

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Harrell offered the following:

2
3 **Amendment (with title amendment)**

4 Remove line 795 and insert:

5 Section 11. Effective July 1, 2008, section 218.315,
6 Florida Statutes, is created to read:

7 218.315 Local government transparency; contracts.--

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

9 (a) "Contract" means any legally binding agreement
10 executed by a local government and a corporation or an
11 individual for the purchase of commodities or contractual
12 services which requires the expenditure of \$5,000 or more. The
13 term excludes the contractual rights of local government
14 employees and retirees who are members of the Florida Retirement
15 System or who are members of a local government retirement
16 system.

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17 (b) "Corporation" means all corporations registered to do
18 business in the state, whether for profit or not for profit;
19 foreign corporations qualified to do business in this state or
20 actually doing business in this state, whether for profit or not
21 for profit; limited liability companies under chapter 608;
22 partnerships under chapter 620; a sole proprietorship as defined
23 in s. 440.02; or any other legal business entity, whether for
24 profit or not for profit.

25 (c) "County officer" means a sheriff, tax collector,
26 property appraiser, supervisor of elections, and a clerk of the
27 circuit court.

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

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

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

39 (3) (a) Each local government that has a website must
40 electronically post contract information relating to each
41 contract executed between the local government and a corporation
42 or an individual, or, for a county officer, between the county
43 officer and a corporation or an individual. The information must
44 be posted using the basic expenditure categories required in the

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45 uniform format established under paragraph (c). The website must
46 be accessible without charge to any individual who has Internet
47 access using standard browsing software.

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

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

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

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

59 3. The date and amount of the contract;

60 4. The purpose of the contract; and

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

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

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72 providing contract information to a member of the general public
73 as a public-records request.

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

78 1. On or before December 31, 2009, all five water
79 management districts, any county having a population of 300,000
80 or more, any municipality having a population of 50,000 or more,
81 and any special taxing authority within such a county or
82 municipality shall report contract information required by this
83 section for contracts executed on or after October 1, 2009.

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

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

97 (b) The population estimates used by counties and
98 municipalities to meet the schedule requirements of this
99 subsection shall be those reported on April 1, 2009, by the

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100 Office of Economic and Demographic Research to the Executive
101 Office of the Governor under s. 186.901.

102 (6) The Department of Financial Services may adopt rules
103 pursuant to ss. 120.536(1) and 120.54 to implement the
104 provisions of this section requiring the development and
105 maintenance of the state portal that links to the local
106 government website and requiring the development and
107 distribution of the uniform reporting format.

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

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

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

116 (b) "Corporation" means all corporations registered to do
117 business in this state, whether for profit or not for profit;
118 foreign corporations qualified to do business in this state or
119 actually doing business in this state, whether for profit or not
120 for profit; limited liability companies under chapter 608,
121 Florida Statutes; partnerships under chapter 620, Florida
122 Statutes; a sole proprietorship as defined in s. 440.02, Florida
123 Statutes; or any other legal business entity, whether for profit
124 or not for profit.

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

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

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

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

137 1. The name of the state agency that is a party to a
138 contract;

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

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

142 4. Each expenditure made under the contract.

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

148 (4) (a) Each state agency shall record each contract
149 executed between the agency and a corporation or an individual
150 and each payment made under the contract along with the contract
151 number in the department's Florida Accounting and Information
152 Resources contract subsystem as provided in s. 215.94(2),
153 Florida Statutes.

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

158 Section 12. Except as otherwise expressly provided in this
159 act, this act shall take effect upon becoming a law

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

164 Remove line 43 insert:
165 creating s. 218.315, F.S.; defining the terms "contract,"
166 "corporation," "county officer," "local government," and
167 "individual," for purposes of the act; providing that
168 contractual rights of local government employees and retirees
169 who are members of the Florida Retirement System or a local
170 government retirement system are not considered contracts;
171 directing the Department of Financial Services to develop and
172 maintain a portal linking to websites maintained by local
173 governments; requiring local governments that have a website to
174 electronically post contract information relating to certain
175 contracts; providing that portions of a public record which are
176 confidential and exempt shall be redacted prior to posting;
177 requiring that access to the website be provided at no cost;
178 requiring that electronic copies of contracts be provided in
179 certain circumstances; requiring the Department of Financial
180 Services to develop a uniform format to be used by local
181 governments when posting contract information; requiring

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182 specific information be provided under the uniform format;
183 requiring each local government to designate a central office to
184 maintain all contract information; providing reporting
185 requirements for local governments without a website; requiring
186 that contract information be posted at least quarterly using the
187 uniform format; establishing a schedule for local governments to
188 meet requirements of the act; providing rulemaking authority;
189 defining the terms "contract", "corporation", "expenditure" and
190 "individual" for purposes of state government contract
191 reporting; providing that contractual rights of state employees
192 and retirees who are members of the Florida Retirement System
193 are not considered contracts; directing the Executive Office of
194 the Governor to develop and maintain a port linking to the state
195 agency contract expenditures report maintained by the Department
196 of Financial Services; directing the department of develop and
197 maintain a contract information report containing specified
198 information; directing that the report be maintained by the
199 department in a searchable website; directing that access to the
200 website be provided at no charge to a user who has Internet
201 access; directing each state agency to record information
202 relating to contracts between the agency and a corporation or an
203 individual; directing each agency to record payment information
204 on specified contracts in the Florida Accounting and Information
205 Resources contract subsystem; requiring that electronic copies
206 of contracts be provided in certain circumstances; providing
207 that portions of public records which are confidential and
208 exempt from inspection and copying shall be redacted prior to
209 posting; providing applicability; providing effective dates.

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