

By the Committees on Finance and Tax; Governmental Operations;
Community Affairs; and Senators Storms, Ring and Gaetz

593-06528-08

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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; providing that
6 contractual rights of local government employees and
7 retirees who are members of the Florida Retirement System
8 or a local government retirement system are not considered
9 contracts; directing the Department of Financial Services
10 to develop and maintain a portal linking to websites
11 maintained by local governments; requiring local
12 governments that have a website to electronically post
13 contract information relating to certain contracts;
14 providing that portions of a public record which are
15 confidential and exempt shall be redacted prior to
16 posting; requiring that access to the website be provided
17 at no cost; requiring that electronic copies of contracts
18 be provided in certain circumstances; requiring the
19 Department of Financial Services to develop a uniform
20 format to be used by local governments when posting
21 contract information; requiring specific information be
22 provided under the uniform format; requiring each local
23 government to designate a central office to maintain all
24 contract information; providing reporting requirements for
25 local governments without a website; requiring that
26 contract information be posted at least quarterly using
27 the uniform format; establishing a schedule for local
28 governments to meet requirements of the act; providing
29 rulemaking authority; defining the terms "contract",

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30 "corporation", "expenditure" and "individual" for purposes
31 of state government contract reporting; providing that
32 contractual rights of state employees and retirees who are
33 members of the Florida Retirement System are not
34 considered contracts; directing the Executive Office of
35 the Governor to develop and maintain a port linking to the
36 state agency contract expenditures report maintained by
37 the Department of Financial Services; directing the
38 department of develop and maintain a contract information
39 report containing specified information; directing that
40 the report be maintained by the department in a searchable
41 website; directing that access to the website be provided
42 at no charge to a user who has Internet access; directing
43 each state agency to record information relating to
44 contracts between the agency and a corporation or an
45 individual; directing each agency to record payment
46 information on specified contracts in the Florida
47 Accounting and Information Resources contract subsystem;
48 requiring that electronic copies of contracts be provided
49 in certain circumstances; providing that portions of
50 public records which are confidential and exempt from
51 inspection and copying shall be redacted prior to posting;
52 providing an effective date.

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

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56 Section 1. Section 218.315, Florida Statutes, is created to
57 read:

58 218.315 Local government transparency; contracts.--

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

60 (a) "Contract" means any legally binding agreement executed
61 by a local government and a corporation or an individual for the
62 purchase of commodities or contractual services which requires
63 the expenditure of \$5,000 or more. The term excludes the
64 contractual rights of local government employees and retirees who
65 are members of the Florida Retirement System or who are members
66 of a local government retirement system.

67 (b) "Corporation" means all corporations registered to do
68 business in the state, whether for profit or not for profit;
69 foreign corporations qualified to do business in this state or
70 actually doing business in this state, whether for profit or not
71 for profit; limited liability companies under chapter 608;
72 partnerships under chapter 620; a sole proprietorship as defined
73 in s. 440.02; or any other legal business entity, whether for
74 profit or not for profit.

75 (c) "County officer" means a sheriff, tax collector,
76 property appraiser, supervisor of elections, and a clerk of the
77 circuit court.

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

82 (e) "Individual" means a person, but excludes an employee
83 of a local government or an employee of the Federal Government
84 while acting in the capacity as employee.

85 (2) In accordance with the schedule provided in subsection
86 (5), the Department of Financial Services shall develop and
87 maintain a portal linking to websites maintained by the local

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88 governments subject to the requirements of this section.

89 (3) (a) Each local government that has a website must
90 electronically post contract information relating to each
91 contract executed between the local government and a corporation
92 or an individual, or, for a county officer, between the county
93 officer and a corporation or an individual. The information must
94 be posted using the basic expenditure categories required in the
95 uniform format established under paragraph (c). The website must
96 be accessible without charge to any individual who has Internet
97 access using standard browsing software.

98 (b) To the extent possible, each local government's website
99 shall provide a link to an electronic copy of the contract. The
100 portion of a public record that is confidential or exempt shall
101 be redacted prior to posting.

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

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

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

109 3. The date and amount of the contract;

110 4. The purpose of the contract; and

111 5. The basic expenditure categories reported by local
112 governments in the annual financial report submitted to the
113 department under s. 218.32.

114 (4) Except as provided in this subsection, each local
115 government shall designate one central office to maintain all
116 contract information required to be reported. The county shall

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117 maintain all contract information required to be reported by a
118 county officer. In cases where a local government does not have
119 an official website, the contract information must be maintained
120 in a local government office that is reasonably accessible to the
121 general public during normal business hours and capable of
122 providing contract information to a member of the general public
123 as a public-records request.

124 (5) (a) Information concerning contracts executed by a local
125 government or a county officer shall be reported at least
126 quarterly by each local government according to the following
127 schedule and in a uniform reporting format:

128 1. On or before December 31, 2009, all five water
129 management districts, any county having a population of 300,000
130 or more, any municipality having a population of 50,000 or more,
131 and any special taxing authority within such a county or
132 municipality shall report contract information required by this
133 section for contracts executed on or after October 1, 2009.

134 2. On or before December 31, 2010, any county having a
135 population of at least 50,000 but fewer than 300,000, any
136 municipality having a population of at least 10,000 but fewer
137 than 50,000, and any special taxing authority within such a
138 county or municipality shall report contract information required
139 by this section for contracts executed on or after October 1,
140 2010.

141 3. On or before December 31, 2011, any county having a
142 population of fewer than 50,000, any municipality having a
143 population of fewer than 10,000, and any special taxing authority
144 within such a county or municipality shall report contract
145 information required by this section for contracts executed on or

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146 after October 1, 2011.

147 (b) The population estimates used by counties and
148 municipalities to meet the schedule requirements of this
149 subsection shall be those reported on April 1, 2009, by the
150 Office of Economic and Demographic Research to the Executive
151 Office of the Governor under s. 186.901.

152 (6) The Department of Financial Services may adopt rules
153 pursuant to ss. 120.536(1) and 120.54 to implement the provisions
154 of this section requiring the development and maintenance of the
155 state portal that links to the local government website and
156 requiring the development and distribution of the uniform
157 reporting format.

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

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

160 (a) "Contract" means any legally binding agreement executed
161 by a state agency and a corporation or an individual for the
162 purchase of commodities or contractual services which requires
163 the expenditure of \$5,000 or more. The term excludes the
164 contractual rights of state employees and retirees who are
165 members of the Florida Retirement System.

166 (b) "Corporation" means all corporations registered to do
167 business in this state, whether for profit or not for profit;
168 foreign corporations qualified to do business in this state or
169 actually doing business in this state, whether for profit or not
170 for profit; limited liability companies under chapter 608,
171 Florida Statutes; partnerships under chapter 620, Florida
172 Statutes; a sole proprietorship as defined in s. 440.02, Florida
173 Statutes; or any other legal business entity, whether for profit
174 or not for profit.

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

177 (d) "Individual" means a person, but excludes an employee
178 of a state agency or an employee of the Federal Government while
179 acting in the capacity as employee.

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

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

187 1. The name of the state agency that is a party to a
188 contract;

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

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

192 4. Each expenditure made under the contract.

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

198 (4) (a) Each state agency shall record each contract
199 executed between the agency and a corporation or an individual
200 and each payment made under the contract along with the contract
201 number in the department's Florida Accounting and Information
202 Resources contract subsystem as provided in s. 215.94(2), Florida
203 Statutes.

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204 (b) To the extent possible, each state agency shall provide
205 a link to an electronic copy of the contract. The portion of a
206 public record which is confidential or exempt from inspection and
207 copying shall be redacted prior to posting.

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