

By Senator Rodriguez

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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 departments; 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

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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 subpoenas; 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:
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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, a division, a bureau, a commission, an
73 authority, a district, or an agency thereof or a public school,
74 a Florida College System institution, a state university, or an
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 which is not directly
81 controlled by a governmental entity. The term does not include a
82 citizen support organization or a direct-support organization.

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

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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

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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, shall
134 have a cost-benefit analysis completed no later than August 1,
135 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 advantages
145 and disadvantages of, allowing the quasi-public entity to do

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146 each of the following:

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

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

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

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

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

164 7. An operational audit.

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

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

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

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

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

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

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

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

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

189 1. Corporate governance framework and structure.

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

192 3. Policies and practices for directing senior management.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

227 (6) An employee of a quasi-public entity may not receive an
228 annual salary, whether base pay or base pay combined with any
229 bonus or incentive payments, in excess of 150 percent of the
230 annual salary paid to the head of its affiliated department from
231 state-appropriated funds, including state-appropriated federal
232 funds. A person who is employed by more than one quasi-public

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233 entity may not receive a cumulative annual salary in excess of
234 such amount. If the quasi-public entities with which such person
235 is employed are affiliated with different departments, such
236 person may not receive a cumulative annual salary in excess of
237 150 percent of the annual salary paid to the highest-paid head
238 of the 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 an
256 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:

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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

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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

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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 for
337 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 Financial
348 Services, or an officer, employee, or contractor thereof, is not

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349 liable for the failure of a state entity or quasi-public entity
350 to redact the confidential or exempt information.

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

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

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

372 (f) The Chief Financial Officer may regulate and prohibit
373 the posting of records that could facilitate identity theft or
374 fraud, such as signatures; compromise or reveal an agency
375 investigation; reveal the identity of undercover personnel;
376 reveal proprietary business information or trade secrets; reveal
377 an individual's medical information; or reveal another record or

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378 information that the Chief Financial Officer believes may
379 jeopardize the health, safety, or welfare of the public.
380 However, such action by the Chief Financial Officer does not
381 supersede the duty of a state entity or quasi-public entity to
382 provide a copy of a public record upon request.

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

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

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

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

397 ~~3.2.~~ "State entity" means an official, officer, commission,
398 board, authority, council, committee, or department of the
399 executive branch of state government; a state attorney, public
400 defender, criminal conflict and civil regional counsel, capital
401 collateral regional counsel, and the Justice Administrative
402 Commission; the Public Service Commission; and any part of the
403 judicial branch of state government.

404 (i) In lieu of posting in the contract tracking system
405 administered by the Chief Financial Officer, the Department of
406 Legal Affairs and the Department of Agriculture and Consumer

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407 Services may post the information described in paragraphs (a)
408 through (c) to its own agency-managed website. The data posted
409 on the agency-managed website must be downloadable in a format
410 that allows offline analysis.

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

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