or
664 earlier, the taxable value certified pursuant to the final

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665 calculation as specified in former paragraph (b) as that
666 paragraph existed in the prior year.

667 (III) "Final taxable value" means the district's taxable
668 value as certified by the property appraiser pursuant to s.
669 193.122(2) or (3), if applicable. This is the certification that
670 reflects all final administrative actions of the value
671 adjustment board.

672 b. For purposes of this subsection and with respect to
673 each year certified pursuant to sub-subparagraph (a)2.a., if the
674 district's prior year preliminary taxable value is greater than
675 the district's prior year final taxable value, the prior period
676 unrealized required local effort funds are the difference
677 between the district's prior year preliminary taxable value and
678 the district's prior year final taxable value, multiplied by the
679 prior year district required local effort millage. If the
680 district's prior year preliminary taxable value is less than the
681 district's prior year final taxable value, the prior period
682 unrealized required local effort funds are zero.

683 c. For the 2016-2017 ~~2015-2016~~ fiscal year only, if a
684 district's prior period unrealized required local effort funds
685 and prior period district required local effort millage cannot
686 be determined because such district's final taxable value has
687 not yet been certified pursuant to s. 193.122(2) or (3), for the
688 2016 ~~2015~~ tax levy, the Prior Period Funding Adjustment Millage
689 for such fiscal year shall be levied, if not previously levied,
690 in 2016 ~~2015~~ in an amount equal to 75 percent of such district's

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691 most recent unrealized required local effort for which a Prior
692 Period Funding Adjustment Millage was determined as provided in
693 this section. Upon certification of the final taxable value for
694 the ~~2012, 2013, or~~ 2014 and 2015 tax rolls in accordance with s.
695 193.122(2) or (3), the Prior Period Funding Adjustment Millage
696 levied in ~~2015 and~~ 2016 and 2017 shall be adjusted to include
697 any shortfall or surplus in the prior period unrealized required
698 local effort funds that would have been levied in ~~2014 or~~ 2015
699 or 2016, had the district's final taxable value been certified
700 pursuant to s. 193.122(2) or (3) for the ~~2014 or~~ 2015 or 2016
701 tax levy. If this adjustment is made for a surplus, the
702 reduction in prior period millage may not exceed the prior
703 period funding adjustment millage calculated pursuant to
704 subparagraph 1. and sub-subparagraphs a. and b. and any
705 additional reduction shall be carried forward to the subsequent
706 fiscal year.

707 Section 17. The following rules of the Department of
708 Revenue are repealed, and the Department of State shall update
709 the Florida Administrative Code to remove the rules:

710 (1) Subsections (4) and (5) of rule 12D-9.019, Florida
711 Administrative Code, relating to scheduling and notice of a
712 hearing.

713 Section 18. The Legislature finds that this act fulfills an
714 important state interest.

715 Section 19. Except as otherwise provided in this act, this
716 act shall take effect on July 1, 2016.

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

Remove lines 2-65 and insert:

An act relating to ad valorem taxation; amending s. 129.03, F.S.; revising the information required to be included on summaries of adopted tentative budgets; authorizing a summary statement to be published more than once in specified locations; amending s. 192.0105, F.S.; conforming provisions to changes made by the act; amending s. 193.0235, F.S.; revising the process of prorating ad valorem taxes for common elements on certain properties under certain circumstances; amending s. 193.073, F.S.; establishing procedures for the revision of an erroneous or incomplete personal property tax return; amending s. 193.122, F.S.; establishing deadlines for value adjustment boards to complete final assessment roll certifications; providing exceptions; providing applicability; amending s. 193.155, F.S.; providing timeframes in which taxpayers may appeal to the value adjustment board the application of the assessment limitation on homestead property; amending ss. 193.1554 and 193.1555, F.S.; providing timeframes in which taxpayers may appeal the application of the assessment limitation on certain property to the value adjustment board; authorizing the waiver of penalties and interest under certain circumstances; allowing certain taxpayers to pay taxes, penalties, and interest within a specified period to avoid the

Amendment No. 1

743 filing of a lien; amending s. 194.011, F.S.; revising the
744 procedures for filing petitions to the value adjustment board;
745 revising the procedures used during a value adjustment board
746 hearing; revising the documentation required to be on evidence
747 lists during value adjustment board hearings; specifying the
748 period during which certain documents remain confidential;
749 amending s. 194.014, F.S.; revising the interest rate upon which
750 certain unpaid and overpaid ad valorem taxes accrue; defining
751 the term "bank prime loan rate"; amending s. 194.015, F.S.;
752 revising procedures for appointment to a value adjustment board;
753 amending s. 194.032, F.S.; revising requirements for the
754 provision of property record cards to a petitioner; requiring
755 the petitioner or property appraiser to show good cause to
756 reschedule a hearing related to an assessment; defining the term
757 "good cause"; requiring value adjustment boards to address
758 issues concerning assessment rolls by a time certain; providing
759 an exception; amending s. 194.034, F.S.; revising the
760 authorization required for various entities that may represent a
761 taxpayer before the value adjustment board; prohibiting a
762 taxpayer from contesting an assessment unless the return was
763 timely filed; defining the term "timely filed"; revising
764 provisions relating to findings of fact; amending s. 194.035,
765 F.S.; specifying that certain petitions be heard by an attorney
766 special magistrate; prohibiting consideration of assessment
767 reductions recommended in previous hearings by special
768 magistrates when appointing a special magistrate; amending s.

Amendment No. 1

769 1011.62, F.S.; revising dates for purposes of computing each
770 school district's required local effort; repealing certain rules
771 adopted by the Department of Revenue; providing a finding of
772 important state interest; providing effective dates.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 533 Arthur G. Dozier School for Boys
SPONSOR(S): Government Operations Subcommittee; Narain and others
TIED BILLS: IDEN./SIM. BILLS: CS/SB 708

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Government Operations Subcommittee	13 Y, 0 N, As CS	Moore	Williamson
2) Appropriations Committee		Proctor TP	Leznoff 
3) State Affairs Committee			

SUMMARY ANALYSIS

The Arthur G. Dozier School for Boys (Dozier School or school) was a reform school located in the panhandle town of Marianna that was operated by the state from January 1, 1900, to June 30, 2011. In recent years, men have come forward to tell stories of repeated physical abuse they were subjected to by staff members as a form of discipline. These men believe there may have been fellow students who died from the abuse and were buried at the school's cemetery.

In 2012, researchers from the University of South Florida began an investigation to determine the location of missing children buried at the school in order to excavate and repatriate the remains to their families. In January 2016, the researchers issued a report of their findings. The researchers analyzed historical records and determined that nearly 100 boys aged 6 to 18 died at the school between 1900 and 1973. During the investigation, the researchers excavated 55 graves and discovered 51 sets of human remains on the school grounds, only 13 of which were located in the school's cemetery. The researchers made 7 positive identifications and 14 presumptive identifications of the remains they discovered.

The bill requires any historical resource, record, archive, or artifact and any human remains that are recovered from Dozier School to be transferred to the Department of State (DOS), and directs DOS to retain and preserve such items.

The bill also directs DOS to reimburse the next of kin or pay directly to the provider up to \$7,500 for funeral, reinterment, and grave marker expenses for each child whose body was buried and exhumed at Dozier School. DOS must identify and locate eligible next of kin of such children by December 31, 2017.

The bill establishes a task force under DOS to make recommendations to DOS regarding the creation and maintenance of a memorial and the location of a site for the reinterment of unidentified or unclaimed remains.

For Fiscal Year 2016-17, the bill appropriates \$500,000 in nonrecurring funds from the General Revenue Fund to DOS to implement the bill's requirements.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Arthur G. Dozier School for Boys

The Arthur G. Dozier School for Boys (Dozier School or school) was a reform school located in the panhandle town of Marianna that was operated by the state from January 1, 1900, to June 30, 2011. The school was created by the Florida Legislature in 1897 to provide a place “where young offenders against the laws of our state might be separated from older more vicious associates.”¹ Children were initially committed to the school for criminal offenses, but the law was later amended to identify minor offenses, such as “incurability,” “truancy,” or “dependency” as reasons for a child to be sent there.² In the 1900s, hundreds of boys were sent to the school.

In recent years, men have come forward to tell stories of repeated physical abuse they were subjected to by staff members as a form of discipline.³ These men believe there may have been fellow students who died from the abuse and were buried at the school’s cemetery.⁴ As a result of these allegations, in 2008, former Governor Charlie Crist directed the Florida Department of Law Enforcement (FDLE) to investigate 32 unmarked graves located on property surrounding Dozier School. FDLE reviewed and analyzed public records and official documents and identified 31 individuals who were purportedly buried at the school’s cemetery.⁵ FDLE was also directed to determine whether any crimes were committed, and if so, the perpetrators of those crimes.⁶ FDLE interviewed former students and former school staff, but concluded it could not find enough evidence to support the accusations.⁷

In 2012, researchers from the University of South Florida began an investigation to determine the location of missing children buried at the school in order to excavate and repatriate the remains to their families.⁸ In January 2016, the researchers issued a report of their findings. The researchers analyzed historical records and determined that nearly 100 boys aged 6 to 18 died at the school between 1900 and 1973.⁹ During the investigation, the researchers excavated 55 graves and discovered 51 sets of human remains on the school grounds, only 13 of which were located in the school’s cemetery.¹⁰ The researchers made 7 positive identifications and 14 presumptive identifications of the remains they discovered.¹¹

Department of State

The Department of State (DOS) has a variety of responsibilities, including collecting and preserving official state records and historically significant records, promoting arts and culture in the state, and facilitating cultural development and services in the state. The Division of Historical Resources, within

¹ FDLE Office of Executive Investigations, *Arthur G. Dozier School for Boys Abuse Investigation*, Case No. EI-04-0005 (Jan. 29, 2010), available at <http://thewhitehouseboys.com/abuserreport.pdf> [hereinafter FDLE Abuse Report].

² Erin Kimmerle, E. Christian Wells, & Antoinette Jackson, Florida Institute for Forensic Anthropology & Applied Sciences, *Report on the Investigation into the Deaths and Burials at the Former Arthur G. Dozier School for Boys in Marianna, Florida*, January 2016, available at <http://news.usf.edu/article/articlefiles/7173-usf-final-dozier-summary-2016.pdf>.

³ FDLE Office of Executive Investigations, *Arthur G. Dozier School for Boys: Marianna, Florida*, Case No. EI-73-8455 (May 14, 2009), p.1, available at <http://www.tampabay.com/specials/2009/reports/marianna/Dozier-summary.pdf>.

⁴ *Id.* at 1.

⁵ *Id.* at 18.

⁶ FDLE Abuse Report, *supra* note 1, at 1.

⁷ *See id.* at 13.

⁸ Kimmerle, *supra* note 2, at 12.

⁹ *Id.* at 14.

¹⁰ *Id.* at 12.

¹¹ *Id.*

DOS, is responsible for preserving and promoting Florida's historical, archaeological, and folk culture resources.

Advisory Bodies

Section 20.052, F.S., provides that an advisory body created by specific statutory enactment as an adjunct to an executive agency must be established, evaluated, or maintained in accordance with certain requirements. An advisory body may be created only when it is found to be necessary and beneficial to the furtherance of a public purpose,¹² and it must be terminated by the Legislature when it is no longer necessary and beneficial to the furtherance of the public purpose.¹³ The private citizen members of an advisory body that is adjunct to an executive agency must be appointed by the Governor, the head of the department, the executive director of the department, or a Cabinet officer.¹⁴

Effect of Proposed Changes

The bill requires any historical resource, record, archive, or artifact and any human remains that are recovered from Dozier School to be transferred to DOS and directs DOS to retain and preserve such items.

The bill also directs DOS to reimburse the next of kin or pay directly to the provider up to \$7,500 for funeral, reinterment, and grave marker expenses for each child whose body was buried and exhumed at Dozier School. DOS must identify and locate eligible next of kin of such children by December 31, 2017. To receive reimbursement, the next of kin must submit receipts for or documentation of expenses to DOS. If expenses are to be paid directly to the provider, the funeral home or other similar entity must submit an invoice to DOS. Reimbursements and payments must be made pursuant to s. 215.422, F.S.¹⁵ A charitable donation made toward funeral, reinterment, or grave marker expenses is not eligible for reimbursement. DOS must report to the Legislature on the status of payments and reimbursements by February 1, 2018.

The bill establishes a task force under DOS to make recommendations to DOS regarding the creation and maintenance of a memorial and the location of a site for the reinterment of unidentified or unclaimed remains. The Secretary of DOS must appoint the task force members, who must serve without compensation, but are entitled to reimbursement for per diem and travel expenses. The task force must submit its recommendations to DOS by October 1, 2016, at which time the task force will be abolished.

The bill authorizes DOS to adopt rules necessary to administer the bill's requirements.

For Fiscal Year 2016-17, the bill appropriates \$500,000 in nonrecurring funds from the General Revenue Fund to DOS to implement the bill's requirements and provides that any unexpended funds shall revert on July 1, 2017, and be appropriated for the same purpose for Fiscal Year 2017-2018.

B. SECTION DIRECTORY:

Section 1 creates an unnumbered section of law relating to compensation for families with children buried at Dozier School.

Section 2 provides an appropriation.

Section 3 provides an effective date of upon becoming a law.

¹² Section 20.052(1), F.S.

¹³ Section 20.052(2), F.S.

¹⁴ Section 20.052(5)(a), F.S.

¹⁵ Section 215.422, F.S., outlines the process for payment of invoices submitted to a state agency, which must be filed with the Chief Financial Officer and paid within a specified time.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill appropriates \$500,000 in nonrecurring funds from the General Revenue Fund to DOS for the purpose of providing funds to the next of kin of children buried at Dozier School, or directly to a provider, funeral home or other similar entity, so the bodies may be reinterred. It also provides that any unexpended funds shall revert on July 1, 2017, and be appropriated for the same purpose for Fiscal Year 2017-2018.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill authorizes DOS to adopt rules to administer the bill's requirements.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 26, 2016, the Government Operations Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The strike-all amendment:

- Increased the maximum amount of money that may be paid for funeral, reinterment, and grave marker expenses to the next of kin of each child who was buried at the school from \$5,000 to \$7,500;

- Required the next of kin to submit receipts to DOS to receive reimbursement;
- Authorized DOS to pay a funeral home or other similar entity directly upon receipt of an invoice;
- Required DOS to identify and locate eligible next of kin by December 31, 2017, instead of within six months of the bill's effective date;
- Required DOS to report to the Legislature on the status of payments and reimbursements;
- Established a task force to make recommendations to DOS regarding the creation of a memorial and the location of a site for the reinterment of unidentified or unclaimed remains; and
- Reduced the amount of funds appropriated to DOS from \$1.5 million to \$500,000.

This analysis drafted to the committee substitute as approved by the Government Operations Subcommittee.

1 A bill to be entitled
2 An act relating to the Arthur G. Dozier School for
3 Boys; directing the Department of State to preserve
4 historical resources, records, archives, and
5 artifacts; directing the department to reimburse the
6 next of kin of children whose bodies are buried and
7 exhumed at the Dozier School or to pay directly to a
8 provider for the costs associated with funeral
9 services, reinterment, and grave marker expenses;
10 providing a process for reimbursement by the
11 department; providing that a charitable donation made
12 toward funeral, reinterment, and grave marker expenses
13 is not eligible for reimbursement; establishing a task
14 force to make recommendations regarding a memorial and
15 a location of a site for the reinterment of
16 unidentified or unclaimed remains; providing that
17 members of the task force shall serve without
18 compensation but are entitled certain per diem and
19 travel expenses; requiring the task for to submit its
20 recommendation to the department by a certain date, at
21 which time the task force is abolished; authorizing
22 the department to adopt rules; providing
23 appropriations; providing an effective date.

24
25 WHEREAS, the Arthur G. Dozier School for Boys, or the
26 Dozier School, operated from 1900 until it was closed in 2011

27 after allegations of abuse were confirmed in separate
 28 investigations by the Department of Law Enforcement in 2010 and
 29 the Civil Rights Division of the United States Department of
 30 Justice in 2011, and

31 WHEREAS, official records indicated that 31 graves had been
 32 dug at the facility between 1914 and 1952, and

33 WHEREAS, a forensic investigation by the University of
 34 South Florida found that there are no records of where children
 35 who died at the Dozier School are buried and that a second
 36 cemetery is likely to exist, and

37 WHEREAS, exhumations of bodies began in August 2013, and
 38 the excavations yielded 55 burial sites, 24 more than reported
 39 in official records, and

40 WHEREAS, one of the bodies exhumed during the forensic
 41 investigation was of a child reported missing since 1940, and

42 WHEREAS, representatives of children formerly held at the
 43 Dozier School have estimated that there could be 100 more bodies
 44 buried on the grounds of the school, and

45 WHEREAS, many families of children whose bodies have been
 46 exhumed lack the resources to properly reinter those children at
 47 a suitable location, and

48 WHEREAS, the State of Florida recognizes an obligation to
 49 help the families of children formerly buried at the Dozier
 50 School reinter the bodies of those children, NOW, THEREFORE,

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

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Section 1. (1) Any historical resource, record, archive, or artifact and any human remains that are recovered from the Arthur G. Dozier School for Boys must be transferred to the Department of State. The department shall retain and preserve such historical resources, records, archives, and artifacts.

(2) The Department of State shall reimburse the next of kin or pay directly to the provider up to \$7,500 for funeral, reinterment, and grave marker expenses for each child whose body was buried and exhumed at the Dozier School. The department shall identify and locate eligible next of kin of such children by December 31, 2017.

(a) To receive reimbursement, the next of kin must submit to the department receipts for or documentation of expenses. Reimbursement shall be made pursuant to s. 215.422, Florida Statutes.

(b) If expenses are to be paid directly to the provider, the funeral home or other similar entity shall submit an invoice to the department for the cost of the child's funeral, reinterment, and grave marker expenses. Payment shall be made pursuant to s. 215.422, Florida Statutes.

(c) A charitable donation made toward funeral, reinterment, or grave marker expenses is not eligible for reimbursement.

(3) By February 1, 2018, the Department of State shall report to the Legislature on the status of payments and

79 reimbursements required by this act.

80 (4) (a) A task force, as defined in s. 20.03, Florida
 81 Statutes, is established adjunct to the Department of State to
 82 make recommendations to the department regarding the creation
 83 and maintenance of a memorial and the location of a site for
 84 reinterment of unidentified or unclaimed remains.

85 (b) Task force members shall be appointed by the secretary
 86 of the Department of State and shall serve without compensation,
 87 but are entitled to reimbursement for per diem and travel
 88 expenses in accordance with s. 112.061, Florida Statutes.

89 (c) The recommendations of the task force must be
 90 submitted to the Department of State by October 1, 2016, at
 91 which time the task force is abolished.

92 (5) The department may adopt rules necessary to administer
 93 this section.

94 Section 2. For the 2016-2017 fiscal year, the sum of
 95 \$500,000 in nonrecurring funds is appropriated from the General
 96 Revenue Fund to the Department of State for the purpose of
 97 implementing this act. The unexpended balance of such funds
 98 shall revert immediately on July 1, 2017, and is appropriated
 99 for the 2017-2018 fiscal year for the same purpose.

100 Section 3. This act shall take effect upon becoming a law.

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COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Appropriations Committee
 2 Representative Narain offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. (1)(a) Any historical resource, record,
 7 archive, artifact, public research, or medical record that was
 8 recovered from the Arthur G. Dozier School for Boys by the
 9 University of South Florida shall remain in the custody of the
 10 university for archival and preservation until the Department of
 11 State requests custody of such resource, record, archive,
 12 artifact, public research, or medical record.

13 (b) Any human remains exhumed from the Arthur G. Dozier
 14 School for Boys by the University of South Florida shall remain
 15 in the custody of the university for identification purposes
 16 until the remains are returned to the next of kin or reburied
 17 pursuant to this act.

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18 (2) (a) The Department of State shall contract with the
19 University of South Florida for the identification and location
20 of eligible next of kin for such children and the update of
21 information on associated artifacts and materials.

22 (b) No later than July 1, 2016, the University of South
23 Florida must provide the Department of State with contact
24 information for the next of kin for each set of human remains
25 which has been returned to a next to kin.

26 (c) For any identification of next of kin occurring on or
27 after July 1, 2016, the University of South Florida must provide
28 location information of the next of kin to the Department of
29 State at least 5 days before returning the human remains to the
30 next of kin.

31 (d) Beginning July 1, 2016, the Department of State must
32 notify the next of kin responsible for a set of human remains
33 about the payment or reimbursement provisions under subsection
34 (3). Such notification must be made within 15 business days
35 after the department's receipt of the location information of
36 the next of kin.

37 (3) The Department of State shall reimburse the next of
38 kin or pay directly to the provider up to \$7,500 for funeral,
39 reinterment, and grave marker expenses for each child whose body
40 was buried at and exhumed, or otherwise recovered, from the
41 Dozier School for Boys.

42 (a) In order to receive reimbursement, the next of kin
43 must submit to the department receipts for, or documentation of,

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44 expenses. Reimbursement shall be made pursuant to s. 215.422,
45 Florida Statutes.

46 (b) If expenses are to be paid directly to the provider,
47 the funeral home or other similar entity must submit an invoice
48 to the department for the cost of the child's funeral,
49 reinterment, and grave marker expenses. Payment shall be made
50 pursuant to s. 215.422, Florida Statutes.

51 (c) A charitable donation made toward funeral,
52 reinterment, and grave marker expenses is not eligible for
53 reimbursement.

54 (4) By February 1, 2018, the Department of State shall
55 submit a report to the Governor and Cabinet, the President of
56 the Senate, and the Speaker of the House of Representatives
57 regarding any payments and reimbursements made pursuant to this
58 section.

59 (5) The department may adopt rules necessary to administer
60 this section.

61 Section 2. (1) A task force is established adjunct to the
62 Department of State to advise the department and, except as
63 otherwise provided in this section, shall operate consistent
64 with s. 20.052, Florida Statutes. The task force shall be known
65 as the "Dozier Task Force." The Department of State shall
66 provide administrative and staff support services relating to
67 the functions of the task force.

68 (2)(a) The task force shall consist of the following
69 members:

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70 1. The Secretary of State, or his or her designee, who shall
71 serve as the chair.

72 2. One person appointed by the President of the Florida
73 State Conference of the National Association for the Advancement
74 of Colored People.

75 3. One representative of the Florida Council of Churches,
76 appointed by the executive director of the council.

77 4. A next of kin of a deceased ward buried at the Dozier
78 School for Boys appointed by the Attorney General.

79 5. One representative who promotes the welfare of people
80 who are former wards of the Dozier School for Boys appointed by
81 the Chief Financial Officer.

82 6. One person appointed by the President of the Senate.

83 7. One person appointed by the Speaker of the House of
84 Representatives.

85 8. One person appointed by the Jackson County Board of
86 County Commissioners.

87 (b) By October 1, 2016, the task force shall submit its
88 recommendations to the Department of State regarding the
89 creation and maintenance of a memorial and the location of a
90 site for the reinterment of unidentified or unclaimed remains.
91 The recommendations shall also be submitted to the Governor and
92 Cabinet, the President of the Senate, the Speaker of the House
93 of Representatives, the Minority Leader of the Senate, and the
94 Minority Leader of the House of Representatives.

95 (3) This section is repealed December 31, 2016.

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96 Section 3. For the 2016-2017 fiscal year, the sum of
97 \$500,000 in nonrecurring funds is appropriated from the General
98 Revenue Fund to the Department of State for the purpose of
99 implementing this act. Funds remaining unexpended or
100 unencumbered from this appropriation as of July 1, 2017, shall
101 revert and be reappropriated for the same purpose in the 2017-
102 2018 fiscal year.

103 Section 4. This act shall take effect upon becoming a law.

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106

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

107 Remove everything before the enacting clause and insert:

108 An act relating to the Arthur G. Dozier School for
109 Boys; requiring certain historical resources, records,
110 archives, artifacts, researches, medical records, and
111 human remains to remain in the custody of the
112 University of South Florida; providing exceptions;
113 requiring the Department of State to contract with the
114 university for the identification and location of
115 eligible next of kin of certain children; requiring
116 the department to notify the next of kin of certain
117 payment or reimbursement provisions; requiring the
118 department to reimburse the next of kin of children
119 whose bodies are buried and exhumed at the Dozier
120 School or to pay directly to a provider for the costs
121 associated with funeral services, reinterment, and

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122 grave marker expenses; providing a process for
123 reimbursement or payment by the department; providing
124 that a charitable donation made toward funeral,
125 reinterment, and grave marker expenses is not eligible
126 for reimbursement; requiring the department to submit
127 a report; establishing a task force to make
128 recommendations regarding a memorial and a location of
129 a site for the reinterment of unidentified or
130 unclaimed remains; providing membership of the task
131 force; requiring the task force to submit its
132 recommendation to the department by a certain date;
133 requiring the task force to submit its recommendations
134 to the Governor and Cabinet and to the Legislature;
135 authorizing the department to adopt rules; providing
136 appropriations; providing an effective date.

137
138 WHEREAS, the Arthur G. Dozier School for Boys, or the
139 Dozier School for Boys, operated from 1900 until it was closed
140 in 2011 after allegations of abuse were confirmed in separate
141 investigations by the Department of Law Enforcement in 2010 and
142 the Civil Rights Division of the United States Department of
143 Justice in 2011, and

144 WHEREAS, official records indicated that 31 graves had been
145 dug at the facility between 1914 and 1952, and

146 WHEREAS, a forensic investigation by the University of
147 South Florida found that there are no records of where children

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148 who died at the Dozier School for Boys are buried and that
149 families were often notified after the child was buried or
150 denied access to their remains at the time of burial, and

151 WHEREAS, exhumations of bodies began in August 2013, and
152 the excavations yielded 55 burial sites, 24 more sites than
153 reported in official records, and

154 WHEREAS, one of the bodies exhumed during the forensic
155 investigation was of a child reported missing since 1940, and

156 WHEREAS, nearly 100 deaths were recorded at the school and
157 51 sets of remains were exhumed from burials, and additional
158 victims of a fatal fire in 1914 are still buried with the fire
159 debris on site, and

160 WHEREAS, many families of children whose bodies have been
161 exhumed lack the resources to properly reinter those children at
162 a suitable location, and

163 WHEREAS, the State of Florida recognizes an obligation to
164 help the families of children formerly buried at the Dozier
165 School for Boys reinter the bodies of those children, NOW,
166 THEREFORE,

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 593 Government Accountability
SPONSOR(S): Government Operations Subcommittee; Metz and others
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Government Operations Subcommittee	13 Y, 0 N, As CS	Moore	Williamson
2) Appropriations Committee		White <i>CCW</i>	Leznoff 
3) State Affairs Committee			

SUMMARY ANALYSIS

Various statutes ensure government accountability of state and local governments. The bill makes changes to some of these statutes. In part, the bill:

- Authorizes the Governor or Commissioner of Education to notify the Legislative Auditing Committee of an entity's failure to comply with certain auditing and financial reporting requirements;
- Applies certain ethics standards and post-employment lobbying restrictions to certain corporations created or housed within the Department of Economic Opportunity;
- Applies the conflicting contractual relationship ban to contracts held by a business entity in which a public officer or public employee holds a controlling interest or that he or she manages;
- Requires each agency, the judicial branch, the Justice Administrative Commission, state attorneys, public defenders, criminal conflict and civil regional counsel, the Guardian Ad Litem program, local governmental entities, charter schools, school districts, Florida College System institutions, and state universities to establish and maintain internal controls;
- Revises criminal provisions relating to bribery, misuse of public office, unlawful compensation or reward for official behavior, official misconduct, and bid tampering to replace the "corrupt intent" mens rea requirement with a "knowingly and intentionally" mens rea requirement and to expand the applicability of these offenses to officers and employees of a public entity created or authorized by law;
- Subjects public contractors to the criminal offenses of official misconduct and bid tampering;
- Allows public servants and public contractors prosecuted for a criminal offense to recover attorney fees;
- Revises financial disclosure requirements for elected municipal officers who receive compensation;
- Adds school districts to the list of governmental entities who may withhold salary-related payments for failure to timely file disclosure of financial interests;
- Requires counties, municipalities, and special districts to maintain certain budget documents on their websites for specified timeframes;
- Requires a unit of government to investigate and take action to recover prohibited compensation and exempts from the prohibition specified bonuses and severance pay;
- Revises the monthly financial statement requirements for water management districts;
- Prohibits certain officers, members, or directors from representing a person or entity before Enterprise Florida, Inc., and its divisions and corporations, and the Florida Development Finance Corporation;
- Requires completion of an annual financial audit of the Florida Virtual School;
- Requires a district school board, Florida College System board of trustees, or university board of trustees to respond to audit recommendations under certain circumstances; and
- Prohibits a board or commission from requiring a member of the public to provide an advance written copy of his or her testimony or comments as a precondition of being given the opportunity to be heard.

The bill may have an indeterminate but likely insignificant negative fiscal impact on the state, local governments, and the private sector. See Fiscal Comments section.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Statement of Legislative Findings and Intent

The bill specifies that its intent is to prevent fraud, waste, and abuse and to safeguard government resources. It also provides that a proper and legitimate state purpose is served when internal controls are established to prevent and detect fraud, waste, and abuse and to safeguard and account for government funds and property.

Governmental Ethics Laws

Collection Methods for Unpaid Financial Disclosure Fines

Present Situation

Section 112.31455, F.S., authorizes the Commission on Ethics (COE) to engage in common-law withholding of wages and to seek garnishment in order to collect unpaid financial disclosure fines. Prior to referring such a fine to the Department of Financial Services (DFS), the COE must attempt to determine whether the filer is a current public officer or employee.¹ If the person is currently a public officer or employee, the COE may notify the Chief Financial Officer or the governing body of the appropriate county, municipality, or special district of the total amount of the fine owed to the COE by the individual. After receipt and verification of the notice from the COE, the Chief Financial Officer or the appropriate governing body is required to begin withholding the lesser of 10 percent or the maximum amount allowed under federal law from any salary-related payment. The withheld payments must be remitted to the COE until the fine is satisfied. Additionally, the Chief Financial Officer or appropriate governing body may retain an amount from each withheld payment to cover administrative costs incurred to comply with these requirements. In the event that the COE determines the individual owing a fine is no longer a public officer or employee or if the COE is unable to make such a determination, the COE must wait for six months after the order becomes final. After that period of time, the COE may seek garnishment pursuant to ch. 77, F.S. Additionally, the COE may refer the unpaid fine to a collection agency.² The collection agency may utilize any collection methods provided by law. The statute of limitations for an unpaid financial disclosure fine is 20 years.³

Effect of the Bill

The bill expressly requires school districts to withhold public salary-related payments after receiving notice from the COE that an employee has an unpaid fine, including a portion to cover any administrative costs incurred by the school district to comply with the requirement.

Post Service Lobbying Restrictions

Present Situation

Section 288.92, F.S., authorizes Enterprise Florida, Inc., to create and dissolve divisions as necessary to carry out its mission and requires Enterprise Florida, Inc., to have divisions related to certain areas. The law also provides for the hiring of officers and members of the divisions and subjects certain officers and members to specified standards of conduct in the Code of Ethics for Public Officers and Employees.⁴ The law currently does not contain any post-employment or post-service restrictions.

¹ Section 112.31455(1), F.S.

² Section 112.31455(3), F.S.

³ Section 112.31455(4), F.S.

⁴ Part III, Chapter 112, Florida Statutes.

The Florida Development Finance Authority is created in s. 288.9604, F.S., which addresses the appointment of members of the board of directors and the powers of the authority. The directors are subject to specified standards of conduct in the Code of Ethics for Public Officers and Employees. The law currently does not contain any post-employment or post-service restrictions.

The Department of Economic Opportunity (DEO) is created in s. 20.60, F.S., and has numerous entities under its purview in various chapters of the Florida Statutes. While DEO is an agency, and is therefore subject to the provisions of the Code of Ethics for Public Officers and Employees, many of the divisions and corporations created by, or administratively housed in, DEO may not be subject to its provisions. In 2014, the Legislature required the officers and board members of Enterprise Florida, Inc., its divisions, its subsidiaries, corporations created to carry out its mission, and corporations with which a division is required to contract in order to carry out its missions to be subject to specified standards of conduct.⁵ The Legislature also applied certain standards of conduct to the Florida Development Finance Corporation.⁶

Effect of the Bill

The bill prohibits the officers and members of the boards of directors of the divisions of Enterprise Florida, Inc., its subsidiaries, corporations created to carry out its missions, and corporations with which a division is required by law to contract to carry out its missions from representing another person or entity for compensation before Enterprise Florida, Inc., its divisions, its subsidiaries, and such corporations, for a period of two years after retirement or termination of service to a division. If the officer or member of the board of directors is removed or terminated for misconduct, as defined in s. 443.036(29), F.S.,⁷ that term is extended to a period of 10 years after termination of the service. The bill also prohibits a director of the Florida Development Finance Authority from representing another person or entity for compensation before the authority for a period of two years following his or her service on the board of directors.

The bill subjects the officers and members of the boards of directors of any corporation created pursuant to ch. 288, F.S., Space Florida, CareerSource Florida, Inc., the Florida Housing Finance Corporation, or any other corporation created by DEO to certain standards of conduct. Specifically, those individuals are subject to the anti-nepotism provision in s. 112.3135, F.S., the voting conflicts standard applicable to statewide officers in s. 112.3143(2), F.S., and the standards of conduct for public officers and employees in s. 112.313, F.S. Additionally, the bill prohibits a former officer or board member, for a period of two years after retirement or termination of service with the DEO corporate

⁵ Section 8, Ch. 2014-183, L.O.F.

⁶ Section 9, Ch. 2014-183, L.O.F.

⁷ Section 443.036(29), F.S., provides that "misconduct," irrespective of whether the misconduct occurs at the workplace or during working hours, includes, but is not limited to, the following, which may not be construed in pari materia with each other:

(a) Conduct demonstrating conscious disregard of an employer's interests and found to be a deliberate violation or disregard of the reasonable standards of behavior which the employer expects of his or her employee. Such conduct may include, but is not limited to, willful damage to an employer's property that results in damage of more than \$50, or theft of employer property or property of a customer or invitee of the employer.

(b) Carelessness or negligence to a degree or recurrence that manifests culpability or wrongful intent, or shows an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to his or her employer.

(c) Chronic absenteeism or tardiness in deliberate violation of a known policy of the employer or one or more unapproved absences following a written reprimand or warning relating to more than one unapproved absence.

(d) A willful and deliberate violation of a standard or regulation of this state by an employee of an employer licensed or certified by this state, which violation would cause the employer to be sanctioned or have its license or certification suspended by this state.

(e)1. A violation of an employer's rule, unless the claimant can demonstrate that:

- a. He or she did not know, and could not reasonably know, of the rule's requirements;
- b. The rule is not lawful or not reasonably related to the job environment and performance; or
- c. The rule is not fairly or consistently enforced.

2. Such conduct may include, but is not limited to, committing criminal assault or battery on another employee, or on a customer or invitee of the employer or committing abuse or neglect of a patient, resident, disabled person, elderly person, or child in her or his professional care.

entity, from representing a person or entity for compensation before his or her corporation; a division, a subsidiary, or the board of directors of a corporation created to carry out the mission of his or her corporation; or a corporation with which his or her corporation within DEO is required by law to contract to carry out its missions. If he or she is removed due to misconduct, the prohibition applies for a period of 10 years.

Conflicting Employment and Contractual Relationships

Present Situation

Section 112.313(7)(a), F.S., prohibits public officers and employees of an agency from having employment or contractual relationships with a business entity or agency that is subject to the regulation of, or is doing business with, his or her agency. The law further prohibits public officers and employees of an agency from having an employment or a contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

In its annual reports to the Legislature for the past several years, the COE has advised that the law needs to be amended. Specifically, the COE has advised that individuals were creating a fictitious legal entity and subsequently using those fictitious legal entities to engage in contracts that would be prohibited if the people entered them individually.

Effect of the Bill

The bill provides that if a public officer or employee of an agency holds a controlling interest in a business entity or is an officer, a director, or a member who manages such an entity, contractual relationships held by the business entity are deemed to be held by the public officer or employee. As such, if a public officer or employee holds a controlling interest in a business entity or is an officer, a director, or a member who manages such an entity, it would be a violation for the business entity to have a contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties. The public officer or employee would face penalties ranging from censure and reprimand to removal from office. The penalties also permit a civil fine up to \$10,000 per violation.

CE Form 6 Financial Disclosure

Present Situation

Section 112.3144, F.S., requires certain officers that are specified in Art. II, s. 8 of the State Constitution, and other officers as required by law, to file a Full and Public Disclosure of Financial Interests (commonly referred to as a CE Form 6). The law specifies the information that must be disclosed, the due date of the disclosure, the processes to amend the disclosure, and penalties for failing to file the CE Form 6 as required. This filing is more detailed than what is referred to as a CE Form 1, which is filed annually by other officers as provided in s. 112.3145, F.S. Currently, elected municipal officers are subject to the CE Form 1 filing requirement.

Effect of the Bill

The bill requires all elected municipal officers who receive compensation to file the more detailed CE Form 6 annually as provided in s. 112.3144, F.S., beginning with the 2016 filing year.⁸ The bill also amends s. 99.061, F.S., to require a candidate for an elected municipal office for which compensation is provided to file a CE Form 6 with his or her qualifying papers.

⁸ Financial disclosure, much like federal income tax filings, are done for the preceding year. Thus, elected municipal officers will be required to file the CE Form 6 for the first year by July 1, 2017.

Criminal Ethics Provisions

Present Situation

Nineteenth Statewide Grand Jury

A statewide grand jury⁹ was impaneled in February 2010 upon the petition of Governor Charlie Crist to the Supreme Court of Florida. In the Petition for Order to Impanel a Statewide Grand Jury, Governor Crist stated that the following should be addressed statewide:

- Examine criminal activity of public officials who have abused their powers via their public office;
- Consider whether Florida's prosecutors have sufficient resources to effectively combat corruption;
- Address the effectiveness of Florida's current statutes in fighting public corruption;
- Identify any deficiencies in current laws, punishments, or enforcement efforts and make detailed recommendations to improve our anti-corruption initiatives;
- Investigate crimes, return indictments, and make presentments; and
- Examine public policy issues regarding public corruption and develop specific recommendations regarding improving current laws.¹⁰

The Nineteenth Statewide Grand Jury issued its *First Interim Report: A Study of Public Corruption in Florida and Recommended Solutions* on December 17, 2010. In its report, the Nineteenth Statewide Grand Jury made several recommendations to the Legislature, including revisions to ch. 838, F.S., regarding the definitions of the terms "public servant" and "corruptly" or "with corrupt intent" as well as the offenses of bribery, unlawful compensation or reward for official behavior, official misconduct, and bid tampering.

Color of Law

Florida law does not enhance criminal classifications or felony sentencing penalties for criminal acts committed "under color of law," which refers to criminal offenses that are committed by one who is acting or purporting to act in the performance of his or her official duties, unless acting or purporting to act in the performance of official duties is a necessary element of the underlying crime. The Nineteenth Statewide Grand Jury recommended that the Legislature consider reclassification of such offenses.¹¹

Doctrine of Mens Rea and Scienter

The term "mens rea" is defined as "a guilty mind; a guilty or wrongful purpose; a criminal intent."¹² Black's Law Dictionary notes that the term scienter is defined as "knowingly" and is frequently used to signify the defendant's guilty knowledge.¹³ The general rule is that scienter or mens rea is a necessary element in the indictment for every crime.¹⁴

The Nineteenth Statewide Grand Jury found that the use of the word "corruptly" or "with corrupt intent" makes the prosecution of offenses under ch. 838, F.S., more difficult and might require additional evidence, such as testimony from persons involved.¹⁵ The Nineteenth Statewide Grand Jury recommended removing the element of "corruptly" or "with corrupt intent" from the ch. 838, F.S., offenses of bribery, unlawful compensation, official misconduct, and bid tampering.¹⁶

⁹ See ss. 905.31-905.40, F.S., known as the Statewide Grand Jury Act.

¹⁰ Nineteenth Statewide Grand Jury First Interim Report: A Study of Public Corruption in Florida and Recommended Solutions, December 17, 2010, Case No. SC 09-1910, available at [http://myfloridalegal.com/webfiles.nsf/WF/JFAO-8CLT9A/\\$file/19thSWGJInterimReport.pdf](http://myfloridalegal.com/webfiles.nsf/WF/JFAO-8CLT9A/$file/19thSWGJInterimReport.pdf) [hereinafter Interim Report].

¹¹ *Id.*

¹² BLACK'S LAW DICTIONARY 1137 (4th Rev. 1968).

¹³ *Id.* at 1512.

¹⁴ *Chicone v. State*, 684 So. 2d 736, 741 (Fla. 1996); see also *U.S. v. Balint*, 258 U.S. 250 (1922).

¹⁵ See Interim Report, *supra* note 11, at 24.

¹⁶ *Id.*

Definitions Related to Bribery and Misuse of Public Office

Chapter 838, F.S., pertains to bribery and other offenses concerning the misuse of public office.

Section 838.014(4), F.S., defines the term “corruptly” or “with corrupt intent” as acting knowingly and dishonestly for a wrongful purpose.

Section 838.014(6), F.S., defines the term “public servant” as:

- Any officer or employee of a state, county, municipal, or special district agency or entity;
- Any legislative or judicial officer or employee;
- Any person, except a witness, who acts as a general or special magistrate, receiver, auditor, arbitrator, umpire, referee, consultant, or hearing officer while performing a governmental function; or
- A candidate for election or appointment to any of the positions listed in this definition, or an individual who has been elected to, but has yet to officially assume the responsibilities of, public office.

Bribery

Section 838.015, F.S., relates to the offense of bribery.¹⁷ Any individual who violates this section is guilty of a felony of the second degree, which is punishable as provided for in s. 775.082, s. 775.083, or s. 775.084, F.S.¹⁸

Chapter 838, F.S., also contains three other bribery offenses, including bribery in athletic contests,¹⁹ commercial bribe receiving,²⁰ and commercial bribery.²¹ In *Roque v. State*, the Florida Supreme Court held that s. 838.15, F.S., the commercial bribe receiving law, was unconstitutionally vague.²² The Nineteenth Statewide Grand Jury Report opined that s. 838.16, F.S., commercial bribery, is most certainly also unconstitutionally vague since s. 838.16, F.S., refers to s. 838.15, F.S.²³

Unlawful Compensation or Reward for Official Behavior

Section 838.016, F.S., pertains to unlawful compensation or reward for official behavior. It is a second degree felony²⁴ for any person corruptly to give, offer, or promise to any public servant any benefit not authorized by law or for any public servant corruptly to request, solicit, accept, or agree to accept any benefit not authorized by law:

- For the past, present, or future performance, nonperformance, or violation of any act or omission that the person believes to have been, or the public servant represents as having been, either within the official discretion of the public servant, in violation of a public duty, or in performance of a public duty; or
- For the past, present, or future exertion of any influence upon or with any other public servant regarding any act or omission that the person believes to have been, or the public servant represents as having been, either within the official discretion of the public servant, in violation of a public duty, or in performance of a public duty.

¹⁷ Section 838.015(1), F.S., defines “bribery” as corruptly to give, offer, or promise to any public servant, or, if a public servant, corruptly to request, solicit, accept, or agree to accept for himself or herself or another, any pecuniary or other benefit not authorized by law with an intent or purpose to influence the performance of any act or omission which the person believes to be, or the public servant represents as being, within the official discretion of a public servant, in violation of a public duty, or in performance of a public duty.

¹⁸ Section 838.015(3), F.S. Under ss. 775.082 and 775.083, F.S., a second degree felony is punishable by a term of imprisonment not to exceed 15 years, and a maximum fine of \$10,000. Section 775.084, F.S., relates to habitual felony offenders. If a habitual felony offender is convicted of a second degree felony, such offender may be sentenced for a term not exceeding 30 years.

¹⁹ Section 838.12, F.S.

²⁰ Section 838.15, F.S.

²¹ Section 838.16, F.S.

²² *Roque v. State*, 664 So. 2d 928 (Fla. 1995).

²³ See Interim Report *supra* note 11, at 34.

²⁴ A second degree felony is punishable as provided for in ss. 775.082, 775.083, or 775.084, F.S. See *supra* note 19.

Official Misconduct

The offense of official misconduct contained in s. 838.022(1), F.S., provides that it is unlawful for a public servant, with corrupt intent to obtain a benefit for any person or to cause harm to another, to:

- Falsify, or cause another person to falsify, any official record or official document;
- Conceal, cover up, destroy, mutilate, or alter any official record or official document or cause another person to perform such an act; or
- Obstruct, delay, or prevent the communication of information relating to the commission of a felony that directly involves or affects the public agency or public entity served by the public servant.

Any person who violates these provisions commits a felony of the third degree, which is punishable as provided for in s. 775.082, s. 775.083, or s. 775.084, F.S.²⁵

Bid Tampering

Section 838.22, F.S., provides that:

- It is unlawful for a public servant, with corrupt intent to influence or attempt to influence the competitive bidding process undertaken by any state, county, municipal, or special district agency, or any other public entity, for the procurement of commodities or services, to:
 - Disclose material information concerning a bid or other aspects of the competitive bidding process when such information is not publicly disclosed.
 - Alter or amend a submitted bid, documents or other materials supporting a submitted bid, or bid results for the purpose of intentionally providing a competitive advantage to any person who submits a bid.
- It is unlawful for a public servant, with corrupt intent to obtain a benefit for any person or to cause unlawful harm to another, to circumvent a competitive bidding process required by law or rule by using a sole-source contract for commodities or services.
- It is unlawful for any person to knowingly agree, conspire, combine, or confederate, directly or indirectly, with a public servant to violate one of the above provisions.
- It is unlawful for any person to knowingly enter into a contract for commodities or services that was secured by a public servant acting in violation of one of the above provisions.

Any person who violates one of these provisions commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.²⁶

Attorney Fees

Under common law, a public officer who successfully defends charges of misconduct while in office is entitled to be reimbursed for his or her attorney fees accrued defending such charges.²⁷ The reimbursement applies regardless of whether the official is defending his or her conduct in civil proceedings or in criminal proceedings.²⁸ However, in order to be entitled to attorney fees, the litigation must arise out of or in connection with the performance of the public officer's official duties and must serve a public purpose.²⁹ Inherent in the requirement of a "public purpose" is that the public officer was not advancing his or her own private pecuniary interests.³⁰ Thus, in order to be reimbursed, the public officer must successfully defend himself or herself against charges and demonstrate his or her actions were for a public purpose.

²⁵ Section 838.022(3), F.S. Under ss. 775.082 and 775.083, F.S., a third degree felony is punishable by a term of imprisonment not to exceed 5 years, and a maximum fine of \$5,000. Section 775.084, F.S., relates to habitual felony offenders. If a habitual felony offender is convicted of a third degree felony, such offender may be sentenced for a term not exceeding 10 years.

²⁶ See *supra* note 19.

²⁷ *Thornber v. City of Ft. Walton Beach*, 568 So. 2d 914, 916 (Fla. 1990).

²⁸ *Chavez v. City of Tampa*, 560 So. 2d 1214, 1217 (Fla. 2d DCA 1990).

²⁹ *Thornber*, 568 So. 2d at 916.

³⁰ *Chavez*, 560 So. 2d at 1217.

Effect of the Bill

Applicability of the Criminal Offenses in Ch. 838, F.S.

The bill expands the population of persons subject to criminal sanction under ch. 838, F.S., by amending the definition of “public servant,” creating a new definition of “governmental entity,” creating a new definition of “public contractor” applicable to official misconduct, and including public contractors who contract with a governmental entity to assist in competitive procurement in bid tampering offenses. The bill redefines the term “public servant” as any officer or employee of a governmental entity, including any executive, legislative, or judicial branch. The bill defines the term “governmental entity” as an agency or entity of the state; a county, municipality, or special district; or any other public entity created or authorized by law. Thus, the bill expands the governmental entities subject to the criminal offenses of bribery, unlawful compensation, official misconduct, and other offenses in ch. 838, F.S., to include public entities such as Citizens Property Insurance Corporation,³¹ statutorily-created direct-support organizations,³² and other statutorily-created public entities. The definition of “corruptly” or “with corrupt intent” is eliminated.

In addition, the bill expands who may be prosecuted for official misconduct. The bill creates a new definition of “public contractor,” which is defined as any person, officer, or employee of a person who has entered into a contract with a governmental entity. The term “person” in the definition of public contractor includes individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.³³ Under the amended offense of official misconduct, it is unlawful for a public servant or a public contractor to falsify, or cause another person to falsify, any official record or official document; to conceal, cover up, destroy, mutilate, or alter any official record or official document, except as authorized by law or contract; or to obstruct, delay, or prevent the communication of information relating to the commission of a felony that directly involves or affects the governmental entity served by the public contractor.

The bill applies the offense of bid tampering to public contractors who have contracted with a governmental entity to assist in a competitive procurement. A public contractor who has contracted with a governmental entity to assist in a competitive procurement is prohibited from influencing or attempting to influence a competitive solicitation by:

- Disclosing, except as authorized by law, material information concerning a vendor’s response, any evaluation results, or other aspects of the competitive solicitation when such information is not publicly disclosed; or
- Altering or amending a submitted response, documents or other materials supporting a submitted response, or any evaluation results relating to the competitive solicitation for the purpose of intentionally providing a competitive advantage to any person who submits a response.

A public contractor who violates this prohibition commits a second degree felony.³⁴

The bill reenacts several sections of law to incorporate amendments by the bill to the definition of public servant.

³¹ Section 627.351(6), F.S. Citizens Property Insurance Corporation was created in 2002 as a not-for-profit insurer of last resort for homeowners who could not obtain insurance elsewhere.

³² A direct-support organization is an organization incorporated under ch. 617, F.S., and approved by the Department of State as a Florida corporation not for profit that is approved by a state agency to operate for the benefit of a specific program, such as the Florida Historic Capitol Museum Council’s direct-support organization. *See* s. 272.136, F.S.

³³ Section 1.01(3), F.S.

³⁴ A second degree felony is punishable by a term of imprisonment of up to 15 years and a fine of up to \$10,000. Sections 775.082 and 775.083, F.S.

Mens Rea

The bill amends s. 838.015(1), F.S., relating to bribery; s. 838.016, F.S., relating to unlawful compensation or reward for official behavior; s. 838.022, F.S., relating to official misconduct; and s. 838.22, F.S., relating to bid tampering, to change the mens rea element of each crime from “corruptly” to “knowingly and intentionally.” Under the bill, a prosecutor will no longer have to show a defendant acted dishonestly for a wrongful purpose by accepting a bribe but rather that the defendant knowingly and intentionally accepted the bribe.

Attorney Fees

The bill authorizes public servants and public contractors prosecuted for a violation under the bill to recover attorney fees in the same manner as provided by general law for public officers and employees with respect to the enforcement of public corruption offenses.

Online Posting of Governmental Budgets

Counties, Municipalities, and Special Districts

Present Situation

Counties,³⁵ municipalities,³⁶ and special districts³⁷ are required to post their tentative budgets on their websites two days prior to consideration of the budget at a public hearing. The final budget of a county, municipality, or special district must be posted on its website within 30 days after adoption. An amendment to a budget must be posted to the website within five days of adoption.³⁸ Current law does not specify how long these documents must remain available on the website.

Effect of the Bill

The bill requires a tentative budget to remain on a county’s, municipality’s, or special district’s website for at least 45 days. The bill also requires a final budget to remain on the entity’s website for at least two years. Finally, the bill requires an adopted amendment to a budget to remain on the website for at least two years.

Water Management Districts

Present Situation

Chapter 373, F.S., governs Florida’s water resource management and authorizes the creation of WMDs, which are given taxing authority. Section 373.536, F.S., governs the budget process for WMDs and requires a WMD’s tentative budget to be posted on the WMD’s website at least two days before budget hearings are conducted. The law requires a WMD’s final adopted budget to be posted on the WMD’s official website within 30 days after adoption.

Effect of the Bill

The bill requires a WMD’s tentative budget to remain on the WMD’s website for at least 45 days and requires the final adopted budget to remain on the website for at least two years.

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

Present Situation

State Agencies and the Judicial Branch

Section 215.86, F.S., requires each state agency and the judicial branch as defined in s. 216.011, F.S., to establish and maintain management systems and controls that promote and encourage compliance;

³⁵ Section 129.03, F.S.

³⁶ Section 166.241, F.S.

³⁷ Section 189.016(4), F.S.

³⁸ Sections 129.06(2)(f)2., 166.241(5), and 189.016(7), F.S.

economic, efficient, and effective operations; reliability of records and reports; and safeguarding of assets. It requires accounting systems and procedures to be designed to fulfill the requirements of generally accepted accounting principles.

Local Governmental Entities

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

Charter Schools

Section 1002.33, F.S., authorizes charter schools as part of Florida's state program of education. In addition to creating charter schools, that section also imposes certain requirements on charter schools. In pertinent part, the law provides that the governing body of a charter school is responsible for:

- Ensuring that the charter school has retained a certified public accountant or auditor to perform its annual audit;
- Reviewing and approving the audit report;
- Establishing a corrective plan, if necessary;
- Monitoring a financial recovery plan to ensure compliance; and
- Participating in governance training approved by the Department of Education, which must include government in the sunshine, conflicts of interest, ethics, and financial responsibility.³⁹

School Districts, Florida College System Institutions, and State Universities

Current law requires the financial records and accounts of each school district, Florida College System institution, and other institution or agency under the supervision of the State Board of Education (SBE) to be prepared and maintained as prescribed by law and rules of the SBE. The financial records and accounts of each state university under the supervision of the Board of Governors (BOG) must be prepared and maintained as prescribed by law and rules of the BOG. Rules of the SBE and rules of the BOG must incorporate the requirements of law and accounting principles generally accepted in the United States and must include a uniform classification of accounts. Each state university must annually file with the BOG financial statements prepared in conformity with accounting principles generally accepted by the United States and the uniform classification of accounts prescribed by the BOG. The BOG's rules must prescribe the filing deadline for the financial statements. The required financial accounts and reports must include provisions that are unique to each of the following: K-12 school districts, Florida College System institutions, and state universities, and must provide for the data to be reported to the National Center of Educational Statistics and other governmental and professional educational data information services as appropriate.⁴⁰

Justice Administrative Commission

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

³⁹ Section 1002.33(9)(j), F.S.

⁴⁰ Section 1010.01, F.S.

Effect of the Bill

The bill requires state agencies, the judicial branch, local governmental entities, charter schools, school districts, Florida College System institutions, state universities, the Commission, each state attorney, each public defender, the criminal conflict and civil regional counsel, the capital collateral regional counsel, and the Guardian Ad Litem Program to establish and maintain internal controls designed to:

- Prevent and detect fraud, waste, and abuse;
- Promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices;
- Support economical and efficient operations;
- Ensure reliability of financial records and reports; and
- Safeguard assets.

The bill also authorizes a district school board to retain an internal auditor to determine the adequacy of internal controls described above.

Extra Compensation Claims and False Claims Act Changes

Extra Compensation Claims

Present Situation

Section 215.425, F.S., prohibits extra compensation to any officer, agent, employee, or contractor after the service has been rendered or the contract made. In addition, no money may be appropriated or paid on any claim the subject matter of which has not been provided for by preexisting laws, unless such compensation or claim is allowed by a law enacted by two-thirds of the members elected to each house of the Legislature. However, when adopting salary schedules for a fiscal year, a district school board or community college district board of trustees may apply the schedule for payment of all services rendered subsequent to July 1 of that fiscal year. Current law also requires a unit of government that enters into a contract or employment agreement, or renewal or renegotiation of an existing contract or employment agreement, that contains a provision for severance pay to include in the contract provisions that limit severance pay to 20 weeks and that prohibit severance pay when the individual is terminated for misconduct.⁴¹

Effect of the Bill

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

The bill requires a contract or employment agreement, or renewal of an existing contract or agreement, entered into by a unit of local government on or after July 1, 2011, or by a state university on or after July 1, 2012, to contain a requirement that severance pay from public funds may not exceed 20 weeks and to prohibit the provision of severance pay paid from public funds when the officer, agent, employee, or contractor has been fired for misconduct.

The bill specifies that if the payment and receipt does not otherwise violate the Code of Ethics for Public Officers and Employees, the following funds may be used to provide extra compensation or severance pay in excess of the 20-week limitation:

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

⁴¹ Section 215.425(4)(a), F.S.
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- Revenues received by Florida College System institutions through or from faculty practice plans; health services support organizations; direct-support organizations; or federal, auxiliary, or private sources, except for tuition.
- Revenues that are received by a hospital licensed under ch. 395, F.S., that has entered into a Medicaid provider contract, and the revenues:
 - Are not derived from the levy of an ad valorem tax;
 - Are not derived from patient services paid through the Medicaid or Medicare program;
 - Are derived from patient services pursuant to contracts with private insurers or private managed care entities; or
 - Are not appropriated by the Legislature or by any county, municipality, special district, school district, Florida College System institution, state university, or other separate unit of government created pursuant to law, including any office, department, agency, division, subdivision, political subdivision, board, bureau, commission, authority, or institution of such entities, except for revenues otherwise authorized to be used.
- Revenues or fees received by a seaport or airport from sources other than through the levy of a tax or funds appropriated by any county or municipality or the Legislature.

The bill requires a unit of government that has made a prohibited compensation payment to investigate and take all actions necessary to recover the prohibited compensation. If the compensation was provided unintentionally, the unit of government must recover the prohibited compensation through its normal recovery methods for overpayments. If the prohibited compensation was willfully made, the unit of government must recover the compensation from either the recipient or the individual who authorized the prohibited payment. Each individual determined to have willfully violated the prohibition is jointly and severally liable for repayment of the prohibited compensation. A person who willfully provides prohibited compensation commits a first degree misdemeanor under the bill. The bill provides for suspension and removal of officers who willfully provide prohibited compensation as follows: an officer who exercises the powers and duties of a state or county officer may be suspended by the Governor and removed by the Florida Senate; any other officer may be suspended and removed by the Governor pursuant to s. 112.51, F.S.

A person who reports a prohibited compensation payment is eligible for a reward of at least \$500, or the lesser of 10 percent of the funds recovered or \$10,000 per incident. There is an exception to the reward provision where the recovery of the prohibited compensation is based on disclosures of information relating to allegations or transactions in a criminal, civil, or administrative hearing; in a legislative, administrative, inspector general, or other government report; in an auditor general report, hearing, audit, or investigation; or in the news media. If the reporting person was involved in the authorization, approval, or receipt of the prohibited compensation or is convicted for his or her role in the authorization, approval, or receipt of the prohibited compensation, he or she is not eligible for the reward. Whistle-blowers are granted full protection under the Whistle-blower's Act.⁴²

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

The bill specifies that the provisions regarding the recovery of prohibited compensation apply prospectively to contracts or employment agreements, or the renewal or renegotiation of an existing contract or employment agreement, effective on or after October 1, 2016.

False Claims against the State

Present Situation

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

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

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

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

Effect of the Bill

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

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

Auditing

Joint Legislative Auditing Committee

Present Situation

Section 11.40, F.S., provides:

Following notification by the Auditor General, the Department of Financial Services, or the Division of Bond Finance of the State Board of Administration of the failure of a local governmental entity, district school board, charter school, or charter technical career center to comply with the applicable provisions within ss. 11.45(5)-(7),⁴³ 218.32(1),⁴⁴ 218.38,⁴⁵ or 218.503(3),⁴⁶ the Legislative Auditing

⁴³ Section 11.45, F.S., governs certain audits to be conducted by the Auditor General.

Committee may schedule a hearing to determine if the entity should be subject to further state action.

Section 11.45, F.S., defines the types of audits that may be conducted. That section requires the Auditor General to conduct certain state and local governmental audits and specifies the frequency with which the audits must occur. Section 11.45(3), F.S., also allows the Auditor General to conduct other audits he or she determines to be appropriate. For purposes of s. 11.45, F.S., the term local governmental entity means a county agency, municipality, or special district as defined in s. 189.012,⁴⁷ F.S., but does not include any housing authority established under ch. 421, F.S.

The Auditor General is required to annually transmit, by July 15, to the President of the Senate, the Speaker of the House of Representatives, and DFS a list of all school districts, charter schools, charter technical career centers, Florida College System institutions, state universities, and WMDs that have failed to comply with certain transparency requirements.

Effect of the Bill

The bill provides that the Governor or his or her designee, or the Commissioner of Education or his or her designee, may also notify the Joint Legislative Auditing Committee that a local governmental entity, district school board, charter school, or charter technical career center has failed to comply with applicable auditing, financial reporting, bond issuance notification, or bond verification provisions or failed to disclose a financial emergency or provide information required during a financial emergency.

The bill defines the terms “abuse,” “fraud,” and “waste” in s. 11.45, F.S., as follows:

- “Abuse” means behavior that is deficient or improper when compared with behavior that a prudent person would consider a reasonable and necessary operational practice given the facts and circumstances. The term includes the misuse of authority or position for personal gain.
- “Fraud” means obtaining something of value through willful misrepresentation, including, but not limited to, the intentional misstatements or omissions of amounts or disclosures in financial statements to deceive users of financial statements, theft of an entity’s assets, bribery, or the use of one’s position for personal enrichment through the deliberate misuse or misapplication of an organization’s resources.
- “Waste” means the act of using or expending resources unreasonably, carelessly, extravagantly, or for no useful purpose.

The bill also redefines the term “local governmental entity” for purposes of s. 11.45, F.S., to include tourist development councils and county tourism promotion agencies.

The bill exempts WMDs from being subject to audits of local governmental entities conducted pursuant to s. 11.45(2)(j), F.S. The bill authorizes the Auditor General to conduct audits or other engagements of tourist development councils and county tourism promotion agencies. The bill also makes conforming changes to the Auditor General’s reporting requirement.

⁴⁴ Section 218.32(1), F.S., requires annual financial reports from local governmental entities.

⁴⁵ Section 218.38, F.S., requires notice of bond issuance and contains verification requirements.

⁴⁶ Section 218.503(3), F.S., requires those entities to disclose a financial emergency and provide certain information concerning a financial emergency.

⁴⁷ Section 189.012(6), F.S., defines a “special district” to mean a unit of local government created for a special purpose, as opposed to a general purpose, which has jurisdiction to operate within a limited geographic boundary and is created by general law, special act, local ordinance, or by rule of the Governor and Cabinet. The term does not include a school district, a community college district, a special improvement district created pursuant to s. 285.17, F.S., a municipal service taxing or benefit unit as specified in s. 125.01, F.S., or a board which provides electrical service and which is a political subdivision of a municipality or is part of a municipality.

Florida Single Audit Act

Present Situation

The Florida Single Audit Act, codified in s. 215.97, F.S., is designed to

- Establish uniform state audit requirements for state financial assistance provided by state agencies to nonstate entities to carry out state projects;
- Promote sound financial management, including effective internal controls, with respect to state financial assistance administered by nonstate entities;
- Promote audit economy and efficiency by relying to the extent possible on already required audits of federal financial assistance provided to nonstate entities;
- Provide for identification of state financial assistance transactions in the state accounting records and recipient organization records;
- Promote improved coordination and cooperation within and between affected state agencies providing state financial assistance and nonstate entities receiving state assistance; and
- Ensure, to the maximum extent possible, that state agencies monitor, use, and follow-up on audits of state financial assistance provided to nonstate entities.

Pursuant to the Florida Single Audit Act, certain entities that meet the “audit threshold” requirements are subject to a state single audit or a project-specific audit. Currently, the “audit threshold” requires each nonstate entity that expends a total amount of state financial assistance equal to or in excess of \$500,000 in any fiscal year of such nonstate entity to have a state single audit, or a project-specific audit, for such fiscal year. Every two years, the Auditor General, after consulting with the Executive Office of the Governor, DFS, and all state awarding agencies, is required to review the threshold amount for requiring audits and may adjust the threshold amount.⁴⁸

Effect of the Bill

The bill increases the audit threshold from \$500,000 to \$750,000. Additionally, the bill changes the requirement that the Auditor General review the threshold amount for requiring audits from every two years to “periodically,” however, the term “periodically” is not defined. Finally, the bill authorizes the Auditor General to recommend to the Legislature a statutory change to revise the threshold amount in its annual report.

Annual Financial Audit Reports

Present Situation

If, by the first day in any fiscal year, a local governmental entity, district school board, charter school, or charter technical career center has not been notified that a financial audit for that fiscal year will be performed by the Auditor General, those entities meeting certain requirements must have an annual financial audit of its accounts and records completed within nine months after the end of its fiscal year by an independent certified public accountant.⁴⁹ Section 218.39, F.S., specifies the minimum required information for the independent audits and provides for discussion between the governing body and the independent certified public accountant regarding certain specified conditions. If corrective action is required and has not been taken, the Legislative Auditing Committee can request a statement explaining why the corrective action has not been taken and take certain steps to determine whether the entity should be subject to further state action.⁵⁰

Effect of the Bill

The bill provides that if the audit report contains a recommendation that was included in the preceding financial audit report but remains unaddressed, the governing body of the audited entity, within 60 days after delivery of the audit report to the governing body, must indicate whether it intends to take a corrective action, the corrective action to be taken, and when the corrective action will occur. If the

⁴⁸ Section 215.97(2)(a), F.S.

⁴⁹ Section 218.39(1), F.S.

⁵⁰ Section 11.40(2), F.S.

governing body does not intend to take any corrective action, it must explain its decision at a regularly scheduled public meeting.

Local Governmental Entity Annual Financial Reports

Present Situation

Section 218.32, F.S., requires local governmental entities that are required to provide for an audit under s. 218.39, F.S., to submit an audit report and annual financial report to DFS within 45 days after completion of the audit report, but no later than nine months after the end of the fiscal year. The annual financial report must be signed by the chair of the governing body and the chief financial officer of the local governmental entity. The law also specifies the information that must be included in the report.

In addition, DFS is required to file a verified report with the Governor, the Legislature, the Auditor General, and the Special District Accountability Program of DEO showing the revenues, both locally derived and derived from intergovernmental transfers, and the expenditures of each local governmental entity, regional planning council, local government finance commission, and municipal power corporation that is required to submit an annual financial report.⁵¹

Effect of the Bill

The bill requires an independent certified public accountant conducting an audit of a local governmental entity pursuant to s. 218.39, F.S., to determine, as part of the audit, whether the entity's annual financial report is in agreement with the audited financial statements. The accountant's audit report must be supported by the same level of detail as required for the annual financial report. If the reports are not in agreement, the bill requires the accountant to specify in the audit report the differences that exist between the annual financial report and the audit report.

The bill also authorizes DFS, in preparing the verified report, to request additional information from the local governmental entity. Any additional information requested must be provided to DFS within 45 days after the request. If the local governmental entity does not comply with the request, DFS must notify the Legislative Auditing Committee, which may take action pursuant to s. 11.40(2), F.S.

Auditor Selection Procedures

Present Situation

Section 218.391, F.S., outlines the process that each local governmental entity, district school board, charter school, or charter technical career center must follow in selecting a certified public accounting firm to act as an auditor. Noncharter counties are required to create an audit committee consisting of each of its officers elected pursuant to the State Constitution and one member of the board of county commissioners or its designee. The audit committee must publicly announce requests for proposals for the audit services. The law specifies the factors that must be considered in selecting the firm and the procedures for negotiating for compensation.

Effect of the Bill

The bill requires all counties to have an auditor selection committee consisting of each of its elected county constitutional officers or its officers elected pursuant to the county charter or their respective designees. The bill requires municipalities, special districts, district school boards, charter schools, and charter technical career centers to create an audit committee with at least three members, one of whom must be a member of the governing body of the entity. That member must serve as the audit committee's chair. An employee, chief executive officer, or chief financial officer of the county, municipality, special district, district school board, charter school, or charter technical career center may not serve as a member of an audit committee.

⁵¹ Section 218.32(2), F.S.
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The bill requires the audit report submitted pursuant to s. 218.39, F.S., to include an affidavit executed by the chair of the audit committee affirming that the committee complied with the auditor selection requirements. If the Auditor General determines that an entity failed to comply with the requirements in selecting an auditor, the entity must select a replacement auditor to conduct audits for subsequent fiscal years if the original audit was performed under a multiyear contract.

The Florida Virtual School

Present Situation

The Florida Virtual School is created to develop and deliver online and distance learning. The Commissioner of Education is charged with monitoring the Florida Virtual School. In pertinent part, the law requires the board of trustees to submit an annual report to the Governor, the Legislature, the Commissioner of Education, and the SBE that must address:

- The operations and accomplishments of the Florida Virtual School within the state and those occurring outside the state as Florida Virtual School Global;
- The marketing and operational plan for the Florida Virtual School and Florida Virtual School Global, including recommendations regarding methods for improving the delivery of education through the Internet and other distance learning technology;
- The assets and liabilities of the Florida Virtual School and Florida Virtual School Global at the end of the fiscal year;
- A copy of an annual financial audit of the accounts and records of the Florida Virtual School and Florida Virtual School Global, conducted by an independent certified public accountant and performed in accordance with rules adopted by the Auditor General;
- Recommendations regarding the unit cost of providing services to students through the Florida Virtual School and Florida Virtual School Global; and
- Recommendations regarding an accountability mechanism to assess the effectiveness of the services provided by the Florida Virtual School and Florida Virtual School Global.⁵²

The Auditor General must conduct an operational audit of the Florida Virtual School, including Florida Virtual School Global.⁵³ The scope of the audit must include, but is not limited to, the administration of responsibilities relating to personnel; procurement and contracting; revenue production; school funds, including internal funds; student enrollment records; franchise agreements; information technology utilization, assets, and security; performance measures and standards; and accountability. The law specifies that the final report on the audit must be submitted to the President of the Senate and the Speaker of the House of Representatives no later than January 31, 2014.

Effect of the Bill

The bill eliminates the requirement for the Auditor General to conduct an operational audit and report to the presiding officers by January 31, 2014.

The bill creates a new requirement for the Florida Virtual School to have an annual financial audit of its accounts and records conducted by an independent auditor who is a licensed certified public accountant. The independent auditor must conduct the audit in accordance with the rules adopted by the Auditor General and must prepare an audit report in accordance with such rules. The audit report must include a written statement of the board of trustees describing corrective action to be taken in response to each of the independent auditor's recommendations. The independent auditor must submit the audit report to the board of trustees and the Auditor General no later than nine months after the end of the preceding fiscal year. The bill also makes conforming changes to the annual report provided to the Governor, the Legislature, the Commissioner of Education, and the SBE by requiring a copy of the audit report to be submitted with the board of trustees' annual statement.

⁵² Section 1002.37(6), F.S.

⁵³ Section 1002.37(11), F.S.

Required Audits of Certain Educational Institutions

Present Situation

School districts, Florida College System institutions, and other institutions and agencies under the supervision of the SBE and state universities under the supervision of the BOG are subject to the audit provisions of ss. 11.45 and 218.39, F.S. If an audit contains a significant finding, the district school board, the Florida College System institution board of trustees, or the university board of trustees is required to conduct an audit overview during a public meeting.⁵⁴

Effect of the Bill

The bill provides that if an audit report includes a recommendation that was included in the preceding financial audit report but remains unaddressed, the district school board, the Florida College System institution board of trustees, or the university board of trustees must indicate during a regularly scheduled public meeting whether it intends to take corrective action, the corrective action to be taken, and when the corrective action will occur within 60 days after the delivery of the audit report. If the district school board, Florida College System institution board of trustees, or university board of trustees does not intend to take corrective action, it must explain its decision at the public meeting.

Other Provisions

Florida Clerks of Court Operations Corporation

Present Situation

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

Effect of the Bill

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

Transparency in Government Spending

Present Situation

The Transparency Florida Act (Act), codified in s. 215.985, F.S., requires the Governor, in consultation with the appropriations committees of the House and Senate, to maintain a central website providing access to all other websites required to be linked under the Act. It also requires certain budget information, certain contract information, and minimum functionality standards to be readily available online. In pertinent part, s. 215.985(11), F.S., requires each WMD to provide a monthly financial statement to its governing board and make the statement available for public access on its website.

⁵⁴ Section 1010.30(2), F.S.

Effect of the Bill

The bill requires the monthly financial statement to be in the form and manner prescribed by DFS to the district's governing board and requires each WMD to make the monthly financial statement available to the public on its website.

Reasonable Opportunity to be Heard at Public Meetings

Present Situation

Section 286.0114, F.S., requires, with certain exceptions, that members of the public be provided a reasonable opportunity to be heard before a board or commission. The law describes a general public comment process and allows entities to prescribe how public comment is made and create certain reasonable limitations.

Effect of the Bill

The bill specifies that a board or commission may not require a member of the public to provide an advance written copy of his or her testimony or comments as a precondition of being given the opportunity to be heard at a meeting.

B. SECTION DIRECTORY:

Section 1 provides that the act may be cited as the "Florida Anti-Corruption Act of 2016."

Section 2 amends s. 11.40, F.S., relating to the Legislative Auditing Committee.

Section 3 amends s. 11.45, F.S., relating to definitions; duties; authorities; reports; and rules of the Auditor General.

Section 4 amends s. 20.602, F.S., relating to standards of conduct; officers and board members of DEO corporate entities.

Section 5 amends s. 28.35, F.S., relating to the Florida Clerks of Court Operations Corporation.

Section 6 amends s. 43.16, F.S., relating to the Justice Administrative Commission.

Section 7 amends s. 112.313, F.S., relating to standards of conduct for public officers, employees of agencies, and local government attorneys.

Section 8 amends s. 112.3144, F.S., relating to full and public disclosure of financial interests.

Section 9 specifies that the changes made to s. 112.3144, F.S., apply to disclosures filed for the 2016 calendar year and all subsequent calendar years.

Section 10 amends s. 112.31455, F.S., relating to collection methods for unpaid automatic fines for failure to timely file disclosure of financial interests.

Section 11 amends s. 129.03, F.S., relating to preparation and adoption of county budgets.

Section 12 amends s. 129.06, F.S., relating to execution and amendment of county budgets.

Section 13 amends s. 166.241, F.S., relating to fiscal years, budgets, and budget amendments for municipalities.

Section 14 amends s. 189.016, F.S., relating to reports, budgets, and audits for special districts.

Section 15 amends s. 215.425, F.S., relating to extra compensation claims prohibited; bonuses; severance pay.

Section 16 amends s. 215.86, F.S., relating to management systems and controls for state agencies and the judicial branch.

Section 17 amends s. 215.97, F.S., relating to the Florida Single Audit Act.

Section 18 amends s. 215.985, F.S., relating to transparency in government spending.

Section 19 amends s. 218.32, F.S., relating to annual financial reports for local governmental entities.

Section 20 amends s. 218.33, F.S., relating to local governmental entities; establishment of uniform fiscal years and accounting practices and procedures.

Section 21 amends s. 218.39, F.S., relating to annual financial audit reports.

Section 22 amends s. 218.391, F.S., relating to auditor selection procedures.

Section 23 amends s. 286.0114, F.S., relating to public meetings; reasonable opportunity to be heard; attorney fees.

Section 24 amends s. 288.92, F.S., relating to divisions of Enterprise Florida, Inc.

Section 25 amends s. 288.9604, F.S., relating to creation of the Florida Development Finance Corporation.

Section 26 amends s. 373.536, F.S., relating to district budget and hearing thereon.

Section 27 amends s. 838.014, F.S., relating to definitions.

Section 28 amends s. 838.015, F.S., relating to bribery.

Section 29 amends s. 838.016, F.S., relating to unlawful compensation or reward for official behavior.

Section 30 amends s. 838.022, F.S., relating to official misconduct.

Section 31 amends s. 838.22, F.S., relating to bid tampering.

Section 32 creates s. 838.24, F.S., relating to attorney fees.

Section 33 amends s. 1001.42, F.S., relating to powers and duties of district school boards.

Section 34 amends s. 1002.33, F.S., relating to charter schools.

Section 35 amends s. 1002.37, F.S., relating to the Florida Virtual School.

Section 36 amends s. 1010.01, F.S., relating to uniform records and accounts.

Section 37 amends s. 1010.30, F.S., relating to audits required.

Section 38 amends s. 68.082, F.S., relating to false claims against the state; definitions; liability.

Section 39 amends s. 68.083, F.S., relating to civil actions for false claims.

Section 40 amends s. 99.061, F.S., relating to method of qualifying for nomination or election to federal, state, county, or district office.

Section 41 amends s. 218.503, F.S., relating to determination of financial emergency.

Section 42 amends s. 1002.455, F.S., conforming a cross-reference to changes made by the act.

Section 43 reenacts s. 112.534, F.S., relating to failure to comply; official misconduct.

Section 44 reenacts s. 117.01, F.S., relating to appointment, application, suspension, revocation, application fee, bond, and oath.

Section 45 reenacts s. 817.568, F.S., relating to criminal use of personal identification information.

Section 46 reenacts s. 921.0022, F.S., relating to criminal punishment code; offense severity ranking chart.

Section 47 reenacts criminal punishment code; offense severity ranking chart.

Section 48 specifies that the act fulfills an important state interest.

Section 49 provides an effective date of October 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See Fiscal Comments.

D. FISCAL COMMENTS:

The bill may have an indeterminate but likely insignificant negative fiscal impact on state agencies, the court system, court-related entities, local governments, district school boards, charter schools, and state colleges and universities because it requires them to establish specified internal controls. This requirement may require additional time and expense to create the internal controls.

The bill amends provisions related to the prohibition against extra compensation. It requires the investigation of allegations and repayment of any prohibited compensation. It also requires the payment of rewards to individuals who report violations. The bill may have an indeterminate fiscal impact on the state because these changes may result in the recovery of prohibited payments, but there will also be

an associated increased cost due to the workload for conducting investigations and the payment of rewards.

The bill expands those who are eligible for prosecution for felony offenses in ch. 838, F.S.; thus, the bill may have an indeterminate prison bed impact on the Department of Corrections.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The county/municipality mandates provision of Art. VII, s. 18 of the State Constitution may apply because the bill requires county and municipal governments to establish and maintain specified internal controls. An exemption may apply if the bill results in an insignificant fiscal impact to county or municipal governments. An exception also may apply because similarly situated persons are all required to comply and the bill specifies that it serves an important state interest.

2. Other:

Other Comments: Single-Subject Requirement

Article III, s. 6 of the State Constitution provides, in relevant part, that “[e]very law shall embrace but one subject and matter properly connected therewith, and the subject shall be briefly expressed in the title.” In interpreting this provision, the Florida Supreme Court has stated, “[a]n act may be as broad as the Legislature chooses, provided the matters included in the act have a natural or logical connection.”⁵⁵

The title of the bill is “Government Accountability” and it contains many provisions related to governmental ethics, governmental auditing and reporting requirements, and prohibited acts by governmental officers and employees, among others. Section 24 of the bill amends s. 286.0114, F.S., to prohibit a board or commission from requiring a member of the public to provide an advance written copy of his or her testimony or comments as a precondition of being given the opportunity to be heard at a meeting. It is unclear whether a reviewing court would conclude that this provision has a “natural or logical connection” with government accountability.

B. RULE-MAKING AUTHORITY:

The bill requires DFS to specify the form and manner for the submission of WMD monthly financial statements.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 26, 2016, the Government Operations Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The strike-all amendment:

- Removed provisions expanding the types of governmental entities subject to lobbyist registration requirements;
- Prohibited certain officers, members, or directors from representing a person or entity before the Department of Economic Opportunity and its various divisions, units, and corporations; Enterprise Florida, Inc., and its divisions and corporations, and the Florida Development Finance Corporation for a period of two years after retirement or termination of service instead of six years;

⁵⁵ *Chenoweth v. Kemp*, 396 So. 2d 1122 (Fla. 1981).

- Limited the elected municipal officers and candidates for such offices who must file an annual CE Form 6 to only those officers who receive compensation and candidates for such offices;
- Clarified which sources of funds are permissible to use to pay additional compensation or severance pay in excess of those authorized by statute to public employees;
- Expanded the population of persons subject to criminal sanction under ch. 838, F.S., by amending the definition of “public servant,” creating a new definition of “governmental entity,” creating a new definition of “public contractor” applicable to official misconduct, and including public contractors who contract with a governmental entity to assist in competitive procurement in bid tampering offenses; and
- Authorized public servants and public contractors prosecuted for a violation under the bill to recover attorney fees in the same manner as provided by general law for public officers and employees with respect to the enforcement of public corruption offenses.

This analysis is drafted to the committee substitute as approved by the Government Operations Subcommittee.

1 A bill to be entitled
2 An act relating to government accountability;
3 providing a short title; amending s. 11.40, F.S.;
4 authorizing the Governor, the Commissioner of
5 Education, or the designee of the Governor or
6 commissioner to notify the Legislative Auditing
7 Committee of an entity's failure to comply with
8 certain auditing and financial reporting requirements;
9 amending s. 11.45, F.S.; revising and providing
10 definitions; excluding water management districts from
11 certain audit requirements; removing a cross-
12 reference; authorizing the Auditor General to conduct
13 audits of tourist development councils and county
14 tourism promotion agencies; revising Auditor General
15 reporting requirements; creating s. 20.602, F.S.;
16 specifying the applicability of certain provisions of
17 the Code of Ethics for Public Officers and Employees
18 to officers and board members of corporate entities
19 associated with the Department of Economic
20 Opportunity; prohibiting such officers and board
21 members from representing a person or an entity for
22 compensation before certain bodies for a specified
23 timeframe; providing for construction; amending s.
24 28.35, F.S.; revising Florida Clerks of Court
25 Operations Corporation reporting requirements;
26 amending s. 43.16, F.S.; revising the responsibilities

27 of the Justice Administrative Commission, each state
 28 attorney, each public defender, a criminal conflict
 29 and civil regional counsel, a capital collateral
 30 regional counsel, and the Guardian Ad Litem Program to
 31 include the establishment and maintenance of certain
 32 internal controls; amending s. 112.313, F.S.; applying
 33 prohibitions on conflicting employment or contractual
 34 relationships for public officers or employees of an
 35 agency to contractual relationships held by certain
 36 business entities; amending s. 112.3144, F.S.;

37 requiring certain elected municipal officers to file a
 38 full and public disclosure of financial interests;
 39 providing for applicability; amending s. 112.31455,
 40 F.S.; including school districts in provisions
 41 governing collection methods for unpaid automatic
 42 fines for failure to timely file disclosure of
 43 financial interests; amending ss. 129.03, 129.06,
 44 166.241, and 189.016, F.S.; requiring counties,
 45 municipalities, and special districts to maintain
 46 certain budget documents on the entities' websites for
 47 a specified period; amending s. 215.425, F.S.;

48 defining the term "public funds"; revising exceptions
 49 to the prohibition on extra compensation claims;
 50 requiring certain contracts to which a unit of
 51 government or state university is a party during a
 52 specified period to contain certain prohibitions on

53 | severance pay; requiring a unit of government to
 54 | investigate and take necessary action to recover
 55 | prohibited compensation; specifying methods of
 56 | recovery for unintentional and willful violations;
 57 | providing a penalty; specifying applicability of
 58 | procedures regarding suspension and removal of an
 59 | officer who commits a willful violation; establishing
 60 | eligibility criteria and amounts for rewards;
 61 | specifying circumstances under which an employee has a
 62 | cause of action under the Whistle-blower's Act;
 63 | establishing causes of action if a unit of government
 64 | fails to recover prohibited compensation within a
 65 | certain timeframe; providing for applicability;
 66 | amending s. 215.86, F.S.; revising the purposes for
 67 | which management systems and internal controls must be
 68 | established and maintained by each state agency and
 69 | the judicial branch; amending s. 215.97, F.S.;
 70 | revising the definition of the term "audit threshold";
 71 | amending s. 215.985, F.S.; revising requirements for a
 72 | monthly financial statement provided by a water
 73 | management district; amending s. 218.32, F.S.;
 74 | revising requirements for the annual financial audit
 75 | report of a local governmental entity; authorizing the
 76 | Department of Financial Services to request additional
 77 | information from a local governmental entity;
 78 | requiring a local governmental entity to respond to

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

105 | director of the Florida Development Finance
 106 | Corporation from representing a person or entity for
 107 | compensation before the corporation for a specified
 108 | timeframe; amending s. 373.536, F.S.; deleting
 109 | obsolete language; requiring water management
 110 | districts to maintain certain budget documents on the
 111 | districts' websites for a specified period; amending
 112 | s. 838.014, F.S.; revising and providing definitions;
 113 | amending s. 838.015, F.S.; revising the definition of
 114 | the term "bribery"; amending s. 838.016, F.S.;
 115 | revising the prohibition against unlawful compensation
 116 | or reward for official behavior to conform to changes
 117 | made by the act; amending s. 838.022, F.S.; revising
 118 | the prohibition against official misconduct to conform
 119 | to changes made by the act; revising applicability of
 120 | the offense to include public contractors; amending s.
 121 | 838.22, F.S.; revising the prohibition against bid
 122 | tampering to conform to changes made by the act;
 123 | revising applicability of the offense to include
 124 | specified public contractors; creating s. 838.24,
 125 | F.S.; authorizing the award of attorney fees to public
 126 | servants and public contractors under certain
 127 | conditions; amending s. 1001.42, F.S.; authorizing
 128 | additional internal audits as directed by the district
 129 | school board; amending s. 1002.33, F.S.; revising the
 130 | responsibilities of the governing board of a charter

131 school to include the establishment and maintenance of
 132 internal controls; amending s. 1002.37, F.S.;
 133 requiring completion of an annual financial audit of
 134 the Florida Virtual School; specifying audit
 135 requirements; requiring an audit report to be
 136 submitted to the board of trustees of the Florida
 137 Virtual School and the Auditor General; removing
 138 obsolete provisions; amending s. 1010.01, F.S.;
 139 requiring each school district, Florida College System
 140 institution, and state university to establish and
 141 maintain certain internal controls; amending s.
 142 1010.30, F.S.; requiring a district school board,
 143 Florida College System institution board of trustees,
 144 or university board of trustees to respond to audit
 145 recommendations under certain circumstances; amending
 146 ss. 68.082 and 68.083, F.S.; conforming provisions to
 147 changes made by the act; amending s. 99.061, F.S.;
 148 requiring certain candidates for elected municipal
 149 office to file a full and public disclosure of
 150 financial interests; amending ss. 218.503 and
 151 1002.455, F.S.; conforming provisions and cross-
 152 references to changes made by the act; reenacting s.
 153 112.534(2)(a), F.S., relating to official misconduct,
 154 s. 117.01(4)(d), F.S., relating to appointment,
 155 application, suspension, revocation, application fee,
 156 bond, and oath and s. 921.0022(3)(d), F.S., relating

157 to the Criminal Punishment Code offense severity
 158 ranking chart, to incorporate amendments made by the
 159 act to s. 838.022, F.S., in references thereto;
 160 reenacting s. 817.568(11), F.S., relating to criminal
 161 use of personal identification information, to
 162 incorporate the amendment made to s. 838.014, F.S., in
 163 a reference thereto; reenacting s. 921.0022(3)(g),
 164 F.S., relating to the Criminal Punishment Code offense
 165 severity ranking chart, to incorporate amendments made
 166 by the act to ss. 838.015, 838.016, and 838.22, F.S.,
 167 in references thereto; declaring that the act fulfills
 168 an important state interest; providing an effective
 169 date.

170

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

172

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

175

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

177

11.40 Legislative Auditing Committee.—

178

(2) Following notification by the Auditor General, the

179

Department of Financial Services, ~~or~~ the Division of Bond

180

Finance of the State Board of Administration, the Governor or

181

his or her designee, or the Commissioner of Education or his or

182

her designee of the failure of a local governmental entity,

183 district school board, charter school, or charter technical
 184 career center to comply with the applicable provisions within s.
 185 11.45(5)-(7), s. 218.32(1), s. 218.38, or s. 218.503(3), the
 186 Legislative Auditing Committee may schedule a hearing to
 187 determine if the entity should be subject to further state
 188 action. If the committee determines that the entity should be
 189 subject to further state action, the committee shall:

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

201 (b) In the case of a special district created by:
 202 1. A special act, notify the President of the Senate, the
 203 Speaker of the House of Representatives, the standing committees
 204 of the Senate and the House of Representatives charged with
 205 special district oversight as determined by the presiding
 206 officers of each respective chamber, the legislators who
 207 represent a portion of the geographical jurisdiction of the
 208 special district pursuant to s. 189.034(2), and the Department

209 of Economic Opportunity that the special district has failed to
 210 comply with the law. Upon receipt of notification, the
 211 Department of Economic Opportunity shall proceed pursuant to s.
 212 189.062 or s. 189.067. If the special district remains in
 213 noncompliance after the process set forth in s. 189.034(3), or
 214 if a public hearing is not held, the Legislative Auditing
 215 Committee may request the department to proceed pursuant to s.
 216 189.067(3).

217 2. A local ordinance, notify the chair or equivalent of
 218 the local general-purpose government pursuant to s. 189.035(2)
 219 and the Department of Economic Opportunity that the special
 220 district has failed to comply with the law. Upon receipt of
 221 notification, the department shall proceed pursuant to s.
 222 189.062 or s. 189.067. If the special district remains in
 223 noncompliance after the process set forth in s. 189.034(3), or
 224 if a public hearing is not held, the Legislative Auditing
 225 Committee may request the department to proceed pursuant to s.
 226 189.067(3).

227 3. Any manner other than a special act or local ordinance,
 228 notify the Department of Economic Opportunity that the special
 229 district has failed to comply with the law. Upon receipt of
 230 notification, the department shall proceed pursuant to s.
 231 189.062 or s. 189.067(3).

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

235 Section 3. Subsection (1), paragraph (j) of subsection
 236 (2), paragraph (u) of subsection (3), and paragraph (i) of
 237 subsection (7) of section 11.45, Florida Statutes, are amended,
 238 and paragraph (x) is added to subsection (3) of that section, to
 239 read:

240 11.45 Definitions; duties; authorities; reports; rules.—

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

242 (a) "Abuse" means behavior that is deficient or improper
 243 when compared with behavior that a prudent person would consider
 244 a reasonable and necessary operational practice given the facts
 245 and circumstances. The term includes the misuse of authority or
 246 position for personal gain.

247 (b)~~(a)~~ "Audit" means a financial audit, operational audit,
 248 or performance audit.

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

258 (d)~~(e)~~ "Financial audit" means an examination of financial
 259 statements in order to express an opinion on the fairness with
 260 which they are presented in conformity with generally accepted

261 | accounting principles and an examination to determine whether
 262 | operations are properly conducted in accordance with legal and
 263 | regulatory requirements. Financial audits must be conducted in
 264 | accordance with auditing standards generally accepted in the
 265 | United States and government auditing standards as adopted by
 266 | the Board of Accountancy. When applicable, the scope of
 267 | financial audits must ~~shall~~ encompass the additional activities
 268 | necessary to establish compliance with the Single Audit Act
 269 | Amendments of 1996, 31 U.S.C. ss. 7501-7507, and other
 270 | applicable federal law.

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

278 | (f)~~(d)~~ "Governmental entity" means a state agency, a
 279 | county agency, or any other entity, however styled, that
 280 | independently exercises any type of state or local governmental
 281 | function.

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

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

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

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

- 309 1. Economy, efficiency, or effectiveness of the program.
- 310 2. Structure or design of the program to accomplish its
- 311 goals and objectives.
- 312 3. Adequacy of the program to meet the needs identified by

313 the Legislature or governing body.

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

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

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

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

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

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

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

339 (m) "Waste" means the act of using or expending resources
 340 unreasonably, carelessly, extravagantly, or for no useful
 341 purpose.

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

343 (j) Conduct audits of local governmental entities when
 344 determined to be necessary by the Auditor General, when directed
 345 by the Legislative Auditing Committee, or when otherwise
 346 required by law. No later than 18 months after the release of
 347 the audit report, the Auditor General shall perform such
 348 appropriate followup procedures as he or she deems necessary to
 349 determine the audited entity's progress in addressing the
 350 findings and recommendations contained within the Auditor
 351 General's previous report. The Auditor General shall notify each
 352 member of the audited entity's governing body and the
 353 Legislative Auditing Committee of the results of his or her
 354 determination. For purposes of this paragraph, local
 355 governmental entities do not include water management districts.

356
 357 The Auditor General shall perform his or her duties
 358 independently but under the general policies established by the
 359 Legislative Auditing Committee. This subsection does not limit
 360 the Auditor General's discretionary authority to conduct other
 361 audits or engagements of governmental entities as authorized in
 362 subsection (3).

363 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The
 364 Auditor General may, pursuant to his or her own authority, or at

365 | the direction of the Legislative Auditing Committee, conduct
 366 | audits or other engagements as determined appropriate by the
 367 | Auditor General of:

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

369 | (x) Tourist development councils and county tourism
 370 | promotion agencies.

371 | (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

372 | (i) The Auditor General shall annually transmit by July
 373 | 15, to the President of the Senate, the Speaker of the House of
 374 | Representatives, and the Department of Financial Services, a
 375 | list of all school districts, charter schools, charter technical
 376 | career centers, Florida College System institutions, state
 377 | universities, and local governmental entities ~~water management~~
 378 | ~~districts~~ that have failed to comply with the transparency
 379 | requirements as identified in the audit reports reviewed
 380 | pursuant to paragraph (b) and those conducted pursuant to
 381 | subsection (2).

382 | Section 4. Section 20.602, Florida Statutes, is created to
 383 | read:

384 | 20.602 Standards of conduct; officers and board members of
 385 | Department of Economic Opportunity corporate entities.—

386 | (1) The following officers and board members are subject
 387 | to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
 388 | 112.3143(2):

389 | (a) Officers and members of the board of directors of:

390 | 1. Any corporation created under chapter 288;

391 2. Space Florida;
 392 3. CareerSource Florida, Inc., or the programs or entities
 393 created by CareerSource Florida, Inc., pursuant to s. 445.004;
 394 4. The Florida Housing Finance Corporation; or
 395 5. Any other corporation created by the Department of
 396 Economic Opportunity in accordance with its powers and duties
 397 under s. 20.60.

398 (b) Officers and members of the board of directors of a
 399 corporate parent or subsidiary corporation of a corporation
 400 described in paragraph (a).

401 (c) Officers and members of the board of directors of a
 402 corporation created to carry out the missions of a corporation
 403 described in paragraph (a).

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

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

413 (3) For a period of 2 years after retirement from or
 414 termination of service, or for a period of 10 years if removed
 415 or terminated for cause or for misconduct, as defined in s.
 416 443.036(29), an officer or a member of the board of directors

417 specified in subsection (1) may not represent another person or
 418 entity for compensation before:

419 (a) His or her corporation;

420 (b) A division, a subsidiary, or the board of directors of
 421 a corporation created to carry out the mission of his or her
 422 corporation; or

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

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

429 Section 5. Paragraph (d) of subsection (2) of section
 430 28.35, Florida Statutes, is amended to read:

431 28.35 Florida Clerks of Court Operations Corporation.—

432 (2) The duties of the corporation shall include the
 433 following:

434 (d) Developing and certifying a uniform system of workload
 435 measures and applicable workload standards for court-related
 436 functions as developed by the corporation and clerk workload
 437 performance in meeting the workload performance standards. These
 438 workload measures and workload performance standards shall be
 439 designed to facilitate an objective determination of the
 440 performance of each clerk in accordance with minimum standards
 441 for fiscal management, operational efficiency, and effective
 442 collection of fines, fees, service charges, and court costs. The

443 corporation shall develop the workload measures and workload
 444 performance standards in consultation with the Legislature. When
 445 the corporation finds a clerk has not met the workload
 446 performance standards, the corporation shall identify the nature
 447 of each deficiency and any corrective action recommended and
 448 taken by the affected clerk of the court. For quarterly periods
 449 ending on the last day of March, June, September, and December
 450 of each year, the corporation shall notify the Legislature of
 451 any clerk not meeting workload performance standards and provide
 452 a copy of any corrective action plans. Such notifications shall
 453 be submitted no later than 45 days after the end of the
 454 preceding quarterly period. As used in this subsection, the
 455 term:

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

461 2. "Workload performance standards" means the standards
 462 developed to measure the timeliness and effectiveness of the
 463 activities that are accomplished by the clerk in the performance
 464 of the court-related duties of the office as defined by the
 465 membership of the Florida Clerks of Court Operations
 466 Corporation.

467 Section 6. Subsections (6) and (7) of section 43.16,
 468 Florida Statutes, are renumbered as subsections (7) and (8),

469 respectively, and a new subsection (6) is added to that section
 470 to read:

471 43.16 Justice Administrative Commission; membership,
 472 powers and duties.—

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

- 478 (a) Prevent and detect fraud, waste, and abuse.
- 479 (b) Promote and encourage compliance with applicable laws,
 480 rules, contracts, grant agreements, and best practices.
- 481 (c) Support economical and efficient operations.
- 482 (d) Ensure reliability of financial records and reports.
- 483 (e) Safeguard assets.

484 Section 7. Subsection (7) of section 112.313, Florida
 485 Statutes, is amended to read:

486 112.313 Standards of conduct for public officers,
 487 employees of agencies, and local government attorneys.—

488 (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

489 (a) A ~~No~~ public officer or employee of an agency may not
 490 ~~shall~~ have or hold any employment or contractual relationship
 491 with any business entity or any agency that ~~which~~ is subject to
 492 the regulation of, or is doing business with, an agency of which
 493 he or she is an officer or employee, excluding those
 494 organizations and their officers who, when acting in their

495 official capacity, enter into or negotiate a collective
 496 bargaining contract with the state or any municipality, county,
 497 or other political subdivision of the state; and ~~nor shall~~ an
 498 officer or employee of an agency may not have or hold any
 499 employment or contractual relationship that will create a
 500 continuing or frequently recurring conflict between his or her
 501 private interests and the performance of his or her public
 502 duties or that would impede the full and faithful discharge of
 503 his or her public duties. For purposes of this subsection, if a
 504 public officer or employee of an agency holds a controlling
 505 interest in a business entity or is an officer, a director, or a
 506 member who manages such an entity, contractual relationships
 507 held by the business entity are deemed to be held by the public
 508 officer or employee.

509 1. When the agency referred to is a ~~that certain kind of~~
 510 special tax district created by general or special law and is
 511 limited specifically to constructing, maintaining, managing, and
 512 financing improvements in the land area over which the agency
 513 has jurisdiction, or when the agency has been organized pursuant
 514 to chapter 298, ~~then~~ employment with, or entering into a
 515 contractual relationship with, such a business entity by a
 516 public officer or employee of such an agency is ~~shall~~ not ~~be~~
 517 prohibited by this subsection or ~~be~~ deemed a conflict per se.
 518 However, conduct by such officer or employee that is prohibited
 519 by, or otherwise frustrates the intent of, this section must
 520 ~~shall~~ be deemed a conflict of interest in violation of the

521 standards of conduct set forth by this section.

522 2. When the agency referred to is a legislative body and
 523 the regulatory power over the business entity resides in another
 524 agency, or when the regulatory power that ~~which~~ the legislative
 525 body exercises over the business entity or agency is strictly
 526 through the enactment of laws or ordinances, ~~then~~ employment or
 527 a contractual relationship with such a business entity by a
 528 public officer or employee of a legislative body is ~~shall~~ not ~~be~~
 529 prohibited by this subsection or ~~be~~ deemed a conflict.

530 (b) This subsection does ~~shall~~ not prohibit a public
 531 officer or employee from practicing in a particular profession
 532 or occupation when such practice by persons holding such public
 533 office or employment is required or permitted by law or
 534 ordinance.

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

537 112.3144 Full and public disclosure of financial
 538 interests.—

539 (1) In addition to officers specified in s. 8, Art. II of
 540 the State Constitution or other state law, all elected municipal
 541 officers who receive compensation are required to file a full
 542 and public disclosure of their financial interests. An officer
 543 who is required by ~~s. 8, Art. II of the State Constitution~~ to
 544 file a full and public disclosure of ~~his or her~~ financial
 545 interests for any calendar or fiscal year shall file that
 546 disclosure with the ~~Florida~~ Commission on Ethics. ~~Additionally,~~

547 ~~beginning January 1, 2015,~~ An officer who is required to
 548 complete annual ethics training pursuant to s. 112.3142 must
 549 certify on his or her full and public disclosure of financial
 550 interests that he or she has completed the required training.

551 (2) A person who is required, ~~pursuant to s. 8, Art. II of~~
 552 ~~the State Constitution,~~ to file a full and public disclosure of
 553 financial interests and who has filed a full and public
 554 disclosure of financial interests for any calendar or fiscal
 555 year is ~~shall~~ not be required to file a statement of financial
 556 interests pursuant to s. 112.3145(2) and (3) for the same year
 557 or for any part thereof notwithstanding any requirement of this
 558 part. If an incumbent in an elective office has filed the full
 559 and public disclosure of financial interests to qualify for
 560 election to the same office or if a candidate for office holds
 561 another office subject to the annual filing requirement, the
 562 qualifying officer shall forward an electronic copy of the full
 563 and public disclosure of financial interests to the commission
 564 no later than July 1. The electronic copy of the full and public
 565 disclosure of financial interests satisfies the annual
 566 disclosure requirement of this section. A candidate who does not
 567 qualify until after the annual full and public disclosure of
 568 financial interests has been filed pursuant to this section
 569 shall file a copy of his or her disclosure with the officer
 570 before whom he or she qualifies.

571 Section 9. The amendment made to s. 112.3144, Florida
 572 Statutes, by this act applies to disclosures filed for the 2016

573 | calendar year and all subsequent calendar years.

574 | Section 10. Subsection (1) of section 112.31455, Florida
 575 | Statutes, is amended to read:

576 | 112.31455 . Collection methods for unpaid automatic fines
 577 | for failure to timely file disclosure of financial interests.—

578 | (1) Before referring any unpaid fine accrued pursuant to
 579 | s. 112.3144(5) or s. 112.3145(7) to the Department of Financial
 580 | Services, the commission shall attempt to determine whether the
 581 | individual owing such a fine is a current public officer or
 582 | current public employee. If so, the commission may notify the
 583 | Chief Financial Officer or the governing body of the appropriate
 584 | county, municipality, school district, or special district of
 585 | the total amount of any fine owed to the commission by such
 586 | individual.

587 | (a) After receipt and verification of the notice from the
 588 | commission, the Chief Financial Officer or the governing body of
 589 | the county, municipality, school district, or special district
 590 | shall begin withholding the lesser of 10 percent or the maximum
 591 | amount allowed under federal law from any salary-related
 592 | payment. The withheld payments shall be remitted to the
 593 | commission until the fine is satisfied.

594 | (b) The Chief Financial Officer or the governing body of
 595 | the county, municipality, school district, or special district
 596 | may retain an amount of each withheld payment, as provided in s.
 597 | 77.0305, to cover the administrative costs incurred under this
 598 | section.

599 Section 11. Paragraph (c) of subsection (3) of section
 600 129.03, Florida Statutes, is amended to read:

601 129.03 Preparation and adoption of budget.—

602 (3) The county budget officer, after tentatively
 603 ascertaining the proposed fiscal policies of the board for the
 604 next fiscal year, shall prepare and present to the board a
 605 tentative budget for the next fiscal year for each of the funds
 606 provided in this chapter, including all estimated receipts,
 607 taxes to be levied, and balances expected to be brought forward
 608 and all estimated expenditures, reserves, and balances to be
 609 carried over at the end of the year.

610 (c) The board shall hold public hearings to adopt
 611 tentative and final budgets pursuant to s. 200.065. The hearings
 612 shall be primarily for the purpose of hearing requests and
 613 complaints from the public regarding the budgets and the
 614 proposed tax levies and for explaining the budget and any
 615 proposed or adopted amendments. The tentative budget must be
 616 posted on the county's official website at least 2 days before
 617 the public hearing to consider such budget and must remain on
 618 the website for at least 45 days. The final budget must be
 619 posted on the website within 30 days after adoption and must
 620 remain on the website for at least 2 years. The tentative
 621 budgets, adopted tentative budgets, and final budgets shall be
 622 filed in the office of the county auditor as a public record.
 623 Sufficient reference in words and figures to identify the
 624 particular transactions must ~~shall~~ be made in the minutes of the

625 board to record its actions with reference to the budgets.

626 Section 12. Paragraph (f) of subsection (2) of section
627 129.06, Florida Statutes, is amended to read:

628 129.06 Execution and amendment of budget.—

629 (2) The board at any time within a fiscal year may amend a
630 budget for that year, and may within the first 60 days of a
631 fiscal year amend the budget for the prior fiscal year, as
632 follows:

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

638 1. The public hearing must be advertised at least 2 days,
639 but not more than 5 days, before the date of the hearing. The
640 advertisement must appear in a newspaper of paid general
641 circulation and must identify the name of the taxing authority,
642 the date, place, and time of the hearing, and the purpose of the
643 hearing. The advertisement must also identify each budgetary
644 fund to be amended, the source of the funds, the use of the
645 funds, and the total amount of each fund's appropriations.

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

650 Section 13. Subsections (3) and (5) of section 166.241,

651 Florida Statutes, are amended to read:

652 166.241 Fiscal years, budgets, and budget amendments.—

653 (3) The tentative budget must be posted on the
 654 municipality's official website at least 2 days before the
 655 budget hearing, held pursuant to s. 200.065 or other law, to
 656 consider such budget, and must remain on the website for at
 657 least 45 days. The final adopted budget must be posted on the
 658 municipality's official website within 30 days after adoption
 659 and must remain on the website for at least 2 years. If the
 660 municipality does not operate an official website, the
 661 municipality must, within a reasonable period of time as
 662 established by the county or counties in which the municipality
 663 is located, transmit the tentative budget and final budget to
 664 the manager or administrator of such county or counties who
 665 shall post the budgets on the county's website.

666 (5) If the governing body of a municipality amends the
 667 budget pursuant to paragraph (4)(c), the adopted amendment must
 668 be posted on the official website of the municipality within 5
 669 days after adoption and must remain on the website for at least
 670 2 years. If the municipality does not operate an official
 671 website, the municipality must, within a reasonable period of
 672 time as established by the county or counties in which the
 673 municipality is located, transmit the adopted amendment to the
 674 manager or administrator of such county or counties who shall
 675 post the adopted amendment on the county's website.

676 Section 14. Subsections (4) and (7) of section 189.016,

677 Florida Statutes, are amended to read:

678 189.016 Reports; budgets; audits.-

679 (4) The tentative budget must be posted on the special
 680 district's official website at least 2 days before the budget
 681 hearing, held pursuant to s. 200.065 or other law, to consider
 682 such budget, and must remain on the website for at least 45
 683 days. The final adopted budget must be posted on the special
 684 district's official website within 30 days after adoption and
 685 must remain on the website for at least 2 years. If the special
 686 district does not operate an official website, the special
 687 district must, within a reasonable period of time as established
 688 by the local general-purpose government or governments in which
 689 the special district is located or the local governing authority
 690 to which the district is dependent, transmit the tentative
 691 budget or final budget to the manager or administrator of the
 692 local general-purpose government or the local governing
 693 authority. The manager or administrator shall post the tentative
 694 budget or final budget on the website of the local general-
 695 purpose government or governing authority. This subsection and
 696 subsection (3) do not apply to water management districts as
 697 defined in s. 373.019.

698 (7) If the governing body of a special district amends the
 699 budget pursuant to paragraph (6)(c), the adopted amendment must
 700 be posted on the official website of the special district within
 701 5 days after adoption and must remain on the website for at
 702 least 2 years. If the special district does not operate an

703 | official website, the special district must, within a reasonable
 704 | period of time as established by the local general-purpose
 705 | government or governments in which the special district is
 706 | located or the local governing authority to which the district
 707 | is dependent, transmit the adopted amendment to the manager or
 708 | administrator of the local general-purpose government or
 709 | governing authority. The manager or administrator shall post the
 710 | adopted amendment on the website of the local general-purpose
 711 | government or governing authority.

712 | Section 15. Subsections (1) through (5) of section
 713 | 215.425, Florida Statutes, are renumbered as subsections (2)
 714 | through (6), respectively, present subsection (2) and paragraph
 715 | (a) of present subsection (4) of that section are amended, and a
 716 | new subsection (1) and subsections (7) through (13) are added to
 717 | that section, to read:

718 | 215.425 Extra compensation claims prohibited; bonuses;
 719 | severance pay.-

720 | (1) As used in this section, the term "public funds" means
 721 | any taxes, tuition, grants, fines, fees, or other charges or any
 722 | other type of revenue collected by the state or any county,
 723 | municipality, special district, school district, Florida College
 724 | System institution, state university, or other separate unit of
 725 | government created pursuant to law, including any office,
 726 | department, agency, division, subdivision, political
 727 | subdivision, board, bureau, or commission of such entities.

728 | ~~(3)~~(2) Notwithstanding subsection (2), if the payment and

729 receipt do not otherwise violate part III of chapter 112, the
 730 following funds may be used to provide extra compensation or
 731 severance pay in excess of the amount specified in subparagraph
 732 (5)(a)1.:

733 (a) Revenues received by state universities through or
 734 from faculty practice plans; health services support
 735 organizations; hospitals with which state universities are
 736 affiliated; direct-support organizations; or federal, auxiliary,
 737 or private sources, except for tuition.

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

742 (c) Revenues that are received by a hospital licensed
 743 under chapter 395 which has entered into a Medicaid provider
 744 contract and that:

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

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

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

750 4. Are not appropriated by the Legislature or by any
 751 county, municipality, special district, school district, Florida
 752 College System institution, state university, or other separate
 753 unit of government created pursuant to law, including any
 754 office, department, agency, division, subdivision, political

755 subdivision, board, bureau, commission, authority, or
 756 institution of such entities, except for revenues otherwise
 757 authorized to be used pursuant to subparagraphs 2. and 3. This
 758 ~~section does not apply to:~~

759 ~~(a) A bonus or severance pay that is paid wholly from~~
 760 ~~non-tax revenues and nonstate appropriated funds, the payment and~~
 761 ~~receipt of which does not otherwise violate part III of chapter~~
 762 ~~112, and which is paid to an officer, agent, employee, or~~
 763 ~~contractor of a public hospital that is operated by a county or~~
 764 ~~a special district; or~~

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

767 (e) Revenues or fees received by a seaport or airport from
 768 sources other than through the levy of a tax or funds
 769 appropriated by any county or municipality or the Legislature.

770 ~~(5)(4)(a)~~ (5)(a) ~~On or after July 1, 2011,~~ A unit of government,
 771 on or after July 1, 2011, or a state university, on or after
 772 July 1, 2012, that is a party to ~~enters into~~ a contract or
 773 employment agreement, or renewal or renegotiation of an existing
 774 contract or employment agreement, that contains a provision for
 775 severance pay with an officer, agent, employee, or contractor
 776 must include the following provisions in the contract:

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

780 2. A prohibition of provision of severance pay paid from

781 public funds when the officer, agent, employee, or contractor
 782 has been fired for misconduct, as defined in s. 443.036(29), by
 783 the unit of government.

784 (7) Upon discovery or notification that a unit of
 785 government has provided prohibited compensation to any officer,
 786 agent, employee, or contractor in violation of this section,
 787 such unit of government shall investigate and take all necessary
 788 action to recover the prohibited compensation.

789 (a) If the violation was unintentional, the unit of
 790 government shall recover the prohibited compensation from the
 791 individual receiving the prohibited compensation through normal
 792 recovery methods for overpayments.

793 (b) If the violation was willful, the unit of government
 794 shall recover the prohibited compensation from either the
 795 individual receiving the prohibited compensation or the
 796 individual or individuals responsible for approving the
 797 prohibited compensation. Each individual determined to have
 798 willfully violated this section is jointly and severally liable
 799 for repayment of the prohibited compensation.

800 (8) A person who willfully violates this section commits a
 801 misdemeanor of the first degree, punishable as provided in s.
 802 775.082 or s. 775.083.

803 (9) An officer who exercises the powers and duties of a
 804 state or county officer and willfully violates this section is
 805 subject to the Governor's power under s. 7(a), Art. IV of the
 806 State Constitution. An officer who exercises powers and duties

807 other than those of a state or county officer and willfully
 808 violates this section is subject to the suspension and removal
 809 procedures under s. 112.51.

810 (10) (a) A person who reports a violation of this section
 811 is eligible for a reward of at least \$500, or the lesser of 10
 812 percent of the funds recovered or \$10,000 per incident of a
 813 prohibited compensation payment recovered by the unit of
 814 government, depending upon the extent to which the person
 815 substantially contributed to the discovery, notification, and
 816 recovery of such prohibited payment.

817 (b) In the event that the recovery of the prohibited
 818 compensation is based primarily on disclosures of specific
 819 information, other than information provided by such person,
 820 relating to allegations or transactions in a criminal, civil, or
 821 administrative hearing; in a legislative, administrative,
 822 inspector general, or other government report; in an auditor
 823 general report, hearing, audit, or investigation; or from the
 824 news media, such person is not eligible for a reward or for an
 825 award of a portion of the proceeds or payment of attorney fees
 826 and costs pursuant to s. 68.085.

827 (c) If it is determined that the person who reported a
 828 violation of this section was involved in the authorization,
 829 approval, or receipt of the prohibited compensation, or if that
 830 person is convicted of criminal conduct arising from his or her
 831 role in the authorization, approval, or receipt of the
 832 prohibited compensation, such person is not eligible for a

833 reward or for an award of a portion of the proceeds or payment
 834 of attorney fees and costs pursuant to s. 68.085.

835 (11) An employee who is discharged, demoted, suspended,
 836 threatened, harassed, or in any manner discriminated against
 837 with respect to the terms and conditions of employment by his or
 838 her employer because of the employee's lawful acts on his or her
 839 own behalf, or on behalf of others, in furtherance of an action
 840 under this section, including investigation for initiation of,
 841 testimony for, or assistance in an action filed or to be filed
 842 under this section, has a cause of action under s. 112.3187.

843 (12) If the unit of government fails to recover prohibited
 844 compensation for a willful violation of this section within 90
 845 days after discovery and notification of such prohibited
 846 payment, a cause of action may be brought to recover:

847 (a) State funds in accordance with ss. 68.082 and 68.083.

848 (b) Other funds by the Department of Legal Affairs using
 849 the procedures set forth in ss. 68.082 and 68.083, except that
 850 venue shall be the circuit court of the county in which the unit
 851 of government is located.

852 (c) Other funds by a person using the procedures set forth
 853 in ss. 68.082 and 68.083, except that venue shall be the circuit
 854 court of the county in which the unit of government is located.

855 (13) Subsections (7)-(12) apply prospectively to contracts
 856 or employment agreements, or the renewal or renegotiation of an
 857 existing contract or employment agreement, effective on or after
 858 October 1, 2016.

859 Section 16. Section 215.86, Florida Statutes, is amended
 860 to read:

861 215.86 Management systems and controls.—Each state agency
 862 and the judicial branch as defined in s. 216.011 shall establish
 863 and maintain management systems and internal controls designed
 864 to:

- 865 (1) Prevent and detect fraud, waste, and abuse. ~~that~~
- 866 (2) Promote and encourage compliance with applicable laws,
 867 rules, contracts, grant agreements, and best practices.†
- 868 (3) Support economical and ~~economic,~~ efficient, and
 869 effective operations.†
- 870 (4) Ensure reliability of financial records and reports.†
- 871 (5) Safeguard and ~~safeguarding of~~ assets. Accounting
 872 systems and procedures shall be designed to fulfill the
 873 requirements of generally accepted accounting principles.

874 Section 17. Paragraph (a) of subsection (2) of section
 875 215.97, Florida Statutes, is amended to read:

876 215.97 Florida Single Audit Act.—

- 877 (2) Definitions; as used in this section, the term:
- 878 (a) "Audit threshold" means the threshold amount used to
 879 determine when a state single audit or project-specific audit of
 880 a nonstate entity shall be conducted in accordance with this
 881 section. Each nonstate entity that expends a total amount of
 882 state financial assistance equal to or in excess of \$750,000
 883 ~~\$500,000~~ in any fiscal year of such nonstate entity shall be
 884 required to have a state single audit, or a project-specific

885 | audit, for such fiscal year in accordance with the requirements
 886 | of this section. ~~Every 2 years the Auditor General,~~ After
 887 | consulting with the Executive Office of the Governor, the
 888 | Department of Financial Services, and all state awarding
 889 | agencies, the Auditor General shall periodically review the
 890 | threshold amount for requiring audits under this section and may
 891 | recommend any appropriate statutory change to revise the
 892 | threshold amount in the annual report submitted pursuant to s.
 893 | 11.45(7)(h) to the Legislature ~~may adjust such threshold amount~~
 894 | ~~consistent with the purposes of this section.~~

895 | Section 18. Subsection (11) of section 215.985, Florida
 896 | Statutes, is amended to read:

897 | 215.985 Transparency in government spending.—

898 | (11) Each water management district shall provide a
 899 | monthly financial statement in the form and manner prescribed by
 900 | the Department of Financial Services to the district's ~~its~~
 901 | governing board and make such monthly financial statement
 902 | available for public access on its website.

903 | Section 19. Paragraph (d) of subsection (1) and subsection
 904 | (2) of section 218.32, Florida Statutes, are amended to read:

905 | 218.32 Annual financial reports; local governmental
 906 | entities.—

907 | (1)

908 | (d) Each local governmental entity that is required to
 909 | provide for an audit under s. 218.39(1) must submit a copy of
 910 | the audit report and annual financial report to the department

911 | within 45 days after the completion of the audit report but no
 912 | later than 9 months after the end of the fiscal year. In
 913 | conducting an audit of a local governmental entity pursuant to
 914 | s. 218.39, an independent certified public accountant shall
 915 | determine whether the entity's annual financial report is in
 916 | agreement with the audited financial statements. The
 917 | accountant's audit report must be supported by the same level of
 918 | detail as required for the annual financial report. If the
 919 | accountant's audit report is not in agreement with the annual
 920 | financial report, the accountant shall specify and explain the
 921 | significant differences that exist between the annual financial
 922 | report and the audit report.

923 | (2) The department shall annually by December 1 file a
 924 | verified report with the Governor, the Legislature, the Auditor
 925 | General, and the Special District Accountability Program of the
 926 | Department of Economic Opportunity showing the revenues, both
 927 | locally derived and derived from intergovernmental transfers,
 928 | and the expenditures of each local governmental entity, regional
 929 | planning council, local government finance commission, and
 930 | municipal power corporation that is required to submit an annual
 931 | financial report. In preparing the verified report, the
 932 | department may request additional information from the local
 933 | governmental entity. The information requested must be provided
 934 | to the department within 45 days after the request. If the local
 935 | governmental entity does not comply with the request, the
 936 | department shall notify the Legislative Auditing Committee,

937 | which may take action pursuant to s. 11.40(2). The report must
 938 | include, but is not limited to:

939 | (a) The total revenues and expenditures of each local
 940 | governmental entity that is a component unit included in the
 941 | annual financial report of the reporting entity.

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

947 | Section 20. Subsection (3) of section 218.33, Florida
 948 | Statutes, is renumbered as subsection (4), and a new subsection
 949 | (3) is added to that section to read:

950 | 218.33 Local governmental entities; establishment of
 951 | uniform fiscal years and accounting practices and procedures.—

952 | (3) Each local governmental entity shall establish and
 953 | maintain internal controls designed to:

954 | (a) Prevent and detect fraud, waste, and abuse.

955 | (b) Promote and encourage compliance with applicable laws,
 956 | rules, contracts, grant agreements, and best practices.

957 | (c) Support economical and efficient operations.

958 | (d) Ensure reliability of financial records and reports.

959 | (e) Safeguard assets.

960 | Section 21. Subsections (8) through (12) of section
 961 | 218.39, Florida Statutes, are renumbered as subsections (9)
 962 | through (13), respectively, and a new subsection (8) is added to

963 that section to read:

964 218.39 Annual financial audit reports.—

965 (8) If the audit report includes a recommendation that was
 966 included in the preceding financial audit report but remains
 967 unaddressed, the governing body of the audited entity, within 60
 968 days after the delivery of the audit report to the governing
 969 body, shall indicate during a regularly scheduled public meeting
 970 whether it intends to take corrective action, the intended
 971 corrective action, and the timeframe for the corrective action.
 972 If the governing body indicates that it does not intend to take
 973 corrective action, it shall explain its decision at the public
 974 meeting.

975 Section 22. Subsection (2) of section 218.391, Florida
 976 Statutes, is amended, and subsection (9) is added to that
 977 section, to read:

978 218.391 Auditor selection procedures.—

979 (2) The governing body of a ~~charter~~ county, municipality,
 980 special district, district school board, charter school, or
 981 charter technical career center shall establish an audit
 982 committee.

983 (a) The audit committee for a county ~~Each noncharter~~
 984 ~~county shall establish an audit committee that,~~ at a minimum,
 985 shall consist of each of the county officers elected pursuant to
 986 the county charter or s. 1(d), Art. VIII of the State
 987 Constitution, ~~or~~ their respective designees ~~a designee,~~ and one
 988 member of the board of county commissioners or its designee.

989 (b) The audit committee for a municipality, special
 990 district, district school board, charter school, or charter
 991 technical career center shall consist of at least three members.
 992 One member of the audit committee must be a member of the
 993 governing body of an entity specified in this paragraph, who
 994 shall also serve as the chair of the committee.

995 (c) An employee, chief executive officer, or chief
 996 financial officer of the county, municipality, special district,
 997 district school board, charter school, or charter technical
 998 career center may not serve as a member of an audit committee
 999 established under this subsection.

1000 (d) The primary purpose of the audit committee is to
 1001 assist the governing body in selecting an auditor to conduct the
 1002 annual financial audit required in s. 218.39; however, the audit
 1003 committee may serve other audit oversight purposes as determined
 1004 by the entity's governing body. The public ~~may~~ shall not be
 1005 excluded from the proceedings under this section.

1006 (9) An audit report submitted pursuant to s. 218.39 must
 1007 include an affidavit executed by the chair of the audit
 1008 committee affirming that the committee complied with the
 1009 requirements of subsections (3)-(6) in selecting an auditor. If
 1010 the Auditor General determines that an entity failed to comply
 1011 with the requirements of subsections (3)-(6) in selecting an
 1012 auditor, the entity shall select a replacement auditor in
 1013 accordance with this section to conduct audits for subsequent
 1014 fiscal years if the original audit was performed under a

1015 multiyear contract. If the replacement of an auditor would
 1016 preclude the entity from timely completing the annual financial
 1017 audit required by s. 218.39, the entity shall replace an auditor
 1018 in accordance with this section for the subsequent annual
 1019 financial audit. A multiyear contract between an entity or an
 1020 auditor may not prohibit or restrict an entity from complying
 1021 with this subsection.

1022 Section 23. Subsection (2) of section 286.0114, Florida
 1023 Statutes, is amended to read:

1024 286.0114 Public meetings; reasonable opportunity to be
 1025 heard; attorney fees.—

1026 (2) Members of the public shall be given a reasonable
 1027 opportunity to be heard on a proposition before a board or
 1028 commission. The opportunity to be heard need not occur at the
 1029 same meeting at which the board or commission takes official
 1030 action on the proposition if the opportunity occurs at a meeting
 1031 that is during the decisionmaking process and is within
 1032 reasonable proximity in time before the meeting at which the
 1033 board or commission takes the official action. A board or
 1034 commission may not require a member of the public to provide an
 1035 advance written copy of his or her testimony or comments as a
 1036 precondition of being given the opportunity to be heard at a
 1037 meeting. This section does not prohibit a board or commission
 1038 from maintaining orderly conduct or proper decorum in a public
 1039 meeting. The opportunity to be heard is subject to rules or
 1040 policies adopted by the board or commission, as provided in

1041 subsection (4).

1042 Section 24. Paragraph (b) of subsection (2) of section
1043 288.92, Florida Statutes, is amended to read:

1044 288.92 Divisions of Enterprise Florida, Inc.—

1045 (2)

1046 (b)1. The following officers and board members are subject
1047 to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
1048 112.3143(2):

1049 a. Officers and members of the board of directors of the
1050 divisions of Enterprise Florida, Inc.

1051 b. Officers and members of the board of directors of
1052 subsidiaries of Enterprise Florida, Inc.

1053 c. Officers and members of the board of directors of
1054 corporations created to carry out the missions of Enterprise
1055 Florida, Inc.

1056 d. Officers and members of the board of directors of
1057 corporations with which a division is required by law to
1058 contract to carry out its missions.

1059 2. For a period of 2 years after retirement from or
1060 termination of service to a division, or for a period of 10
1061 years if removed or terminated for cause or for misconduct, as
1062 defined in s. 443.036(29), the officers and board members
1063 specified in subparagraph 1. may not represent another person or
1064 entity for compensation before:

1065 a. Enterprise Florida, Inc.;

1066 b. A division, a subsidiary, or the board of directors of

1067 corporations created to carry out the missions of Enterprise
 1068 Florida, Inc.; or

1069 c. A division with which Enterprise Florida, Inc., is
 1070 required by law to contract to carry out its missions.

1071 3.2. For purposes of applying ss. 112.313(1)-(8), (10),
 1072 (12), and (15); 112.3135; and 112.3143(2) to activities of the
 1073 officers and members of the board of directors specified in
 1074 subparagraph 1., those persons shall be considered public
 1075 officers or employees and the corporation shall be considered
 1076 their agency.

1077 4.3. It is not a violation of s. 112.3143(2) or (4) for
 1078 the officers or members of the board of directors of the Florida
 1079 Tourism Industry Marketing Corporation to:

1080 a. Vote on the 4-year marketing plan required under s.
 1081 288.923 or vote on any individual component of or amendment to
 1082 the plan.

1083 b. Participate in the establishment or calculation of
 1084 payments related to the private match requirements of s.
 1085 288.904(3). The officer or member must file an annual disclosure
 1086 describing the nature of his or her interests or the interests
 1087 of his or her principals, including corporate parents and
 1088 subsidiaries of his or her principal, in the private match
 1089 requirements. This annual disclosure requirement satisfies the
 1090 disclosure requirement of s. 112.3143(4). This disclosure must
 1091 be placed ~~either~~ on the Florida Tourism Industry Marketing
 1092 Corporation's website or included in the minutes of each meeting

1093 of the Florida Tourism Industry Marketing Corporation's board of
 1094 directors at which the private match requirements are discussed
 1095 or voted upon.

1096 Section 25. Paragraph (a) of subsection (3) of section
 1097 288.9604, Florida Statutes, is amended to read:

1098 288.9604 Creation of the authority.—

1099 (3)(a)1. A director may not receive compensation for his
 1100 or her services, but is entitled to necessary expenses,
 1101 including travel expenses, incurred in the discharge of his or
 1102 her duties. Each director shall hold office until his or her
 1103 successor has been appointed.

1104 2. Directors are subject to ss. 112.313(1)-(8), (10),
 1105 (12), and (15); 112.3135; and 112.3143(2). For purposes of
 1106 applying ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
 1107 112.3143(2) to activities of directors, directors shall be
 1108 considered public officers and the corporation shall be
 1109 considered their agency.

1110 3. A director of the corporation may not represent another
 1111 person or entity for compensation before the corporation for a
 1112 period of 2 years following his or her service on the board of
 1113 directors.

1114 Section 26. Paragraph (e) of subsection (4), paragraph (d)
 1115 of subsection (5), and paragraph (d) of subsection (6) of
 1116 section 373.536, Florida Statutes, are amended to read:

1117 373.536 District budget and hearing thereon.—

1118 (4) BUDGET CONTROLS; FINANCIAL INFORMATION.—

1119 (e) ~~By September 1, 2012,~~ Each district shall provide a
 1120 monthly financial statement in the form and manner prescribed by
 1121 the Department of Financial Services to the district's governing
 1122 board and make such monthly financial statement available for
 1123 public access on its website.

1124 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND
 1125 APPROVAL.—

1126 (d) Each district shall, by August 1 of each year, submit
 1127 for review a tentative budget and a description of any
 1128 significant changes from the preliminary budget submitted to the
 1129 Legislature pursuant to s. 373.535 to the Governor, the
 1130 President of the Senate, the Speaker of the House of
 1131 Representatives, the chairs of all legislative committees and
 1132 subcommittees having substantive or fiscal jurisdiction over
 1133 water management districts, as determined by the President of
 1134 the Senate or the Speaker of the House of Representatives, as
 1135 applicable, the secretary of the department, and the governing
 1136 body of each county in which the district has jurisdiction or
 1137 derives any funds for the operations of the district. The
 1138 tentative budget must be posted on the district's official
 1139 website at least 2 days before budget hearings held pursuant to
 1140 s. 200.065 or other law and must remain on the website for at
 1141 least 45 days.

1142 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
 1143 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

1144 (d) The final adopted budget must be posted on the water

1145 management district's official website within 30 days after
 1146 adoption and must remain on the website for at least 2 years.

1147 Section 27. Subsection (7) of section 838.014, Florida
 1148 Statutes, is renumbered as subsection (8), present subsections
 1149 (4) and (6) are amended, and a new subsection (6) is added to
 1150 that section, to read:

1151 838.014 Definitions.—As used in this chapter, the term:

1152 (4) "Governmental entity" means an agency or entity of the
 1153 state; a county, municipality, or special district; or any other
 1154 public entity created or authorized by law ~~"Corruptly" or "with~~
 1155 ~~corrupt intent" means acting knowingly and dishonestly for a~~
 1156 ~~wrongful purpose.~~

1157 (6) "Public contractor" means, for purposes of ss. 838.022
 1158 and 838.22 only:

1159 (a) Any person, as defined in s. 1.01(3), who has entered
 1160 into a contract with a governmental entity; or

1161 (b) Any officer or employee of a person, as defined in s.
 1162 1.01(3), who has entered into a contract with a governmental
 1163 entity.

1164 (7)~~(6)~~ "Public servant" means:

1165 (a) Any officer or employee of a governmental state,
 1166 ~~county, municipal, or special district agency or entity,~~
 1167 including

1168 ~~(b)~~ any executive, legislative, or judicial branch officer
 1169 or employee;

1170 (b)~~(e)~~ Any person, except a witness, who acts as a general

1171 or special magistrate, receiver, auditor, arbitrator, umpire,
 1172 referee, consultant, or hearing officer while performing a
 1173 governmental function; or

1174 ~~(c)(d)~~ A candidate for election or appointment to any of
 1175 the officer positions listed in this subsection, or an
 1176 individual who has been elected to, but has yet to officially
 1177 assume the responsibilities of, public office.

1178 Section 28. Subsection (1) of section 838.015, Florida
 1179 Statutes, is amended to read:

1180 838.015 Bribery.—

1181 (1) "Bribery" means ~~corruptly~~ to knowingly and
 1182 intentionally give, offer, or promise to any public servant, or,
 1183 if a public servant, ~~corruptly~~ to knowingly and intentionally
 1184 request, solicit, accept, or agree to accept for himself or
 1185 herself or another, any pecuniary or other benefit not
 1186 authorized by law with an intent or purpose to influence the
 1187 performance of any act or omission which the person believes to
 1188 be, or the public servant represents as being, within the
 1189 official discretion of a public servant, in violation of a
 1190 public duty, or in performance of a public duty.

1191 Section 29. Subsections (1) and (2) of section 838.016,
 1192 Florida Statutes, are amended to read:

1193 838.016 Unlawful compensation or reward for official
 1194 behavior.—

1195 (1) It is unlawful for any person ~~corruptly~~ to knowingly
 1196 and intentionally give, offer, or promise to any public servant,

1197 or, if a public servant, ~~corruptly~~ to knowingly and
 1198 intentionally request, solicit, accept, or agree to accept, any
 1199 pecuniary or other benefit not authorized by law, for the past,
 1200 present, or future performance, nonperformance, or violation of
 1201 any act or omission which the person believes to have been, or
 1202 the public servant represents as having been, either within the
 1203 official discretion of the public servant, in violation of a
 1204 public duty, or in performance of a public duty. This section
 1205 does not ~~Nothing herein shall be construed to~~ preclude a public
 1206 servant from accepting rewards for services performed in
 1207 apprehending any criminal.

1208 (2) It is unlawful for any person ~~corruptly~~ to knowingly
 1209 and intentionally give, offer, or promise to any public servant,
 1210 or, if a public servant, ~~corruptly~~ to knowingly and
 1211 intentionally request, solicit, accept, or agree to accept, any
 1212 pecuniary or other benefit not authorized by law for the past,
 1213 present, or future exertion of any influence upon or with any
 1214 other public servant regarding any act or omission which the
 1215 person believes to have been, or which is represented to him or
 1216 her as having been, either within the official discretion of the
 1217 other public servant, in violation of a public duty, or in
 1218 performance of a public duty.

1219 Section 30. Subsection (1) of section 838.022, Florida
 1220 Statutes, is amended, and subsection (2) of that section is
 1221 republished, to read:

1222 838.022 Official misconduct.—

1223 (1) It is unlawful for a public servant or public
 1224 ~~contractor, with corrupt intent~~ to knowingly and intentionally
 1225 obtain a benefit for any person or to cause unlawful harm to
 1226 another ~~by, to~~:

1227 (a) Falsifying ~~Falsify,~~ or causing ~~cause~~ another person to
 1228 falsify, any official record or official document;

1229 (b) Concealing, covering up, destroying, mutilating, or
 1230 altering ~~Conceal, cover up, destroy, mutilate, or alter~~ any
 1231 official record or official document, except as authorized by
 1232 law or contract, or causing ~~cause~~ another person to perform such
 1233 an act; or

1234 (c) Obstructing, delaying, or preventing ~~Obstruct, delay,~~
 1235 ~~or prevent~~ the communication of information relating to the
 1236 commission of a felony that directly involves or affects the
 1237 governmental ~~public agency or public~~ entity served by the public
 1238 servant or public contractor.

1239 (2) For the purposes of this section:

1240 (a) The term "public servant" does not include a candidate
 1241 who does not otherwise qualify as a public servant.

1242 (b) An official record or official document includes only
 1243 public records.

1244 Section 31. Section 838.22, Florida Statutes, is amended
 1245 to read:

1246 838.22 Bid tampering.—

1247 (1) It is unlawful for a public servant or a public
 1248 contractor who has contracted with a governmental entity to

1249 assist in a competitive procurement, ~~with corrupt intent~~ to
 1250 knowingly and intentionally influence or attempt to influence
 1251 the competitive solicitation ~~bidding process~~ undertaken by any
 1252 governmental state, county, municipal, or special district
 1253 agency, or any other public entity, for the procurement of
 1254 commodities or services by, ~~to:~~

1255 (a) Disclosing, except as authorized by law, ~~Disclose~~
 1256 material information concerning a vendor's response, ~~any~~
 1257 evaluation results, ~~bid~~ or other aspects of the competitive
 1258 solicitation ~~bidding process~~ when such information is not
 1259 publicly disclosed.

1260 (b) Altering or amending ~~Alter or amend~~ a submitted
 1261 response bid, documents or other materials supporting a
 1262 submitted response bid, or any evaluation bid results relating
 1263 to the competitive solicitation for the purpose of intentionally
 1264 providing a competitive advantage to any person who submits a
 1265 response bid.

1266 (2) It is unlawful for a public servant or a public
 1267 contractor who has contracted with a governmental entity to
 1268 assist in a competitive procurement, ~~with corrupt intent~~ to
 1269 knowingly and intentionally obtain a benefit for any person or
 1270 to cause unlawful harm to another by circumventing, ~~to~~
 1271 ~~circumvent~~ a competitive solicitation ~~bidding~~ process required
 1272 by law or rule through the use of ~~by using~~ a sole-source
 1273 contract for commodities or services.

1274 (3) It is unlawful for any person to knowingly agree,

1275 | conspire, combine, or confederate, directly or indirectly, with
 1276 | a public servant or a public contractor who has contracted with
 1277 | a governmental entity to assist in a competitive procurement to
 1278 | violate subsection (1) or subsection (2).

1279 | (4) It is unlawful for any person to knowingly enter into
 1280 | a contract for commodities or services which was secured by a
 1281 | public servant or a public contractor who has contracted with a
 1282 | governmental entity to assist in a competitive procurement
 1283 | acting in violation of subsection (1) or subsection (2).

1284 | (5) Any person who violates this section commits a felony
 1285 | of the second degree, punishable as provided in s. 775.082, s.
 1286 | 775.083, or s. 775.084.

1287 | Section 32. Section 838.24, Florida Statutes, is created
 1288 | to read:

1289 | 838.24 Attorney fees.—Public servants and public
 1290 | contractors prosecuted for a violation under this act may
 1291 | recover attorney fees in the same manner as provided by common
 1292 | law for public officers and employees with respect to the
 1293 | enforcement of public corruption laws.

1294 | Section 33. Paragraph (1) of subsection (12) of section
 1295 | 1001.42, Florida Statutes, is amended to read:

1296 | 1001.42 Powers and duties of district school board.—The
 1297 | district school board, acting as a board, shall exercise all
 1298 | powers and perform all duties listed below:

1299 | (12) FINANCE.—Take steps to assure students adequate
 1300 | educational facilities through the financial procedure

1301 authorized in chapters 1010 and 1011 and as prescribed below:

1302 (1) *Internal auditor.*—May employ an internal auditor to
 1303 perform ongoing financial verification of the financial records
 1304 of the school district and such other audits and reviews as the
 1305 district school board directs for the purpose of determining:

1306 1. The adequacy of internal controls designed to prevent
 1307 and detect fraud, waste, and abuse.

1308 2. Compliance with applicable laws, rules, contracts,
 1309 grant agreements, district school board-approved policies, and
 1310 best practices.

1311 3. The efficiency of operations.

1312 4. The reliability of financial records and reports.

1313 5. The safeguarding of assets.

1314

1315 The internal auditor shall report directly to the district
 1316 school board or its designee.

1317 Section 34. Paragraph (j) of subsection (9) of section
 1318 1002.33, Florida Statutes, is amended to read:

1319 1002.33 Charter schools.—

1320 (9) CHARTER SCHOOL REQUIREMENTS.—

1321 (j) The governing body of the charter school shall be
 1322 responsible for:

1323 1. Establishing and maintaining internal controls designed
 1324 to:

1325 a. Prevent and detect fraud, waste, and abuse.

1326 b. Promote and encourage compliance with applicable laws,

1327 rules, contracts, grant agreements, and best practices.
 1328 c. Support economical and efficient operations.
 1329 d. Ensure reliability of financial records and reports.
 1330 e. Safeguard assets.
 1331 ~~2.1.~~ Ensuring that the charter school has retained the
 1332 services of a certified public accountant or auditor for the
 1333 annual financial audit, pursuant to s. 1002.345(2), who shall
 1334 submit the report to the governing body.
 1335 ~~3.2.~~ Reviewing and approving the audit report, including
 1336 audit findings and recommendations for the financial recovery
 1337 plan.
 1338 ~~4.a.3.a.~~ Performing the duties in s. 1002.345, including
 1339 monitoring a corrective action plan.
 1340 b. Monitoring a financial recovery plan in order to ensure
 1341 compliance.
 1342 ~~5.4.~~ Participating in governance training approved by the
 1343 department which must include government in the sunshine,
 1344 conflicts of interest, ethics, and financial responsibility.
 1345 Section 35. Subsections (6) through (10) of section
 1346 1002.37, Florida Statutes, are renumbered as subsections (7)
 1347 through (11), respectively, a new subsection (6) is added to
 1348 that section, and present subsections (6) and (11) of that
 1349 section are amended, to read:
 1350 1002.37 The Florida Virtual School.—
 1351 (6) The Florida Virtual School shall have an annual
 1352 financial audit of its accounts and records conducted by an

1353 independent auditor who is a certified public accountant
 1354 licensed under chapter 473. The independent auditor shall
 1355 conduct the audit in accordance with rules adopted by the
 1356 Auditor General pursuant to s. 11.45 and, upon completion of the
 1357 audit, shall prepare an audit report in accordance with such
 1358 rules. The audit report must include a written statement of the
 1359 board of trustees describing corrective action to be taken in
 1360 response to each of the recommendations of the independent
 1361 auditor included in the audit report. The independent auditor
 1362 shall submit the audit report to the board of trustees and the
 1363 Auditor General no later than 9 months after the end of the
 1364 preceding fiscal year.

1365 (7)~~(6)~~ The board of trustees shall annually submit to the
 1366 Governor, the Legislature, the Commissioner of Education, and
 1367 the State Board of Education the audit report prepared pursuant
 1368 to subsection (6) and a complete and detailed report setting
 1369 forth:

1370 (a) The operations and accomplishments of the Florida
 1371 Virtual School within the state and those occurring outside the
 1372 state as Florida Virtual School Global.

1373 (b) The marketing and operational plan for the Florida
 1374 Virtual School and Florida Virtual School Global, including
 1375 recommendations regarding methods for improving the delivery of
 1376 education through the Internet and other distance learning
 1377 technology.

1378 (c) The assets and liabilities of the Florida Virtual

1379 School and Florida Virtual School Global at the end of the
 1380 fiscal year.

1381 ~~(d) A copy of an annual financial audit of the accounts~~
 1382 ~~and records of the Florida Virtual School and Florida Virtual~~
 1383 ~~School Global, conducted by an independent certified public~~
 1384 ~~accountant and performed in accordance with rules adopted by the~~
 1385 ~~Auditor General.~~

1386 (d)~~(e)~~ Recommendations regarding the unit cost of
 1387 providing services to students through the Florida Virtual
 1388 School and Florida Virtual School Global. In order to most
 1389 effectively develop public policy regarding any future funding
 1390 of the Florida Virtual School, it is imperative that the cost of
 1391 the program is accurately identified. The identified cost of the
 1392 program must be based on reliable data.

1393 (e)~~(f)~~ Recommendations regarding an accountability
 1394 mechanism to assess the effectiveness of the services provided
 1395 by the Florida Virtual School and Florida Virtual School Global.

1396 ~~(11) The Auditor General shall conduct an operational~~
 1397 ~~audit of the Florida Virtual School, including Florida Virtual~~
 1398 ~~School Global. The scope of the audit shall include, but not be~~
 1399 ~~limited to, the administration of responsibilities relating to~~
 1400 ~~personnel; procurement and contracting; revenue production;~~
 1401 ~~school funds, including internal funds; student enrollment~~
 1402 ~~records; franchise agreements; information technology~~
 1403 ~~utilization, assets, and security; performance measures and~~
 1404 ~~standards; and accountability. The final report on the audit~~

1405 ~~shall be submitted to the President of the Senate and the~~
 1406 ~~Speaker of the House of Representatives no later than January~~
 1407 ~~31, 2014.~~

1408 Section 36. Subsection (5) is added to section 1010.01,
 1409 Florida Statutes, to read:

1410 1010.01 Uniform records and accounts.—

1411 (5) Each school district, Florida College System
 1412 institution, and state university shall establish and maintain
 1413 internal controls designed to:

1414 (a) Prevent and detect fraud, waste, and abuse.

1415 (b) Promote and encourage compliance with applicable laws,
 1416 rules, contracts, grant agreements, and best practices.

1417 (c) Support economical and efficient operations.

1418 (d) Ensure reliability of financial records and reports.

1419 (e) Safeguard assets.

1420 Section 37. Subsection (2) of section 1010.30, Florida
 1421 Statutes, is amended to read:

1422 1010.30 Audits required.—

1423 (2) If a school district, Florida College System
 1424 institution, or university audit report includes a
 1425 recommendation that was included in the preceding financial
 1426 audit report but remains unaddressed, ~~an audit contains a~~
 1427 ~~significant finding,~~ the district school board, the Florida
 1428 College System institution board of trustees, or the university
 1429 board of trustees, within 60 days after the delivery of the
 1430 audit report to the school district, Florida College System

1431 institution, or university, shall indicate ~~conduct an audit~~
 1432 ~~overview~~ during a regularly scheduled public meeting whether it
 1433 intends to take corrective action, the intended corrective
 1434 action, and the timeframe for the corrective action. If the
 1435 district school board, Florida College System institution board
 1436 of trustees, or university board of trustees indicates that it
 1437 does not intend to take corrective action, it shall explain its
 1438 decision at the public meeting.

1439 Section 38. Subsection (2) of section 68.082, Florida
 1440 Statutes, is amended to read:

1441 68.082 False claims against the state; definitions;
 1442 liability.-

1443 (2) Any person who:

1444 (a) Knowingly presents or causes to be presented a false
 1445 or fraudulent claim for payment or approval;

1446 (b) Knowingly authorizes, approves, or receives payment of
 1447 prohibited compensation in violation of s. 215.425;

1448 (c) ~~(b)~~ Knowingly makes, uses, or causes to be made or used
 1449 a false record or statement material to a false or fraudulent
 1450 claim;

1451 (d) ~~(e)~~ Conspires to commit a violation of this subsection;

1452 (e) ~~(d)~~ Has possession, custody, or control of property or
 1453 money used or to be used by the state and knowingly delivers or
 1454 causes to be delivered less than all of that money or property;

1455 (f) ~~(e)~~ Is authorized to make or deliver a document
 1456 certifying receipt of property used or to be used by the state

1457 and, intending to defraud the state, makes or delivers the
 1458 receipt without knowing that the information on the receipt is
 1459 true;

1460 (g)~~(f)~~ Knowingly buys or receives, as a pledge of an
 1461 obligation or a debt, public property from an officer or
 1462 employee of the state who may not sell or pledge the property;
 1463 or

1464 (h)~~(g)~~ Knowingly makes, uses, or causes to be made or used
 1465 a false record or statement material to an obligation to pay or
 1466 transmit money or property to the state, or knowingly conceals
 1467 or knowingly and improperly avoids or decreases an obligation to
 1468 pay or transmit money or property to the state

1469
 1470 is liable to the state for a civil penalty of not less than
 1471 \$5,500 and not more than \$11,000 and for treble the amount of
 1472 damages the state sustains because of the act of that person.

1473 Section 39. Subsection (1) of section 68.083, Florida
 1474 Statutes, is amended to read:

1475 68.083 Civil actions for false claims.—

1476 (1) The department may diligently investigate a violation
 1477 under s. 68.082. If the department finds that a person has
 1478 violated or is violating s. 68.082, the department may bring a
 1479 civil action under the Florida False Claims Act against the
 1480 person. The Department of Financial Services may bring a civil
 1481 action under this section if the action arises from an
 1482 investigation by that department and the Department of Legal

1483 Affairs has not filed an action under this act. For a violation
 1484 of s. 68.082 regarding prohibited compensation paid from state
 1485 funds, the Department of Financial Services may bring a civil
 1486 action under this section if the action arises from an
 1487 investigation by that department concerning a violation of s.
 1488 215.425 by the state and the Department of Legal Affairs has not
 1489 filed an action under this act.

1490 Section 40. Subsection (5) of section 99.061, Florida
 1491 Statutes, is amended to read:

1492 99.061 Method of qualifying for nomination or election to
 1493 federal, state, county, or district office.-

1494 (5) At the time of qualifying for office, each candidate
 1495 for an elected municipal office for which compensation is
 1496 provided or a constitutional office shall file a full and public
 1497 disclosure of financial interests pursuant to s. 8, Art. II of
 1498 the State Constitution, which must be verified under oath or
 1499 affirmation pursuant to s. 92.525(1)(a), and a candidate for any
 1500 other office, ~~including local elective office,~~ shall file a
 1501 statement of financial interests pursuant to s. 112.3145.

1502 Section 41. Subsection (3) of section 218.503, Florida
 1503 Statutes, is amended to read:

1504 218.503 Determination of financial emergency.-

1505 (3) Upon notification that one or more of the conditions
 1506 in subsection (1) have occurred or will occur if action is not
 1507 taken to assist the local governmental entity or district school
 1508 board, the Governor or his or her designee shall contact the

1509 local governmental entity or the Commissioner of Education or
 1510 his or her designee shall contact the district school board, as
 1511 appropriate, to determine what actions have been taken by the
 1512 local governmental entity or the district school board to
 1513 resolve or prevent the condition. The information requested must
 1514 be provided within 45 days after the date of the request. If the
 1515 local governmental entity or the district school board does not
 1516 comply with the request, the Governor or his or her designee or
 1517 the Commissioner of Education or his or her designee shall
 1518 notify ~~the members of~~ the Legislative Auditing Committee, which
 1519 ~~who~~ may take action pursuant to s. 11.40(2) ~~11.40~~. The Governor
 1520 or the Commissioner of Education, as appropriate, shall
 1521 determine whether the local governmental entity or the district
 1522 school board needs state assistance to resolve or prevent the
 1523 condition. If state assistance is needed, the local governmental
 1524 entity or district school board is considered to be in a state
 1525 of financial emergency. The Governor or the Commissioner of
 1526 Education, as appropriate, has the authority to implement
 1527 measures as set forth in ss. 218.50-218.504 to assist the local
 1528 governmental entity or district school board in resolving the
 1529 financial emergency. Such measures may include, but are not
 1530 limited to:

1531 (a) Requiring approval of the local governmental entity's
 1532 budget by the Governor or approval of the district school
 1533 board's budget by the Commissioner of Education.

1534 (b) Authorizing a state loan to a local governmental

1535 entity and providing for repayment of same.

1536 (c) Prohibiting a local governmental entity or district
 1537 school board from issuing bonds, notes, certificates of
 1538 indebtedness, or any other form of debt until such time as it is
 1539 no longer subject to this section.

1540 (d) Making such inspections and reviews of records,
 1541 information, reports, and assets of the local governmental
 1542 entity or district school board as are needed. The appropriate
 1543 local officials shall cooperate in such inspections and reviews.

1544 (e) Consulting with officials and auditors of the local
 1545 governmental entity or the district school board and the
 1546 appropriate state officials regarding any steps necessary to
 1547 bring the books of account, accounting systems, financial
 1548 procedures, and reports into compliance with state requirements.

1549 (f) Providing technical assistance to the local
 1550 governmental entity or the district school board.

1551 (g)1. Establishing a financial emergency board to oversee
 1552 the activities of the local governmental entity or the district
 1553 school board. If a financial emergency board is established for
 1554 a local governmental entity, the Governor shall appoint board
 1555 members and select a chair. If a financial emergency board is
 1556 established for a district school board, the State Board of
 1557 Education shall appoint board members and select a chair. The
 1558 financial emergency board shall adopt such rules as are
 1559 necessary for conducting board business. The board may:

1560 a. Make such reviews of records, reports, and assets of

1561 | the local governmental entity or the district school board as
 1562 | are needed.

1563 | b. Consult with officials and auditors of the local
 1564 | governmental entity or the district school board and the
 1565 | appropriate state officials regarding any steps necessary to
 1566 | bring the books of account, accounting systems, financial
 1567 | procedures, and reports of the local governmental entity or the
 1568 | district school board into compliance with state requirements.

1569 | c. Review the operations, management, efficiency,
 1570 | productivity, and financing of functions and operations of the
 1571 | local governmental entity or the district school board.

1572 | d. Consult with other governmental entities for the
 1573 | consolidation of all administrative direction and support
 1574 | services, including, but not limited to, services for asset
 1575 | sales, economic and community development, building inspections,
 1576 | parks and recreation, facilities management, engineering and
 1577 | construction, insurance coverage, risk management, planning and
 1578 | zoning, information systems, fleet management, and purchasing.

1579 | 2. The recommendations and reports made by the financial
 1580 | emergency board must be submitted to the Governor for local
 1581 | governmental entities or to the Commissioner of Education and
 1582 | the State Board of Education for district school boards for
 1583 | appropriate action.

1584 | (h) Requiring and approving a plan, to be prepared by
 1585 | officials of the local governmental entity or the district
 1586 | school board in consultation with the appropriate state

1587 officials, prescribing actions that will cause the local
 1588 governmental entity or district school board to no longer be
 1589 subject to this section. The plan must include, but need not be
 1590 limited to:

1591 1. Provision for payment in full of obligations outlined
 1592 in subsection (1), designated as priority items, which are
 1593 currently due or will come due.

1594 2. Establishment of priority budgeting or zero-based
 1595 budgeting in order to eliminate items that are not affordable.

1596 3. The prohibition of a level of operations which can be
 1597 sustained only with nonrecurring revenues.

1598 4. Provisions implementing the consolidation, sourcing, or
 1599 discontinuance of all administrative direction and support
 1600 services, including, but not limited to, services for asset
 1601 sales, economic and community development, building inspections,
 1602 parks and recreation, facilities management, engineering and
 1603 construction, insurance coverage, risk management, planning and
 1604 zoning, information systems, fleet management, and purchasing.

1605 Section 42. Paragraph (c) of subsection (2) of section
 1606 1002.455, Florida Statutes, is amended to read:

1607 1002.455 Student eligibility for K-12 virtual
 1608 instruction.-

1609 (2) A student is eligible to participate in virtual
 1610 instruction if:

1611 (c) The student was enrolled during the prior school year
 1612 in a virtual instruction program under s. 1002.45 or a full-time

1613 Florida Virtual School program under s. 1002.37(9)(a)
 1614 ~~1002.37(8)(a)~~;

1615 Section 43. For the purpose of incorporating the amendment
 1616 made by this act to section 838.022, Florida Statutes, in a
 1617 reference thereto, paragraph (a) of subsection (2) of section
 1618 112.534, Florida Statutes, is reenacted to read:

1619 112.534 Failure to comply; official misconduct.—

1620 (2)(a) All the provisions of s. 838.022 shall apply to
 1621 this part.

1622 Section 44. For the purpose of incorporating the amendment
 1623 made by this act to section 838.022, Florida Statutes, in a
 1624 reference thereto, paragraph (d) of subsection (4) of section
 1625 117.01, Florida Statutes, is reenacted to read:

1626 117.01 Appointment, application, suspension, revocation,
 1627 application fee, bond, and oath.—

1628 (4) The Governor may suspend a notary public for any of
 1629 the grounds provided in s. 7, Art. IV of the State Constitution.
 1630 Grounds constituting malfeasance, misfeasance, or neglect of
 1631 duty include, but are not limited to, the following:

1632 (d) Official misconduct as defined in s. 838.022.

1633 Section 45. For the purpose of incorporating the amendment
 1634 made by this act to section 838.014, Florida Statutes, in a
 1635 reference thereto, subsection (11) of section 817.568, Florida
 1636 Statutes, is reenacted to read:

1637 817.568 Criminal use of personal identification
 1638 information.—

1639 (11) A person who willfully and without authorization
 1640 fraudulently uses personal identification information concerning
 1641 an individual who is 60 years of age or older; a disabled adult
 1642 as defined in s. 825.101; a public servant as defined in s.
 1643 838.014; a veteran as defined in s. 1.01; a first responder as
 1644 defined in s. 125.01045; an individual who is employed by the
 1645 State of Florida; or an individual who is employed by the
 1646 Federal Government without first obtaining the consent of that
 1647 individual commits a felony of the second degree, punishable as
 1648 provided in s. 775.082, s. 775.083, or s. 775.084.

1649 Section 46. For the purpose of incorporating the amendment
 1650 made by this act to sections 838.015, 838.016, and 838.22,
 1651 Florida Statutes, in references thereto, paragraph (g) of
 1652 subsection (3) of section 921.0022, Florida Statutes, is
 1653 reenacted to read:

1654 921.0022 Criminal Punishment Code; offense severity
 1655 ranking chart.—

1656 (3) OFFENSE SEVERITY RANKING CHART
 1657 (g) LEVEL 7

1658

Florida Statute	Felony Degree	Description
316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.

1660

1661	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
1662	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.
1663	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
1664	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
1665	409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
	409.920 (2)(b)1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than

			\$50,000.
1666	456.065(2)	3rd	Practicing a health care profession without a license.
1667	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
1668	458.327(1)	3rd	Practicing medicine without a license.
1669	459.013(1)	3rd	Practicing osteopathic medicine without a license.
1670	460.411(1)	3rd	Practicing chiropractic medicine without a license.
1671	461.012(1)	3rd	Practicing podiatric medicine without a license.
1672	462.17	3rd	Practicing naturopathy without a license.
1673	463.015(1)	3rd	Practicing optometry without a

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			license.
1674	464.016(1)	3rd	Practicing nursing without a license.
1675	465.015(2)	3rd	Practicing pharmacy without a license.
1676	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
1677	467.201	3rd	Practicing midwifery without a license.
1678	468.366	3rd	Delivering respiratory care services without a license.
1679	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
1680	483.901(9)	3rd	Practicing medical physics without a license.
1681	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.

1682	484.053	3rd	Dispensing hearing aids without a license.
1683	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.
1684	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.
1685	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
1686	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

1687	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
1688	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
1689	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
1690	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
1691	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
1692			

1693	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
1694	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
1695	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
1696	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
1697	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
1698	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
	784.048(7)	3rd	Aggravated stalking; violation of court order.

1699	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
1700	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
1701	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
1702	784.081(1)	1st	Aggravated battery on specified official or employee.
1703	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
1704	784.083(1)	1st	Aggravated battery on code inspector.
1705	787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
1706	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.
1707	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
1708	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
1709	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
1710	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
1711	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
1712	790.166(4)	2nd	Possessing, displaying, or

			threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
1713	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
1714	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.
1715	796.05(1)	1st	Live on earnings of a prostitute; 2nd offense.
1716	796.05(1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
1717	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18

			years of age.
1718	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.
1719	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; prior conviction for specified sex offense.
1720	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
1721	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
1722	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
1723	810.02(3)(d)	2nd	Burglary of occupied

			conveyance; unarmed; no assault or battery.
1724	810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.
1725	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.
1726	812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
1727	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
1728	812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
1729			

1730	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
1731	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
1732	812.131(2)(a)	2nd	Robbery by sudden snatching.
1733	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
1734	817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.
1735	817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
1736	817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.

1737	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.
1738	817.535(2) (a)	3rd	Filing false lien or other unauthorized document.
1739	825.102(3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
1740	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.
1741	827.03(2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
1742			

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1743	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
1744	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
1745	838.015	2nd	Bribery.
1746	838.016	2nd	Unlawful compensation or reward for official behavior.
1747	838.021(3)(a)	2nd	Unlawful harm to a public servant.
1748	838.22	2nd	Bid tampering.
1749	843.0855(2)	3rd	Impersonation of a public officer or employee.
1750	843.0855(3)	3rd	Unlawful simulation of legal process.
	843.0855(4)	3rd	Intimidation of a public officer or employee.

1751	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
1752	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
1753	872.06	2nd	Abuse of a dead human body.
1754	874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
1755	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
1756	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

1757	893.13(1)(e)1.	1st	care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center. 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.
1758	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).
1759	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
1760	893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200

1761			grams.
	893.135	1st	Trafficking in illegal drugs,
	(1)(c)1.a.		more than 4 grams, less than 14
			grams.
1762			
	893.135	1st	Trafficking in hydrocodone, 14
	(1)(c)2.a.		grams or more, less than 28
			grams.
1763			
	893.135	1st	Trafficking in hydrocodone, 28
	(1)(c)2.b.		grams or more, less than 50
			grams.
1764			
	893.135	1st	Trafficking in oxycodone, 7
	(1)(c)3.a.		grams or more, less than 14
			grams.
1765			
	893.135	1st	Trafficking in oxycodone, 14
	(1)(c)3.b.		grams or more, less than 25
			grams.
1766			
	893.135(1)(d)1.	1st	Trafficking in phencyclidine,
			more than 28 grams, less than
			200 grams.
1767			

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1768	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
1769	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
1770	893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
1771	893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
1772	893.135 (1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
1773	893.135 (1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
	893.1351(2)	2nd	Possession of place for

			trafficking in or manufacturing of controlled substance.
1774	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
1775	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
1776	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
1777	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
1778	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.

1779	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1780	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
1781	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
1782	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
1783	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1784	944.607(13)	3rd	Sexual offender; failure to

1785			report and reregister; failure to respond to address verification; providing false registration information.
	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
1786			
	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1787			
	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
1788			
1789	Section 47. For the purpose of incorporating the amendment		
1790	made by this act to section 838.022, Florida Statutes, in a		
1791	reference thereto, paragraph (d) of subsection (3) of section		
1792	921.0022, Florida Statutes, is reenacted to read:		
1793	921.0022 Criminal Punishment Code; offense severity		
1794	ranking chart.—		

1795	(3)	OFFENSE SEVERITY RANKING CHART	
1796	(d)	LEVEL 4	
1797			
	Florida	Felony	
	Statute	Degree	Description
1798			
	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.
1799			
	499.0051(1)	3rd	Failure to maintain or deliver pedigree papers.
1800			
	499.0051(2)	3rd	Failure to authenticate pedigree papers.
1801			
	499.0051(6)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
1802			
	517.07(1)	3rd	Failure to register securities.
1803			
	517.12(1)	3rd	Failure of dealer, associated

			person, or issuer of securities to register.
1804	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
1805	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
1806	784.075	3rd	Battery on detention or commitment facility staff.
1807	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
1808	784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
1809	784.081(3)	3rd	Battery on specified official or employee.
1810	784.082(3)	3rd	Battery by detained person on visitor or other detainee.
1811	784.083(3)	3rd	Battery on code inspector.

1812	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
1813	787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
1814	787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
1815	787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
1816	787.07	3rd	Human smuggling.
1817	790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
1818			

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1819	790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
1820	790.115(2)(c)	3rd	Possessing firearm on school property.
1821	800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
1822	810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
1823	810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
1824	810.06	3rd	Burglary; possession of tools.
	810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.

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1825	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
1826	812.014 (2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
1827	812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
1828	817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
1829	817.568(2)(a)	3rd	Fraudulent use of personal identification information.
1830	817.625(2)(a)	3rd	Fraudulent use of scanning device or reencoder.
1831	828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any

1832			registered horse or cattle.
	837.02 (1)	3rd	Perjury in official proceedings.
1833			
	837.021 (1)	3rd	Make contradictory statements in official proceedings.
1834			
	838.022	3rd	Official misconduct.
1835			
	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
1836			
	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
1837			
	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
1838			
	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.

1839	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
1840	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
1841	874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.
1842	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).
1843	914.14(2)	3rd	Witnesses accepting bribes.
1844	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
1845	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.

1846

918.12 3rd Tampering with jurors.

1847

934.215 3rd Use of two-way communications
device to facilitate commission
of a crime.

1848

1849

1850 Section 48. The Legislature finds that a proper and
1851 legitimate state purpose is served when internal controls are
1852 established to prevent and detect fraud, waste, and abuse and to
1853 safeguard and account for government funds and property.
1854 Therefore, the Legislature determines and declares that this act
1855 fulfills an important state interest.

1856

Section 49. This act shall take effect October 1, 2016.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED _____ (Y/N)
 ADOPTED W/O OBJECTION _____ (Y/N)
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER _____

1 Committee/Subcommittee hearing bill: Appropriations Committee
 2 Representative Metz offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsections (5) through (9) of section 11.045,
 7 Florida Statutes, are renumbered as subsections (6) through
 8 (10), respectively, a new subsection (5) is added to that
 9 section, and present subsection (8) of that section is amended,
 10 to read:

11 11.045 Lobbying before the Legislature; registration and
 12 reporting; exemptions; penalties.-

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

14 1. "Lobbying activities" means any action designed to
 15 support, oppose, or influence proposed legislation or proposed
 16 legislative action. The term includes, but is not limited to,
 17 any verbal, written, or electronic communication with any

Amendment No. 1

18 legislator or legislative employee undertaken for the purpose of
19 directly or indirectly supporting, opposing, or influencing
20 legislation or requesting proposed legislation to be filed.

21 2. "Proposed legislation" includes, but is not limited to,
22 policies, ideas, issues, concepts, or statutory language that is
23 presently, or may at some future point be, reflected in or
24 impacted by a bill, a memorial, a resolution, a compact, or an
25 appropriation.

26 3. "Proposed legislative action" means any action by a
27 constituent entity of the Legislature, including, but not
28 limited to, the houses of the Legislature, a joint office, and a
29 joint committee.

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

33 1. The full name, business address, and telephone number
34 of the lobbying firm.

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

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

38 a. The proposed legislation or proposed legislative action
39 that the lobbying firm has attempted to support, oppose, or
40 influence;

41 b. The entity lobbied;

42 c. Each principal on behalf of whom the lobbying firm has
43 acted; and

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44 d. If the proposed legislation included an appropriation
45 or was an appropriation, the intended recipient of the
46 appropriation.

47 (c) For purposes of the reporting requirement provided in
48 this subsection, the reports must identify proposed legislation
49 by referencing any legislatively assigned identifying numbers,
50 including, but not limited to, bill numbers, amendment barcode
51 numbers, or specific appropriation numbers. If the proposed
52 legislation does not have an identifying number assigned, the
53 report must include a description of the subject matter of the
54 proposed legislation, whether the lobbying firm is supporting or
55 opposing the proposed legislation, and, if seeking to modify the
56 proposed legislation, how the lobbying firm's modification would
57 alter the proposal.

58 (d) The reports shall be filed even if the reporting
59 lobbying firm did not engage in any lobbying activities
60 requiring disclosure, in which case the report shall be marked
61 "not applicable."

62 (e) The reports shall be filed with the office by
63 electronic means no later than 7 business days after the end of
64 the preceding month. The reports shall be rendered in the
65 identical form provided by the respective houses and shall be
66 open to public inspection.

67 (f) Each house of the Legislature shall provide by rule,
68 or both houses may provide by joint rule, a procedure by which a

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69 lobbying firm that fails to timely file a report is notified and
70 assessed fines. The rule must provide the following:

71 1. Upon determining that the report is late, the person
72 designated to review the timeliness of reports shall immediately
73 notify the lobbying firm as to the failure to timely file the
74 report and that a fine is being assessed for each late day. The
75 fine shall be \$50 per day per report for each late day, not to
76 exceed \$5,000 per report.

77 2. Upon receipt of the report, the person designated to
78 review the timeliness of reports shall determine the amount of
79 the fine due based upon when a report is actually received by
80 the office.

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

85 4. A fine may not be assessed against a lobbying firm the
86 first time any reports for which the lobbying firm is
87 responsible are not timely filed. However, to receive the one-
88 time fine waiver, all reports for which the lobbying firm is
89 responsible must be filed within 30 days after notice that any
90 reports have not been timely filed is transmitted by the
91 Lobbyist Registration Office. A fine shall be assessed for any
92 subsequent late-filed reports.

93 5. Any lobbying firm may appeal or dispute a fine, based
94 upon unusual circumstances surrounding the failure to file on

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95 the designated due date, and may request and is entitled to a
96 hearing before the General Counsel of the Office of Legislative
97 Services, who shall recommend to the President of the Senate and
98 the Speaker of the House of Representatives, or their respective
99 designees, that the fine be waived in whole or in part for good
100 cause shown. The President of the Senate and the Speaker of the
101 House of Representatives, or their respective designees, may
102 concur in the recommendation and waive the fine in whole or in
103 part. Any such request must be made within 30 days after the
104 notice of payment due is transmitted by the office. In such
105 case, the lobbying firm shall, within the 30-day period, notify
106 the person designated to review the timeliness of reports in
107 writing of its intention to request a hearing.

108 6. A lobbying firm may request that the filing of a report
109 be waived upon good cause shown, based on unusual circumstances.
110 The request must be filed with the General Counsel of the Office
111 of Legislative Services, who shall make a recommendation
112 concerning the waiver request to the President of the Senate and
113 the Speaker of the House of Representatives. The President of
114 the Senate and the Speaker of the House of Representatives may
115 grant or deny the request.

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

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121 8. The person designated to review the timeliness of
122 reports shall notify the coordinator of the office of the
123 failure of a lobbying firm to file a report after notice or of
124 the failure of a lobbying firm to pay the fine imposed.

125 ~~(9)(8)~~ Any person required to be registered or to provide
126 information pursuant to this section or pursuant to rules
127 established in conformity with this section who knowingly fails
128 to disclose any material fact required by this section or by
129 rules established in conformity with this section, or who
130 knowingly provides false information on any report required by
131 this section or by rules established in conformity with this
132 section, commits a noncriminal infraction, punishable by a fine
133 not to exceed \$5,000. Such penalty shall be in addition to any
134 other penalty assessed by a house of the Legislature pursuant to
135 subsection (8) ~~(7)~~.

136 Section 2. Subsection (4) of section 11.0455, Florida
137 Statutes, is amended to read:

138 11.0455 Electronic filing of compensation reports and
139 other information.—

140 (4) Each report filed pursuant to this section is deemed
141 to meet the certification requirements of s. 11.045(3)(a)4., and
142 as such subjects the person responsible for filing and the
143 lobbying firm to the provisions of s. 11.045(8) ~~11.045(7)~~ and
144 (9) ~~(8)~~. Persons given a secure sign-on to the electronic filing
145 system are responsible for protecting it from disclosure and are
146 responsible for all filings using such credentials, unless they

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147 have notified the office that their credentials have been
148 compromised.

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

151 11.40 Legislative Auditing Committee.—

152 (2) Following notification by the Auditor General, the
153 Department of Financial Services, ~~or~~ the Division of Bond
154 Finance of the State Board of Administration, the Governor or
155 his or her designee, or the Commissioner of Education or his or
156 her designee of the failure of a local governmental entity,
157 district school board, charter school, or charter technical
158 career center to comply with the applicable provisions within s.
159 11.45(5)-(7), s. 218.32(1), s. 218.38, or s. 218.503(3), the
160 Legislative Auditing Committee may schedule a hearing to
161 determine if the entity should be subject to further state
162 action. If the committee determines that the entity should be
163 subject to further state action, the committee shall:

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

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173 Revenue and the Department of Financial Services may implement
174 ~~the provisions of~~ this paragraph.

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

176 1. A special act, notify the President of the Senate, the
177 Speaker of the House of Representatives, the standing committees
178 of the Senate and the House of Representatives charged with
179 special district oversight as determined by the presiding
180 officers of each respective chamber, the legislators who
181 represent a portion of the geographical jurisdiction of the
182 special district pursuant to s. 189.034(2), and the Department
183 of Economic Opportunity that the special district has failed to
184 comply with the law. Upon receipt of notification, the
185 Department of Economic Opportunity shall proceed pursuant to s.
186 189.062 or s. 189.067. If the special district remains in
187 noncompliance after the process set forth in s. 189.034(3), or
188 if a public hearing is not held, the Legislative Auditing
189 Committee may request the department to proceed pursuant to s.
190 189.067(3).

191 2. A local ordinance, notify the chair or equivalent of
192 the local general-purpose government pursuant to s. 189.035(2)
193 and the Department of Economic Opportunity that the special
194 district has failed to comply with the law. Upon receipt of
195 notification, the department shall proceed pursuant to s.
196 189.062 or s. 189.067. If the special district remains in
197 noncompliance after the process set forth in s. 189.034(3), or
198 if a public hearing is not held, the Legislative Auditing

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199 Committee may request the department to proceed pursuant to s.
200 189.067(3).

201 3. Any manner other than a special act or local ordinance,
202 notify the Department of Economic Opportunity that the special
203 district has failed to comply with the law. Upon receipt of
204 notification, the department shall proceed pursuant to s.
205 189.062 or s. 189.067(3).

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

209 Section 4. Subsection (1), paragraph (j) of subsection
210 (2), paragraph (u) of subsection (3), and paragraph (i) of
211 subsection (7) of section 11.45, Florida Statutes, are amended,
212 and paragraph (x) is added to subsection (3) of that section, to
213 read:

214 11.45 Definitions; duties; authorities; reports; rules.—

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

216 (a) "Abuse" means behavior that is deficient or improper
217 when compared with behavior that a prudent person would consider
218 a reasonable and necessary operational practice given the facts
219 and circumstances. The term includes the misuse of authority or
220 position for personal gain.

221 (b) (a) "Audit" means a financial audit, operational audit,
222 or performance audit.

223 (c) (b) "County agency" means a board of county
224 commissioners or other legislative and governing body of a

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225 county, however styled, including that of a consolidated or
226 metropolitan government, a clerk of the circuit court, a
227 separate or ex officio clerk of the county court, a sheriff, a
228 property appraiser, a tax collector, a supervisor of elections,
229 or any other officer in whom any portion of the fiscal duties of
230 a body or officer expressly stated in this paragraph are the
231 ~~above are under law~~ separately placed by law.

232 (d) ~~(e)~~ "Financial audit" means an examination of financial
233 statements in order to express an opinion on the fairness with
234 which they are presented in conformity with generally accepted
235 accounting principles and an examination to determine whether
236 operations are properly conducted in accordance with legal and
237 regulatory requirements. Financial audits must be conducted in
238 accordance with auditing standards generally accepted in the
239 United States and government auditing standards as adopted by
240 the Board of Accountancy. When applicable, the scope of
241 financial audits must ~~shall~~ encompass the additional activities
242 necessary to establish compliance with the Single Audit Act
243 Amendments of 1996, 31 U.S.C. ss. 7501-7507, and other
244 applicable federal law.

245 (e) "Fraud" means obtaining something of value through
246 willful misrepresentation, including, but not limited to, the
247 intentional misstatements or omissions of amounts or disclosures
248 in financial statements to deceive users of financial
249 statements, theft of an entity's assets, bribery, or the use of

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250 one's position for personal enrichment through the deliberate
251 misuse or misapplication of an organization's resources.

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

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

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

263 (i)~~(g)~~ "Operational audit" means an audit whose purpose is
264 to evaluate management's performance in establishing and
265 maintaining internal controls, including controls designed to
266 prevent and detect fraud, waste, and abuse, and in administering
267 assigned responsibilities in accordance with applicable laws,
268 administrative rules, contracts, grant agreements, and other
269 guidelines. Operational audits must be conducted in accordance
270 with government auditing standards. Such audits examine internal
271 controls that are designed and placed in operation to promote
272 and encourage the achievement of management's control objectives
273 in the categories of compliance, economic and efficient
274 operations, reliability of financial records and reports, and

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275 safeguarding of assets, and identify weaknesses in those
276 internal controls.

277 (j) ~~(h)~~ "Performance audit" means an examination of a
278 program, activity, or function of a governmental entity,
279 conducted in accordance with applicable government auditing
280 standards or auditing and evaluation standards of other
281 appropriate authoritative bodies. The term includes an
282 examination of issues related to:

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

284 2. Structure or design of the program to accomplish its
285 goals and objectives.

286 3. Adequacy of the program to meet the needs identified by
287 the Legislature or governing body.

288 4. Alternative methods of providing program services or
289 products.

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

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

294 7. Compliance of the program with appropriate policies,
295 rules, or laws.

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

298 (k) ~~(i)~~ "Political subdivision" means a separate agency or
299 unit of local government created or established by law and
300 includes, but is not limited to, the following and the officers

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301 thereof: authority, board, branch, bureau, city, commission,
302 consolidated government, county, department, district,
303 institution, metropolitan government, municipality, office,
304 officer, public corporation, town, or village.

305 (1)(j) "State agency" means a separate agency or unit of
306 state government created or established by law and includes, but
307 is not limited to, the following and the officers thereof:
308 authority, board, branch, bureau, commission, department,
309 division, institution, office, officer, or public corporation,
310 as the case may be, except any such agency or unit within the
311 legislative branch of state government other than the Florida
312 Public Service Commission.

313 (m) "Waste" means the act of using or expending resources
314 unreasonably, carelessly, extravagantly, or for no useful
315 purpose.

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

317 (j) Conduct audits of local governmental entities when
318 determined to be necessary by the Auditor General, when directed
319 by the Legislative Auditing Committee, or when otherwise
320 required by law. No later than 18 months after the release of
321 the audit report, the Auditor General shall perform such
322 appropriate followup procedures as he or she deems necessary to
323 determine the audited entity's progress in addressing the
324 findings and recommendations contained within the Auditor
325 General's previous report. The Auditor General shall notify each
326 member of the audited entity's governing body and the

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327 Legislative Auditing Committee of the results of his or her
328 determination. For purposes of this paragraph, local
329 governmental entities do not include water management districts.

330

331 The Auditor General shall perform his or her duties
332 independently but under the general policies established by the
333 Legislative Auditing Committee. This subsection does not limit
334 the Auditor General's discretionary authority to conduct other
335 audits or engagements of governmental entities as authorized in
336 subsection (3).

337 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The
338 Auditor General may, pursuant to his or her own authority, or at
339 the direction of the Legislative Auditing Committee, conduct
340 audits or other engagements as determined appropriate by the
341 Auditor General of:

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

343 (x) Tourist development councils and county tourism
344 promotion agencies.

345 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

346 (i) The Auditor General shall annually transmit by July
347 15, to the President of the Senate, the Speaker of the House of
348 Representatives, and the Department of Financial Services, a
349 list of all school districts, charter schools, charter technical
350 career centers, Florida College System institutions, state
351 universities, and local governmental entities ~~water management~~
352 ~~districts~~ that have failed to comply with the transparency

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353 requirements as identified in the audit reports reviewed
354 pursuant to paragraph (b) and those conducted pursuant to
355 subsection (2).

356 Section 5. Section 20.602, Florida Statutes, is created to
357 read:

358 20.602 Standards of conduct; officers and board members of
359 Department of Economic Opportunity corporate entities.-

360 (1) The following officers and board members are subject
361 to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
362 112.3143(2):

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

364 1. Any corporation created under chapter 288;

365 2. Space Florida;

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

368 4. The Florida Housing Finance Corporation; or

369 5. Any other corporation created by the Department of
370 Economic Opportunity in accordance with its powers and duties
371 under s. 20.60.

372 (b) Officers and members of the board of directors of a
373 corporate parent or subsidiary corporation of a corporation
374 described in paragraph (a).

375 (c) Officers and members of the board of directors of a
376 corporation created to carry out the missions of a corporation
377 described in paragraph (a).

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

381 (2) For purposes of applying ss. 112.313(1)-(8), (10),
382 (12), and (15); 112.3135; and 112.3143(2) to activities of the
383 officers and members of the board of directors specified in
384 subsection (1), those persons shall be considered public
385 officers or employees and the corporation shall be considered
386 their agency.

387 (3) For a period of 2 years after retirement from or
388 termination of service, or for a period of 10 years if removed
389 or terminated for cause or for misconduct, as defined in s.
390 443.036(29), an officer or a member of the board of directors
391 specified in subsection (1) may not represent another person or
392 entity for compensation before:

393 (a) His or her corporation;

394 (b) A division, a subsidiary, or the board of directors of
395 a corporation created to carry out the mission of his or her
396 corporation; or

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

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

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403 Section 6. Paragraph (d) of subsection (2) of section
404 28.35, Florida Statutes, is amended to read:

405 28.35 Florida Clerks of Court Operations Corporation.—

406 (2) The duties of the corporation shall include the
407 following:

408 (d) Developing and certifying a uniform system of workload
409 measures and applicable workload standards for court-related
410 functions as developed by the corporation and clerk workload
411 performance in meeting the workload performance standards. These
412 workload measures and workload performance standards shall be
413 designed to facilitate an objective determination of the
414 performance of each clerk in accordance with minimum standards
415 for fiscal management, operational efficiency, and effective
416 collection of fines, fees, service charges, and court costs. The
417 corporation shall develop the workload measures and workload
418 performance standards in consultation with the Legislature. When
419 the corporation finds a clerk has not met the workload
420 performance standards, the corporation shall identify the nature
421 of each deficiency and any corrective action recommended and
422 taken by the affected clerk of the court. For quarterly periods
423 ending on the last day of March, June, September, and December
424 of each year, the corporation shall notify the Legislature of
425 any clerk not meeting workload performance standards and provide
426 a copy of any corrective action plans. Such notifications shall
427 be submitted no later than 45 days after the end of the

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428 preceding quarterly period. As used in this subsection, the
429 term:

430 1. "Workload measures" means the measurement of the
431 activities and frequency of the work required for the clerk to
432 adequately perform the court-related duties of the office as
433 defined by the membership of the Florida Clerks of Court
434 Operations Corporation.

435 2. "Workload performance standards" means the standards
436 developed to measure the timeliness and effectiveness of the
437 activities that are accomplished by the clerk in the performance
438 of the court-related duties of the office as defined by the
439 membership of the Florida Clerks of Court Operations
440 Corporation.

441 Section 7. Subsections (6) and (7) of section 43.16,
442 Florida Statutes, are renumbered as subsections (7) and (8),
443 respectively, and a new subsection (6) is added to that section
444 to read:

445 43.16 Justice Administrative Commission; membership,
446 powers and duties.—

447 (6) The commission, each state attorney, each public
448 defender, the criminal conflict and civil regional counsel, the
449 capital collateral regional counsel, and the Guardian Ad Litem
450 Program shall establish and maintain internal controls designed
451 to:

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

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

455 (c) Support economical and efficient operations.

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

457 (e) Safeguard assets.

458 Section 8. Section 112.3126, Florida Statutes, is created
459 to read:

460 112.3126 Employment restrictions; legislators.-

461 (1) As used in this section, the term "private entity"
462 means any nongovernmental entity, such as a corporation,
463 partnership, company or nonprofit organization, any other legal
464 entity, or any natural person.

465 (2) (a) A member of, or candidate for, the Legislature may
466 not accept employment with a private entity that directly
467 receives funding through state revenues appropriated by the
468 General Appropriations Act if he or she knows, or with the
469 exercise of reasonable care should know, that the position is
470 being offered by the employer for the purpose of gaining
471 influence or other advantage based on the legislator's office or
472 candidacy. Any employment with a private entity that directly
473 receives funding through state revenues appropriated by the
474 General Appropriations Act accepted by a member or candidate
475 must meet all of the following conditions:

476 1. The position was already in existence or was created by
477 the employer without the knowledge or anticipation of the
478 legislator's interest in such position;

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- 479 2. The position was open to other applicants;
480 3. The legislator was subject to the same application and
481 hiring process as other candidates for the position; and
482 4. The legislator meets or exceeds the required
483 qualifications for the position.

484 (b) A member of the Legislature who is employed by such
485 private entity before his or her legislative service begins may
486 continue his or her employment. However, he or she may not
487 accept promotion, advancement, additional compensation, or
488 anything of value that he or she knows, or with the exercise of
489 reasonable care should know, is provided or given to influence
490 or attempt to influence his or her legislative office, or that
491 is otherwise inconsistent with the promotion, advancement,
492 additional compensation, or anything of value provided or given
493 an employee who is similarly situated.

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

496 112.313 Standards of conduct for public officers,
497 employees of agencies, and local government attorneys.—

498 (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

499 (a) A ~~Ne~~ public officer or employee of an agency may not
500 ~~shall~~ have or hold any employment or contractual relationship
501 with any business entity or any agency that ~~which~~ is subject to
502 the regulation of, or is doing business with, an agency of which
503 he or she is an officer or employee, excluding those
504 organizations and their officers who, when acting in their

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505 official capacity, enter into or negotiate a collective
506 bargaining contract with the state or any municipality, county,
507 or other political subdivision of the state; and ~~nor shall~~ an
508 officer or employee of an agency may not have or hold any
509 employment or contractual relationship that will create a
510 continuing or frequently recurring conflict between his or her
511 private interests and the performance of his or her public
512 duties or that would impede the full and faithful discharge of
513 his or her public duties. For purposes of this subsection, if a
514 public officer or employee of an agency holds a controlling
515 interest in a business entity or is an officer, a director, or a
516 member who manages such an entity, contractual relationships
517 held by the business entity are deemed to be held by the public
518 officer or employee.

519 1. When the agency referred to is a ~~that certain kind of~~
520 special tax district created by general or special law and is
521 limited specifically to constructing, maintaining, managing, and
522 financing improvements in the land area over which the agency
523 has jurisdiction, or when the agency has been organized pursuant
524 to chapter 298, ~~then~~ employment with, or entering into a
525 contractual relationship with, such a business entity by a
526 public officer or employee of such an agency is ~~shall~~ not ~~be~~
527 prohibited by this subsection or ~~be~~ deemed a conflict per se.
528 However, conduct by such officer or employee that is prohibited
529 by, or otherwise frustrates the intent of, this section must

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530 ~~shall~~ be deemed a conflict of interest in violation of the
531 standards of conduct set forth by this section.

532 2. When the agency referred to is a legislative body and
533 the regulatory power over the business entity resides in another
534 agency, or when the regulatory power that ~~which~~ the legislative
535 body exercises over the business entity or agency is strictly
536 through the enactment of laws or ordinances, ~~then~~ employment or
537 a contractual relationship with such a business entity by a
538 public officer or employee of a legislative body is ~~shall~~ not be
539 prohibited by this subsection or ~~be~~ deemed a conflict.

540 (b) This subsection does ~~shall~~ not prohibit a public
541 officer or employee from practicing in a particular profession
542 or occupation when such practice by persons holding such public
543 office or employment is required or permitted by law or
544 ordinance.

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

547 112.3144 Full and public disclosure of financial
548 interests.—

549 (1) In addition to officers specified in s. 8, Art. II of
550 the State Constitution or other state law, all elected municipal
551 officers are required to file a full and public disclosure of
552 their financial interests. An officer who is required ~~by s. 8,~~
553 ~~Art. II of the State Constitution~~ to file a full and public
554 disclosure of ~~his or her~~ financial interests for any calendar or
555 fiscal year shall file that disclosure with the ~~Florida~~

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556 Commission on Ethics. ~~Additionally, beginning January 1, 2015,~~
557 An officer who is required to complete annual ethics training
558 pursuant to s. 112.3142 must certify on his or her full and
559 public disclosure of financial interests that he or she has
560 completed the required training.

561 (2) A person who is required, ~~pursuant to s. 8, Art. II of~~
562 ~~the State Constitution,~~ to file a full and public disclosure of
563 financial interests and who has filed a full and public
564 disclosure of financial interests for any calendar or fiscal
565 year ~~is shall~~ not be required to file a statement of financial
566 interests pursuant to s. 112.3145(2) and (3) for the same year
567 or for any part thereof notwithstanding any requirement of this
568 part. If an incumbent in an elective office has filed the full
569 and public disclosure of financial interests to qualify for
570 election to the same office or if a candidate for office holds
571 another office subject to the annual filing requirement, the
572 qualifying officer shall forward an electronic copy of the full
573 and public disclosure of financial interests to the commission
574 no later than July 1. The electronic copy of the full and public
575 disclosure of financial interests satisfies the annual
576 disclosure requirement of this section. A candidate who does not
577 qualify until after the annual full and public disclosure of
578 financial interests has been filed pursuant to this section
579 shall file a copy of his or her disclosure with the officer
580 before whom he or she qualifies.

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

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

586 112.31455 Collection methods for unpaid automatic fines
587 for failure to timely file disclosure of financial interests.-

588 (1) Before referring any unpaid fine accrued pursuant to
589 s. 112.3144(5) or s. 112.3145(7) to the Department of Financial
590 Services, the commission shall attempt to determine whether the
591 individual owing such a fine is a current public officer or
592 current public employee. If so, the commission may notify the
593 Chief Financial Officer or the governing body of the appropriate
594 county, municipality, school district, or special district of
595 the total amount of any fine owed to the commission by such
596 individual.

597 (a) After receipt and verification of the notice from the
598 commission, the Chief Financial Officer or the governing body of
599 the county, municipality, school district, or special district
600 shall begin withholding the lesser of 10 percent or the maximum
601 amount allowed under federal law from any salary-related
602 payment. The withheld payments shall be remitted to the
603 commission until the fine is satisfied.

604 (b) The Chief Financial Officer or the governing body of
605 the county, municipality, school district, or special district
606 may retain an amount of each withheld payment, as provided in s.

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607 77.0305, to cover the administrative costs incurred under this
608 section.

609 Section 13. Subsections (7) through (15) of section
610 112.3215, Florida Statutes, are renumbered as subsections (8)
611 through (16), respectively, a new subsection (7) is added to
612 that section, and paragraph (a) of present subsection (8) and
613 present subsection (11) of that section are amended, to read:

614 112.3215 Lobbying before the executive branch or the
615 Constitution Revision Commission; registration and reporting;
616 investigation by commission.—

617 (7) If a lobbying firm lobbies the Governor to approve or
618 veto any bill passed by the Legislature or a specific
619 appropriation in the General Appropriations Act, the lobbying
620 firm must file a monthly report disclosing such activity with
621 the commission.

622 (a) The monthly report must contain the same information
623 required under s. 11.045(5). The reports must be filed with the
624 commission no later than 7 business days after the end of the
625 preceding month. A lobbying firm may satisfy the filing
626 requirements of this subsection by using the form used under s.
627 11.045(5).

628 (b) The reports shall be filed even if the reporting
629 lobbying firm did not engage in any lobbying activities
630 requiring disclosure, in which case the report shall be marked
631 "not applicable."

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632 (c) The commission shall provide by rule the grounds for
633 waiving a fine, the procedures by which a lobbying firm that
634 fails to timely file a report shall be notified and assessed
635 fines, and the procedure for appealing the fines. The rule shall
636 provide for the following:

637 1. Upon determining that the report is late, the person
638 designated to review the timeliness of reports shall immediately
639 notify the lobbying firm as to the failure to timely file the
640 report and that a fine is being assessed for each late day. The
641 fine shall be \$50 per day per report for each late day, up to a
642 maximum of \$5,000 per late report.

643 2. Upon receipt of the report, the person designated to
644 review the timeliness of reports shall determine the amount of
645 the fine due based upon when a report is actually received by
646 the commission.

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

651 4. A fine may not be assessed against a lobbying firm the
652 first time any reports for which the lobbying firm is
653 responsible are not timely filed. However, to receive the one-
654 time fine waiver, all reports for which the lobbying firm is
655 responsible must be filed within 30 days after the notice that
656 any reports have not been timely filed is transmitted by the

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657 commission. A fine shall be assessed for any subsequent late-
658 filed reports.

659 5. Any lobbying firm may appeal or dispute a fine, based
660 upon unusual circumstances surrounding the failure to file on
661 the designated due date, and may request and shall be entitled
662 to a hearing before the commission, which shall have the
663 authority to waive the fine in whole or in part for good cause
664 shown. Any such request shall be made within 30 days after the
665 notice of payment due is transmitted by the commission. In such
666 case, the lobbying firm shall, within the 30-day period, notify
667 the person designated to review the timeliness of reports in
668 writing of its intention to bring the matter before the
669 commission.

670 6. The person designated to review the timeliness of
671 reports shall notify the commission of the failure of a lobbying
672 firm to file a report after notice or of the failure of a
673 lobbying firm to pay the fine imposed. All lobbyist
674 registrations for lobbyists who are partners, owners, officers,
675 or employees of a lobbying firm that fails to timely pay a fine
676 are automatically suspended until the fine is paid or waived,
677 and the commission shall promptly notify all affected principals
678 of each suspension and each reinstatement.

679 7. Notwithstanding any provision of chapter 120, any fine
680 imposed under this subsection that is not waived by final order
681 of the commission and that remains unpaid more than 60 days
682 after the notice of payment due or more than 60 days after the

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683 commission renders a final order on the lobbying firm's appeal
684 shall be collected by the Department of Financial Services as a
685 claim, debt, or other obligation owed to the state, and the
686 department may assign the collection of such fine to a
687 collection agent as provided in s. 17.20.

688 (9) (a) ~~(8) (a)~~ The commission shall investigate every sworn
689 complaint that is filed with it alleging that a person covered
690 by this section has failed to register, has failed to submit a
691 compensation report, has made a prohibited expenditure, has
692 failed to file a report required by subsection (7), or has
693 knowingly submitted false information in any report or
694 registration required in this section.

695 (12) ~~(11)~~ Any person who is required to be registered or to
696 provide information under this section or under rules adopted
697 pursuant to this section and who knowingly fails to disclose any
698 material fact that is required by this section or by rules
699 adopted pursuant to this section, or who knowingly provides
700 false information on any report required by this section or by
701 rules adopted pursuant to this section, commits a noncriminal
702 infraction, punishable by a fine not to exceed \$5,000. Such
703 penalty is in addition to any other penalty assessed by the
704 Governor and Cabinet pursuant to subsection (11) ~~(10)~~.

705 Section 14. Section 112.3261, Florida Statutes, is amended
706 to read:

707 112.3261 Lobbying before governmental entities ~~water~~
708 ~~management districts~~; registration and reporting.—

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

710 (a) "Governmental entity" or "entity" ~~"District"~~ means a
711 water management district created in s. 373.069 and operating
712 under the authority of chapter 373, a hospital district, a
713 children's services district, an expressway authority as the
714 term "authority" is defined in s. 348.0002, a port authority as
715 defined in s. 315.02, a county or municipality that has not
716 adopted lobbyist registration and reporting requirements, or an
717 independent special district with annual revenues of more than
718 \$5 million which exercises ad valorem taxing authority.

719 (b) "Lobbies" means seeking, on behalf of another person,
720 to influence a governmental entity ~~district~~ with respect to a
721 decision of the entity ~~district~~ in an area of policy or
722 procurement or an attempt to obtain the goodwill of an a
723 ~~district~~ official or employee of a governmental entity. The term
724 "lobbies" shall be interpreted and applied consistently with the
725 rules of the commission implementing s. 112.3215.

726 (c) "Lobbyist" has the same meaning as provided in s.
727 112.3215.

728 (d) "Principal" has the same meaning as provided in s.
729 112.3215.

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

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735 statement signed by the principal or principal's representative
736 stating that the registrant is authorized to represent the
737 principal. The principal shall also identify and designate its
738 main business on the statement authorizing that lobbyist
739 pursuant to a classification system approved by the governmental
740 entity district. Any changes to the information required by this
741 section must be disclosed within 15 days by filing a new
742 registration form. The registration form must ~~shall~~ require each
743 lobbyist to disclose, under oath, the following:

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

745 (b) The name and business address of each principal
746 represented.

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

751 (d) A governmental entity shall create a lobbyist
752 registration form modeled after the ~~In lieu of creating its own~~
753 ~~lobbyist registration forms, a district may accept a completed~~
754 legislative branch or executive branch lobbyist registration
755 form, which must be returned to the governmental entity.

756 (3) A governmental entity district shall make lobbyist
757 registrations available to the public. If a governmental entity
758 ~~district~~ maintains a website, a database of currently registered
759 lobbyists and principals must be available on the entity's
760 ~~district's~~ website.

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761 (4) A lobbyist shall promptly send a written statement to
762 the governmental entity district canceling the registration for
763 a principal upon termination of the lobbyist's representation of
764 that principal. A governmental entity district may remove the
765 name of a lobbyist from the list of registered lobbyists if the
766 principal notifies the entity district that a person is no
767 longer authorized to represent that principal.

768 (5) A governmental entity district may establish an annual
769 lobbyist registration fee, not to exceed \$40, for each principal
770 represented. The governmental entity district may use
771 registration fees only to administer this section.

772 (6) A governmental entity district shall be diligent to
773 ascertain whether persons required to register pursuant to this
774 section have complied. A governmental entity district may not
775 knowingly authorize a person who is not registered pursuant to
776 this section to lobby the entity district.

777 (7) Upon receipt of a sworn complaint alleging that a
778 lobbyist or principal has failed to register with a governmental
779 entity district or has knowingly submitted false information in
780 a report or registration required under this section, the
781 commission shall investigate a lobbyist or principal pursuant to
782 the procedures established under s. 112.324. The commission
783 shall provide the Governor with a report of its findings and
784 recommendations in any investigation conducted pursuant to this
785 subsection. The Governor is authorized to enforce the
786 commission's findings and recommendations.

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787 (8) A governmental entity ~~Water management districts~~ may
788 adopt rules to establish procedures to govern the registration
789 of lobbyists, including the adoption of forms and the
790 establishment of a lobbyist registration fee.

791 Section 15. Paragraph (c) of subsection (3) of section
792 129.03, Florida Statutes, is amended to read:

793 129.03 Preparation and adoption of budget.—

794 (3) The county budget officer, after tentatively
795 ascertaining the proposed fiscal policies of the board for the
796 next fiscal year, shall prepare and present to the board a
797 tentative budget for the next fiscal year for each of the funds
798 provided in this chapter, including all estimated receipts,
799 taxes to be levied, and balances expected to be brought forward
800 and all estimated expenditures, reserves, and balances to be
801 carried over at the end of the year.

802 (c) The board shall hold public hearings to adopt
803 tentative and final budgets pursuant to s. 200.065. The hearings
804 shall be primarily for the purpose of hearing requests and
805 complaints from the public regarding the budgets and the
806 proposed tax levies and for explaining the budget and any
807 proposed or adopted amendments. The tentative budget must be
808 posted on the county's official website at least 2 days before
809 the public hearing to consider such budget and must remain on
810 the website for at least 45 days. The final budget must be
811 posted on the website within 30 days after adoption and must
812 remain on the website for at least 2 years. The tentative

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813 budgets, adopted tentative budgets, and final budgets shall be
814 filed in the office of the county auditor as a public record.
815 Sufficient reference in words and figures to identify the
816 particular transactions must ~~shall~~ be made in the minutes of the
817 board to record its actions with reference to the budgets.

818 Section 16. Paragraph (f) of subsection (2) of section
819 129.06, Florida Statutes, is amended to read:

820 129.06 Execution and amendment of budget.—

821 (2) The board at any time within a fiscal year may amend a
822 budget for that year, and may within the first 60 days of a
823 fiscal year amend the budget for the prior fiscal year, as
824 follows:

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

830 1. The public hearing must be advertised at least 2 days,
831 but not more than 5 days, before the date of the hearing. The
832 advertisement must appear in a newspaper of paid general
833 circulation and must identify the name of the taxing authority,
834 the date, place, and time of the hearing, and the purpose of the
835 hearing. The advertisement must also identify each budgetary
836 fund to be amended, the source of the funds, the use of the
837 funds, and the total amount of each fund's appropriations.

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

842 Section 17. Section 162.30, Florida Statutes, is amended
843 to read:

844 162.30 Civil actions to enforce county and municipal
845 ordinances; award of attorney fees and costs.-

846 (1) In addition to other provisions of law authorizing the
847 enforcement of county and municipal codes and ordinances, a
848 county or municipality may enforce any violation of a county or
849 municipal code or ordinance by filing a civil action in the same
850 manner as instituting a civil action. The action shall be
851 brought in county or circuit court, whichever is appropriate
852 depending upon the relief sought. Counties and municipalities
853 are authorized and required to pay any counsel appointed by the
854 court to represent a private party in such action if the
855 provision of counsel at public expense is required by the
856 Constitution of the United States or the Constitution of the
857 State of Florida and if the party is indigent as established
858 pursuant to s. 27.52. The county or municipality shall bear all
859 court fees and costs of any such action, and may, if it
860 prevails, recover the court fees and costs and expense of the
861 court-appointed counsel as part of its judgment. The state shall
862 bear no expense of actions brought under this section except

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863 those that it would bear in an ordinary civil action between
864 private parties in county court.

865 (2) A county or municipality may provide by code or
866 ordinance for the recovery of attorney fees and costs by a
867 prevailing party in a civil action brought under this part. Any
868 existing code or ordinance that only provides for the recovery
869 of attorney fees and costs by the county or municipality shall
870 be construed to provide for the recovery of attorney fees and
871 costs by a prevailing party other than the county or
872 municipality.

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

875 166.241 Fiscal years, budgets, and budget amendments.—

876 (3) The tentative budget must be posted on the
877 municipality's official website at least 2 days before the
878 budget hearing, held pursuant to s. 200.065 or other law, to
879 consider such budget and must remain on the website for at least
880 45 days. The final adopted budget must be posted on the
881 municipality's official website within 30 days after adoption
882 and must remain on the website for at least 2 years. If the
883 municipality does not operate an official website, the
884 municipality must, within a reasonable period of time as
885 established by the county or counties in which the municipality
886 is located, transmit the tentative budget and final budget to
887 the manager or administrator of such county or counties who
888 shall post the budgets on the county's website.

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889 (5) If the governing body of a municipality amends the
890 budget pursuant to paragraph (4)(c), the adopted amendment must
891 be posted on the official website of the municipality within 5
892 days after adoption and must remain on the website for at least
893 2 years. If the municipality does not operate an official
894 website, the municipality must, within a reasonable period of
895 time as established by the county or counties in which the
896 municipality is located, transmit the adopted amendment to the
897 manager or administrator of such county or counties who shall
898 post the adopted amendment on the county's website.

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

901 189.016 Reports; budgets; audits.—

902 (4) The tentative budget must be posted on the special
903 district's official website at least 2 days before the budget
904 hearing, held pursuant to s. 200.065 or other law, to consider
905 such budget and must remain on the website for at least 45 days.
906 The final adopted budget must be posted on the special
907 district's official website within 30 days after adoption and
908 must remain on the website for at least 2 years. If the special
909 district does not operate an official website, the special
910 district must, within a reasonable period of time as established
911 by the local general-purpose government or governments in which
912 the special district is located or the local governing authority
913 to which the district is dependent, transmit the tentative
914 budget or final budget to the manager or administrator of the

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915 local general-purpose government or the local governing
916 authority. The manager or administrator shall post the tentative
917 budget or final budget on the website of the local general-
918 purpose government or governing authority. This subsection and
919 subsection (3) do not apply to water management districts as
920 defined in s. 373.019.

921 (7) If the governing body of a special district amends the
922 budget pursuant to paragraph (6)(c), the adopted amendment must
923 be posted on the official website of the special district within
924 5 days after adoption and must remain on the website for at
925 least 2 years. If the special district does not operate an
926 official website, the special district must, within a reasonable
927 period of time as established by the local general-purpose
928 government or governments in which the special district is
929 located or the local governing authority to which the district
930 is dependent, transmit the adopted amendment to the manager or
931 administrator of the local general-purpose government or
932 governing authority. The manager or administrator shall post the
933 adopted amendment on the website of the local general-purpose
934 government or governing authority.

935 Section 20. Section 215.425, Florida Statutes, is amended
936 to read:

937 215.425 Extra compensation claims prohibited; bonuses;
938 severance pay.—

939 (1) As used in this section, the term "public funds" means
940 any taxes, tuition, state grants, fines, fees, or other charges

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941 or any other type of revenue collected by the state or any
942 county, municipality, special district, school district, Florida
943 College System institution, state university, or other separate
944 unit of government created pursuant to law, including any
945 office, department, agency, division, subdivision, political
946 subdivision, board, bureau, or commission of such entities.
947 However, if the payment and receipt do not otherwise violate
948 part III of chapter 112, the following are not considered public
949 funds:

950 (a) Revenues received by the Board of Governors or state
951 universities through or from faculty practice plans; health
952 services support organizations; hospitals with which state
953 universities are affiliated; direct-support organizations; or
954 federal, auxiliary, or private sources, except for tuition.

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

959 (c) Revenues that are received by a hospital licensed
960 under chapter 395 which has entered into a Medicaid provider
961 contract and that:

- 962 1. Are not derived from the levy of an ad valorem tax;
963 2. Are not derived from patient services paid through the
964 Medicaid or Medicare program;

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965 3. Are derived from patient services pursuant to contracts
966 with private insurers or private managed care entities or paid
967 by the patient or private entities; or

968 4. Are not appropriated by the Legislature or by any
969 county, municipality, special district, school district, Florida
970 College System institution, state university, or other separate
971 unit of government created pursuant to law, including any
972 office, department, agency, division, subdivision, political
973 subdivision, board, bureau, commission, authority, or
974 institution of such entities, except for revenues otherwise
975 authorized to be used pursuant to subparagraphs 2. and 3.

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

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

981 (2)-(1) Except as provided in subsections (3) and (4), no
982 extra compensation shall be made from public funds to any
983 officer, agent, employee, or contractor after the service has
984 been rendered or the contract made; nor shall any public funds
985 money be appropriated or paid on any claim the subject matter of
986 which has not been provided for by preexisting laws, unless such
987 compensation or claim is allowed by a law enacted by two-thirds
988 of the members elected to each house of the Legislature.

989 However, when adopting salary schedules for a fiscal year, a
990 district school board or community college district board of

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991 trustees may apply the schedule for payment of all services
992 rendered subsequent to July 1 of that fiscal year.

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

994 ~~(a) A bonus or severance pay that is paid wholly from~~
995 ~~nontax revenues and nonstate appropriated funds, the payment and~~
996 ~~receipt of which does not otherwise violate part III of chapter~~
997 ~~112, and which is paid to an officer, agent, employee, or~~
998 ~~contractor of a public hospital that is operated by a county or~~
999 ~~a special district; or~~

1000 ~~(b) A clothing and maintenance allowance given to~~
1001 ~~plainclothes deputies pursuant to s. 30.49.~~

1002 (3) Any policy, ordinance, rule, or resolution designed to
1003 implement a bonus scheme must:

1004 (a) Base the award of a bonus on work performance;

1005 (b) Describe the performance standards and evaluation
1006 process by which a bonus will be awarded;

1007 (c) Notify all employees who meet the prescribed criteria
1008 for a particular bonus scheme of the policy, ordinance, rule, or
1009 resolution before the beginning of the evaluation period on
1010 which a bonus will be based; and

1011 (d) Consider all employees who meet the prescribed
1012 criteria for a particular bonus scheme for the bonus.

1013 (4) (a) On or after July 1, 2011, A unit of government, on
1014 or after July 1, 2011, or a state university, on or after July
1015 1, 2012, which that enters into a contract or employment
1016 agreement, or a renewal or renegotiation of an existing contract

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1017 or employment agreement, which ~~that~~ contains a provision for
1018 severance pay with an officer, agent, employee, or contractor
1019 must include the following provisions in the contract:

1020 1. A requirement that severance pay paid from public funds
1021 ~~provided~~ may not exceed an amount greater than 20 weeks of
1022 compensation.

1023 2. A prohibition of provision of severance pay paid from
1024 public funds when the officer, agent, employee, or contractor
1025 has been fired for misconduct, as defined in s. 443.036(29), by
1026 the unit of government. However, the existence of a contract
1027 that includes a provision providing for severance pay does not
1028 limit the application of paragraph (b) to the settlement of a
1029 dispute.

1030 (b) On or after July 1, 2011, an officer, agent, employee,
1031 or contractor may receive severance pay that is not provided for
1032 in a contract or employment agreement if the severance pay
1033 represents the settlement of an employment dispute. In
1034 determining the amount of severance pay that may be paid in
1035 accordance with this section, the unit of government or the
1036 state university shall consider the nature of the claim, the
1037 circumstances giving rise to the dispute, and the potential cost
1038 of resolving the dispute ~~Such severance pay may not exceed an~~
1039 ~~amount greater than 6 weeks of compensation.~~ The settlement may
1040 not include provisions that limit the ability of any party to
1041 the settlement to discuss the dispute or settlement.

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1042 (5) Any agreement or contract, executed on or after July
1043 1, 2011, which involves extra compensation between a unit of
1044 government and an officer, agent, employee, or contractor may
1045 not include provisions that limit the ability of any party to
1046 the agreement or contract to discuss the agreement or contract.

1047 (6) Upon discovery or notification that a unit of
1048 government has provided prohibited compensation to any officer,
1049 agent, employee, or contractor in violation of this section,
1050 such unit of government shall investigate and take all
1051 reasonable action to recover the prohibited compensation.

1052 (a) If the violation was unintentional, the unit of
1053 government shall take all reasonable action to recover the
1054 prohibited compensation from the individual receiving the
1055 prohibited compensation through normal recovery methods for
1056 overpayments.

1057 (b) If the violation was willful, the unit of government
1058 shall take all reasonable action to recover the prohibited
1059 compensation from the individual receiving the prohibited
1060 compensation or the employee or employees of the unit of
1061 government who willfully violated this section. Each individual
1062 determined to have willfully violated this section is jointly
1063 and severally liable for repayment of the prohibited
1064 compensation.

1065 (7) An officer who exercises the powers and duties of a
1066 state or county officer and willfully violates this section is
1067 subject to the Governor's power under s. 7(a), Art. IV of the

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1068 State Constitution. An officer who exercises powers and duties
1069 other than those of a state or county officer and willfully
1070 violates this section is subject to the suspension and removal
1071 procedures under s. 112.51.

1072 (8) An employee who is discharged, demoted, suspended,
1073 threatened, harassed, or in any manner discriminated against in
1074 the terms and conditions of employment by his or her employer
1075 because of lawful acts done by the employee on behalf of the
1076 employee or others in furtherance of an action under this
1077 section, including investigation for initiation of, testimony
1078 for, or assistance in an action filed or to be filed under this
1079 section, has a cause of action under s. 112.3187.

1080 (9) Subsections (6), (7), and (8) apply prospectively to
1081 contracts and employment agreements, and the renewal or
1082 renegotiation of an existing contract or employment agreement,
1083 effective on or after October 1, 2016.

1084 Section 21. Section 215.86, Florida Statutes, is amended
1085 to read:

1086 215.86 Management systems and controls.—Each state agency
1087 and the judicial branch as defined in s. 216.011 shall establish
1088 and maintain management systems and internal controls designed
1089 to:

1090 (1) Prevent and detect fraud, waste, and abuse. ~~that~~

1091 (2) Promote and encourage compliance with applicable laws,
1092 rules, contracts, and grant agreements.†

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1093 (3) Support economical and economic, efficient, and
1094 effective operations.

1095 (4) Ensure reliability of financial records and reports.

1096 (5) Safeguard and safeguarding of assets. Accounting
1097 systems and procedures shall be designed to fulfill the
1098 requirements of generally accepted accounting principles.

1099 Section 22. Paragraph (a) of subsection (2) of section
1100 215.97, Florida Statutes, is amended to read:

1101 215.97 Florida Single Audit Act.—

1102 (2) Definitions; as used in this section, the term:

1103 (a) "Audit threshold" means the threshold amount used to
1104 determine when a state single audit or project-specific audit of
1105 a nonstate entity shall be conducted in accordance with this
1106 section. Each nonstate entity that expends a total amount of
1107 state financial assistance equal to or in excess of \$750,000
1108 ~~\$500,000~~ in any fiscal year of such nonstate entity shall be
1109 required to have a state single audit, or a project-specific
1110 audit, for such fiscal year in accordance with the requirements
1111 of this section. ~~Every 2 years the Auditor General,~~ After
1112 consulting with the Executive Office of the Governor, the
1113 Department of Financial Services, and all state awarding
1114 agencies, the Auditor General shall periodically review the
1115 threshold amount for requiring audits under this section and may
1116 recommend any appropriate statutory change to revise the
1117 threshold amount in the annual report submitted pursuant to s.

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1118 11.45(7)(h) to the Legislature adjust such threshold amount
1119 consistent with the purposes of this section.

1120 Section 23. Subsection (11) of section 215.985, Florida
1121 Statutes, is amended to read:

1122 215.985 Transparency in government spending.—

1123 (11) Each water management district shall provide a
1124 monthly financial statement in the form and manner prescribed by
1125 the Department of Financial Services to the district's its
1126 governing board and make such monthly financial statement
1127 available for public access on its website.

1128 Section 24. Paragraph (d) of subsection (1) and subsection
1129 (2) of section 218.32, Florida Statutes, are amended to read:

1130 218.32 Annual financial reports; local governmental
1131 entities.—

1132 (1)

1133 (d) Each local governmental entity that is required to
1134 provide for an audit under s. 218.39(1) must submit a copy of
1135 the audit report and annual financial report to the department
1136 within 45 days after the completion of the audit report but no
1137 later than 9 months after the end of the fiscal year. In
1138 conducting an audit of a local governmental entity pursuant to
1139 s. 218.39, an independent certified public accountant shall
1140 determine whether the entity's annual financial report is in
1141 agreement with the audited financial statements. The
1142 accountant's audit report must be supported by the same level of
1143 detail as required for the annual financial report. If the

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1144 accountant's audit report is not in agreement with the annual
1145 financial report, the accountant shall specify and explain the
1146 significant differences that exist between the annual financial
1147 report and the audit report.

1148 (2) The department shall annually by December 1 file a
1149 verified report with the Governor, the Legislature, the Auditor
1150 General, and the Special District Accountability Program of the
1151 Department of Economic Opportunity showing the revenues, both
1152 locally derived and derived from intergovernmental transfers,
1153 and the expenditures of each local governmental entity, regional
1154 planning council, local government finance commission, and
1155 municipal power corporation that is required to submit an annual
1156 financial report. In preparing the verified report, the
1157 department may request additional information from the local
1158 governmental entity. The information requested must be provided
1159 to the department within 45 days after the request. If the local
1160 governmental entity does not comply with the request, the
1161 department shall notify the Legislative Auditing Committee,
1162 which may take action pursuant to s. 11.40(2). The report must
1163 include, but is not limited to:

1164 (a) The total revenues and expenditures of each local
1165 governmental entity that is a component unit included in the
1166 annual financial report of the reporting entity.

1167 (b) The amount of outstanding long-term debt by each local
1168 governmental entity. For purposes of this paragraph, the term
1169 "long-term debt" means any agreement or series of agreements to

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1170 pay money, which, at inception, contemplate terms of payment
1171 exceeding 1 year in duration.

1172 Section 25. Subsection (3) of section 218.33, Florida
1173 Statutes, is renumbered as subsection (4), and a new subsection
1174 (3) is added to that section to read:

1175 218.33 Local governmental entities; establishment of
1176 uniform fiscal years and accounting practices and procedures.—

1177 (3) Each local governmental entity shall establish and
1178 maintain internal controls designed to:

1179 (a) Prevent and detect fraud, waste, and abuse.

1180 (b) Promote and encourage compliance with applicable laws,
1181 rules, contracts, grant agreements, and best practices.

1182 (c) Support economical and efficient operations.

1183 (d) Ensure reliability of financial records and reports.

1184 (e) Safeguard assets.

1185 Section 26. Subsections (8) through (12) of section
1186 218.39, Florida Statutes, are renumbered as subsections (9)
1187 through (13), respectively, and a new subsection (8) is added to
1188 that section to read:

1189 218.39 Annual financial audit reports.—

1190 (8) If the audit report includes a recommendation that was
1191 included in the preceding financial audit report but remains
1192 unaddressed, the governing body of the audited entity, within 60
1193 days after the delivery of the audit report to the governing
1194 body, shall indicate during a regularly scheduled public meeting
1195 whether it intends to take corrective action, the intended

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1196 corrective action, and the timeframe for the corrective action.
1197 If the governing body indicates that it does not intend to take
1198 corrective action, it shall explain its decision at the public
1199 meeting.

1200 Section 27. Subsection (2) of section 218.391, Florida
1201 Statutes, is amended, and subsection (9) is added to that
1202 section, to read:

1203 218.391 Auditor selection procedures.—

1204 (2) The governing body of a ~~charter~~ county, municipality,
1205 special district, district school board, charter school, or
1206 charter technical career center shall establish an audit
1207 committee.

1208 (a) The audit committee for a county ~~Each noncharter~~
1209 ~~county shall establish an audit committee that, at a minimum,~~
1210 ~~shall consist of each of the county officers elected pursuant to~~
1211 ~~the county charter or s. 1(d), Art. VIII of the State~~
1212 ~~Constitution, or their respective designees a designee, and one~~
1213 ~~member of the board of county commissioners or its designee.~~

1214 (b) The audit committee for a municipality, special
1215 district, district school board, charter school, or charter
1216 technical career center shall consist of at least three members.
1217 One member of the audit committee must be a member of the
1218 governing body of an entity specified in this paragraph, who
1219 shall also serve as the chair of the committee.

1220 (c) An employee, chief executive officer, or chief
1221 financial officer of the county, municipality, special district,

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1222 district school board, charter school, or charter technical
1223 career center may not serve as a member of an audit committee
1224 established under this subsection.

1225 (d) The primary purpose of the audit committee is to
1226 assist the governing body in selecting an auditor to conduct the
1227 annual financial audit required in s. 218.39; however, the audit
1228 committee may serve other audit oversight purposes as determined
1229 by the entity's governing body. The public may ~~shall~~ not be
1230 excluded from the proceedings under this section.

1231 (9) An audit report submitted pursuant to s. 218.39 must
1232 include an affidavit executed by the chair of the audit
1233 committee affirming that the committee complied with the
1234 requirements of subsections (3)-(6) in selecting an auditor. If
1235 the Auditor General determines that an entity failed to comply
1236 with the requirements of subsections (3)-(6) in selecting an
1237 auditor, the entity shall select a replacement auditor in
1238 accordance with this section to conduct audits for subsequent
1239 fiscal years if the original audit was performed under a
1240 multiyear contract. If the replacement of an auditor would
1241 preclude the entity from timely completing the annual financial
1242 audit required by s. 218.39, the entity shall replace an auditor
1243 in accordance with this section for the subsequent annual
1244 financial audit. A multiyear contract between an entity and an
1245 auditor may not prohibit or restrict an entity from complying
1246 with this subsection.

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1247 Section 28. Subsection (2) of section 286.0114, Florida
1248 Statutes, is amended to read:

1249 286.0114 Public meetings; reasonable opportunity to be
1250 heard; attorney fees.—

1251 (2) Members of the public shall be given a reasonable
1252 opportunity to be heard on a proposition before a board or
1253 commission. The opportunity to be heard need not occur at the
1254 same meeting at which the board or commission takes official
1255 action on the proposition if the opportunity occurs at a meeting
1256 that is during the decisionmaking process and is within
1257 reasonable proximity in time before the meeting at which the
1258 board or commission takes the official action. A board or
1259 commission may not require a member of the public to provide an
1260 advance written copy of his or her testimony or comments as a
1261 condition of being given the opportunity to be heard at a
1262 meeting. This section does not prohibit a board or commission
1263 from maintaining orderly conduct or proper decorum in a public
1264 meeting. The opportunity to be heard is subject to rules or
1265 policies adopted by the board or commission, as provided in
1266 subsection (4).

1267 Section 29. Paragraph (b) of subsection (2) of section
1268 288.92, Florida Statutes, is amended to read:

1269 288.92 Divisions of Enterprise Florida, Inc.—

1270 (2)

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1271 (b)1. The following officers and board members are subject
1272 to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
1273 112.3143(2):

1274 a. Officers and members of the board of directors of the
1275 divisions of Enterprise Florida, Inc.

1276 b. Officers and members of the board of directors of
1277 subsidiaries of Enterprise Florida, Inc.

1278 c. Officers and members of the board of directors of
1279 corporations created to carry out the missions of Enterprise
1280 Florida, Inc.

1281 d. Officers and members of the board of directors of
1282 corporations with which a division is required by law to
1283 contract to carry out its missions.

1284 2. For a period of 2 years after retirement from or
1285 termination of service to a division, or for a period of 10
1286 years if removed or terminated for cause or for misconduct, as
1287 defined in s. 443.036(29), the officers and board members
1288 specified in subparagraph 1. may not represent another person or
1289 entity for compensation before:

1290 a. Enterprise Florida, Inc.;

1291 b. A division, a subsidiary, or the board of directors of
1292 corporations created to carry out the missions of Enterprise
1293 Florida, Inc.; or

1294 c. A division with which Enterprise Florida, Inc., is
1295 required by law to contract to carry out its missions.

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1296 ~~3.2-~~ For purposes of applying ss. 112.313(1)-(8), (10),
1297 (12), and (15); 112.3135; and 112.3143(2) to activities of the
1298 officers and members of the board of directors specified in
1299 subparagraph 1., those persons shall be considered public
1300 officers or employees and the corporation shall be considered
1301 their agency.

1302 ~~4.3-~~ It is not a violation of s. 112.3143(2) or (4) for
1303 the officers or members of the board of directors of the Florida
1304 Tourism Industry Marketing Corporation to:

1305 a. Vote on the 4-year marketing plan required under s.
1306 288.923 or vote on any individual component of or amendment to
1307 the plan.

1308 b. Participate in the establishment or calculation of
1309 payments related to the private match requirements of s.
1310 288.904(3). The officer or member must file an annual disclosure
1311 describing the nature of his or her interests or the interests
1312 of his or her principals, including corporate parents and
1313 subsidiaries of his or her principal, in the private match
1314 requirements. This annual disclosure requirement satisfies the
1315 disclosure requirement of s. 112.3143(4). This disclosure must
1316 be placed ~~either~~ on the Florida Tourism Industry Marketing
1317 Corporation's website or included in the minutes of each meeting
1318 of the Florida Tourism Industry Marketing Corporation's board of
1319 directors at which the private match requirements are discussed
1320 or voted upon.

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1321 Section 30. Paragraph (a) of subsection (3) of section
1322 288.9604, Florida Statutes, is amended to read:

1323 288.9604 Creation of the authority.—

1324 (3)(a)1. A director may not receive compensation for his
1325 or her services, but is entitled to necessary expenses,
1326 including travel expenses, incurred in the discharge of his or
1327 her duties. Each director shall hold office until his or her
1328 successor has been appointed.

1329 2. Directors are subject to ss. 112.313(1)-(8), (10),
1330 (12), and (15); 112.3135; and 112.3143(2). For purposes of
1331 applying ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
1332 112.3143(2) to activities of directors, directors shall be
1333 considered public officers and the corporation shall be
1334 considered their agency.

1335 3. A director of the corporation may not represent another
1336 person or entity for compensation before the corporation for a
1337 period of 2 years following his or her service on the board of
1338 directors.

1339 Section 31. Paragraph (e) of subsection (4), paragraph (d)
1340 of subsection (5), and paragraph (d) of subsection (6) of
1341 section 373.536, Florida Statutes, are amended to read:

1342 373.536 District budget and hearing thereon.—

1343 (4) BUDGET CONTROLS; FINANCIAL INFORMATION.—

1344 (e) ~~By September 1, 2012,~~ Each district shall provide a
1345 monthly financial statement in the form and manner prescribed by
1346 the Department of Financial Services to the district's governing

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1347 board and make such monthly financial statement available for
1348 public access on its website.

1349 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND
1350 APPROVAL.—

1351 (d) Each district shall, by August 1 of each year, submit
1352 for review a tentative budget and a description of any
1353 significant changes from the preliminary budget submitted to the
1354 Legislature pursuant to s. 373.535 to the Governor, the
1355 President of the Senate, the Speaker of the House of
1356 Representatives, the chairs of all legislative committees and
1357 subcommittees having substantive or fiscal jurisdiction over
1358 water management districts, as determined by the President of
1359 the Senate or the Speaker of the House of Representatives, as
1360 applicable, the secretary of the department, and the governing
1361 body of each county in which the district has jurisdiction or
1362 derives any funds for the operations of the district. The
1363 tentative budget must be posted on the district's official
1364 website at least 2 days before budget hearings held pursuant to
1365 s. 200.065 or other law and must remain on the website for at
1366 least 45 days.

1367 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
1368 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

1369 (d) The final adopted budget must be posted on the water
1370 management district's official website within 30 days after
1371 adoption and must remain on the website for at least 2 years.

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1372 Section 32. Subsection (7) of section 838.014, Florida
1373 Statutes, is renumbered as subsection (8), present subsections
1374 (4) and (6) are amended, and a new subsection (6) is added to
1375 that section, to read:

1376 838.014 Definitions.—As used in this chapter, the term:

1377 (4) "Governmental entity" means an agency or entity of the
1378 state, a county, municipality, or special district, or any other
1379 public entity created or authorized by law ~~"Corruptly" or "with~~
1380 ~~corrupt intent"~~ means acting knowingly and dishonestly for a
1381 wrongful purpose.

1382 (6) "Public contractor" means, for purposes of ss. 838.022
1383 and 838.22 only:

1384 (a) Any person, as defined in s. 1.01(3), who has entered
1385 into a contract with a governmental entity; or

1386 (b) Any officer or employee of a person, as defined in s.
1387 1.01(3), who has entered into a contract with a governmental
1388 entity.

1389 (7) ~~(6)~~ "Public servant" means:

1390 (a) Any officer or employee of a governmental state,
1391 county, municipal, or special district agency or entity,
1392 including

1393 ~~(b)~~ any executive, legislative, or judicial branch officer
1394 or employee;

1395 (b) ~~(e)~~ Any person, except a witness, who acts as a general
1396 or special magistrate, receiver, auditor, arbitrator, umpire,

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1397 referee, consultant, or hearing officer while performing a
1398 governmental function; or

1399 ~~(c)(d)~~ A candidate for election or appointment to any of
1400 the officer positions listed in this subsection, or an
1401 individual who has been elected to, but has yet to officially
1402 assume the responsibilities of, public office.

1403 Section 33. Subsection (1) of section 838.015, Florida
1404 Statutes, is amended to read:

1405 838.015 Bribery.—

1406 (1) "Bribery" means ~~corruptly~~ to knowingly and
1407 intentionally give, offer, or promise to any public servant, or,
1408 if a public servant, ~~corruptly~~ to knowingly and intentionally
1409 request, solicit, accept, or agree to accept for himself or
1410 herself or another, any pecuniary or other benefit not
1411 authorized by law with an intent or purpose to influence the
1412 performance of any act or omission which the person believes to
1413 be, or the public servant represents as being, within the
1414 official discretion of a public servant, in violation of a
1415 public duty, or in performance of a public duty.

1416 Section 34. Subsections (1) and (2) of section 838.016,
1417 Florida Statutes, are amended to read:

1418 838.016 Unlawful compensation or reward for official
1419 behavior.—

1420 (1) It is unlawful for any person ~~corruptly~~ to knowingly
1421 and intentionally give, offer, or promise to any public servant,
1422 or, if a public servant, ~~corruptly~~ to knowingly and

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1423 intentionally request, solicit, accept, or agree to accept, any
1424 pecuniary or other benefit not authorized by law, for the past,
1425 present, or future performance, nonperformance, or violation of
1426 any act or omission which the person believes to have been, or
1427 the public servant represents as having been, either within the
1428 official discretion of the public servant, in violation of a
1429 public duty, or in performance of a public duty. This section
1430 does not ~~Nothing herein shall be construed to~~ preclude a public
1431 servant from accepting rewards for services performed in
1432 apprehending any criminal.

1433 (2) It is unlawful for any person ~~corruptly~~ to knowingly
1434 and intentionally give, offer, or promise to any public servant,
1435 or, if a public servant, ~~corruptly~~ to knowingly and
1436 intentionally request, solicit, accept, or agree to accept, any
1437 pecuniary or other benefit not authorized by law for the past,
1438 present, or future exertion of any influence upon or with any
1439 other public servant regarding any act or omission which the
1440 person believes to have been, or which is represented to him or
1441 her as having been, either within the official discretion of the
1442 other public servant, in violation of a public duty, or in
1443 performance of a public duty.

1444 Section 35. Subsection (1) of section 838.022, Florida
1445 Statutes, is amended, and subsection (2) of that section is
1446 republished, to read:

1447 838.022 Official misconduct.—

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1448 (1) It is unlawful for a public servant or public
1449 contractor, with corrupt intent to knowingly and intentionally
1450 obtain a benefit for any person or to cause unlawful harm to
1451 another by, to:

1452 (a) Falsifying Falsify, or causing cause another person to
1453 falsify, any official record or official document;

1454 (b) Concealing, covering up, destroying, mutilating, or
1455 altering Conceal, cover up, destroy, mutilate, or alter any
1456 official record or official document, except as authorized by
1457 law or contract, or causing cause another person to perform such
1458 an act; or

1459 (c) Obstructing, delaying, or preventing Obstruct, delay,
1460 or prevent the communication of information relating to the
1461 commission of a felony that directly involves or affects the
1462 governmental public agency or public entity served by the public
1463 servant or public contractor.

1464 (2) For the purposes of this section:

1465 (a) The term "public servant" does not include a candidate
1466 who does not otherwise qualify as a public servant.

1467 (b) An official record or official document includes only
1468 public records.

1469 Section 36. Section 838.22, Florida Statutes, is amended
1470 to read:

1471 838.22 Bid tampering.—

1472 (1) It is unlawful for a public servant or a public
1473 contractor who has contracted with a governmental entity to

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1474 assist in a competitive procurement, ~~with corrupt intent~~ to
1475 knowingly and intentionally influence or attempt to influence
1476 the competitive solicitation bidding process undertaken by any
1477 governmental state, county, municipal, or special district
1478 agency, or any other public entity, for the procurement of
1479 commodities or services by, ~~to:~~

1480 (a) Disclosing, except as authorized by law, Disclose
1481 material information concerning a vendor's response, any
1482 evaluation results, bid or other aspects of the competitive
1483 solicitation bidding process when such information is not
1484 publicly disclosed.

1485 (b) Altering or amending Alter or amend a submitted
1486 response bid, documents or other materials supporting a
1487 submitted response bid, or any evaluation bid results relating
1488 to the competitive solicitation for the purpose of intentionally
1489 providing a competitive advantage to any person who submits a
1490 response bid.

1491 (2) It is unlawful for a public servant or a public
1492 contractor who has contracted with a governmental entity to
1493 assist in a competitive procurement, ~~with corrupt intent~~ to
1494 knowingly and intentionally obtain a benefit for any person or
1495 to cause unlawful harm to another by circumventing, ~~to~~
1496 ~~circumvent~~ a competitive solicitation bidding process required
1497 by law or rule through the use of ~~by using~~ a sole-source
1498 contract for commodities or services.

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1499 (3) It is unlawful for any person to knowingly agree,
1500 conspire, combine, or confederate, directly or indirectly, with
1501 a public servant or a public contractor who has contracted with
1502 a governmental entity to assist in a competitive procurement to
1503 violate subsection (1) or subsection (2).

1504 (4) It is unlawful for any person to knowingly enter into
1505 a contract for commodities or services which was secured by a
1506 public servant or a public contractor who has contracted with a
1507 governmental entity to assist in a competitive procurement
1508 acting in violation of subsection (1) or subsection (2).

1509 (5) Any person who violates this section commits a felony
1510 of the second degree, punishable as provided in s. 775.082, s.
1511 775.083, or s. 775.084.

1512 Section 37. Subsection (27) of section 1001.42, Florida
1513 Statutes, is renumbered as subsection (28), a new subsection
1514 (27) is added to that section, and paragraph (1) of subsection
1515 (12) of that section is amended, to read:

1516 1001.42 Powers and duties of district school board.—The
1517 district school board, acting as a board, shall exercise all
1518 powers and perform all duties listed below:

1519 (12) FINANCE.—Take steps to assure students adequate
1520 educational facilities through the financial procedure
1521 authorized in chapters 1010 and 1011 and as prescribed below:

1522 (1) *Internal auditor.*—May employ an internal auditor to
1523 perform ongoing financial verification of the financial records

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1524 of the school district and such other audits and reviews as the
1525 district school board directs for the purpose of determining:

1526 1. The adequacy of internal controls designed to prevent
1527 and detect fraud, waste, and abuse.

1528 2. Compliance with applicable laws, rules, contracts,
1529 grant agreements, district school board-approved policies, and
1530 best practices.

1531 3. The efficiency of operations.

1532 4. The reliability of financial records and reports.

1533 5. The safeguarding of assets.

1534

1535 The internal auditor shall report directly to the district
1536 school board or its designee.

1537 (27) VISITATION OF SCHOOLS.—Visit each school, observe the
1538 management and instruction, give suggestions for improvement,
1539 and advise citizens with the view of promoting interest in
1540 education and improving the school.

1541 Section 38. Paragraph (j) of subsection (9) of section
1542 1002.33, Florida Statutes, is amended to read:

1543 1002.33 Charter schools.—

1544 (9) CHARTER SCHOOL REQUIREMENTS.—

1545 (j) The governing body of the charter school shall be
1546 responsible for:

1547 1. Establishing and maintaining internal controls designed
1548 to:

1549 a. Prevent and detect fraud, waste, and abuse.

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1550 b. Promote and encourage compliance with applicable laws,
1551 rules, contracts, grant agreements, and best practices.

1552 c. Support economical and efficient operations.

1553 d. Ensure reliability of financial records and reports.

1554 e. Safeguard assets.

1555 ~~2.1-~~ Ensuring that the charter school has retained the
1556 services of a certified public accountant or auditor for the
1557 annual financial audit, pursuant to s. 1002.345(2), who shall
1558 submit the report to the governing body.

1559 ~~3.2-~~ Reviewing and approving the audit report, including
1560 audit findings and recommendations for the financial recovery
1561 plan.

1562 ~~4.a.3-a-~~ Performing the duties in s. 1002.345, including
1563 monitoring a corrective action plan.

1564 b. Monitoring a financial recovery plan in order to ensure
1565 compliance.

1566 ~~5.4-~~ Participating in governance training approved by the
1567 department which must include government in the sunshine,
1568 conflicts of interest, ethics, and financial responsibility.

1569 Section 39. Subsections (6) through (10) of section
1570 1002.37, Florida Statutes, are renumbered as subsections (7)
1571 through (11), respectively, a new subsection (6) is added to
1572 that section, and present subsections (6) and (11) of that
1573 section are amended, to read:

1574 1002.37 The Florida Virtual School.-

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1575 (6) The Florida Virtual School shall have an annual
1576 financial audit of its accounts and records conducted by an
1577 independent auditor who is a certified public accountant
1578 licensed under chapter 473. The independent auditor shall
1579 conduct the audit in accordance with rules adopted by the
1580 Auditor General pursuant to s. 11.45 and, upon completion of the
1581 audit, shall prepare an audit report in accordance with such
1582 rules. The audit report must include a written statement by the
1583 board of trustees describing corrective action to be taken in
1584 response to each of the recommendations of the independent
1585 auditor included in the audit report. The independent auditor
1586 shall submit the audit report to the board of trustees and the
1587 Auditor General no later than 9 months after the end of the
1588 preceding fiscal year.

1589 ~~(7)(6)~~ The board of trustees shall annually submit to the
1590 Governor, the Legislature, the Commissioner of Education, and
1591 the State Board of Education the audit report prepared pursuant
1592 to subsection (6) and a complete and detailed report setting
1593 forth:

1594 (a) The operations and accomplishments of the Florida
1595 Virtual School within the state and those occurring outside the
1596 state as Florida Virtual School Global.

1597 (b) The marketing and operational plan for the Florida
1598 Virtual School and Florida Virtual School Global, including
1599 recommendations regarding methods for improving the delivery of

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1600 education through the Internet and other distance learning
1601 technology.

1602 (c) The assets and liabilities of the Florida Virtual
1603 School and Florida Virtual School Global at the end of the
1604 fiscal year.

1605 ~~(d) A copy of an annual financial audit of the accounts~~
1606 ~~and records of the Florida Virtual School and Florida Virtual~~
1607 ~~School Global, conducted by an independent certified public~~
1608 ~~accountant and performed in accordance with rules adopted by the~~
1609 ~~Auditor General.~~

1610 (d)~~(e)~~ Recommendations regarding the unit cost of
1611 providing services to students through the Florida Virtual
1612 School and Florida Virtual School Global. In order to most
1613 effectively develop public policy regarding any future funding
1614 of the Florida Virtual School, it is imperative that the cost of
1615 the program is accurately identified. The identified cost of the
1616 program must be based on reliable data.

1617 (e)~~(f)~~ Recommendations regarding an accountability
1618 mechanism to assess the effectiveness of the services provided
1619 by the Florida Virtual School and Florida Virtual School Global.

1620 ~~(11) The Auditor General shall conduct an operational~~
1621 ~~audit of the Florida Virtual School, including Florida Virtual~~
1622 ~~School Global. The scope of the audit shall include, but not be~~
1623 ~~limited to, the administration of responsibilities relating to~~
1624 ~~personnel; procurement and contracting; revenue production;~~
1625 ~~school funds, including internal funds; student enrollment~~

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1626 ~~records, franchise agreements, information technology~~
1627 ~~utilization, assets, and security, performance measures and~~
1628 ~~standards, and accountability. The final report on the audit~~
1629 ~~shall be submitted to the President of the Senate and the~~
1630 ~~Speaker of the House of Representatives no later than January~~
1631 ~~31, 2014.~~

1632 Section 40. Subsection (5) is added to section 1010.01,
1633 Florida Statutes, to read:

1634 1010.01 Uniform records and accounts.—

1635 (5) Each school district, Florida College System
1636 institution, and state university shall establish and maintain
1637 internal controls designed to:

1638 (a) Prevent and detect fraud, waste, and abuse.

1639 (b) Promote and encourage compliance with applicable laws,
1640 rules, contracts, grant agreements, and best practices.

1641 (c) Support economical and efficient operations.

1642 (d) Ensure reliability of financial records and reports.

1643 (e) Safeguard assets.

1644 Section 41. Subsection (2) of section 1010.30, Florida
1645 Statutes, is amended to read:

1646 1010.30 Audits required.—

1647 (2) If a school district, Florida College System
1648 institution, or university audit report includes a
1649 recommendation that was included in the preceding financial
1650 audit report but remains unaddressed an audit contains a
1651 significant finding, the district school board, the Florida

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1652 College System institution board of trustees, or the university
1653 board of trustees, within 60 days after the delivery of the
1654 audit report to the school district, Florida College System
1655 institution, or university, shall indicate ~~conduct an audit~~
1656 overview during a regularly scheduled public meeting whether it
1657 intends to take corrective action, the intended corrective
1658 action, and the timeframe for the corrective action. If the
1659 district school board, Florida College System institution board
1660 of trustees, or university board of trustees indicates that it
1661 does not intend to take corrective action, it shall explain its
1662 decision at the public meeting.

1663 Section 42. Subsection (5) of section 99.061, Florida
1664 Statutes, is amended to read:

1665 99.061 Method of qualifying for nomination or election to
1666 federal, state, county, or district office.—

1667 (5) At the time of qualifying for office, each candidate
1668 for a constitutional office or an elected municipal office shall
1669 file a full and public disclosure of financial interests
1670 pursuant to s. 8, Art. II of the State Constitution, which must
1671 be verified under oath or affirmation pursuant to s.
1672 92.525(1)(a), and a candidate for any other office, ~~including~~
1673 ~~local elective office,~~ shall file a statement of financial
1674 interests pursuant to s. 112.3145.

1675 Section 43. Subsection (3) of section 218.503, Florida
1676 Statutes, is amended to read:

1677 218.503 Determination of financial emergency.—

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1678 (3) Upon notification that one or more of the conditions
1679 in subsection (1) have occurred or will occur if action is not
1680 taken to assist the local governmental entity or district school
1681 board, the Governor or his or her designee shall contact the
1682 local governmental entity or the Commissioner of Education or
1683 his or her designee shall contact the district school board, as
1684 appropriate, to determine what actions have been taken by the
1685 local governmental entity or the district school board to
1686 resolve or prevent the condition. The information requested must
1687 be provided within 45 days after the date of the request. If the
1688 local governmental entity or the district school board does not
1689 comply with the request, the Governor or his or her designee or
1690 the Commissioner of Education or his or her designee shall
1691 notify ~~the members of~~ the Legislative Auditing Committee, which
1692 ~~who~~ may take action pursuant to s. 11.40(2) ~~11.40~~. The Governor
1693 or the Commissioner of Education, as appropriate, shall
1694 determine whether the local governmental entity or the district
1695 school board needs state assistance to resolve or prevent the
1696 condition. If state assistance is needed, the local governmental
1697 entity or district school board is considered to be in a state
1698 of financial emergency. The Governor or the Commissioner of
1699 Education, as appropriate, has the authority to implement
1700 measures as set forth in ss. 218.50-218.504 to assist the local
1701 governmental entity or district school board in resolving the
1702 financial emergency. Such measures may include, but are not
1703 limited to:

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1704 (a) Requiring approval of the local governmental entity's
1705 budget by the Governor or approval of the district school
1706 board's budget by the Commissioner of Education.

1707 (b) Authorizing a state loan to a local governmental
1708 entity and providing for repayment of same.

1709 (c) Prohibiting a local governmental entity or district
1710 school board from issuing bonds, notes, certificates of
1711 indebtedness, or any other form of debt until such time as it is
1712 no longer subject to this section.

1713 (d) Making such inspections and reviews of records,
1714 information, reports, and assets of the local governmental
1715 entity or district school board as are needed. The appropriate
1716 local officials shall cooperate in such inspections and reviews.

1717 (e) Consulting with officials and auditors of the local
1718 governmental entity or the district school board and the
1719 appropriate state officials regarding any steps necessary to
1720 bring the books of account, accounting systems, financial
1721 procedures, and reports into compliance with state requirements.

1722 (f) Providing technical assistance to the local
1723 governmental entity or the district school board.

1724 (g)1. Establishing a financial emergency board to oversee
1725 the activities of the local governmental entity or the district
1726 school board. If a financial emergency board is established for
1727 a local governmental entity, the Governor shall appoint board
1728 members and select a chair. If a financial emergency board is
1729 established for a district school board, the State Board of

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1730 Education shall appoint board members and select a chair. The
1731 financial emergency board shall adopt such rules as are
1732 necessary for conducting board business. The board may:

1733 a. Make such reviews of records, reports, and assets of
1734 the local governmental entity or the district school board as
1735 are needed.

1736 b. Consult with officials and auditors of the local
1737 governmental entity or the district school board and the
1738 appropriate state officials regarding any steps necessary to
1739 bring the books of account, accounting systems, financial
1740 procedures, and reports of the local governmental entity or the
1741 district school board into compliance with state requirements.

1742 c. Review the operations, management, efficiency,
1743 productivity, and financing of functions and operations of the
1744 local governmental entity or the district school board.

1745 d. Consult with other governmental entities for the
1746 consolidation of all administrative direction and support
1747 services, including, but not limited to, services for asset
1748 sales, economic and community development, building inspections,
1749 parks and recreation, facilities management, engineering and
1750 construction, insurance coverage, risk management, planning and
1751 zoning, information systems, fleet management, and purchasing.

1752 2. The recommendations and reports made by the financial
1753 emergency board must be submitted to the Governor for local
1754 governmental entities or to the Commissioner of Education and

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1755 the State Board of Education for district school boards for
1756 appropriate action.

1757 (h) Requiring and approving a plan, to be prepared by
1758 officials of the local governmental entity or the district
1759 school board in consultation with the appropriate state
1760 officials, prescribing actions that will cause the local
1761 governmental entity or district school board to no longer be
1762 subject to this section. The plan must include, but need not be
1763 limited to:

1764 1. Provision for payment in full of obligations outlined
1765 in subsection (1), designated as priority items, which are
1766 currently due or will come due.

1767 2. Establishment of priority budgeting or zero-based
1768 budgeting in order to eliminate items that are not affordable.

1769 3. The prohibition of a level of operations which can be
1770 sustained only with nonrecurring revenues.

1771 4. Provisions implementing the consolidation, sourcing, or
1772 discontinuance of all administrative direction and support
1773 services, including, but not limited to, services for asset
1774 sales, economic and community development, building inspections,
1775 parks and recreation, facilities management, engineering and
1776 construction, insurance coverage, risk management, planning and
1777 zoning, information systems, fleet management, and purchasing.

1778 Section 44. Subsection (2) of section 1002.455, Florida
1779 Statutes, is amended to read:

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1780 1002.455 Student eligibility for K-12 virtual
1781 instruction.—

1782 (2) A student is eligible to participate in virtual
1783 instruction if:

1784 (a) The student spent the prior school year in attendance
1785 at a public school in the state and was enrolled and reported by
1786 the school district for funding during October and February for
1787 purposes of the Florida Education Finance Program surveys;

1788 (b) The student is a dependent child of a member of the
1789 United States Armed Forces who was transferred within the last
1790 12 months to this state from another state or from a foreign
1791 country pursuant to a permanent change of station order;

1792 (c) The student was enrolled during the prior school year
1793 in a virtual instruction program under s. 1002.45 or a full-time
1794 Florida Virtual School program under s. 1002.37(9)(a)
1795 ~~1002.37(8)(a)~~;

1796 (d) The student has a sibling who is currently enrolled in
1797 a virtual instruction program and the sibling was enrolled in
1798 that program at the end of the prior school year;

1799 (e) The student is eligible to enter kindergarten or first
1800 grade; or

1801 (f) The student is eligible to enter grades 2 through 5
1802 and is enrolled full-time in a school district virtual
1803 instruction program, virtual charter school, or the Florida
1804 Virtual School.

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1805 Section 45. For the purpose of incorporating the amendment
1806 made by this act to section 838.022, Florida Statutes, in a
1807 reference thereto, paragraph (a) of subsection (2) of section
1808 112.534, Florida Statutes, is reenacted to read:

1809 112.534 Failure to comply; official misconduct.—

1810 (2)(a) All the provisions of s. 838.022 shall apply to
1811 this part.

1812 Section 46. For the purpose of incorporating the amendment
1813 made by this act to section 838.022, Florida Statutes, in a
1814 reference thereto, paragraph (d) of subsection (4) of section
1815 117.01, Florida Statutes, is reenacted to read:

1816 117.01 Appointment, application, suspension, revocation,
1817 application fee, bond, and oath.—

1818 (4) The Governor may suspend a notary public for any of
1819 the grounds provided in s. 7, Art. IV of the State Constitution.
1820 Grounds constituting malfeasance, misfeasance, or neglect of
1821 duty include, but are not limited to, the following:

1822 (d) Official misconduct as defined in s. 838.022.

1823 Section 47. For the purpose of incorporating the amendment
1824 made by this act to section 838.014, Florida Statutes, in a
1825 reference thereto, subsection (11) of section 817.568, Florida
1826 Statutes, is reenacted to read:

1827 817.568 Criminal use of personal identification
1828 information.—

1829 (11) A person who willfully and without authorization
1830 fraudulently uses personal identification information concerning

Amendment No. 1

1831 an individual who is 60 years of age or older; a disabled adult
 1832 as defined in s. 825.101; a public servant as defined in s.
 1833 838.014; a veteran as defined in s. 1.01; a first responder as
 1834 defined in s. 125.01045; an individual who is employed by the
 1835 State of Florida; or an individual who is employed by the
 1836 Federal Government without first obtaining the consent of that
 1837 individual commits a felony of the second degree, punishable as
 1838 provided in s. 775.082, s. 775.083, or s. 775.084.

1839 Section 48. For the purpose of incorporating the
 1840 amendments made by this act to sections 838.015, 838.016, and
 1841 838.22, Florida Statutes, in references thereto, paragraph (g)
 1842 of subsection (3) of section 921.0022, Florida Statutes, is
 1843 reenacted to read:

1844 921.0022 Criminal Punishment Code; offense severity
 1845 ranking chart.—

1846 (3) OFFENSE SEVERITY RANKING CHART

1847 (g) LEVEL 7

1848

Florida Statute	Felony Degree	Description
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1849

316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
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1850

316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
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1851

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.

1852

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

1853

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

1854

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

1855

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

1856

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1857	456.065(2)	3rd	Practicing a health care profession without a license.
1858	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
1859	458.327(1)	3rd	Practicing medicine without a license.
1860	459.013(1)	3rd	Practicing osteopathic medicine without a license.
1861	460.411(1)	3rd	Practicing chiropractic medicine without a license.
1862	461.012(1)	3rd	Practicing podiatric medicine without a license.
1863	462.17	3rd	Practicing naturopathy without a license.
1864	463.015(1)	3rd	Practicing optometry without a license.

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1865	464.016(1)	3rd	Practicing nursing without a license.
1866	465.015(2)	3rd	Practicing pharmacy without a license.
1867	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
1868	467.201	3rd	Practicing midwifery without a license.
1869	468.366	3rd	Delivering respiratory care services without a license.
1870	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
1871	483.901(9)	3rd	Practicing medical physics without a license.
1872	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
	484.053	3rd	Dispensing hearing aids without

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a license.

1873

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.

1874

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.

1875

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

1876

655.50(10)(b)1. 3rd Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

1877

775.21(10)(a) 3rd Sexual predator; failure to

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

1878

775.21(10)(b) 3rd Sexual predator working where
children regularly congregate.

1879

775.21(10)(g) 3rd Failure to report or providing
false information about a
sexual predator; harbor or
conceal a sexual predator.

1880

782.051(3) 2nd Attempted felony murder of a
person by a person other than
the perpetrator or the
perpetrator of an attempted
felony.

1881

782.07(1) 2nd Killing of a human being by the
act, procurement, or culpable
negligence of another
(manslaughter).

1882

782.071 2nd Killing of a human being or
unborn child by the operation

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of a motor vehicle in a
reckless manner (vehicular
homicide).

1883

782.072 2nd Killing of a human being by the
operation of a vessel in a
reckless manner (vessel
homicide).

1884

784.045(1)(a)1. 2nd Aggravated battery;
intentionally causing great
bodily harm or disfigurement.

1885

784.045(1)(a)2. 2nd Aggravated battery; using
deadly weapon.

1886

784.045(1)(b) 2nd Aggravated battery; perpetrator
aware victim pregnant.

1887

784.048(4) 3rd Aggravated stalking; violation
of injunction or court order.

1888

784.048(7) 3rd Aggravated stalking; violation
of court order.

1889

784.07(2)(d) 1st Aggravated battery on law

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enforcement officer.

1890

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

1891

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

1892

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

1893

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

1894

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

1895

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

1896

787.06(3)(e)2. 1st Human trafficking using
coercion for labor and services
by the transfer or transport of

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			an adult from outside Florida to within the state.
1897	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
1898	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
1899	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
1900	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
1901	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
1902	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction

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1903			while committing or attempting to commit a felony.
1903	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
1904			
1904	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.
1905			
1905	796.05 (1)	1st	Live on earnings of a prostitute; 2nd offense.
1906			
1906	796.05 (1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
1907			
1907	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
1908			

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1909	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.
	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; prior conviction for specified sex offense.
1910	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
1911	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
1912	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
1913	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.

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1914	810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.
1915	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.
1916	812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
1917	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
1918	812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
1919	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.

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1920	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
1921	812.131(2)(a)	2nd	Robbery by sudden snatching.
1922	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
1923	817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.
1924	817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
1925	817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
1926	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
1927	817.2341	1st	Making false entries of

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	(2) (b) & (3) (b)		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.
1928	817.535(2)(a)	3rd	Filing false lien or other unauthorized document.
1929	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
1930	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.
1931	827.03(2)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
1932	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21

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			years of age or older.
1933	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
1934	838.015	2nd	Bribery.
1935	838.016	2nd	Unlawful compensation or reward for official behavior.
1936	838.021(3)(a)	2nd	Unlawful harm to a public servant.
1937	838.22	2nd	Bid tampering.
1938	843.0855(2)	3rd	Impersonation of a public officer or employee.
1939	843.0855(3)	3rd	Unlawful simulation of legal process.
1940	843.0855(4)	3rd	Intimidation of a public officer or employee.
1941	847.0135(3)	3rd	Solicitation of a child, via a

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computer service, to commit an unlawful sex act.

1942

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

1943

872.06 2nd Abuse of a dead human body.

1944

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

1945

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

1946

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 state, county, or municipal

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park or publicly owned
recreational facility or
community center.

1947

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.

1948

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).

1949

893.135(1)(a)1.

1st

Trafficking in cannabis, more
than 25 lbs., less than 2,000
lbs.

1950

893.135

1st

Trafficking in cocaine, more
than 28 grams, less than 200
grams.

(1)(b)1.a.

1951

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1952	893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
1953	893.135 (1)(c)2.a.	1st	Trafficking in hydrocodone, 14 grams or more, less than 28 grams.
1954	893.135 (1)(c)2.b.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
1955	893.135 (1)(c)3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
1956	893.135 (1)(c)3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
1957	893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than

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5 kilograms.

1958

893.135(1)(f)1. 1st Trafficking in amphetamine,
more than 14 grams, less than
28 grams.

1959

893.135 1st Trafficking in flunitrazepam, 4
(1)(g)1.a. grams or more, less than 14
grams.

1960

893.135 1st Trafficking in gamma-
(1)(h)1.a. hydroxybutyric acid (GHB), 1
kilogram or more, less than 5
kilograms.

1961

893.135 1st Trafficking in 1,4-Butanediol,
(1)(j)1.a. 1 kilogram or more, less than 5
kilograms.

1962

893.135 1st Trafficking in Phenethylamines,
(1)(k)2.a. 10 grams or more, less than 200
grams.

1963

893.1351(2) 2nd Possession of place for
trafficking in or manufacturing
of controlled substance.

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1964	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
1965	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
1966	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
1967	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
1968	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
1969	943.0435(13)	3rd	Failure to report or providing

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			false information about a sexual offender; harbor or conceal a sexual offender.
1970	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
1971	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
1972	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
1973	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1974	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address

Amendment No. 1

verification; providing false
registration information.

1975

985.4815(10) 3rd Sexual offender; failure to
submit to the taking of a
digitized photograph.

1976

985.4815(12) 3rd Failure to report or providing
false information about a
sexual offender; harbor or
conceal a sexual offender.

1977

985.4815(13) 3rd Sexual offender; failure to
report and reregister; failure
to respond to address
verification; providing false
registration information.

1978

1979 Section 49. For the purpose of incorporating the amendment
1980 made by this act to section 838.022, Florida Statutes, in a
1981 reference thereto, paragraph (d) of subsection (3) of section
1982 921.0022, Florida Statutes, is reenacted to read:

1983 921.0022 Criminal Punishment Code; offense severity
1984 ranking chart.—

1985 (3) OFFENSE SEVERITY RANKING CHART

1986 (d) LEVEL 4

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1987	Florida Statute	Felony Degree	Description
1988	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.
1989	499.0051(1)	3rd	Failure to maintain or deliver pedigree papers.
1990	499.0051(2)	3rd	Failure to authenticate pedigree papers.
1991	499.0051(6)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
1992	517.07(1)	3rd	Failure to register securities.
1993	517.12(1)	3rd	Failure of dealer, associated person, or issuer of securities to register.

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1994	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
1995	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
1996	784.075	3rd	Battery on detention or commitment facility staff.
1997	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
1998	784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
1999	784.081(3)	3rd	Battery on specified official or employee.
2000	784.082(3)	3rd	Battery by detained person on visitor or other detainee.
2001	784.083(3)	3rd	Battery on code inspector.
2002	784.085	3rd	Battery of child by throwing,

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tossing, projecting, or
expelling certain fluids or
materials.

2003

787.03(1) 3rd Interference with custody;
wrongly takes minor from
appointed guardian.

2004

787.04(2) 3rd Take, entice, or remove child
beyond state limits with
criminal intent pending custody
proceedings.

2005

787.04(3) 3rd Carrying child beyond state
lines with criminal intent to
avoid producing child at
custody hearing or delivering
to designated person.

2006

787.07 3rd Human smuggling.

2007

790.115(1) 3rd Exhibiting firearm or weapon
within 1,000 feet of a school.

2008

790.115(2)(b) 3rd Possessing electric weapon or
device, destructive device, or

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other weapon on school
property.

2009

790.115(2)(c) 3rd Possessing firearm on school
property.

2010

800.04(7)(c) 3rd Lewd or lascivious exhibition;
offender less than 18 years.

2011

810.02(4)(a) 3rd Burglary, or attempted
burglary, of an unoccupied
structure; unarmed; no assault
or battery.

2012

810.02(4)(b) 3rd Burglary, or attempted
burglary, of an unoccupied
conveyance; unarmed; no assault
or battery.

2013

810.06 3rd Burglary; possession of tools.

2014

810.08(2)(c) 3rd Trespass on property, armed
with firearm or dangerous
weapon.

2015

812.014(2)(c)3. 3rd Grand theft, 3rd degree \$10,000

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			or more but less than \$20,000.
2016	812.014 (2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
2017	812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
2018	817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
2019	817.568(2)(a)	3rd	Fraudulent use of personal identification information.
2020	817.625(2)(a)	3rd	Fraudulent use of scanning device or reencoder.
2021	828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
2022			

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2023	837.02(1)	3rd	Perjury in official proceedings.
2024	837.021(1)	3rd	Make contradictory statements in official proceedings.
2025	838.022	3rd	Official misconduct.
2026	839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
2027	839.13(2)(c)	3rd	Falsifying records of the Department of Children and Families.
2028	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
2029	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
	843.15(1)(a)	3rd	Failure to appear while on bail

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			for felony (bond estreature or bond jumping).
2030	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
2031	874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.
2032	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).
2033	914.14(2)	3rd	Witnesses accepting bribes.
2034	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
2035	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
2036	918.12	3rd	Tampering with jurors.

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2060 requirements regarding a lobbying firm's lobbying
2061 activities; specifying requirements regarding the
2062 content of reports and filing deadlines; requiring
2063 each house of the Legislature to establish procedures
2064 applicable to untimely filing of reports by rule;
2065 providing fines for late filing of reports; amending
2066 s. 11.0455, F.S.; conforming a cross-reference;
2067 amending s. 11.40, F.S.; specifying that the Governor,
2068 the Commissioner of Education, or the designee of the
2069 Governor or of the commissioner may notify the
2070 Legislative Auditing Committee of an entity's failure
2071 to comply with certain auditing and financial
2072 reporting requirements; amending s. 11.45, F.S.;
2073 defining the terms "abuse," "fraud," and "waste";
2074 revising the definition of the term "local
2075 governmental entity"; excluding water management
2076 districts from certain audit requirements; removing a
2077 cross-reference; authorizing the Auditor General to
2078 conduct audits of tourist development councils and
2079 county tourism promotion agencies; revising reporting
2080 requirements applicable to the Auditor General;
2081 creating s. 20.602, F.S.; specifying the applicability
2082 of certain provisions of the Code of Ethics for Public
2083 Officers and Employees to officers and board members
2084 of corporate entities associated with the Department
2085 of Economic Opportunity; prohibiting such officers and

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2086 board members from representing a person or an entity
2087 for compensation before certain bodies for a specified
2088 timeframe; providing for construction; amending s.
2089 28.35, F.S.; revising reporting requirements
2090 applicable to the Florida Clerks of Court Operations
2091 Corporation; amending s. 43.16, F.S.; revising the
2092 responsibilities of the Justice Administrative
2093 Commission, each state attorney, each public defender,
2094 a criminal conflict and civil regional counsel, a
2095 capital collateral regional counsel, and the Guardian
2096 Ad Litem Program, to include the establishment and
2097 maintenance of certain internal controls; creating s.
2098 112.3126, F.S.; defining the term "private entity";
2099 prohibiting a member of the Legislature or a candidate
2100 for legislative office from accepting employment with
2101 a private entity that directly receives funding
2102 through state revenues under certain circumstances;
2103 authorizing employment with a private entity if
2104 certain conditions are met; amending s. 112.313, F.S.;
2105 specifying that prohibitions on conflicting employment
2106 or contractual relationships for public officers or
2107 employees of an agency apply to contractual
2108 relationships held by certain business entities;
2109 amending s. 112.3144, F.S.; requiring elected
2110 municipal officers to file a full and public
2111 disclosure of financial interests, rather than a

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2112 statement of financial interests; providing for
2113 applicability; amending s. 112.31455, F.S.; revising
2114 provisions governing collection methods for unpaid
2115 automatic fines for failure to timely file disclosure
2116 of financial interests to include school districts;
2117 amending s. 112.3215, F.S.; requiring a lobbying firm
2118 to file a report with the Commission on Ethics
2119 disclosing whether the firm lobbied the Governor to
2120 approve or veto a bill or an appropriation; requiring
2121 the commission to establish procedures applicable to
2122 untimely filing of reports by rule; providing fines
2123 for late filing of reports; conforming provisions to
2124 changes made by the act; amending s. 112.3261, F.S. ;
2125 revising terms to conform to changes made by the act;
2126 expanding the types of governmental entities that are
2127 subject to lobbyist registration requirements;
2128 requiring a governmental entity to create a lobbyist
2129 registration form; amending ss. 129.03, 129.06,
2130 166.241, and 189.016, F.S.; requiring counties,
2131 municipalities, and special districts to maintain
2132 certain budget documents on the entities' websites for
2133 a specified period; amending s. 162.30, F.S. ;
2134 authorizing a county or municipality to provide for
2135 the recovery of attorney fees and costs by a
2136 prevailing party in certain civil actions under
2137 specified conditions; providing applicability of

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2138 certain codes and ordinances; amending s. 215.425,
2139 F.S.; defining the term "public funds"; revising
2140 exceptions to the prohibition on extra compensation
2141 claims; revising minimum requirements for any policy,
2142 ordinance, rule, or resolution designed to implement a
2143 bonus scheme; requiring certain contracts into which a
2144 unit of government or state university enters to
2145 contain certain provisions regarding severance pay;
2146 requiring a unit of government to investigate and take
2147 reasonable action to recover prohibited compensation;
2148 specifying methods of recovery for unintentional and
2149 willful violations; specifying applicability of
2150 procedures regarding suspension and removal of an
2151 officer who commits a willful violation; specifying
2152 circumstances under which an employee has a cause of
2153 action under the Whistle-blower's Act; providing for
2154 applicability; amending s. 215.86, F.S.; revising the
2155 purposes for which management systems and internal
2156 controls must be established and maintained by each
2157 state agency and the judicial branch; amending s.
2158 215.97, F.S.; revising the definition of the term
2159 "audit threshold"; amending s. 215.985, F.S.; revising
2160 the requirements for a monthly financial statement
2161 provided by a water management district; amending s.
2162 218.32, F.S.; revising the requirements of the annual
2163 financial audit report of a local governmental entity;

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2164 authorizing the Department of Financial Services to
2165 request additional information from a local
2166 governmental entity; requiring a local governmental
2167 entity to respond to such requests within a specified
2168 timeframe; requiring the department to notify the
2169 Legislative Auditing Committee of noncompliance;
2170 amending s. 218.33, F.S.; requiring local governmental
2171 entities to establish and maintain internal controls
2172 to achieve specified purposes; amending s. 218.39,
2173 F.S.; requiring an audited entity to respond to audit
2174 recommendations under specified circumstances;
2175 amending s. 218.391, F.S.; revising the composition of
2176 an audit committee; prohibiting an audit committee
2177 member from being an employee, a chief executive
2178 officer, or a chief financial officer of the
2179 respective governmental entity; requiring the chair of
2180 an audit committee to sign and execute an affidavit
2181 affirming compliance with auditor selection
2182 procedures; prescribing procedures in the event of
2183 noncompliance with auditor selection procedures;
2184 amending s. 286.0114, F.S.; prohibiting a board or
2185 commission from requiring an advance copy of testimony
2186 or comments from a member of the public as a
2187 precondition to being given the opportunity to be
2188 heard at a public meeting; amending s. 288.92, F.S.;
2189 prohibiting specified officers and board members of

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2190 Enterprise Florida, Inc., from representing a person
2191 or entity for compensation before Enterprise Florida,
2192 Inc., and associated entities thereof, for a specified
2193 timeframe; amending s. 288.9604, F.S.; prohibiting a
2194 director of the Florida Development Finance
2195 Corporation from representing a person or an entity
2196 for compensation before the corporation for a
2197 specified timeframe; amending s. 373.536, F.S. ;
2198 deleting obsolete language; requiring water management
2199 districts to maintain certain budget documents on the
2200 districts' websites for a specified period; amending
2201 s. 838.014, F.S.; revising and providing definitions;
2202 amending s. 838.015, F.S.; revising the definition of
2203 the term "bribery"; revising requirements for
2204 prosecution; amending s. 838.016, F.S.; revising the
2205 prohibition against unlawful compensation or reward
2206 for official behavior to conform to changes made by
2207 the act; amending s. 838.022, F.S.; revising the
2208 prohibition against official misconduct to conform to
2209 changes made by the act; revising applicability of the
2210 offense to include public contractors; amending s.
2211 838.22, F.S.; revising the prohibition against bid
2212 tampering to conform to changes made by the act;
2213 revising applicability of the offense to include
2214 specified public contractors; amending s. 1001.42,
2215 F.S.; authorizing additional internal audits as

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2216 directed by the district school board; specifying
2217 duties of the district school board regarding
2218 visitation of schools; amending s. 1002.33, F.S.;
2219 revising the responsibilities of the governing board
2220 of a charter school to include the establishment and
2221 maintenance of internal controls; amending s. 1002.37,
2222 F.S.; requiring completion of an annual financial
2223 audit of the Florida Virtual School; specifying audit
2224 requirements; requiring an audit report to be
2225 submitted to the board of trustees of the Florida
2226 Virtual School and the Auditor General; removing
2227 obsolete provisions; amending s. 1010.01, F.S.;
2228 requiring each school district, Florida College System
2229 institution, and state university to establish and
2230 maintain certain internal controls; amending s.
2231 1010.30, F.S.; requiring a district school board,
2232 Florida College System institution board of trustees,
2233 or university board of trustees to respond to audit
2234 recommendations under certain circumstances; amending
2235 ss. 99.061, 218.503, and 1002.455, F.S.; conforming
2236 provisions and cross-references to changes made by the
2237 act; reenacting s. 112.534(2)(a), F.S., relating to
2238 official misconduct, and s. 117.01(4)(d), F.S.,
2239 relating to appointment, application, suspension,
2240 revocation, application fee, bond, and oath of
2241 notaries public, to incorporate the amendment made by

Amendment No. 1

2242 the act to s. 838.022, F.S., in references thereto;
2243 reenacting s. 817.568(11), F.S., relating to criminal
2244 use of personal identification information, to
2245 incorporate the amendment made by the act to s.
2246 838.014, F.S., in a reference thereto; reenacting s.
2247 921.0022(3)(d) and (g), F.S., relating to the Criminal
2248 Punishment Code offense severity ranking chart, to
2249 incorporate the amendments made by the act to ss.
2250 838.015, 838.016, 838.022, and 838.22, F.S., in
2251 references thereto; providing for applicability;
2252 declaring that the act fulfills an important state
2253 interest; providing an effective date.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 701 Art in the Capitol Competition
SPONSOR(S): K-12 Subcommittee and Lee, Jr.
TIED BILLS: IDEN./SIM. **BILLS:** CS/SB 1160

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	10 Y, 0 N, As CS	Fudge	Fudge
2) Appropriations Committee		White CCW	Leznoff 
3) Education Committee			

SUMMARY ANALYSIS

The bill creates the Art in the Capitol Competition for public, private and home education students in grades 6 through 8. Student submissions will be selected by a committee of art teachers whose students have not submitted artwork for consideration.

Each winning submission must be provided to the legislator of the legislative district in which the student resides no later than 60 days before the start of each regular session. The legislator will then provide the winning submission to the Department of Management Services which will arrange to have it displayed in the Capitol Building during the regular legislative session. Upon adjournment of the legislative session, the legislator shall return the winning submission to the student.

There is an indeterminate but likely insignificant fiscal impact to the state for the Department of Management Services to display artwork in the Capitol.

The bill is effective July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

The Capitol has permanent and temporary art displays. The lower floors of the Capitol and Legislative Office Buildings contain photographs of Florida's history chosen by Florida Legislative Research Center.¹

The Capitol Complex Exhibition Program showcases Florida artists through a series of visual art exhibitions throughout the Capitol Complex. Staff members of the Division of Cultural Affairs select exhibitions for the 22nd Floor Capitol Gallery and the Gallery for Innovation and the Arts. Selection is based on quality, diversity of medium and regional representation with preference for Florida themes.²

Effect of Proposed Changes

The bill creates the Art in the Capitol Competition to be administered by the Department of Management Services (DMS) and the Department of Education. Each school district must annually hold an Art in the Capitol Competition for all public, private, and home education students in grades 6 through 8. Submissions will be judged by art teachers whose students have not submitted artwork for consideration. Each artwork submission must be original in concept, design, and execution and may not violate copyright law. Further, each submission must be two dimensional, may be no larger than 28 inches wide by 28 inches long by 4-inches thick, and must weigh less than 15 pounds. Submissions must include the student's name, grade, and school and the city in which the school is located.

Each winning submission must be provided to the legislator of the legislative district in which the student resides no later than 60 days before the start of each regular session. The legislator will then provide the winning submission to the DMS which will arrange to have it displayed in the Capitol Building during the regular legislative session. Upon adjournment of the legislative session, the legislator shall return the winning submission to the student.

B. SECTION DIRECTORY:

Section 1. Creates the Art in the Capitol Competition.

Section 2. Provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See FISCAL COMMENTS.

¹ Visit Florida Capitol, *Artwork in the Capitol*, <http://www.visitfloridacapitol.com/capitol/art.php> (last visited January 28, 2016).

² Division of Cultural Affairs, *Exhibitions*, <http://dos.myflorida.com/cultural/programs/exhibitions/> (last visited January 28, 2016)

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

There is an indeterminate but likely insignificant fiscal impact to the state for the Department of Management Services to display artwork in the Capitol. It is anticipated that this can be handled within existing resources.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill provides DMS rulemaking authority to administer the competition.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 1, 2016, the K-12 Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The strike-all differs from the original bill by:

- Requiring each school district to hold an Art in the Capitol Competition instead of each member of the House of Representatives; and
- Revising the fixed dates for the competition by allowing each school district to determine the date of the competition so that the winning submission can be provided to the legislator at least 60 days prior to the start of each regular legislation session.

The analysis reflects the committee substitute passed by the K-12 Subcommittee.

1 A bill to be entitled
 2 An act relating to the Art in the Capitol Competition;
 3 creating the Art in the Capitol Competition for
 4 students in specified grades; providing procedures for
 5 student participation, notification, and the selection
 6 and display of winning submissions; providing an
 7 effective date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

10
 11 Section 1. (1) There is created the Art in the Capitol
 12 Competition, a statewide visual arts competition for students in
 13 grades 6 through 8, to be administered by the Department of
 14 Management Services and the Department of Education.

15 (2) Each school district shall annually hold an Art in the
 16 Capitol Competition for all public, private, and home education
 17 students in grades 6 through 8. Submissions shall be judged by a
 18 selection committee consisting of art teachers whose students
 19 have not submitted artwork for consideration.

20 (3)(a) A submission may not violate copyright laws and
 21 must:

22 1. Be two dimensional.

23 2. Be no larger than 28 inches wide by 28 inches long by 4
 24 inches thick.

25 3. Weigh less than 15 pounds.

26 4. Be original in concept, design, and execution.

27 (b) Each submission must include the student's name,
 28 grade, and school of enrollment and the city in which the school
 29 is located.

30 (4) Each winning submission shall be provided to the
 31 legislator of the legislative district in which the student
 32 resides no later than 60 days before the start of each regular
 33 legislative session. The legislator shall provide the winning
 34 submission to the Department of Management Services.

35 (5) The Department of Management Services shall collect
 36 the winning submissions and arrange to have them displayed in
 37 the Capitol Building during the regular legislative session.
 38 Upon adjournment of the legislative session, the legislator
 39 shall return the winning submission to the student.

40 Section 2. This act shall take effect July 1, 2016.



APPROPRIATIONS COMMITTEE

Tuesday, February 16, 2016
3:00 PM – 6:00 PM
212 Knott Building

Meeting Packet

Addendum A

Steve Crisafulli
Speaker

Richard Corcoran
Chair

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Appropriations Committee
 2 Representative Young offered the following:

Amendment

5 Remove lines 21-24 and insert:

6 (b) There is created an additional pilot project in Palm
 7 Beach County to provide personal devices to aid search-and-
 8 rescue efforts for persons with special needs in the case of
 9 elopement.

10 (c) There is created an additional pilot project in
 11 Hillsborough County to provide personal devices to aid search-
 12 and-rescue efforts for persons with special needs in the case of
 13 elopement.

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Appropriations Committee
 2 Representative Young offered the following:

Amendment

5 Remove lines 62-68 and insert:

6 Section 2. For the 2016-2017 fiscal year, the sum of
 7 \$100,000 in nonrecurring funds is appropriated from the General
 8 Revenue Fund to the Center for Autism and Related Disabilities
 9 at the University of Florida, the sum of \$100,000 in
 10 nonrecurring funds is appropriated from the General Revenue Fund
 11 to the Center for Autism and Related Disabilities at Florida
 12 Atlantic University, and the sum of \$100,000 in nonrecurring
 13 funds is appropriated from the General Revenue Fund to the
 14 Center for Autism and Related Disabilities at the University of
 15 South Florida. The funds provided to each center shall be used
 16 for the purchase of personal devices to aid search and rescue
 17 efforts.

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Amendment No. a1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Appropriations Committee
 2 Representative Albritton offered the following:

3
 4 **Amendment to Amendment (589775) by Representative Avila**
 5 **(with title amendment)**

6 Remove lines 68-110 of the amendment

7
 8

9 -----

10 **T I T L E A M E N D M E N T**

11 Remove lines 726-728 of the amendment and insert:
 12 made by the act; amending s.