

1 A bill to be entitled

2 An act relating to quasi-public entities; creating s.
3 20.059, F.S.; providing definitions; requiring the
4 Governor to specify affiliated departments for certain
5 quasi-public entities by a certain date; providing
6 requirements for the affiliated department; providing
7 for the repeal of a quasi-public entity on a certain
8 date unless reviewed and saved from repeal through
9 reenactment by the Legislature; providing requirements
10 for a law creating a quasi-public entity; requiring a
11 quasi-public entity to contract with an independent
12 entity selected from a certain list to conduct a cost-
13 benefit analysis; requiring the completion of a cost-
14 benefit analysis at certain intervals; requiring a
15 cost-benefit analysis to include certain information;
16 requiring a quasi-public entity to submit a cost-
17 benefit analysis and an annual report that includes
18 certain information to the Governor, the Legislature,
19 and its affiliated department by a certain date;
20 requiring a quasi-public entity to maintain a website
21 that includes certain information; prohibiting an
22 employee of a quasi-public entity from receiving an
23 annual salary in excess of a certain amount;
24 prohibiting a person who is employed by more than one
25 quasi-public entity from receiving a cumulative annual

26 salary in excess of a certain amount; prohibiting a
27 quasi-public entity from using public funds to retain
28 a lobbyist; authorizing certain employees of a quasi-
29 public entity to register as a lobbyist and represent
30 the quasi-public entity; prohibiting a quasi-public
31 entity from creating an entity separate from itself;
32 providing for the future repeal of certain existing
33 entities; requiring that meetings of the quasi-public
34 entity's governing body be video recorded; prohibiting
35 an executive director or similar officer of a quasi-
36 public entity from certain involvement with the
37 entity's governing body; amending s. 215.985, F.S.;
38 requiring a quasi-public entity to post and update
39 certain information on the secure contract tracking
40 system established and maintained by the Chief
41 Financial Officer; requiring a quasi-public entity to
42 redact certain information; providing that the Chief
43 Financial Officer, the Department of Financial
44 Services, and officers, employees, and contractors
45 thereof are not responsible for redacting, and are not
46 liable for the failure to redact, certain information
47 posted on the secure contract tracking system by a
48 quasi-public entity; providing that the posting of
49 certain information does not supersede the duty of a
50 quasi-public entity to respond to certain requests or

51 subpoenaeas; providing that certain actions by the Chief
 52 Financial Officer do not supersede the duty of a
 53 quasi-public entity to provide certain records upon
 54 request; revising and providing definitions; providing
 55 an effective date.

56
 57 Be It Enacted by the Legislature of the State of Florida:

58
 59 Section 1. Section 20.059, Florida Statutes, is created to
 60 read:

61 20.059 Quasi-public entities.-

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

63 (a) "Cost-benefit analysis" means an analysis conducted by
 64 an independent entity of the current structure of a quasi-public
 65 entity and its relationship to state government with the goal of
 66 determining whether it would be more efficient or cost-effective
 67 to maintain the quasi-public entity or transfer its functions to
 68 a state agency and dissolve the entity.

69 (b) "Governmental entity" means a state, regional, county,
 70 municipal, special district, or other political subdivision
 71 whether executive, judicial, or legislative, including, but not
 72 limited to, a department, division, bureau, commission,
 73 authority, district, or agency thereof, or public school,
 74 Florida College System institution, state university, or
 75 associated board.

76 (c) "Operational audit" has the same meaning as in s.
77 11.45(1).

78 (d) "Quasi-public entity" means an entity established by
79 general law, regardless of form, for a public purpose or to
80 effectuate a government program, and that is not directly
81 controlled by a governmental entity. This term does not include
82 a citizen support organization or a direct-support organization.

83 (2) (a) For a quasi-public entity created in law before
84 July 1, 2000:

85 1. The Governor must specify a department with which the
86 quasi-public entity will be affiliated, unless a department is
87 already specified in law, no later than December 31, 2021. The
88 affiliated department, whether specified by the Governor or in
89 law, shall serve in an advisory capacity to the governing body
90 of the affiliated quasi-public entity. The head of the
91 affiliated department shall review the activities of the
92 affiliated quasi-public entity at least annually and shall
93 recommend appropriate statutory changes to the Legislature, as
94 necessary, to ensure the most efficient and cost-effective
95 operation.

96 2. The quasi-public entity is repealed on June 30, 2025,
97 unless reviewed and saved from repeal through reenactment by the
98 Legislature.

99 (b) For a quasi-public entity created in law on or after
100 July 1, 2000, but before July 1, 2021:

101 1. The Governor must specify a department with which the
102 quasi-public entity will be affiliated, unless a department is
103 already specified in law, no later than December 31, 2021. The
104 affiliated department, whether specified by the Governor or in
105 law, shall serve in an advisory capacity as described in
106 paragraph (a).

107 2. The quasi-public entity is repealed on June 30, 2026,
108 unless reviewed and saved from repeal through reenactment by the
109 Legislature.

110 (c) For a quasi-public entity created in law on or after
111 July 1, 2021, the law creating the quasi-public entity shall:

112 1. Specify a department with which the quasi-public entity
113 will be affiliated. The affiliated department shall serve in an
114 advisory capacity to the governing body of the affiliated quasi-
115 public entity. The head of the affiliated department shall
116 review the activities of the affiliated quasi-public entity at
117 least annually and shall recommend appropriate statutory changes
118 to the Legislature, as necessary, to ensure the most efficient
119 and cost-effective operation.

120 2. State that the quasi-public entity is repealed on June
121 30 of the 7th year after enactment, unless reviewed and saved
122 from repeal through reenactment by the Legislature.

123 (3) Each quasi-public entity shall contract with an
124 independent entity to conduct a cost-benefit analysis. The
125 Office of Program Policy Analysis and Government Accountability

126 shall generate a list of independent entities qualified to
127 perform the cost-benefit analysis, and the quasi-public entity
128 shall select an independent entity from the list.

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

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

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

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

139 (b) The cost-benefit analysis shall include the following:

140 1. A detailed description of the quasi-public entity's
141 activities.

142 2. An analysis of the quasi-public entity's current
143 performance, based on existing performance metrics.

144 3. An analysis of the goals achieved by, and the
145 advantages and disadvantages of, allowing the quasi-public
146 entity to:

147 a. Continue in its current form.

148 b. Be dissolved and have its duties and functions
149 transferred to a department.

150 4. An analysis documenting the direct and indirect

151 specific baseline costs, savings, efficiencies of scale, and
152 qualitative and quantitative benefits involved in or resulting
153 from each of the following scenarios:

154 a. Maintaining the quasi-public entity in its current
155 form; or

156 b. Transferring the quasi-public entity's duties and
157 functions to a department and dissolving the quasi-public
158 entity.

159 5. A description of the specific accountability and
160 transparency measures by which the quasi-public entity must
161 abide.

162 6. A description of the specific performance standards, if
163 any, that the quasi-public entity must meet to ensure adequate
164 performance.

165 7. An operational audit.

166 (c) Each quasi-public entity shall submit the cost-benefit
167 analysis to the Governor, the President of the Senate, the
168 Speaker of the House of Representatives, and its affiliated
169 department by September 15 of the year in which such analysis is
170 due.

171 (4) By September 15 of each year, each quasi-public entity
172 shall submit a report to the Governor, the President of the
173 Senate, the Speaker of the House of Representatives, and its
174 affiliated department that includes all of the following
175 information:

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

178 (b) The statutory authority creating the quasi-public
179 entity.

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

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

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

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

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

190 1. Corporate governance framework and structure.

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

193 3. Policies and practices for directing senior management.

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

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

200 1. The name, mailing address, physical address, telephone

201 number, and website address of the affiliated entity.

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

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

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

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

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

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

214 (b) The most recently approved operating budget, which
215 must be maintained on the website for 2 years.

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

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

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

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

225 (g) The official minutes of each meeting of the entity's

226 governing body, which must be posted no later than 7 days after
227 the date of the meeting in which the minutes are approved.

228 (6) An employee of a quasi-public entity may not receive
229 an annual salary, whether base pay or base pay combined with any
230 bonus or incentive payments, in excess of 150 percent of the
231 annual salary paid to the head of its affiliated department. A
232 person who is employed by more than one quasi-public entity may
233 not receive a cumulative annual salary in excess of such amount.
234 If the quasi-public entities with which such person is employed
235 are affiliated with different departments, such person may not
236 receive a cumulative annual salary in excess of 150 percent of
237 the annual salary paid to the highest-paid head of the
238 affiliated departments.

239 (7) A quasi-public entity may not use public funds to
240 retain a lobbyist to represent the entity before the legislative
241 or executive branch. However, a full-time employee of the quasi-
242 public entity may register as a lobbyist and represent the
243 entity before the legislative or executive branch. Except as a
244 full-time employee, a person may not accept public funds from a
245 quasi-public entity for lobbying.

246 (8) Unless specifically authorized by law, a quasi-public
247 entity may not create an entity separate from itself, including
248 a citizen support organization or a direct-support organization.
249 However, any such entity in existence before July 1, 2021, may
250 continue in existence but is repealed on the same date as the

251 creating quasi-public entity unless reviewed and saved from
252 repeal through reenactment by the Legislature.

253 (9) Any meeting of a quasi-public entity's governing body
254 must be video recorded.

255 (10) The executive director of a quasi-public entity, or
256 an officer with responsibilities similar to that of an executive
257 director, may not recommend or otherwise be involved in the
258 selection, appointment, or retention of any member of the
259 entity's governing body.

260 Section 2. Subsection (14) of section 215.985, Florida
261 Statutes, is amended to read:

262 215.985 Transparency in government spending.—

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

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

- 273 1. The names of the contracting entities.
- 274 2. The procurement method.
- 275 3. The contract beginning and ending dates.

- 276 4. The nature or type of the commodities or services
 277 purchased.
- 278 5. Applicable contract unit prices and deliverables.
- 279 6. Total compensation to be paid or received under the
 280 contract.
- 281 7. All payments made to the contractor to date.
- 282 8. Applicable contract performance measures.
- 283 9. If a competitive solicitation was not used to procure
 284 the goods or services, the justification of such action,
 285 including citation to a statutory exemption or exception from
 286 competitive solicitation, if any.
- 287 10. Electronic copies of the contract and procurement
 288 documents that have been redacted to exclude confidential or
 289 exempt information.
- 290 (b) Within 30 calendar days after an amendment to an
 291 existing contract, the state entity or quasi-public entity that
 292 is a party to the contract must update the information described
 293 in paragraph (a) in the contract tracking system. An amendment
 294 to a contract includes, but is not limited to, a renewal,
 295 termination, or extension of the contract or a modification of
 296 the terms of the contract.
- 297 (c) By January 1, 2014, each state and quasi-public entity
 298 shall post to the contract tracking system the information
 299 required in paragraph (a) for each existing contract that was
 300 executed before July 1, 2013, with payment from state funds made

301 after June 30, 2013.

302 (d)1. Records made available on the contract tracking
303 system may not reveal information made confidential or exempt by
304 law.

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

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

326 | redact the confidential or exempt information.

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

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

338 | 4. The contract tracking system shall display a notice of
339 | the right of an affected party to request redaction of
340 | confidential or exempt information contained on the system.

341 | 5.a. The Chief Financial Officer, the Department of
342 | Financial Services, or an officer, employee, or contractor
343 | thereof, is not responsible for redacting confidential or exempt
344 | information from an electronic copy of a contract or procurement
345 | document posted by another state entity or quasi-public entity
346 | on the system.

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

351 information.

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

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

364 3. A subpoena for a copy of a contract or procurement
365 document or certified copy of a contract or procurement document
366 must be served on the state entity or quasi-public entity that
367 is a party to the contract and that maintains the original
368 documents. The Chief Financial Officer, the Department of
369 Financial Services, or an officer, employee, or contractor
370 thereof, may not be served a subpoena for those records unless
371 the Chief Financial Officer or the department is a party to the
372 contract.

373 (f) The Chief Financial Officer may regulate and prohibit
374 the posting of records that could facilitate identity theft or
375 fraud, such as signatures; compromise or reveal an agency

376 investigation; reveal the identity of undercover personnel;
377 reveal proprietary business information or trade secrets; reveal
378 an individual's medical information; or reveal another record or
379 information that the Chief Financial Officer believes may
380 jeopardize the health, safety, or welfare of the public.
381 However, such action by the Chief Financial Officer does not
382 supersede the duty of a state entity or quasi-public entity to
383 provide a copy of a public record upon request.

384 (g) The Chief Financial Officer may adopt rules to
385 administer this subsection.

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

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

393 2. "Quasi-public entity" means an entity established by
394 law, regardless of form, for a public purpose or to effectuate a
395 government program, and that is not directly controlled by a
396 governmental entity. This term does not include a citizen
397 support organization or a direct-support organization.

398 ~~3.2.~~ "State entity" means an official, officer,
399 commission, board, authority, council, committee, or department
400 of the executive branch of state government; a state attorney,

401 public defender, criminal conflict and civil regional counsel,
402 capital collateral regional counsel, and the Justice
403 Administrative Commission; the Public Service Commission; and
404 any part of the judicial branch of state government.

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

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

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