

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

1 Committee/Subcommittee hearing bill: Public Integrity &  
2 Elections Committee

3 Representative Shoaf offered the following:  
4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:  
7 Section 1. Section 20.059, Florida Statutes, is created to  
8 read:

9 20.059 Quasi-public entities.-

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

11 (a) "Cost-benefit analysis" means an analysis of the  
12 structure, programs, activities, and functions of a quasi-public  
13 entity with the goal of determining whether it would be more  
14 efficient or cost-effective to maintain the quasi-public entity  
15 or transfer its duties and functions to a state agency and  
16 dissolve the quasi-public entity. A cost-benefit analysis

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17 includes the following:

18 1. A detailed description of the quasi-public entity's  
19 programs and activities, the goals and objectives of each  
20 program and activity, the problem or need that each program and  
21 activity was created to address, and the expected benefits of  
22 each program and activity.

23 2. Revenues and costs of programs and activities using  
24 data from the previous 3 fiscal years.

25 3. An analysis of the performance of the quasi-public  
26 entity, including:

27 a. A description of the specific performance measures or  
28 standards that the quasi-public entity must meet to ensure  
29 adequate performance.

30 b. The performance of the quasi-public entity's programs  
31 and activities based on existing performance measures or  
32 standards using data from the previous 3 fiscal years.

33 c. Factors that have contributed to any failure to achieve  
34 the quasi-public entity's performance standards.

35 4. A review of the delivery of services by the quasi-  
36 public entity, including alternative methods of providing the  
37 services, such as insourcing or privatization, that would reduce  
38 costs, improve performance, and enhance accountability.

39 5. A comparison of similar services provided by state  
40 agencies, including similarities and differences in services,  
41 relative costs and efficiencies, and the possibilities for

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42 consolidating services.

43 6. An operational audit.

44 7. An analysis of the goals achieved by, and the  
45 advantages and disadvantages of, allowing the quasi-public  
46 entity to:

47 a. Continue in its current form.

48 b. Be dissolved and have its duties and functions  
49 transferred to a department.

50 8. An analysis documenting the direct and indirect  
51 specific baseline costs, savings, efficiencies of scale, and  
52 qualitative and quantitative benefits involved in or resulting  
53 from each of the following scenarios:

54 a. Maintaining the quasi-public entity in its current  
55 form; or

56 b. Transferring the quasi-public entity's duties and  
57 functions to a department and dissolving the quasi-public  
58 entity.

59 9. The extent to which the quasi-public entity's goals and  
60 objectives have been achieved and whether the situation or issue  
61 that necessitated the creation of the quasi-public entity still  
62 exists.

63 (b) "Governmental entity" means a state, regional, county,  
64 municipal, special district, or other political subdivision  
65 whether executive, judicial, or legislative, including, but not  
66 limited to, a department, division, bureau, commission,

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67 authority, district, or agency thereof, or public school,  
68 Florida College System institution, state university, or  
69 associated board.

70 (c) "Operational audit" has the same meaning as in s.  
71 11.45(1).

72 (d) "Quasi-public entity" means an entity, other than a  
73 governmental entity, established by general law, regardless of  
74 form, for a public purpose or to effectuate a government  
75 program, and that is not under the direct control of a  
76 governmental entity. The term does not include a citizen support  
77 organization or a direct-support organization. For purposes of  
78 this paragraph, the term "direct control" means the ability to  
79 plan, direct, coordinate, and execute the powers, duties,  
80 functions, and responsibilities of a quasi-public entity,  
81 including the ability to control, supervise, and manage the  
82 quasi-public entity's daily operations. The term does not  
83 include the appointment of public officials or private persons  
84 to the governing body, regardless of appointment method, and  
85 does not include the approval of a plan of operations by a  
86 governmental entity.

87 (2) (a) For a quasi-public entity created by general law  
88 before July 1, 2021, the Governor must specify a department with  
89 which the quasi-public entity will be affiliated, unless a  
90 department is already specified by general law, no later than  
91 December 31, 2021. The affiliated department, whether specified

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92 by the Governor or in law, shall serve in an advisory capacity  
93 to the governing body of the affiliated quasi-public entity. The  
94 head of the affiliated department shall review the activities of  
95 the affiliated quasi-public entity at least annually and shall  
96 recommend appropriate statutory changes to the Legislature, as  
97 necessary, to ensure the most efficient and cost-effective  
98 operation.

99 (b) For a quasi-public entity created by general law on or  
100 after July 1, 2021, the general law creating the quasi-public  
101 entity shall:

102 1. Specify a department with which the quasi-public entity  
103 will be affiliated. The affiliated department shall serve in an  
104 advisory capacity to the governing body of the affiliated quasi-  
105 public entity. The head of the affiliated department shall  
106 review the activities of the affiliated quasi-public entity at  
107 least annually and shall recommend appropriate statutory changes  
108 to the Legislature, as necessary, to ensure the most efficient  
109 and cost-effective operation.

110 2. State that the creation of the quasi-public entity is  
111 repealed on June 30 of the 7th year after enactment, unless  
112 reviewed and saved from repeal through reenactment by the  
113 Legislature. Unless otherwise provided by general law, the  
114 repeal of a quasi-public entity shall transfer all assets of,  
115 and all property owned by, the quasi-public entity to the state  
116 after payment of or other resolution of the indebtedness of the

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117 preexisting quasi-public entity.

118 (3) Each quasi-public entity shall contract with an  
119 independent entity to conduct a cost-benefit analysis of the  
120 quasi-public entity. The independent entity must have at least 5  
121 years of experience conducting comparable analyses of  
122 organizations that are similar in function to the quasi-public  
123 entity under review, must conduct the analysis in accordance  
124 with applicable industry best practices, and may not have any  
125 affiliation or financial involvement with the reviewed quasi-  
126 public entity.

127 (a) A quasi-public entity created in law:

128 1. Before July 1, 2000, shall have a cost-benefit analysis  
129 completed no later than August 1, 2023, and every 10 years  
130 thereafter.

131 2. On or after July 1, 2000, but before July 1, 2021,  
132 shall have a cost-benefit analysis completed no later than  
133 August 1, 2024, and every 10 years thereafter.

134 3. On or after July 1, 2021, shall have a cost-benefit  
135 analysis completed by August 1 of the 10th year following its  
136 creation and every 10 years thereafter.

137 (b) Each quasi-public entity shall submit the cost-benefit  
138 analysis to the Governor, the President of the Senate, the  
139 Speaker of the House of Representatives, and its affiliated  
140 department by September 15 of the year in which such analysis is  
141 due.

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142 (4) By September 15 of each year, each quasi-public entity  
143 shall submit a report to the Governor, the President of the  
144 Senate, the Speaker of the House of Representatives, and its  
145 affiliated department that includes all of the following  
146 information:

147 (a) The name, mailing address, physical address, telephone  
148 number, and website address of the quasi-public entity.

149 (b) The statutory authority creating the quasi-public  
150 entity.

151 (c) A description of the quasi-public entity's mission.

152 (d) A description of the plans of the quasi-public entity  
153 for the next 3 fiscal years.

154 (e) A copy of the quasi-public entity's code of ethics.

155 (f) If the quasi-public entity is a corporation not-for-  
156 profit, a copy of the entity's most recent federal Internal  
157 Revenue Service Return of Organization Exempt from Income Tax  
158 Form (Form 990).

159 (g) If the quasi-public entity is organized as a  
160 corporation, a copy of all of the following:

161 1. Corporate governance framework and structure, including  
162 a description of each committee along with its membership and  
163 jurisdiction.

164 2. Policies and practices of the corporation's significant  
165 committees, including any compensation committee.

166 3. Policies and practices for directing senior management.

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167 4. Processes by which the board, its committees, and  
168 senior management ensure an appropriate amount of oversight over  
169 the corporation's activities.

170 (h) If the quasi-public entity has created an entity of  
171 any type with which it is affiliated, the following information  
172 must be included for each such affiliated entity:

173 1. The name, mailing address, physical address, telephone  
174 number, and website address of the affiliated entity.

175 2. The statutory authority creating, or authorizing the  
176 creation of, the affiliated entity, if any.

177 3. A description of the affiliated entity's mission.

178 4. If the affiliated entity is a corporation, a copy of  
179 all of the information described in paragraph (g).

180 5. If the affiliated entity is a corporation not-for-  
181 profit, a copy of the entity's most recent federal Internal  
182 Revenue Service Return of Organization Exempt from Income Tax  
183 Form (Form 990).

184 (5) Each quasi-public entity shall maintain a publicly  
185 accessible website. The website must include the following:

186 (a) The report required pursuant to subsection (4).

187 (b) The most recently approved operating budget, including  
188 expenditures itemized in a similar manner to those reported in  
189 the federal Internal Revenue Service Return of Organization  
190 Exempt from Income Tax Form (Form 990), which must be maintained  
191 on the website for 2 years.



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192 (c) Position title and annual salary or rate of pay for  
193 each regularly established position.

194 (d) A link to any state audit or report of the entity's  
195 operations.

196 (e) A link to any program or activity descriptions for  
197 which funds may be expended.

198 (f) All meeting notices for meetings of the entity's  
199 governing body, which must be maintained on the website for 2  
200 years.

201 (g) The official minutes of each meeting of the entity's  
202 governing body, which must be posted no later than 7 days after  
203 the date of the meeting in which the minutes are approved.

204 (6) An employee of a quasi-public entity may not receive  
205 annual compensation earned or awarded, whether paid or accrued,  
206 regardless of contingency, in excess of 150 percent of the  
207 annual compensation paid to the head or executive director of  
208 its affiliated department, as applicable. A person who is  
209 employed by more than one quasi-public entity may not receive  
210 cumulative annual compensation in excess of such amount. If the  
211 quasi-public entities with which such person is employed are  
212 affiliated with different departments, such person may not  
213 receive cumulative annual compensation in excess of 150 percent  
214 of the annual compensation paid to the highest-paid head or  
215 executive director of the affiliated departments, as applicable.

216 (7) A quasi-public entity may not use public funds to

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217 retain a lobbyist to represent the entity before the legislative  
218 or executive branch. However, a full-time employee of the quasi-  
219 public entity may register as a lobbyist and represent the  
220 entity before the legislative or executive branch. Except as a  
221 full-time employee, a person may not accept public funds from a  
222 quasi-public entity for lobbying.

223 (8) Unless specifically authorized by law, a quasi-public  
224 entity created on or after July 1, 2021, may not create an  
225 entity separate from itself, including a citizen support  
226 organization or a direct-support organization.

227 (9) Any meeting of a quasi-public entity's governing body  
228 or any committee thereof must be video recorded and the video  
229 recording must be maintained for at least 2 years.

230 (10) The executive director of a quasi-public entity, or  
231 an officer with responsibilities similar to that of an executive  
232 director, may not recommend or otherwise be involved in the  
233 selection, appointment, or retention of any member of the  
234 entity's governing body.

235 Section 2. Paragraph (d) of subsection (2) of section  
236 215.985, Florida Statutes, is redesignated as paragraph (e), a  
237 new paragraph (d) is added to that subsection, and subsections  
238 (6) and (14) of that section are amended, to read:

239 215.985 Transparency in government spending.—

240 (2) As used in this section, the term:

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241 (d) "Quasi-public entity" has the same meaning as provided  
242 in s. 20.059.

243 (6) The Department of Management Services shall establish  
244 and maintain a website that provides current information  
245 relating to each employee or officer of a state agency, a state  
246 university, a Florida College System institution, a quasi-public  
247 entity, or the State Board of Administration, regardless of the  
248 appropriation category from which the person is paid.

249 (a) For each employee or officer, the information must  
250 include, at a minimum, his or her:

- 251 1. Name and salary or hourly rate of pay.
- 252 2. Position number, class code, and class title.
- 253 3. Employing agency or quasi-public entity and budget  
254 entity.

255 (b) The information must be searchable by state agency,  
256 state university, Florida College System institution, quasi-  
257 public entity, and the State Board of Administration, and by  
258 employee name, salary range, or class code and must be  
259 downloadable in a format that allows offline analysis.

260 (14) The Chief Financial Officer shall establish and  
261 maintain a secure contract tracking system available for viewing  
262 and downloading by the public through a secure website. The  
263 Chief Financial Officer shall use appropriate Internet security  
264 measures to ensure that no person has the ability to alter or  
265 modify records available on the website.

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266 (a) Within 30 calendar days after executing a contract,  
267 each state and quasi-public entity shall post the following  
268 information relating to the contract on the contract tracking  
269 system:

- 270 1. The names of the contracting entities.
- 271 2. The procurement method.
- 272 3. The contract beginning and ending dates.
- 273 4. The nature or type of the commodities or services  
274 purchased.
- 275 5. Applicable contract unit prices and deliverables.
- 276 6. Total compensation to be paid or received under the  
277 contract.
- 278 7. All payments made to the contractor to date.
- 279 8. Applicable contract performance measures.
- 280 9. If a competitive solicitation was not used to procure  
281 the goods or services, the justification of such action,  
282 including citation to a statutory exemption or exception from  
283 competitive solicitation, if any.
- 284 10. Electronic copies of the contract and procurement  
285 documents that have been redacted to exclude confidential or  
286 exempt information.

287 (b) Within 30 calendar days after an amendment to an  
288 existing contract, the state entity or quasi-public entity that  
289 is a party to the contract must update the information described  
290 in paragraph (a) in the contract tracking system. An amendment

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291 to a contract includes, but is not limited to, a renewal,  
292 termination, or extension of the contract or a modification of  
293 the terms of the contract.

294 (c) By January 1, 2014, each state and quasi-public entity  
295 shall post to the contract tracking system the information  
296 required in paragraph (a) for each existing contract that was  
297 executed before July 1, 2013, with payment from state funds made  
298 after June 30, 2013.

299 (d)1. Records made available on the contract tracking  
300 system may not reveal information made confidential or exempt by  
301 law.

302 2. Each state and quasi-public entity that is a party to a  
303 contract must redact confidential or exempt information from the  
304 contract and procurement documents before posting an electronic  
305 copy on the contract tracking system. If a state entity or  
306 quasi-public entity that is a party to the contract becomes  
307 aware that an electronic copy of a contract or a procurement  
308 document has been posted but has not been properly redacted, the  
309 state entity or quasi-public entity must immediately notify the  
310 Chief Financial Officer and must immediately remove the contract  
311 or procurement document from the contract tracking system.  
312 Within 7 business days, the state entity or quasi-public entity  
313 must post a properly redacted copy of the contract or  
314 procurement document on the contract tracking system.

315 3.a. If a party to a contract, or an authorized

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316 representative of a party to a contract, discovers that an  
317 electronic copy of a contract or procurement document has been  
318 posted to the contract tracking system but has not been properly  
319 redacted, the party or representative may request the state  
320 entity or quasi-public entity that is a party to the contract to  
321 redact the confidential or exempt information. Upon receipt of  
322 the request, the state entity or quasi-public entity shall  
323 redact the confidential or exempt information.

324 b. A request to redact confidential or exempt information  
325 must be made in writing and delivered by mail, facsimile,  
326 electronic transmission, or in person to the state entity or  
327 quasi-public entity that is a party to the contract. The request  
328 must identify the specific document, the page numbers that  
329 include the confidential or exempt information, the information  
330 that is confidential or exempt, and the applicable statutory  
331 exemption. A fee may not be charged for a redaction made  
332 pursuant to the request.

333 c. A party to a contract may petition the circuit court  
334 for an order directing compliance with this paragraph.

335 4. The contract tracking system shall display a notice of  
336 the right of an affected party to request redaction of  
337 confidential or exempt information contained on the system.

338 5.a. The Chief Financial Officer, the Department of  
339 Financial Services, or an officer, employee, or contractor  
340 thereof, is not responsible for redacting confidential or exempt

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341 information from an electronic copy of a contract or procurement  
342 document posted by another state entity or quasi-public entity  
343 on the system.

344 b. The Chief Financial Officer, the Department of  
345 Financial Services, or an officer, employee, or contractor  
346 thereof, is not liable for the failure of a state entity or  
347 quasi-public entity to redact the confidential or exempt  
348 information.

349 (e)1. The posting of information on the contract tracking  
350 system or the provision of contract information on a website for  
351 public viewing and downloading does not supersede the duty of a  
352 state entity or quasi-public entity to respond to a public  
353 records request or subpoena for the information.

354 2. A request for a copy of a contract or procurement  
355 document or certified copy of a contract or procurement document  
356 shall be made to the state entity or quasi-public entity that is  
357 party to the contract. The request may not be made to the Chief  
358 Financial Officer, the Department of Financial Services, or an  
359 officer, employee, or contractor thereof, unless the Chief  
360 Financial Officer or the department is a party to the contract.

361 3. A subpoena for a copy of a contract or procurement  
362 document or certified copy of a contract or procurement document  
363 must be served on the state entity or quasi-public entity that  
364 is a party to the contract and that maintains the original  
365 documents. The Chief Financial Officer, the Department of

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366 Financial Services, or an officer, employee, or contractor  
367 thereof, may not be served a subpoena for those records unless  
368 the Chief Financial Officer or the department is a party to the  
369 contract.

370 (f) The Chief Financial Officer may regulate and prohibit  
371 the posting of records that could facilitate identity theft or  
372 fraud, such as signatures; compromise or reveal an agency  
373 investigation; reveal the identity of undercover personnel;  
374 reveal proprietary business information or trade secrets; reveal  
375 an individual's medical information; or reveal another record or  
376 information that the Chief Financial Officer believes may  
377 jeopardize the health, safety, or welfare of the public.  
378 However, such action by the Chief Financial Officer does not  
379 supersede the duty of a state entity or quasi-public entity to  
380 provide a copy of a public record upon request.

381 (g) The Chief Financial Officer may adopt rules to  
382 administer this subsection.

383 (h) For purposes of this subsection, the term:

384 1. "Procurement document" means any document or material  
385 provided to the public or any vendor as part of a formal  
386 competitive solicitation of goods or services undertaken by a  
387 state entity or quasi-public entity, and a document or material  
388 submitted in response to a formal competitive solicitation by  
389 any vendor who is awarded the resulting contract.

390 2. "Quasi-public entity" has the same meaning as provided



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391 in s. 20.059.

392 ~~3.2.~~ "State entity" means an official, officer,  
393 commission, board, authority, council, committee, or department  
394 of the executive branch of state government; a state attorney,  
395 public defender, criminal conflict and civil regional counsel,  
396 capital collateral regional counsel, and the Justice  
397 Administrative Commission; the Public Service Commission; and  
398 any part of the judicial branch of state government.

399 (i) In lieu of posting in the contract tracking system  
400 administered by the Chief Financial Officer, the Department of  
401 Legal Affairs and the Department of Agriculture and Consumer  
402 Services may post the information described in paragraphs (a)  
403 through (c) to its own agency-managed website. The data posted  
404 on the agency-managed website must be downloadable in a format  
405 that allows offline analysis.

406 (j) The requirement under paragraphs (a) through (c) that  
407 each agency post information and documentation relating to  
408 contracts on the tracking system does not apply to any record  
409 that could reveal attorney work product or strategy.

410 Section 3. This act shall take effect July 1, 2021.

411

412

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

414 Remove everything before the enacting clause and insert:

415 A bill to be entitled

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416 An act relating to quasi-public entities; creating s.  
417 20.059, F.S.; providing definitions; requiring the  
418 Governor to specify affiliated departments for certain  
419 quasi-public entities by a certain date; providing  
420 requirements for the affiliated department; providing  
421 requirements for a general law creating a quasi-public  
422 entity; requiring a quasi-public entity to contract  
423 with an independent entity that meets certain  
424 requirements to conduct a cost-benefit analysis;  
425 requiring the completion of a cost-benefit analysis at  
426 certain intervals; requiring a quasi-public entity to  
427 submit a cost-benefit analysis and an annual report  
428 that includes certain information to the Governor, the  
429 Legislature, and its affiliated department by a  
430 certain date; requiring a quasi-public entity to  
431 maintain a publicly accessible website that includes  
432 certain information; prohibiting an employee of a  
433 quasi-public entity from receiving annual compensation  
434 in excess of a certain amount; prohibiting a person  
435 who is employed by more than one quasi-public entity  
436 from receiving cumulative annual compensation in  
437 excess of a certain amount; prohibiting a quasi-public  
438 entity from using public funds to retain a lobbyist;  
439 authorizing certain employees of a quasi-public entity  
440 to register as a lobbyist and represent the quasi-

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441 public entity; prohibiting a quasi-public entity from  
442 creating certain separate entities; requiring that  
443 meetings of a quasi-public entity's governing body or  
444 any committee thereof be video recorded and the video  
445 recording be maintained for a specified duration;  
446 prohibiting an executive director or similar officer  
447 of a quasi-public entity from certain involvement with  
448 the entity's governing body; amending s. 215.985,  
449 F.S.; defining the term "quasi-public entity";  
450 requiring the Department of Management Services to  
451 provide certain information relating to quasi-public  
452 entity employees or officers on a website; providing  
453 that such information must be searchable in a certain  
454 manner; requiring a quasi-public entity to post and  
455 update certain information on the secure contract  
456 tracking system established and maintained by the  
457 Chief Financial Officer; requiring a quasi-public  
458 entity to redact certain information; providing that  
459 the Chief Financial Officer, the Department of  
460 Financial Services, and officers, employees, and  
461 contractors thereof are not responsible for redacting,  
462 and are not liable for the failure to redact, certain  
463 information posted on the secure contract tracking  
464 system by a quasi-public entity; providing that the  
465 posting of certain information does not supersede the

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466 duty of a quasi-public entity to respond to certain  
467 requests or subpoenas; providing that certain actions  
468 by the Chief Financial Officer do not supersede the  
469 duty of a quasi-public entity to provide certain  
470 records upon request; revising and providing  
471 definitions; providing an effective date.