



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/24/2021	.	
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The Committee on Governmental Oversight and Accountability  
(Rodriguez) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

20.059 Quasi-public entities.-

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

(a) "Governmental entity" means a state, regional, county,  
municipal, special district, or other political subdivision,



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11 whether executive, judicial, or legislative, including, but not  
12 limited to, a department, a division, a bureau, a commission, an  
13 authority, a district, or an agency thereof or a public school,  
14 a Florida College System institution, a state university, or an  
15 associated board.

16 (b) "Operational audit" has the same meaning as in s.  
17 11.45(1).

18 (c) "Quasi-public entity" means an entity established by  
19 general law, regardless of form, for a public purpose or to  
20 effectuate a government program and which is not directly  
21 controlled by a governmental entity. The term does not include a  
22 citizen support organization or a direct-support organization.

23 (2) (a) For a quasi-public entity created in law before July  
24 1, 2021:

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

36 (b) For a quasi-public entity created in law on or after  
37 July 1, 2021, the law creating the quasi-public entity shall  
38 specify a department with which the quasi-public entity will be  
39 affiliated. The affiliated department shall serve in an advisory



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40 capacity to the governing body of the affiliated quasi-public  
41 entity. The head of the affiliated department shall review the  
42 activities of the affiliated quasi-public entity at least  
43 annually and shall recommend appropriate statutory changes to  
44 the Legislature, as necessary, to ensure the most efficient and  
45 cost-effective operation.

46 (3) Each quasi-public entity shall have an operational  
47 audit completed by the Auditor General at least once every three  
48 years.

49 (4) By September 15 of each year, each quasi-public entity  
50 shall submit a report to the Governor, the President of the  
51 Senate, the Speaker of the House of Representatives, and its  
52 affiliated department which includes all of the following  
53 information:

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

56 (b) The statutory authority creating the quasi-public  
57 entity.

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

59 (d) A description of the quasi-public entity's plans for  
60 the next 3 fiscal years.

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

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

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

68 1. Corporate governance framework and structure.



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

71 3. Policies and practices for directing senior management.

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

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

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

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

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

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

85 5. If the affiliated entity is a corporation not for  
86 profit, a copy of the entity's most recent federal Internal  
87 Revenue Service Return of Organization Exempt from Income Tax  
88 Form (Form 990).

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

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

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

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

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



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

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

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

106           (6) A quasi-public entity may not use public funds to  
107 retain a lobbyist to represent the entity before the legislative  
108 or executive branch. However, a full-time employee of the quasi-  
109 public entity may register as a lobbyist and represent the  
110 entity before the legislative or executive branch. Except as a  
111 full-time employee, a person may not accept public funds from a  
112 quasi-public entity for lobbying.

113           (7) Unless specifically authorized by law, a quasi-public  
114 entity may not create an entity separate from itself, including  
115 a citizen support organization or a direct-support organization.

116           (8) Any meeting of a quasi-public entity's governing body  
117 must be video recorded.

118           (9) The executive director of a quasi-public entity, or an  
119 officer with responsibilities similar to that of an executive  
120 director, may not recommend or otherwise be involved in the  
121 selection, appointment, or retention of any member of the  
122 entity's governing body.

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

125           215.985 Transparency in government spending.—

126           (14) The Chief Financial Officer shall establish and



127 maintain a secure contract tracking system available for viewing  
128 and downloading by the public through a secure website. The  
129 Chief Financial Officer shall use appropriate Internet security  
130 measures to ensure that no person has the ability to alter or  
131 modify records available on the website.

132 (a) Within 30 calendar days after executing a contract,  
133 each state and quasi-public entity shall post the following  
134 information relating to the contract on the contract tracking  
135 system:

- 136 1. The names of the contracting entities.
- 137 2. The procurement method.
- 138 3. The contract beginning and ending dates.
- 139 4. The nature or type of the commodities or services  
140 purchased.
- 141 5. Applicable contract unit prices and deliverables.
- 142 6. Total compensation to be paid or received under the  
143 contract.
- 144 7. All payments made to the contractor to date.
- 145 8. Applicable contract performance measures.
- 146 9. If a competitive solicitation was not used to procure  
147 the goods or services, the justification of such action,  
148 including citation to a statutory exemption or exception from  
149 competitive solicitation, if any.
- 150 10. Electronic copies of the contract and procurement  
151 documents that have been redacted to exclude confidential or  
152 exempt information.

153 (b) Within 30 calendar days after an amendment to an  
154 existing contract, the state entity or quasi-public entity that  
155 is a party to the contract must update the information described



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156 in paragraph (a) in the contract tracking system. An amendment  
157 to a contract includes, but is not limited to, a renewal,  
158 termination, or extension of the contract or a modification of  
159 the terms of the contract.

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

165 (d)1. Records made available on the contract tracking  
166 system may not reveal information made confidential or exempt by  
167 law.

168 2. Each state and quasi-public entity that is a party to a  
169 contract must redact confidential or exempt information from the  
170 contract and procurement documents before posting an electronic  
171 copy on the contract tracking system. If a state entity or  
172 quasi-public entity that is a party to the contract becomes  
173 aware that an electronic copy of a contract or a procurement  
174 document has been posted but has not been properly redacted, the  
175 state entity or quasi-public entity must immediately notify the  
176 Chief Financial Officer and must immediately remove the contract  
177 or procurement document from the contract tracking system.  
178 Within 7 business days, the state entity or quasi-public entity  
179 must post a properly redacted copy of the contract or  
180 procurement document on the contract tracking system.

181 3.a. If a party to a contract, or an authorized  
182 representative of a party to a contract, discovers that an  
183 electronic copy of a contract or procurement document has been  
184 posted to the contract tracking system but has not been properly



185 redacted, the party or representative may request the state  
186 entity or quasi-public entity that is a party to the contract to  
187 redact the confidential or exempt information. Upon receipt of  
188 the request, the state entity or quasi-public entity shall  
189 redact the confidential or exempt information.

190 b. A request to redact confidential or exempt information  
191 must be made in writing and delivered by mail, facsimile,  
192 electronic transmission, or in person to the state entity or  
193 quasi-public entity that is a party to the contract. The request  
194 must identify the specific document, the page numbers that  
195 include the confidential or exempt information, the information  
196 that is confidential or exempt, and the applicable statutory  
197 exemption. A fee may not be charged for a redaction made  
198 pursuant to the request.

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

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

204 5.a. The Chief Financial Officer, the Department of  
205 Financial Services, or an officer, employee, or contractor  
206 thereof, is not responsible for redacting confidential or exempt  
207 information from an electronic copy of a contract or procurement  
208 document posted by another state entity or quasi-public entity  
209 on the system.

210 b. The Chief Financial Officer, the Department of Financial  
211 Services, or an officer, employee, or contractor thereof, is not  
212 liable for the failure of a state entity or quasi-public entity  
213 to redact the confidential or exempt information.





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214 (e)1. The posting of information on the contract tracking  
215 system or the provision of contract information on a website for  
216 public viewing and downloading does not supersede the duty of a  
217 state entity or quasi-public entity to respond to a public  
218 records request or subpoena for the information.

219 2. A request for a copy of a contract or procurement  
220 document or certified copy of a contract or procurement document  
221 shall be made to the state entity or quasi-public entity that is  
222 party to the contract. The request may not be made to the Chief  
223 Financial Officer, the Department of Financial Services, or an  
224 officer, employee, or contractor thereof, unless the Chief  
225 Financial Officer or the department is a party to the contract.

226 3. A subpoena for a copy of a contract or procurement  
227 document or certified copy of a contract or procurement document  
228 must be served on the state entity or quasi-public entity that  
229 is a party to the contract and that maintains the original  
230 documents. The Chief Financial Officer, the Department of  
231 Financial Services, or an officer, employee, or contractor  
232 thereof, may not be served a subpoena for those records unless  
233 the Chief Financial Officer or the department is a party to the  
234 contract.

235 (f) The Chief Financial Officer may regulate and prohibit  
236 the posting of records that could facilitate identity theft or  
237 fraud, such as signatures; compromise or reveal an agency  
238 investigation; reveal the identity of undercover personnel;  
239 reveal proprietary business information or trade secrets; reveal  
240 an individual's medical information; or reveal another record or  
241 information that the Chief Financial Officer believes may  
242 jeopardize the health, safety, or welfare of the public.



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243 However, such action by the Chief Financial Officer does not  
244 supersede the duty of a state entity or quasi-public entity to  
245 provide a copy of a public record upon request.

246 (g) The Chief Financial Officer may adopt rules to  
247 administer this subsection.

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

249 1. "Procurement document" means any document or material  
250 provided to the public or any vendor as part of a formal  
251 competitive solicitation of goods or services undertaken by a  
252 state entity or quasi-public entity, and a document or material  
253 submitted in response to a formal competitive solicitation by  
254 any vendor who is awarded the resulting contract.

255 2. "Quasi-public entity" means an entity established by  
256 law, regardless of form, for a public purpose or to effectuate a  
257 government program and which is not directly controlled by a  
258 governmental entity. This term does not include a citizen  
259 support organization or a direct-support organization.

260 ~~3.2.~~ "State entity" means an official, officer, commission,  
261 board, authority, council, committee, or department of the  
262 executive branch of state government; a state attorney, public  
263 defender, criminal conflict and civil regional counsel, capital  
264 collateral regional counsel, and the Justice Administrative  
265 Commission; the Public Service Commission; and any part of the  
266 judicial branch of state government.

267 (i) In lieu of posting in the contract tracking system  
268 administered by the Chief Financial Officer, the Department of  
269 Legal Affairs and the Department of Agriculture and Consumer  
270 Services may post the information described in paragraphs (a)  
271 through (c) to its own agency-managed website. The data posted



272 on the agency-managed website must be downloadable in a format  
273 that allows offline analysis.

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

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

279

280 ===== T I T L E A M E N D M E N T =====

281 And the title is amended as follows:

282 Delete everything before the enacting clause

283 and insert:

284 A bill to be entitled

285 An act relating to quasi-public entities; creating s.  
286 20.059, F.S.; providing definitions; requiring the  
287 Governor to specify affiliated departments for certain  
288 quasi-public entities by a certain date; providing  
289 requirements for the affiliated departments; providing  
290 requirements for a law creating a quasi-public entity;  
291 requiring the completion of an operational audit at  
292 certain intervals; requiring a quasi-public entity to  
293 submit an annual report that includes certain  
294 information to the Governor, the Legislature, and its  
295 affiliated department by a certain date; requiring a  
296 quasi-public entity to maintain a website that  
297 includes certain information; prohibiting a quasi-  
298 public entity from using public funds to retain a  
299 lobbyist; authorizing certain employees of a quasi-  
300 public entity to register as a lobbyist and represent



301 the quasi-public entity; prohibiting a quasi-public  
302 entity from creating an entity separate from itself;  
303 requiring that meetings of the quasi-public entity's  
304 governing body be video recorded; prohibiting an  
305 executive director or similar officer of a quasi-  
306 public entity from certain involvement with the  
307 entity's governing body; amending s. 215.985, F.S.;  
308 requiring a quasi-public entity to post and update  
309 certain information on the secure contract tracking  
310 system established and maintained by the Chief  
311 Financial Officer; requiring a quasi-public entity to  
312 redact certain information; providing that the Chief  
313 Financial Officer, the Department of Financial  
314 Services, and officers, employees, and contractors  
315 thereof are not responsible for redacting, and are not  
316 liable for the failure to redact, certain information  
317 posted on the secure contract tracking system by a  
318 quasi-public entity; providing that the posting of  
319 certain information does not supersede the duty of a  
320 quasi-public entity to respond to certain requests or  
321 subpoenas; providing that certain actions by the Chief  
322 Financial Officer do not supersede the duty of a  
323 quasi-public entity to provide certain records upon  
324 request; revising and providing definitions; providing  
325 an effective date.