

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Shoaf offered the following:

Amendment (with title amendment)

Remove lines 135-322 and insert:

(d) "Quasi-public entity" means an entity of statewide application, other than a governmental entity, explicitly created or established by statute, regardless of form, for a public purpose or to effectuate a government program, and that is not under the direct control of a governmental entity. The term does not include a citizen support organization or a direct-support organization. For purposes of this paragraph, the term "direct control" means the ability to plan, direct, coordinate, and execute the powers, duties, functions, and

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14 responsibilities of a quasi-public entity, including the ability
15 to control, supervise, and manage the quasi-public entity's
16 daily operations. The term "direct control" does not include the
17 appointment of public officials or private persons to the
18 governing body, regardless of appointment method, and does not
19 include the approval of a plan of operations by a governmental
20 entity.

21 (2) (a) For a quasi-public entity created or established by
22 statute before July 1, 2021, the Governor must specify a
23 department or state university with which the quasi-public
24 entity will be affiliated, unless a department or state
25 university is already specified by statute, no later than
26 December 31, 2021. The affiliated department or state
27 university, whether specified by the Governor or in statute,
28 shall serve in an advisory capacity to the governing body of the
29 affiliated quasi-public entity. The head of the affiliated
30 department or state university shall review the activities of
31 the affiliated quasi-public entity at least annually and shall
32 recommend appropriate statutory changes to the Legislature, as
33 necessary, to ensure the most efficient and cost-effective
34 operation.

35 (b) For a quasi-public entity created or established by
36 statute on or after July 1, 2021, the statute creating the
37 quasi-public entity shall:

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38 1. Specify a department or state university with which the
39 quasi-public entity will be affiliated. The affiliated
40 department or state university shall serve in an advisory
41 capacity to the governing body of the affiliated quasi-public
42 entity. The head of the affiliated department or state
43 university shall review the activities of the affiliated quasi-
44 public entity at least annually and shall recommend appropriate
45 statutory changes to the Legislature, as necessary, to ensure
46 the most efficient and cost-effective operation.

47 2. State that the creation of the quasi-public entity is
48 repealed on June 30 of the 7th year after enactment, unless
49 reviewed and saved from repeal through reenactment by the
50 Legislature. Unless otherwise provided by general law, the
51 repeal of a quasi-public entity shall transfer all assets of,
52 and all property owned by, the quasi-public entity to the state
53 after payment of or other resolution of the indebtedness of the
54 preexisting quasi-public entity.

55 (3) Each quasi-public entity shall contract with an
56 independent entity to conduct a cost-benefit analysis of the
57 quasi-public entity. The independent entity must have at least 5
58 years of experience conducting comparable analyses of
59 organizations that are similar in function to the quasi-public
60 entity under review, must conduct the analysis in accordance
61 with applicable industry best practices, and may not have any

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62 affiliation or financial involvement with the reviewed quasi-
63 public entity.

64 (a) A quasi-public entity created or established by
65 statute:

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

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

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

75 (b) Each quasi-public entity shall submit the cost-benefit
76 analysis to the Governor, the President of the Senate, the
77 Speaker of the House of Representatives, and its affiliated
78 department or state university by September 15 of the year in
79 which such analysis is due.

80 (4) Beginning September 15, 2022, and each September 15
81 thereafter, each quasi-public entity shall submit a report to
82 the Governor, the President of the Senate, the Speaker of the
83 House of Representatives, and its affiliated department or state
84 university that includes all of the following information:

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

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87 (b) The statutory authority creating the quasi-public
88 entity.

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

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

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

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

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

99 1. Corporate governance framework and structure, including
100 a description of each committee along with its membership and
101 jurisdiction.

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

104 3. Policies and practices for directing senior management.

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

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

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

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

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

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

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

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

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

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

130 (c) A link to any state audit or report of the entity's
131 operations.

132 (d) A link to any program or activity descriptions for
133 which funds may be expended.

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134 (e) All meeting notices for meetings of the entity's
135 governing body, which must be maintained on the website for 2
136 years.

137 (f) The official minutes of each meeting of the entity's
138 governing body, which must be posted no later than 7 days after
139 the date of the meeting in which the minutes are approved.

140 (6) A quasi-public entity may not use public funds to
141 retain a lobbyist to represent the entity before the legislative
142 or executive branch. However, a full-time employee of the quasi-
143 public entity may register as a lobbyist and represent the
144 entity before the legislative or executive branch. Except as a
145 full-time employee, a person may not accept public funds from a
146 quasi-public entity for lobbying.

147 (7) Unless specifically authorized by statute, a quasi-
148 public entity may not create an entity separate from itself,
149 including a citizen support organization or a direct-support
150 organization.

151 (8) Any meeting of a quasi-public entity's governing body
152 must be video recorded and the video recording must be
153 maintained for at least 2 years.

154 (9) The executive director of a quasi-public entity, or an
155 officer with responsibilities similar to that of an executive
156 director, may not recommend or otherwise be involved in the
157 selection, appointment, or retention of any member of the
158 entity's governing body.

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159 (10) By October 1, 2021, the Auditor General shall compile
160 a list of the quasi-public entities subject to this section and
161 provide such list to the Governor, the President of the Senate,
162 the Speaker of the House of Representatives, and the Legislative
163 Auditing Committee. The list must be available on the Auditor
164 General's website for review by the public.

165 Section 2. Paragraph (d) of subsection (2) of section
166 215.985, Florida Statutes, is redesignated as paragraph (e), a
167 new paragraph (d) is added to that subsection, and subsections
168 (6) and (14) of that section are amended, to read:

169 215.985 Transparency in government spending.—

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

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

173 (6)(a) The Department of Management Services shall
174 establish and maintain a website that provides current
175 information relating to each employee or officer of a state
176 agency, a state university, a Florida College System
177 institution, or the State Board of Administration, regardless of
178 the appropriation category from which the person is paid.

179 1.(a) For each employee or officer, the information must
180 include, at a minimum, his or her:

181 a.1. Name and salary or hourly rate of pay.

182 b.2. Position number, class code, and class title.

183 c.3. Employing agency and budget entity.

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184 2.~~(b)~~ The information must be searchable by state agency,
185 state university, Florida College System institution, and the
186 State Board of Administration, and by employee name, salary
187 range, or class code and must be downloadable in a format that
188 allows offline analysis.

189 (b)1. A quasi-public entity must submit to the Department
190 of Management Services by December 31 of each year a report that
191 includes the name, position, and all compensation earned or
192 awarded, whether paid or accrued, regardless of contingency, to
193 each director, board member, chief executive officer, chief
194 financial officer, chief operating officer, or other person
195 performing equivalent functions. The report must be verified as
196 provided in s. 92.525 by the chief executive officer or chief
197 financial officer of the quasi-public entity.

198 2. Beginning February 1, 2022, and each February 1
199 thereafter, the Department of Management Services shall include
200 the information reported in subparagraph 1. on the website
201 established under paragraph (a).

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203 -----
204 **T I T L E A M E N D M E N T**

205 Remove lines 4-39 and insert:

206 Governor to specify affiliated departments or state
207 universities for certain quasi-public entities by a
208 certain date; providing requirements for the

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209 affiliated department or state university; providing
210 requirements for a statute creating or establishing a
211 quasi-public entity; requiring a quasi-public entity
212 to contract with an independent entity that meets
213 certain requirements to conduct a cost-benefit
214 analysis; requiring the completion of a cost-benefit
215 analysis at certain intervals; requiring a quasi-
216 public entity to submit a cost-benefit analysis and an
217 annual report that includes certain information to the
218 Governor, the Legislature, and its affiliated
219 department or state university by a certain date;
220 requiring a quasi-public entity to maintain a publicly
221 accessible website that includes certain information;
222 prohibiting a quasi-public entity from using public
223 funds to retain a lobbyist; authorizing certain
224 employees of a quasi-public entity to register as a
225 lobbyist and represent the quasi-public entity;
226 prohibiting a quasi-public entity from creating
227 certain separate entities; requiring that meetings of
228 a quasi-public entity's governing body be video
229 recorded and the video recording be maintained for a
230 specified duration; prohibiting an executive director
231 or similar officer of a quasi-public entity from
232 certain involvement with the entity's governing body;
233 requiring the Auditor General to compile a list of

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234 quasi-public entities and provide such list to the
235 Governor, the Legislature, and the Legislative
236 Auditing Committee by a certain date; requiring such
237 list to be available on a specified website; amending
238 s. 215.985, F.S.; defining the term "quasi-public
239 entity"; requiring quasi-public entities to provide an
240 annual report that includes certain information to the
241 Department of Management Services by a certain date;
242 requiring the report to be verified by specified
243 persons; requiring the department to annually include
244 certain information on its website by a certain date;

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