

CHAPTER 2011-34

Senate Bill No. 1204

An act relating to joint legislative organizations; repealing ss. 11.511 and 11.513, F.S., relating to the Office of Program Policy Analysis and Government Accountability; repealing s. 11.60, F.S., relating to the Joint Administrative Procedures Committee; repealing s. 11.70, F.S., relating to the Legislative Committee on Intergovernmental Relations; repealing s. 11.80, F.S., relating to the Joint Legislative Committee on Everglades Oversight; repealing ss. 11.901-11.920, F.S., relating to the Florida Government Accountability Act; repealing s. 163.3247(4)(g), F.S., relating to creation of a joint select committee to review the findings and recommendations of the Century Commission for a Sustainable Florida for potential action; repealing ss. 216.0446, 216.163(2)(f), and 282.322, F.S., relating to the review of information technology resources needs and a special monitoring process for designated information resources management projects; repealing s. 350.012, F.S., relating to the Committee on Public Counsel Oversight; repealing ss. 450.201, 450.221, 450.231, and 450.241, F.S., relating to the Legislative Commission on Migrant and Seasonal Labor; amending s. 1.01, F.S.; defining the terms “Administrative Procedures Committee,” “Legislative Auditing Committee,” “Office of Program Policy Analysis and Government Accountability,” and “Office of Economic and Demographic Research,” applicable throughout the statutes; amending s. 11.147, F.S.; revising provisions relating to creation and duties of the Office of Legislative Services; amending s. 11.40, F.S.; revising duties of the Legislative Auditing Committee; conforming provisions to changes made by the act; amending s. 11.51, F.S.; revising provisions relating to creation and duties of the Office of Program Policy Analysis and Government Accountability; amending s. 409.146, F.S.; revising reporting duties of the Department of Children and Family Services with respect to the children and families client and management information system; conforming provisions to changes made by the act; amending s. 1000.01, F.S.; deleting provisions relating to creation of the Council for Education Policy Research and Improvement; amending ss. 11.45, 29.0085, 112.313, 112.3189, 112.324, 125.045, 163.055, 163.3245, 166.021, 189.421, 216.181, 218.32, 218.38, 287.0943, 288.7001, 350.061, 350.0614, 373.026, 373.036, 373.45926, 450.261, and 590.33, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

- Section 1. Sections 11.511 and 11.513, Florida Statutes, are repealed.
- Section 2. Section 11.60, Florida Statutes, is repealed.
- Section 3. Section 11.70, Florida Statutes, is repealed.
- Section 4. Section 11.80, Florida Statutes, is repealed.

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

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

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

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

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

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

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

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

(17) The term “Legislative Auditing Committee” means a committee or committees designated by joint rule of the Legislature, by the President of the Senate or the Speaker of the House of Representatives, or by agreement between the President of the Senate and the Speaker of the House of Representatives.

(18) The term “Office of Program Policy Analysis and Government Accountability” means an entity designated by joint rule of the Legislature or by agreement between the President of the Senate and the Speaker of the House of Representatives.

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

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

11.147 Office of Legislative Services.—

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

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

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

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

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

11.40 Legislative Auditing Committee.—

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

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

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

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

~~(a) may take under investigation any matter within the scope of an audit, review, or examination either completed or then being conducted by the Auditor General or the Office of Program Policy Analysis and Government Accountability, and, in connection with such investigation, may exercise the powers of subpoena by law vested in a standing committee of the Legislature.~~

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

~~(2)(5) 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 s. 11.45(5)-(7), s. 218.32(1), or s. 218.38, the Legislative Auditing Committee may schedule a hearing to. ~~If a hearing is scheduled, the committee shall determine if the entity should be subject to further state action. If the committee determines that the entity should be subject to further state action, the committee shall:~~

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

(b) In the case of a special district, notify the Department of Community Affairs that the special district has failed to comply with the law. Upon receipt of notification, the Department of Community Affairs shall proceed pursuant to the provisions specified in s. 189.421.

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

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

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

(c) The committee shall create and maintain a list of not less than 10 independent contract auditors approved to conduct the required audits. Each lobbying firm selected for audit in the random audit process may designate one of the independent contract auditors from the committee’s approved list. Upon failure for any reason of a lobbying firm selected in the random selection process to designate an independent contract auditor from the committee’s list within 30 calendar days after being notified by the committee of its selection, the committee shall assign one of the available independent contract auditors from the approved list to perform the required audit. No independent contract auditor, whether designated by the lobbying firm or by the committee, may perform the audit of a lobbying firm where the

auditor and lobbying firm have ever had a direct personal relationship or any professional accounting, auditing, tax advisory, or tax preparing relationship with each other. The committee shall obtain a written, sworn certification subject to s. 837.06, both from the randomly selected lobbying firm and from the proposed independent contract auditor, that no such relationship has ever existed.

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

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

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

(g) The committee shall establish procedures for the selection of independent contract auditors desiring to enter into audit contracts pursuant to this subsection. Such procedures shall include, but not be limited to, a rating system that takes into account pertinent information, including the independent contract auditor's fee proposals for participating in the process. All contracts under this subsection between an independent contract auditor and the Speaker of the House of Representatives and the President of the Senate shall be terminable by either party at any time upon written notice to the other, and such contracts may contain such other terms and conditions as the Speaker of the House of Representatives and the President of the Senate deem appropriate under the circumstances.

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

(i) All audit reports of legislative lobbying firms shall, upon completion by an independent contract auditor, be delivered to the President of the Senate and the Speaker of the House of Representatives for their respective review and handling. All audit reports of executive branch lobbyists, upon

completion by an independent contract auditor, shall be delivered by the auditor to the Commission on Ethics.

Section 13. Subsections (1) and (6) and paragraphs (a), (b), and (d) of subsection (7) of section 11.45, Florida Statutes, are amended to read:

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

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

(a) “Audit” means a financial audit, operational audit, or performance audit.

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

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

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

(e) “Local governmental entity” means a county agency, municipality, or special district as defined in s. 189.403, but does not include any housing authority established under chapter 421.

(f) “Management letter” means a statement of the auditor’s comments and recommendations.

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

(h) “Performance audit” means an examination of a program, activity, or function of a governmental entity, conducted in accordance with applicable government auditing standards or auditing and evaluation standards of

other appropriate authoritative bodies. The term includes an examination of issues related to:

1. Economy, efficiency, or effectiveness of the program.
2. Structure or design of the program to accomplish its goals and objectives.
3. Adequacy of the program to meet the needs identified by the Legislature or governing body.
4. Alternative methods of providing program services or products.
5. Goals, objectives, and performance measures used by the agency to monitor and report program accomplishments.
6. The accuracy or adequacy of public documents, reports, or requests prepared under the program by state agencies.
7. Compliance of the program with appropriate policies, rules, or laws.
8. Any other issues related to governmental entities as directed by the Legislative Auditing Committee.

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

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

(6) **REQUEST BY A LOCAL GOVERNMENTAL ENTITY FOR AN AUDIT BY THE AUDITOR GENERAL.**—Whenever a local governmental entity requests the Auditor General to conduct an audit of all or part of its operations and the Auditor General conducts the audit under his or her own authority or at the direction of the Legislative Auditing Committee, the expenses of the audit shall be paid by the local governmental entity. The Auditor General shall estimate the cost of the audit. Fifty percent of the cost estimate shall be paid by the local governmental entity before the initiation of the audit and deposited into the General Revenue Fund of the state. After the completion of the audit, the Auditor General shall notify the local governmental entity of the actual cost of the audit. The local governmental entity shall remit the remainder of the cost of the audit to the Auditor General for deposit into the General Revenue Fund of the state. If the local

governmental entity fails to comply with paying the remaining cost of the audit, the Auditor General shall notify the Legislative Auditing Committee. ~~The committee shall proceed in accordance with s. 11.40(5).~~

(7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

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

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

(d) During the Auditor General's review of audit reports, he or she shall contact those units of local government, as defined in s. 218.403, that are not in compliance with s. 218.415 and request evidence of corrective action. The unit of local government shall provide the Auditor General with evidence of corrective action within 45 days after the date it is requested by the Auditor General. If the unit of local government fails to comply with the Auditor General's request, the Auditor General shall notify the Legislative Auditing Committee. ~~The committee shall proceed in accordance with s. 11.40(5).~~

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

11.51 Office of Program Policy Analysis and Government Accountability.

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

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

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

(1)(4) The Office of Program Policy Analysis and Government Accountability is authorized to examine all entities and records listed in s. 11.45(3).

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

(3)(6) No later than 18 months after the release of a report of the Office of Program Policy Analysis and Government Accountability, the agencies that are the subject of that report shall provide data and other information that describes with specificity what the agencies have done to respond to the recommendations contained in the report. The Office of Program Policy Analysis and Government Accountability may verify the data and information provided by the agencies. If the data and information provided by the agencies are deemed sufficient and accurate, the Office of Program Policy Analysis and Government Accountability shall report to the Legislative Auditing Committee and to the legislative standing committees concerned with the subject areas of the audit. The report shall include a summary of the agencies’ responses, the evaluation of those responses, and any recommendations deemed to be appropriate.

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

29.0085 Annual statement of certain revenues and expenditures.—

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

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

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

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

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

2. As used in this paragraph:

a. “Employee” means:

(I) Any person employed in the executive or legislative branch of government holding a position in the Senior Management Service as defined in s. 110.402 or any person holding a position in the Selected Exempt Service as defined in s. 110.602 or any person having authority over policy or procurement employed by the Department of the Lottery.

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

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

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

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

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

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

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

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

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

5. Any person violating this paragraph shall be subject to the penalties provided in s. 112.317 and a civil penalty of an amount equal to the compensation which the person receives for the prohibited conduct.

6. This paragraph is not applicable to:

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

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

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

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

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

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

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

(9)

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

Section 18. Subsection (8) of section 112.324, Florida Statutes, is amended to read:

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

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

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

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

(c) The President of the Senate, in any case concerning an employee of the Senate; the Speaker of the House of Representatives, in any case concerning an employee of the House of Representatives; or the President and the Speaker, jointly, in any case concerning an employee of a committee of the Legislature whose members are appointed solely by the President and the Speaker or in any case concerning an employee of the Public Counsel, Public Service Commission, Auditor General, or Office of Program Policy Analysis and Government Accountability, ~~or Legislative Committee on Intergovernmental Relations.~~

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

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

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

125.045 County economic development powers.—

(4) A contract between the governing body of a county or other entity engaged in economic development activities on behalf of the county and an economic development agency must require the agency or entity receiving county funds to submit a report to the governing body of the county detailing how county funds were spent and detailing the results of the economic development agency's or entity's efforts on behalf of the county. By January 15, 2011, and annually thereafter, the county must file a copy of the report with the Office of Economic and Demographic Research ~~Legislative Committee on Intergovernmental Relations or its successor entity~~ and post a copy of the report on the county's website.

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

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

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

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

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

(b) A county shall report its economic development incentives in the format specified by the Office of Economic and Demographic Research ~~Legislative Committee on Intergovernmental Relations or its successor entity~~.

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

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

163.055 Local Government Financial Technical Assistance Program.—

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

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

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

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

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

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

~~(e)~~(f) Provide for an annual independent financial audit of the program, if the program receives funding.

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

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

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

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

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

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

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

1. The demonstrated capacity of the provider to conduct needs assessments and implement the program as proposed.
2. The number of municipalities and special districts to be served under the proposal.
3. The cost of the program as specified in a proposed budget.
4. The short-term and long-term benefits of the assistance to municipalities and special districts.
5. The form and extent to which existing resources, services, and information that are available from state and local agencies, universities, and the private sector will be used by the provider under the contract.

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

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

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

163.3245 Optional sector plans.—

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

Section 22. Paragraphs (d) and (e) of subsection (9) of section 166.021, Florida Statutes, are amended to read:

166.021 Powers.—

(9)

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

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

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

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

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

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

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

3. The Office of Economic and Demographic Research ~~Legislative Committee on Intergovernmental Relations or its successor entity~~ shall compile the economic development incentives provided by each municipality

in a manner that shows the total of each class of economic development incentives provided by each municipality and all municipalities.

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

189.421 Failure of district to disclose financial reports.—

(3) Pursuant to s. 11.40(2)(5)(b), the Legislative Auditing Committee shall notify the department of those districts that failed to file the required report. Within 30 days after receiving this notice or within 30 days after the extension date provided in subsection (1), whichever occurs later, the department shall proceed as follows: notwithstanding the provisions of chapter 120, the department shall file a petition for writ of certiorari with the circuit court. Venue for all actions pursuant to this subsection shall be in Leon County. The court shall award the prevailing party attorney's fees and costs in all cases filed pursuant to this section unless affirmatively waived by all parties. A writ of certiorari shall be issued unless a respondent establishes that the notification of the Legislative Auditing Committee was issued as a result of material error. Proceedings under this subsection shall otherwise be governed by the Rules of Appellate Procedure.

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

216.181 Approved budgets for operations and fixed capital outlay.—

(5) An amendment to the original operating budget for an information technology project or initiative that involves more than one agency, has an outcome that impacts another agency, or exceeds \$500,000 in total cost over a 1-year period, except for those projects that are a continuation of hardware or software maintenance or software licensing agreements, or that are for desktop replacement that is similar to the technology currently in use must be reviewed by the Technology Review Workgroup pursuant to s. 216.0446 and approved by the Executive Office of the Governor for the executive branch or by the Chief Justice for the judicial branch, and shall be subject to approval by the Legislative Budget Commission as well as the notice and objection procedures set forth in s. 216.177.

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

218.32 Annual financial reports; local governmental entities.—

(1)

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

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

218.38 Notice of bond issues required; verification.—

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

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

287.0943 Certification of minority business enterprises.—

(2)

(b) The task force shall be regionally balanced and comprised of officials representing the department, counties, municipalities, school boards, special districts, and other political subdivisions of the state who administer programs to assist minority businesses in procurement or development in government-sponsored programs. The following organizations may appoint two members each of the task force who fit the description above:

1. The Florida League of Cities, Inc.
2. The Florida Association of Counties.
3. The Florida School Boards Association, Inc.
4. The Association of Special Districts.
5. The Florida Association of Minority Business Enterprise Officials.
6. The Florida Association of Government Purchasing Officials.

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

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

288.7001 Small Business Regulatory Advisory Council.—

(4) PERIODIC REVIEW OF RULES.—

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

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

1. Continued need for the rule;
2. The nature of complaints or comments received from the public concerning the rule;
3. The complexity of the rule;
4. The extent to which the rule overlaps, duplicates, or conflicts with other federal, state, and local government rules; and
5. The length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the topical area affected by the rule.

(c) ~~Within 6 months after the agency report is submitted to the Joint Legislative Sunset Committee pursuant to s. 11.907,~~ The council shall provide a report its conclusions upon completion of any review under paragraph (a) to the Governor, the President of the Senate, and the Speaker of the House of Representatives, and the Joint Legislative Sunset Committee that includes recommendations and evaluations of agency rules and programs regarding regulatory fairness for small businesses. A component of the report shall be a rating system, developed by the council, entitled “Small Business Friendliness and Development Scorecard.”

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

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

(1) The committee designated by joint rule of the Legislature or by agreement between the President of the Senate and the Speaker of the House of Representatives as the Committee on Public Counsel Oversight shall appoint a Public Counsel by majority vote of the members of the committee to represent the general public of Florida before the Florida Public Service Commission. The Public Counsel shall be an attorney admitted to practice before the Florida Supreme Court and shall serve at the pleasure of the Committee on Public Counsel Oversight, subject to biennial reconfirmation

by the committee. The Public Counsel shall perform his or her duties independently. Vacancies in the office shall be filled in the same manner as the original appointment.

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

350.0614 Public Counsel; compensation and expenses.—

(2) The Legislature declares and determines that the Public Counsel is under the legislative branch of government within the intention of the legislation as expressed in chapter 216, and no power shall be in the Executive Office of the Governor or its successor to release or withhold funds appropriated to it, but the same shall be available for expenditure as provided by law and ~~the rules or decisions of the Committee on Public Counsel Oversight.~~

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

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

(8)

(b) To ensure to the greatest extent possible that project components will go forward as planned, the department shall collaborate with the South Florida Water Management District in implementing the comprehensive plan as defined in s. 373.470(2)(b), the Lake Okeechobee Watershed Protection Plan as defined in s. 373.4595(2), and the River Watershed Protection Plans as defined in s. 373.4595(2). Before any project component is submitted to Congress for authorization or receives an appropriation of state funds, the department must approve, or approve with amendments, each project component within 60 days following formal submittal of the project component to the department. Prior to the release of state funds for the implementation of the comprehensive plan, department approval shall be based upon a determination of the South Florida Water Management District's compliance with s. 373.1501(5). Once a project component is approved, the South Florida Water Management District shall provide to the President of the Senate and the Speaker of the House of Representatives ~~Joint Legislative Committee on Everglades Oversight~~ a schedule for implementing the project component, the estimated total cost of the project component, any existing federal or nonfederal credits, the estimated

remaining federal and nonfederal share of costs, and an estimate of the amount of state funds that will be needed to implement the project component. All requests for an appropriation of state funds needed to implement the project component shall be submitted to the department, and such requests shall be included in the department’s annual request to the Governor. Prior to the release of state funds for the implementation of the Lake Okeechobee Watershed Protection Plan or the River Watershed Protection Plans, on an annual basis, the South Florida Water Management District shall prepare an annual work plan as part of the consolidated annual report required in s. 373.036(7). Upon a determination by the secretary of the annual work plan’s consistency with the goals and objectives of s. 373.4595, the secretary may approve the release of state funds. Any modifications to the annual work plan shall be submitted to the secretary for review and approval.

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

373.036 Florida water plan; district water management plans.—

(7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.—

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

- 1. The Lake Okeechobee Protection Program annual progress report required by s. 373.4595(3)(g).
- 2. The Everglades annual progress reports specified in s. 373.4592(4)(d) 5., (13), and (14).
- 3. The Everglades restoration annual report required by s. 373.470(7).
- 4. ~~The Everglades Forever Act annual implementation report required by s. 11.80(4).~~
- 5. The Everglades Trust Fund annual expenditure report required by s. 373.45926(3).

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

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

(3) The South Florida Water Management District shall furnish, as part of the consolidated annual report required by s. 373.036(7), a detailed copy of its expenditures from the Everglades Trust Fund to the Governor, the

President of the Senate, and the Speaker of the House of Representatives, and shall make copies available to the public. ~~The information shall be provided in a format approved by the Joint Legislative Committee on Everglades Oversight. At the direction of the Joint Legislative Committee on Everglades Oversight, an audit may be made from time to time by the Auditor General, and such audit shall be within the authority of said Auditor General to make.~~

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

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

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

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

409.146 Children and families client and management information system.—

(9) The Department of Children and Family Services shall provide an annual report to President of the Senate and the Speaker of the House of Representatives ~~the Joint Information Technology Resources Committee. The committee shall review the report and shall forward the report, along with its comments, to the appropriate substantive and appropriations committees of the House of Representatives and the Senate delineating the development status of the system and other information necessary for funding and policy formulation.~~ In developing the system, the Department of Children and Family Services shall consider and report on the availability of, and the costs associated with using, existing software and systems, including, but not limited to, those that are operational in other states, to meet the requirements of this section. The department shall also consider and report on the compatibility of such existing software and systems with an integrated management information system. The report shall be submitted no later than December 1 of each year.

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

450.261 Interstate Migrant Labor Commission; Florida membership.— In selecting the Florida membership of the Interstate Migrant Labor Commission, the Governor may designate the secretary of the Department of Community Affairs as his or her representative. ~~The two legislative members shall be chosen from among the members of the Legislative Commission on Migrant Labor, and at least one of the two members~~

~~appointed by the Governor shall be chosen from among the members of the advisory committee to that commission.~~

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

590.33 State compact administrator; compact advisory committee.—In pursuance of art. III of the compact, the director of the division shall act as compact administrator for Florida of the Southeastern Interstate Forest Fire Protection Compact during his or her term of office as director, and his or her successor as compact administrator shall be his or her successor as director of the division. As compact administrator, he or she shall be an ex officio member of the advisory committee of the Southeastern Interstate Forest Fire Protection Compact, and chair ex officio of the Florida members of the advisory committee. There shall be four members of the Southeastern Interstate Forest Fire Protection Compact Advisory Committee from Florida. Two of the members from Florida shall be members of the Legislature of Florida, one from the Senate designated by the President of the Senate and one from the House of Representatives designated by the Speaker of the House, and the terms of any such members shall terminate at the time they cease to hold legislative office, and their successors as members shall be named in like manner. The Governor shall appoint the other two members from Florida, one of whom shall be associated with forestry or forest products industries. The terms of such members shall be 3 years and such members shall hold office until their respective successors shall be appointed and qualified. Vacancies occurring in the office of such members from any reason or cause shall be filled by appointment by the Governor for the unexpired term. The director of the division as compact administrator for Florida may delegate, from time to time, to any deputy or other subordinate in his or her department or office, the power to be present and participate, including voting as his or her representative or substitute at any meeting of or hearing by or other proceeding of the compact administrators or of the advisory committee. The terms of each of the initial four memberships, whether appointed at said time or not, shall begin upon the date upon which the compact shall become effective in accordance with art. II of said compact. Any member of the advisory committee may be removed from office by the Governor upon charges and after a hearing.

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

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

(5) EDUCATION GOVERNANCE TRANSFERS.—

(a) Effective July 1, 2001:

1. The Board of Regents is abolished.

2. All of the powers, duties, functions, records, personnel, and property; unexpended balances of appropriations, allocations, and other funds;

administrative authority; administrative rules; pending issues; and existing contracts of the Board of Regents are transferred by a type two transfer, pursuant to s. 20.06(2), to the State Board of Education.

3. The State Board of Community Colleges is abolished.

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

5. The Postsecondary Education Planning Commission is abolished.

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

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

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

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

Approved by the Governor May 5, 2011.

Filed in Office Secretary of State May 5, 2011.