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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/17/2021	.	
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The Committee on Appropriations (Rodriguez) recommended the following:

1 **Senate Substitute for Amendment (229772) (with title**
2 **amendment)**

3
4 Delete lines 50 - 165
5 and insert:

6 (a) "Governmental entity" means a state, regional, county,
7 municipal, or special district entity, or any other political
8 subdivision, whether executive, judicial, or legislative,
9 including, but not limited to, a department, a division, a
10 bureau, a commission, an authority, a district, or an agency



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11 thereof or a public school, a Florida College System
12 institution, a state university, or an associated board.

13 (b) "Operational audit" has the same meaning as in s.
14 11.45(1).

15 (c) "Quasi-public entity" means an entity with statewide
16 application, other than a governmental entity, established by
17 general law, regardless of form, for a public purpose or to
18 effectuate a government program, and that is not under the
19 direct control of a governmental entity. The term does not
20 include a citizen support organization, a direct-support
21 organization, a joint underwriting association authorized
22 pursuant to s. 627.351, a research institute of the state
23 university system, or an entity licensed as a health care
24 facility under chapter 395. For purposes of this paragraph, the
25 term "direct control" means the ability to plan, direct,
26 coordinate, and execute the powers, duties, functions, and
27 responsibilities of a quasi-public entity, including the ability
28 to control, supervise, and manage the quasi-public entity's
29 daily operations. The term does not include the appointment of
30 public officials or private persons to the governing body,
31 regardless of appointment method, and does not include the
32 approval of a plan of operations by a governmental entity.

33 (2) (a) For a quasi-public entity created in law before July
34 1, 2021, the Governor must specify a department with which the
35 quasi-public entity will be affiliated, unless a department is
36 already specified in law, no later than December 31, 2021. The
37 affiliated department, whether specified by the Governor or in
38 law, shall serve in an advisory capacity to the governing body
39 of the affiliated quasi-public entity. The head of the



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

45 (b) For a quasi-public entity created in law on or after
46 July 1, 2021, the law creating the quasi-public entity shall
47 specify a department with which the quasi-public entity will be
48 affiliated. The affiliated department shall serve in an advisory
49 capacity to the governing body of the affiliated quasi-public
50 entity. The head of the affiliated department shall review the
51 activities of the affiliated quasi-public entity at least
52 annually and shall recommend appropriate statutory changes to
53 the Legislature, as necessary, to ensure the most efficient and
54 cost-effective operation.

55 (3) By September 15 of each year, each quasi-public entity
56 shall submit a report to the Governor, the President of the
57 Senate, the Speaker of the House of Representatives, and its
58 affiliated department which includes all of the following
59 information:

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

62 (b) The statutory authority creating the quasi-public
63 entity.

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

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

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

68 (f) If the quasi-public entity is a corporation not for



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69 profit, a copy of the entity's most recent federal Internal
70 Revenue Service Return of Organization Exempt from Income Tax
71 Form (Form 990).

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

74 1. Corporate governance framework and structure.

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

77 3. Policies and practices for directing senior management.

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

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

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

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

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

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

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

95 (4) Each quasi-public entity shall maintain a publicly
96 accessible website. The website must include the following:

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



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

100 (c) The position title and annual salary or rate of pay for
101 each regularly established position.

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

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

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

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

112 (5) A quasi-public entity may not use public funds to
113 retain a lobbyist to represent the entity before the legislative
114 or executive branch. However, a full-time employee of the quasi-
115 public entity may register as a lobbyist and represent the
116 entity before the legislative or executive branch. Except as a
117 full-time employee, a person may not accept public funds from a
118 quasi-public entity for lobbying.

119 (6) Unless specifically authorized by law, a quasi-public
120 entity may not create an entity separate from itself, including
121 a citizen support organization or a direct-support organization.

122 (7) Any meeting of a quasi-public entity's governing body
123 must be video recorded.

124 (8) The executive director of a quasi-public entity, or an
125 officer with responsibilities similar to that of an executive
126 director, may not recommend or otherwise be involved in the



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127 selection, appointment, or retention of any member of the
128 entity's governing body.

129 (9) (a) By October 1, 2021, the Auditor General shall
130 compile a list of the quasi-public entities subject to this
131 section and provide such list to the Governor, the President of
132 the Senate, the Speaker of the House of Representatives, and the
133 Legislative Auditing Committee. The list must be available on
134 the Auditor General's website for review by the public.

135 (b) The Legislative Auditing Committee shall establish
136 procedures for the annual selection of a random sample of 5 of
137 the quasi-public entities identified in paragraph (a) to undergo
138 an operational audit by the Auditor General. A quasi-public
139 entity that has had an operational audit completed by the
140 Auditor General within the preceding 4 years or that is
141 otherwise subject to a statutorily-required operational audit by
142 the Auditor General shall not be included in the random sample.

143 Section 2. Paragraph (d) of subsection (2) of section
144 215.985, Florida Statutes, is redesignated as paragraph (e), a
145 new paragraph (d) is added to that subsection, and subsections
146 (6) and (14) of that section are amended to read:

147 215.985 Transparency in government spending.—

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

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

151 (6) The Department of Management Services shall establish
152 and maintain a website that provides current information
153 relating to each employee or officer of a state agency, a state
154 university, a Florida College System institution, a quasi-public
155 entity, or the State Board of Administration, regardless of the



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156 appropriation category from which the person is paid.

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

159 1. Name and salary or hourly rate of pay.

160 2. Position number, class code, and class title.

161 3. Employing agency or quasi-public entity and budget
162 entity.

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

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

171 And the title is amended as follows:

172 Delete lines 8 - 24

173 and insert:

174 requiring a quasi-public entity to submit an annual
175 report that includes certain information to the
176 Governor, the Legislature, and its affiliated
177 department by a certain date; requiring a quasi-public
178 entity to maintain a website that includes certain
179 information; prohibiting a quasi-public entity from
180 using public funds to retain a lobbyist; authorizing
181 certain employees of a quasi-public entity to register
182 as a lobbyist and represent the quasi-public entity;
183 prohibiting a quasi-public entity from creating an
184 entity separate from itself; requiring that meetings



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185 of the quasi-public entity's governing body be video
186 recorded; prohibiting an executive director or similar
187 officer of a quasi-public entity from certain
188 involvement with the entity's governing body;
189 requiring the Auditor General to identify quasi-public
190 entities; requiring the Legislative Auditing Committee
191 to establish a process for random selection of quasi-
192 public entities to undergo operational audits;
193 providing exceptions to the audit process for certain
194 entities; amending s. 215.985, F.S.; defining the term
195 "quasi-public entity"; requiring the Department of
196 Management Services to provide certain information
197 relating to quasi-public entity employees or officers
198 on a website; requiring such information to be
199 searchable in a certain manner;