



892856

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
3/19/2008	.	
	.	
	.	

1 The Committee on Community Affairs (Storms) recommended the  
 2 following **amendment**:

3  
 4 **Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause  
 6 and insert:

7 Section 1. Section 218.315, Florida Statutes, is created to  
 8 read:

9 218.315 Local government transparency; contracts.

10 (1) As used in this act, the term:

11 (a) "Contract" means any legally binding agreement executed  
 12 by a governmental entity and a corporation or an individual which  
 13 requires the expenditure of \$5,000 or more.

14 (b) "Corporation" means all corporations registered to do  
 15 business in the state, whether for profit or not for profit;  
 16 foreign corporations qualified to do business in this state or  
 17 actually doing business in this state, whether for profit or not

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18 for profit; limited liability companies under chapter 608;  
19 partnerships under chapter 620; a sole proprietorship as defined  
20 in s. 440.02; or any other legal business entity, whether for  
21 profit or not for profit.

22 (c) "County officer" means a sheriff, tax collector,  
23 property appraiser, supervisor of elections, and a clerk of the  
24 circuit court.

25 (d) "Local government" means counties, municipalities,  
26 water management districts, and special taxing districts with the  
27 authority to levy ad valorem taxes or non-ad valorem assessments,  
28 but excludes school districts.

29 (e) "Individual" means a person, but excludes an employee  
30 of a governmental entity or an employee of the federal  
31 government.

32 (2) In accordance with the schedule provided in subsection  
33 (5), the Department of Financial Services is directed to develop  
34 and maintain a portal linking to websites maintained by the local  
35 governments subject to the requirements of this act.

36 (3) (a) Each local government with a website must  
37 electronically post contract information relating to each  
38 contract executed between the local government and a corporation  
39 or an individual, or for a county officer, between the county  
40 officer and a corporation or an individual. The information must  
41 be posted using the basic expenditure categories required in the  
42 uniform format established under paragraph (c). The website must  
43 be accessible without charge to any individual with Internet  
44 access using standard browsing software.

45 (b) To the extent possible, each local government's website  
46 shall provide a link to an electronic copy of the contract. Any  
47 public record that is exempt from inspection or copying under



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48 chapter 119 or general law, is exempt from the provisions of this  
49 act.

50 (c) The Department of Financial Services shall develop a  
51 uniform format to be used by each local government when posting  
52 contract information. The uniform format must include:

53 1. The name of the local government or county officer who  
54 is a party to the contract.

55 2. The name of each corporation or individual who is a  
56 party to the contract;

57 3. The date and amount of the contract; and

58 4. The purpose of the contract.

59 5. The basic expenditure categories reported by local  
60 governments in the annual financial report submitted to the  
61 department under s. 218.32.

62 (4) Except as provided herein, each local government shall  
63 designate one central office to maintain all contract information  
64 required to be reported. The county shall maintain all contract  
65 information required to be reported by a county officer. In cases  
66 where a local government does not have an official website, the  
67 contract information must be maintained in a local government  
68 office that is reasonably accessible to the general public during  
69 normal business hours and capable of providing contract  
70 information to a member of the general public as a public records  
71 request.

72 (5) (a) Information on contracts executed by a local  
73 government or a county officer shall be reported at least  
74 quarterly by each local government according to the following  
75 schedule and in a uniform reporting format:

76 1. On or before December 31, 2009, all five water management  
77 districts, any county with a population of 300,000 or more and

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78 any municipality with a population of 50,000 or more, and any  
79 special taxing authority within such county or municipality,  
80 shall report contract information required by this act for  
81 contracts executed on or after October 1, 2009.

82 2. On or before December 31, 2010, any county with a  
83 population of at least 50,000 but fewer than 300,000 and any  
84 municipality with a population of at least 10,000 but fewer than  
85 50,000, and any special taxing authority within such county or  
86 municipality, shall report contract information required by this  
87 act for contracts executed on or after October 1, 2010.

88 3. On or before December 31, 2011, any county with a  
89 population of fewer than 50,000, any municipality with a  
90 population of fewer than 10,000, and any special taxing  
91 authority within such county or municipality, shall report  
92 contract information required by this act for contracts executed  
93 on or after October 1, 2011.

94 (b) The population estimates used by counties and  
95 municipalities to meet the schedule requirements of this  
96 subsection shall be those reported on April 1, 2009, by the  
97 Office of Economic and Demographic Research to the Executive  
98 Office of the Governor under s. 186.901.

99 (6) The Department of Financial Services is authorized to  
100 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement  
101 the provisions of this act that require the development and  
102 maintenance of the state portal that links to the local  
103 government website, and the development and distribution of the  
104 uniform reporting format.

105 Section 2. This act shall take effect July 1, 2008.  
106  
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108 ===== T I T L E A M E N D M E N T =====

109 And the title is amended as follows:

110 Delete everything before the enacting clause  
111 and insert:

112 A bill to be entitled

113 An act relating to local government transparency; creating  
114 s. 218.315, F.S.; defining the terms "contract,"  
115 "corporation," "county officer," "local government," and  
116 "individual," for purposes of the act; directing the  
117 Department of Financial Services to develop and maintain a  
118 portal linking to websites maintained by local  
119 governments; requiring local governments with a website to  
120 electronically post contract information relating to  
121 certain contracts; providing an exemption for contracts  
122 protected under chapter 119 or by general law; requiring  
123 that access to the website be provided at no cost;  
124 requiring that electronic copies of contracts be provided  
125 in certain circumstances; requiring the Department of  
126 Financial Services to develop a uniform format to be used  
127 by local governments when posting contract information;  
128 requiring specific information be provided under the  
129 uniform format; requiring each local government to  
130 designate a central office to maintain all contract  
131 information; providing reporting requirements for local  
132 governments without a website; requiring that contract  
133 information be posted at least quarterly using the uniform  
134 format; establishing a schedule for local governments to  
135 meet requirements of the act, providing rulemaking  
136 authority; providing an effective date.