

By the Committees on Governmental Operations; Community Affairs;
and Senators Storms and Ring

585-06025-08

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1 A bill to be entitled
2 An act relating to transparency in government contracts;
3 creating s. 218.315, F.S.; defining the terms "contract,"
4 "corporation," "county officer," "local government," and
5 "individual," for purposes of the act; directing the
6 Department of Financial Services to develop and maintain a
7 portal linking to websites maintained by local
8 governments; requiring local governments with a website to
9 electronically post contract information relating to
10 certain contracts; providing an exemption for contracts
11 protected under ch. 119, F.S., or by general law;
12 requiring that access to the website be provided at no
13 cost; requiring that electronic copies of contracts be
14 provided in certain circumstances; requiring the
15 Department of Financial Services to develop a uniform
16 format to be used by local governments when posting
17 contract information; requiring specific information be
18 provided under the uniform format; requiring each local
19 government to designate a central office to maintain all
20 contract information; providing reporting requirements for
21 local governments without a website; requiring that
22 contract information be posted at least quarterly using
23 the uniform format; establishing a schedule for local
24 governments to meet requirements of the act; providing
25 rulemaking authority; defining the terms "contract",
26 "corporation", "expenditure" and "individual" for purposes
27 of state government contract reporting; directing the
28 Executive Office of the Governor to develop and maintain a
29 port linking to the state agency contract expenditures

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30 report maintained by the Department of Financial Services;
31 directing the department of develop and maintain a
32 contract information report containing specified
33 information; directing that the report be maintained by
34 the department in a searchable website; directing that
35 access to the website be provided at no charge to a user
36 who has Internet access; directing each state agency to
37 record information relating to contracts between the
38 agency and a corporation or an individual; directing each
39 agency to record payment information on specified
40 contracts in the Florida Accounting and Information
41 Resources contract subsystem; requiring that electronic
42 copies of contracts be provided in certain circumstances;
43 providing that portions of public records which are
44 confidential and exempt from inspection and copying shall
45 be redacted prior to posting; providing an effective date.

46
47 Be It Enacted by the Legislature of the State of Florida:

48
49 Section 1. Section 218.315, Florida Statutes, is created to
50 read:

51 218.315 Local government transparency; contracts.--

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

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

56 (b) "Corporation" means all corporations registered to do
57 business in the state, whether for profit or not for profit;
58 foreign corporations qualified to do business in this state or

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59 actually doing business in this state, whether for profit or not
60 for profit; limited liability companies under chapter 608;
61 partnerships under chapter 620; a sole proprietorship as defined
62 in s. 440.02; or any other legal business entity, whether for
63 profit or not for profit.

64 (c) "County officer" means a sheriff, tax collector,
65 property appraiser, supervisor of elections, and a clerk of the
66 circuit court.

67 (d) "Local government" means counties, municipalities,
68 water management districts, and special taxing districts that
69 have the authority to levy ad valorem taxes or non-ad valorem
70 assessments, but the term excludes school districts.

71 (e) "Individual" means a person, but excludes an employee
72 of a governmental entity or an employee of the federal
73 government.

74 (2) In accordance with the schedule provided in subsection
75 (5), the Department of Financial Services shall develop and
76 maintain a portal linking to websites maintained by the local
77 governments subject to the requirements of this section.

78 (3) (a) Each local government that has a website must
79 electronically post contract information relating to each
80 contract executed between the local government and a corporation
81 or an individual, or, for a county officer, between the county
82 officer and a corporation or an individual. The information must
83 be posted using the basic expenditure categories required in the
84 uniform format established under paragraph (c). The website must
85 be accessible without charge to any individual who has Internet
86 access using standard browsing software.

87 (b) To the extent possible, each local government's website

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88 shall provide a link to an electronic copy of the contract. Any
89 public record that is exempt from inspection or copying under
90 chapter 119 or general law is exempt from the provisions of this
91 section.

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

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

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

99 3. The date and amount of the contract;

100 4. The purpose of the contract; and

101 5. The basic expenditure categories reported by local
102 governments in the annual financial report submitted to the
103 department under s. 218.32.

104 (4) Except as provided in this section, each local
105 government shall designate one central office to maintain all
106 contract information required to be reported. The county shall
107 maintain all contract information required to be reported by a
108 county officer. In cases where a local government does not have
109 an official website, the contract information must be maintained
110 in a local government office that is reasonably accessible to the
111 general public during normal business hours and capable of
112 providing contract information to a member of the general public
113 as a public-records request.

114 (5) (a) Information concerning contracts executed by a local
115 government or a county officer shall be reported at least
116 quarterly by each local government according to the following

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117 schedule and in a uniform reporting format:

118 1. On or before December 31, 2009, all five water
119 management districts, any county having a population of 300,000
120 or more, any municipality having a population of 50,000 or more,
121 and any special taxing authority within such a county or
122 municipality shall report contract information required by this
123 section for contracts executed on or after October 1, 2009.

124 2. On or before December 31, 2010, any county having a
125 population of at least 50,000 but fewer than 300,000, any
126 municipality having a population of at least 10,000 but fewer
127 than 50,000, and any special taxing authority within such a
128 county or municipality shall report contract information required
129 by this section for contracts executed on or after October 1,
130 2010.

131 3. On or before December 31, 2011, any county having a
132 population of fewer than 50,000, any municipality having a
133 population of fewer than 10,000, and any special taxing authority
134 within such a county or municipality shall report contract
135 information required by this section for contracts executed on or
136 after October 1, 2011.

137 (b) The population estimates used by counties and
138 municipalities to meet the schedule requirements of this
139 subsection shall be those reported on April 1, 2009, by the
140 Office of Economic and Demographic Research to the Executive
141 Office of the Governor under s. 186.901.

142 (6) The Department of Financial Services may adopt rules
143 pursuant to ss. 120.536(1) and 120.54 to implement the provisions
144 of this section requiring the development and maintenance of the
145 state portal that links to the local government website and

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146 requiring the development and distribution of the uniform
147 reporting format.

148 Section 2. State government transparency; contracts.--

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

150 (a) "Contract" means any legally binding agreement executed
151 by a state agency and a corporation or an individual which
152 requires the expenditure of \$5,000 or more.

153 (b) "Corporation" means all corporations registered to do
154 business in this state, whether for profit or not for profit;
155 foreign corporations qualified to do business in this state or
156 actually doing business in this state, whether for profit or not
157 for profit; limited liability companies under chapter 608;
158 partnerships under chapter 620, Florida Statutes; a sole
159 proprietorship as defined in s. 440.02, Florida Statutes; or any
160 other legal business entity, whether for profit or not for
161 profit.

162 (c) "Expenditure" means a payment that a state agency makes
163 to a corporation or an individual under a contract.

164 (d) "Individual" means a person, but excludes an employee
165 of a governmental entity or an employee of the Federal
166 Government.

167 (2) The Executive Office of the Governor is directed to
168 develop and maintain a portal linking to the state agency
169 contract expenditures report maintained by the Department of
170 Financial Services and required under this section.

171 (3) (a) The Department of Financial Services is directed to
172 develop and maintain a contract expenditures report that provides
173 the following information:

174 1. The name of the state agency that is a party to a

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175 contract;

176 2. The name of each corporation or individual who is a
177 party to a contract;

178 3. The date, amount, and purpose of the contract; and

179 4. Each expenditure made under the contract.

180 (b) The contract expenditures report must be maintained by
181 the department in a searchable website containing a navigation
182 bar that allows an individual having Internet access to search
183 for expenditure reports by governmental function, state agency,
184 or appropriation category.

185 (4) (a) Each state agency shall record each contract
186 executed between the agency and a corporation or an individual
187 and each payment made under the contract along with the contract
188 number in the department's Florida Accounting and Information
189 Resources contract subsystem as provided in s. 215.94(2), Florida
190 Statutes.

191 (b) To the extent possible, each state agency shall provide
192 a link to an electronic copy of the contract. The portion of a
193 public record that is confidential or exempt from inspection and
194 copying shall be redacted prior to posting.

195 Section 3. This act shall take effect July 1, 2008.