

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           requirements for a general law creating a quasi-public  
8           entity; requiring a quasi-public entity to contract  
9           with an independent entity that meets certain  
10          requirements to conduct a cost-benefit analysis;  
11          requiring the completion of a cost-benefit analysis at  
12          certain intervals; requiring a quasi-public entity to  
13          submit a cost-benefit analysis and an annual report  
14          that includes certain information to the Governor, the  
15          Legislature, and its affiliated department by a  
16          certain date; requiring a quasi-public entity to  
17          maintain a publicly accessible website that includes  
18          certain information; prohibiting an employee of a  
19          quasi-public entity from receiving annual compensation  
20          in excess of a certain amount; prohibiting a person  
21          who is employed by more than one quasi-public entity  
22          from receiving cumulative annual compensation in  
23          excess of a certain amount; prohibiting a quasi-public  
24          entity from using public funds to retain a lobbyist;  
25          authorizing certain employees of a quasi-public entity

26 | to register as a lobbyist and represent the quasi-  
27 | public entity; prohibiting a quasi-public entity from  
28 | creating certain separate entities; requiring that  
29 | meetings of a quasi-public entity's governing body or  
30 | any committee thereof be video recorded and the video  
31 | recording be maintained for a specified duration;  
32 | prohibiting an executive director or similar officer  
33 | of a quasi-public entity from certain involvement with  
34 | the entity's governing body; amending s. 215.985,  
35 | F.S.; defining the term "quasi-public entity";  
36 | requiring the Department of Management Services to  
37 | provide certain information relating to quasi-public  
38 | entity employees or officers on a website; requiring  
39 | such information to be searchable in a certain manner;  
40 | requiring a quasi-public entity to post and update  
41 | certain information on the secure contract tracking  
42 | system established and maintained by the Chief  
43 | Financial Officer; requiring a quasi-public entity to  
44 | redact certain information; providing that the Chief  
45 | Financial Officer, the Department of Financial  
46 | Services, and officers, employees, and contractors  
47 | thereof are not responsible for redacting, and are not  
48 | liable for the failure to redact, certain information  
49 | posted on the secure contract tracking system by a  
50 | quasi-public entity; providing that the posting of

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

58

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

60

61 Section 1. Section 20.059, Florida Statutes, is created to  
 62 read:

63 20.059 Quasi-public entities.-

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

65 (a) "Cost-benefit analysis" means an analysis of the  
 66 structure, programs, activities, and functions of a quasi-public  
 67 entity with the goal of determining whether it would be more  
 68 efficient or cost-effective to maintain the quasi-public entity  
 69 or transfer its duties and functions to a state agency and  
 70 dissolve the quasi-public entity. A cost-benefit analysis  
 71 includes the following:

72 1. A detailed description of the quasi-public entity's  
 73 programs and activities, the goals and objectives of each  
 74 program and activity, the problem or need that each program and  
 75 activity was created to address, and the expected benefits of

76 each program and activity.

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

79 3. An analysis of the performance of the quasi-public  
80 entity, including:

81 a. A description of the specific performance measures or  
82 standards that the quasi-public entity must meet to ensure  
83 adequate performance.

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

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

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

93 5. A comparison of similar services provided by state  
94 agencies, including similarities and differences in services,  
95 relative costs and efficiencies, and the possibilities for  
96 consolidating services.

97 6. An operational audit.

98 7. An analysis of the goals achieved by, and the  
99 advantages and disadvantages of, allowing the quasi-public  
100 entity to:

101        a. Continue in its current form.

102        b. Be dissolved and have its duties and functions

103 transferred to a department.

104        8. An analysis documenting the direct and indirect

105 specific baseline costs, savings, efficiencies of scale, and

106 qualitative and quantitative benefits involved in or resulting

107 from each of the following scenarios:

108        a. Maintaining the quasi-public entity in its current

109 form; or

110        b. Transferring the quasi-public entity's duties and

111 functions to a department and dissolving the quasi-public

112 entity.

113        9. The extent to which the quasi-public entity's goals and

114 objectives have been achieved and whether the situation or issue

115 that necessitated the creation of the quasi-public entity still

116 exists.

117        (b) "Governmental entity" means a state, regional, county,

118 municipal, special district, or other political subdivision

119 whether executive, judicial, or legislative, including, but not

120 limited to, a department, division, bureau, commission,

121 authority, district, or agency thereof, or public school,

122 Florida College System institution, state university, or

123 associated board.

124        (c) "Operational audit" has the same meaning as in s.

125 11.45(1).

126        (d) "Quasi-public entity" means an entity, other than a  
127 governmental entity, established by general law, regardless of  
128 form, for a public purpose or to effectuate a government  
129 program, and that is not under the direct control of a  
130 governmental entity. The term does not include a citizen support  
131 organization or a direct-support organization. For purposes of  
132 this paragraph, the term "direct control" means the ability to  
133 plan, direct, coordinate, and execute the powers, duties,  
134 functions, and responsibilities of a quasi-public entity,  
135 including the ability to control, supervise, and manage the  
136 quasi-public entity's daily operations. The term does not  
137 include the appointment of public officials or private persons  
138 to the governing body, regardless of appointment method, and  
139 does not include the approval of a plan of operations by a  
140 governmental entity.

141        (2) (a) For a quasi-public entity created by general law  
142 before July 1, 2021, the Governor must specify a department with  
143 which the quasi-public entity will be affiliated, unless a  
144 department is already specified by general law, no later than  
145 December 31, 2021. The affiliated department, whether specified  
146 by the Governor or in law, shall serve in an advisory capacity  
147 to the governing body of the affiliated quasi-public entity. The  
148 head of the affiliated department shall review the activities of  
149 the affiliated quasi-public entity at least annually and shall  
150 recommend appropriate statutory changes to the Legislature, as

151 necessary, to ensure the most efficient and cost-effective  
152 operation.

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

156 1. Specify a department with which the quasi-public entity  
157 will be affiliated. The affiliated department shall serve in an  
158 advisory capacity to the governing body of the affiliated quasi-  
159 public entity. The head of the affiliated department shall  
160 review the activities of the affiliated quasi-public entity at  
161 least annually and shall recommend appropriate statutory changes  
162 to the Legislature, as necessary, to ensure the most efficient  
163 and cost-effective operation.

164 2. State that the creation of the quasi-public entity is  
165 repealed on June 30 of the 7th year after enactment, unless  
166 reviewed and saved from repeal through reenactment by the  
167 Legislature. Unless otherwise provided by general law, the  
168 repeal of a quasi-public entity shall transfer all assets of,  
169 and all property owned by, the quasi-public entity to the state  
170 after payment of or other resolution of the indebtedness of the  
171 preexisting quasi-public entity.

172 (3) Each quasi-public entity shall contract with an  
173 independent entity to conduct a cost-benefit analysis of the  
174 quasi-public entity. The independent entity must have at least 5  
175 years of experience conducting comparable analyses of

176 organizations that are similar in function to the quasi-public  
177 entity under review, must conduct the analysis in accordance  
178 with applicable industry best practices, and may not have any  
179 affiliation or financial involvement with the reviewed quasi-  
180 public entity.

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

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

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

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

191 (b) Each quasi-public entity shall submit the cost-benefit  
192 analysis to the Governor, the President of the Senate, the  
193 Speaker of the House of Representatives, and its affiliated  
194 department by September 15 of the year in which such analysis is  
195 due.

196 (4) By September 15 of each year, each quasi-public entity  
197 shall submit a report to the Governor, the President of the  
198 Senate, the Speaker of the House of Representatives, and its  
199 affiliated department that includes all of the following  
200 information:



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

203        (b) The statutory authority creating the quasi-public  
204 entity.

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

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

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

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

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

215            1. Corporate governance framework and structure, including  
216 a description of each committee along with its membership and  
217 jurisdiction.

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

220            3. Policies and practices for directing senior management.

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

224        (h) If the quasi-public entity has created an entity of  
225 any type with which it is affiliated, the following information

226 must be included for each such affiliated entity:

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

228 number, and website address of the affiliated entity.

229 2. The statutory authority creating, or authorizing the

230 creation of, the affiliated entity, if any.

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

232 4. If the affiliated entity is a corporation, a copy of

233 all of the information described in paragraph (g).

234 5. If the affiliated entity is a corporation not-for-

235 profit, a copy of the entity's most recent federal Internal

236 Revenue Service Return of Organization Exempt from Income Tax

237 Form (Form 990).

238 (5) Each quasi-public entity shall maintain a publicly

239 accessible website. The website must include the following:

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

241 (b) The most recently approved operating budget, including

242 expenditures itemized in a similar manner to those reported in

243 the federal Internal Revenue Service Return of Organization

244 Exempt from Income Tax Form (Form 990), which must be maintained

245 on the website for 2 years.

246 (c) Position title and annual salary or rate of pay for

247 each regularly established position.

248 (d) A link to any state audit or report of the entity's

249 operations.

250 (e) A link to any program or activity descriptions for

251 which funds may be expended.

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

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

258 (6) An employee of a quasi-public entity may not receive  
259 annual compensation earned or awarded, whether paid or accrued,  
260 regardless of contingency, in excess of 150 percent of the  
261 annual compensation paid to the head or executive director of  
262 its affiliated department, as applicable. A person who is  
263 employed by more than one quasi-public entity may not receive  
264 cumulative annual compensation in excess of such amount. If the  
265 quasi-public entities with which such person is employed are  
266 affiliated with different departments, such person may not  
267 receive cumulative annual compensation in excess of 150 percent  
268 of the annual compensation paid to the highest-paid head or  
269 executive director of the affiliated departments, as applicable.

270 (7) A quasi-public entity may not use public funds to  
271 retain a lobbyist to represent the entity before the legislative  
272 or executive branch. However, a full-time employee of the quasi-  
273 public entity may register as a lobbyist and represent the  
274 entity before the legislative or executive branch. Except as a  
275 full-time employee, a person may not accept public funds from a

276 quasi-public entity for lobbying.

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

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

284 (10) The executive director of a quasi-public entity, or  
285 an officer with responsibilities similar to that of an executive  
286 director, may not recommend or otherwise be involved in the  
287 selection, appointment, or retention of any member of the  
288 entity's governing body.

289 Section 2. Paragraph (d) of subsection (2) of section  
290 215.985, Florida Statutes, is redesignated as paragraph (e), a  
291 new paragraph (d) is added to that subsection, and subsections  
292 (6) and (14) of that section are amended, to read:

293 215.985 Transparency in government spending.—

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

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

297 (6) The Department of Management Services shall establish  
298 and maintain a website that provides current information  
299 relating to each employee or officer of a state agency, a state  
300 university, a Florida College System institution, a quasi-public

301 entity, or the State Board of Administration, regardless of the  
 302 appropriation category from which the person is paid.

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

- 305 1. Name and salary or hourly rate of pay.
- 306 2. Position number, class code, and class title.
- 307 3. Employing agency or quasi-public entity and budget  
 308 entity.

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

314 (14) The Chief Financial Officer shall establish and  
 315 maintain a secure contract tracking system available for viewing  
 316 and downloading by the public through a secure website. The  
 317 Chief Financial Officer shall use appropriate Internet security  
 318 measures to ensure that no person has the ability to alter or  
 319 modify records available on the website.

320 (a) Within 30 calendar days after executing a contract,  
 321 each state and quasi-public entity shall post the following  
 322 information relating to the contract on the contract tracking  
 323 system:

- 324 1. The names of the contracting entities.
- 325 2. The procurement method.

- 326           3. The contract beginning and ending dates.
- 327           4. The nature or type of the commodities or services  
328 purchased.
- 329           5. Applicable contract unit prices and deliverables.
- 330           6. Total compensation to be paid or received under the  
331 contract.
- 332           7. All payments made to the contractor to date.
- 333           8. Applicable contract performance measures.
- 334           9. If a competitive solicitation was not used to procure  
335 the goods or services, the justification of such action,  
336 including citation to a statutory exemption or exception from  
337 competitive solicitation, if any.
- 338           10. Electronic copies of the contract and procurement  
339 documents that have been redacted to exclude confidential or  
340 exempt information.
- 341           (b) Within 30 calendar days after an amendment to an  
342 existing contract, the state entity or quasi-public entity that  
343 is a party to the contract must update the information described  
344 in paragraph (a) in the contract tracking system. An amendment  
345 to a contract includes, but is not limited to, a renewal,  
346 termination, or extension of the contract or a modification of  
347 the terms of the contract.
- 348           (c) By January 1, 2014, each state and quasi-public entity  
349 shall post to the contract tracking system the information  
350 required in paragraph (a) for each existing contract that was

351 | executed before July 1, 2013, with payment from state funds made  
352 | after June 30, 2013.

353 |       (d)1. Records made available on the contract tracking  
354 | system may not reveal information made confidential or exempt by  
355 | law.

356 |       2. Each state and quasi-public entity that is a party to a  
357 | contract must redact confidential or exempt information from the  
358 | contract and procurement documents before posting an electronic  
359 | copy on the contract tracking system. If a state entity or  
360 | quasi-public entity that is a party to the contract becomes  
361 | aware that an electronic copy of a contract or a procurement  
362 | document has been posted but has not been properly redacted, the  
363 | state entity or quasi-public entity must immediately notify the  
364 | Chief Financial Officer and must immediately remove the contract  
365 | or procurement document from the contract tracking system.  
366 | Within 7 business days, the state entity or quasi-public entity  
367 | must post a properly redacted copy of the contract or  
368 | procurement document on the contract tracking system.

369 |       3.a. If a party to a contract, or an authorized  
370 | representative of a party to a contract, discovers that an  
371 | electronic copy of a contract or procurement document has been  
372 | posted to the contract tracking system but has not been properly  
373 | redacted, the party or representative may request the state  
374 | entity or quasi-public entity that is a party to the contract to  
375 | redact the confidential or exempt information. Upon receipt of

376 | the request, the state entity or quasi-public entity shall  
377 | redact the confidential or exempt information.

378 |       b. A request to redact confidential or exempt information  
379 | must be made in writing and delivered by mail, facsimile,  
380 | electronic transmission, or in person to the state entity or  
381 | quasi-public entity that is a party to the contract. The request  
382 | must identify the specific document, the page numbers that  
383 | include the confidential or exempt information, the information  
384 | that is confidential or exempt, and the applicable statutory  
385 | exemption. A fee may not be charged for a redaction made  
386 | pursuant to the request.

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

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

392 |       5.a. The Chief Financial Officer, the Department of  
393 | Financial Services, or an officer, employee, or contractor  
394 | thereof, is not responsible for redacting confidential or exempt  
395 | information from an electronic copy of a contract or procurement  
396 | document posted by another state entity or quasi-public entity  
397 | on the system.

398 |       b. The Chief Financial Officer, the Department of  
399 | Financial Services, or an officer, employee, or contractor  
400 | thereof, is not liable for the failure of a state entity or



401 quasi-public entity to redact the confidential or exempt  
402 information.

403 (e)1. The posting of information on the contract tracking  
404 system or the provision of contract information on a website for  
405 public viewing and downloading does not supersede the duty of a  
406 state entity or quasi-public entity to respond to a public  
407 records request or subpoena for the information.

408 2. A request for a copy of a contract or procurement  
409 document or certified copy of a contract or procurement document  
410 shall be made to the state entity or quasi-public entity that is  
411 party to the contract. The request may not be made to the Chief  
412 Financial Officer, the Department of Financial Services, or an  
413 officer, employee, or contractor thereof, unless the Chief  
414 Financial Officer or the department is a party to the contract.

415 3. A subpoena for a copy of a contract or procurement  
416 document or certified copy of a contract or procurement document  
417 must be served on the state entity or quasi-public entity that  
418 is a party to the contract and that maintains the original  
419 documents. The Chief Financial Officer, the Department of  
420 Financial Services, or an officer, employee, or contractor  
421 thereof, may not be served a subpoena for those records unless  
422 the Chief Financial Officer or the department is a party to the  
423 contract.

424 (f) The Chief Financial Officer may regulate and prohibit  
425 the posting of records that could facilitate identity theft or

426 fraud, such as signatures; compromise or reveal an agency  
 427 investigation; reveal the identity of undercover personnel;  
 428 reveal proprietary business information or trade secrets; reveal  
 429 an individual's medical information; or reveal another record or  
 430 information that the Chief Financial Officer believes may  
 431 jeopardize the health, safety, or welfare of the public.  
 432 However, such action by the Chief Financial Officer does not  
 433 supersede the duty of a state entity or quasi-public entity to  
 434 provide a copy of a public record upon request.

435 (g) The Chief Financial Officer may adopt rules to  
 436 administer this subsection.

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

438 1. "Procurement document" means any document or material  
 439 provided to the public or any vendor as part of a formal  
 440 competitive solicitation of goods or services undertaken by a  
 441 state entity or quasi-public entity, and a document or material  
 442 submitted in response to a formal competitive solicitation by  
 443 any vendor who is awarded the resulting contract.

444 2. "Quasi-public entity" has the same meaning as provided  
 445 in s. 20.059.

446 ~~3.2.~~ "State entity" means an official, officer,  
 447 commission, board, authority, council, committee, or department  
 448 of the executive branch of state government; a state attorney,  
 449 public defender, criminal conflict and civil regional counsel,  
 450 capital collateral regional counsel, and the Justice

451 Administrative Commission; the Public Service Commission; and  
452 any part of the judicial branch of state government.

453 (i) In lieu of posting in the contract tracking system  
454 administered by the Chief Financial Officer, the Department of  
455 Legal Affairs and the Department of Agriculture and Consumer  
456 Services may post the information described in paragraphs (a)  
457 through (c) to its own agency-managed website. The data posted  
458 on the agency-managed website must be downloadable in a format  
459 that allows offline analysis.

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

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