

**By** the Committees on Appropriations; and Governmental Oversight and Accountability; and 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.; defining terms; requiring the Governor  
4       to specify affiliated departments for certain quasi-  
5       public entities by a certain date; providing  
6       requirements for the affiliated departments; providing  
7       requirements for a law creating a quasi-public entity;  
8       requiring a quasi-public entity to submit an annual  
9       report that includes certain information to the  
10      Governor, the Legislature, and its affiliated  
11      department by a certain date; requiring a quasi-public  
12      entity to maintain a website that includes certain  
13      information; prohibiting a quasi-public entity from  
14      using public funds to retain a lobbyist; authorizing  
15      certain employees of a quasi-public entity to register  
16      as a lobbyist and represent the quasi-public entity;  
17      prohibiting a quasi-public entity from creating an  
18      entity separate from itself, unless specifically  
19      authorized by law; requiring that meetings of the  
20      quasi-public entity's governing body be video  
21      recorded; prohibiting an executive director or similar  
22      officer of a quasi-public entity from certain  
23      involvement with the entity's governing body;  
24      requiring the Auditor General to compile a list of  
25      quasi-public entities and submit the list to the  
26      Governor, the Legislature, and the Legislative  
27      Auditing Committee by a specified date; requiring the  
28      Legislative Auditing Committee to establish a process  
29      for random selection of quasi-public entities to

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30 undergo operational audits; providing exceptions to  
31 the audit process for certain entities; amending s.  
32 215.985, F.S.; defining the term "quasi-public  
33 entity"; requiring the Department of Management  
34 Services to provide certain information relating to  
35 quasi-public entity employees or officers on a  
36 website; requiring such information to be searchable  
37 in a certain manner; requiring a quasi-public entity  
38 to post and update certain information on the secure  
39 contract tracking system established and maintained by  
40 the Chief Financial Officer; requiring a quasi-public  
41 entity to redact certain information; providing that  
42 the Chief Financial Officer, the Department of  
43 Financial Services, and officers, employees, and  
44 contractors thereof are not responsible for redacting,  
45 and are not liable for the failure to redact, certain  
46 information posted on the secure contract tracking  
47 system by a quasi-public entity; providing that the  
48 posting of certain information does not supersede the  
49 duty of a quasi-public entity to respond to certain  
50 requests or subpoenas; providing that certain actions  
51 by the Chief Financial Officer do not supersede the  
52 duty of a quasi-public entity to provide certain  
53 records upon request; revising and providing  
54 definitions; providing an effective date.

55  
56 Be It Enacted by the Legislature of the State of Florida:

57  
58 Section 1. Section 20.059, Florida Statutes, is created to

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59 read:

60 20.059 Quasi-public entities.-61 (1) As used in this section, the term:

62 (a) "Governmental entity" means a state, regional, county,  
63 municipal, or special district entity or any other political  
64 subdivision, whether executive, judicial, or legislative,  
65 including, but not limited to, a department, a division, a  
66 bureau, a commission, an authority, a district, or an agency  
67 thereof, or a public school, a Florida College System  
68 institution, a state university, or an associated board.

69 (b) "Operational audit" has the same meaning as in s.  
70 11.45.

71 (c) "Quasi-public entity" means an entity with statewide  
72 application, other than a governmental entity, established by  
73 general law, regardless of form, for a public purpose or to  
74 effectuate a government program, which is not under the direct  
75 control of a governmental entity. The term does not include a  
76 citizen support organization; a direct-support organization; a  
77 joint underwriting association, a risk apportionment plan, or  
78 any other entity created under s. 627.311 or s. 627.351; a  
79 research institute of the state university system; or an entity  
80 licensed as a health care facility under chapter 395. For  
81 purposes of this paragraph, the term "direct control" means the  
82 ability to plan, direct, coordinate, and execute the powers,  
83 duties, functions, and responsibilities of a quasi-public  
84 entity, including the ability to control, supervise, and manage  
85 the quasi-public entity's daily operations. The term does not  
86 include the appointment of public officials or private persons  
87 to the governing body, regardless of appointment method, and

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88 does not include the approval of a plan of operations by a  
89 governmental entity.

90 (2) (a) For a quasi-public entity created in law before July  
91 1, 2021, the Governor must specify a department with which the  
92 quasi-public entity will be affiliated, unless a department is  
93 already specified in law, no later than December 31, 2021. The  
94 affiliated department, whether specified by the Governor or in  
95 law, shall serve in an advisory capacity to the governing body  
96 of the affiliated quasi-public entity. The head of the  
97 affiliated department shall review the activities of the  
98 affiliated quasi-public entity at least annually and shall  
99 recommend appropriate statutory changes to the Legislature, as  
100 necessary, to ensure the most efficient and cost-effective  
101 operation.

102 (b) For a quasi-public entity created in law on or after  
103 July 1, 2021, the law creating the quasi-public entity shall  
104 specify a department with which the quasi-public entity will be  
105 affiliated. The affiliated department shall serve in an advisory  
106 capacity to the governing body of the affiliated quasi-public  
107 entity. The head of the affiliated department shall review the  
108 activities of the affiliated quasi-public entity at least  
109 annually and shall recommend appropriate statutory changes to  
110 the Legislature, as necessary, to ensure the most efficient and  
111 cost-effective operation.

112 (3) By September 15 of each year, each quasi-public entity  
113 shall submit a report to the Governor, the President of the  
114 Senate, the Speaker of the House of Representatives, and its  
115 affiliated department which includes all of the following  
116 information:

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

119 (b) The statutory authority creating the quasi-public  
120 entity.

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

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

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

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

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

131 1. Corporate governance framework and structure.

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

134 3. Policies and practices for directing senior management.

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

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

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

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

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

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

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

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

154 (a) The report required pursuant to subsection (3).

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

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

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

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

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

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

169 (5) A quasi-public entity may not use public funds to  
170 retain a lobbyist to represent the entity before the legislative  
171 or executive branch. However, a full-time employee of the quasi-  
172 public entity may register as a lobbyist and represent the  
173 entity before the legislative or executive branch. Except as a  
174 full-time employee, a person may not accept public funds from a

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175 quasi-public entity for lobbying.

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

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

181 (8) The executive director of a quasi-public entity, or an  
182 officer with responsibilities similar to that of an executive  
183 director, may not recommend or otherwise be involved in the  
184 selection, appointment, or retention of any member of the  
185 entity's governing body.

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

192 (b) The Legislative Auditing Committee shall establish  
193 procedures for the annual selection of a random sample of five  
194 of the quasi-public entities identified in paragraph (a) to  
195 undergo an operational audit by the Auditor General. A quasi-  
196 public entity that has had an operational audit completed by the  
197 Auditor General within the preceding 4 years or that is  
198 otherwise subject to a statutorily required operational audit by  
199 the Auditor General may not be included in the random sample.

200 Section 2. Present paragraph (d) of subsection (2) of  
201 section 215.985, Florida Statutes, is redesignated as paragraph  
202 (e), a new paragraph (d) is added to that subsection, and  
203 subsections (6) and (14) of that section are amended, to read:

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204 215.985 Transparency in government spending.—

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

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

208 (6) The Department of Management Services shall establish  
209 and maintain a website that provides current information  
210 relating to each employee or officer of a state agency, a state  
211 university, a Florida College System institution, a quasi-public  
212 entity, or the State Board of Administration, regardless of the  
213 appropriation category from which the person is paid.

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

- 216 1. Name and salary or hourly rate of pay.  
217 2. Position number, class code, and class title.  
218 3. Employing agency or quasi-public entity and budget  
219 entity.

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

225 (14) The Chief Financial Officer shall establish and  
226 maintain a secure contract tracking system available for viewing  
227 and downloading by the public through a secure website. The  
228 Chief Financial Officer shall use appropriate Internet security  
229 measures to ensure that no person has the ability to alter or  
230 modify records available on the website.

231 (a) Within 30 calendar days after executing a contract,  
232 each state and quasi-public entity shall post the following



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233 information relating to the contract on the contract tracking  
234 system:

- 235 1. The names of the contracting entities.
- 236 2. The procurement method.
- 237 3. The contract beginning and ending dates.
- 238 4. The nature or type of the commodities or services  
239 purchased.
- 240 5. Applicable contract unit prices and deliverables.
- 241 6. Total compensation to be paid or received under the  
242 contract.
- 243 7. All payments made to the contractor to date.
- 244 8. Applicable contract performance measures.
- 245 9. If a competitive solicitation was not used to procure  
246 the goods or services, the justification of such action,  
247 including citation to a statutory exemption or exception from  
248 competitive solicitation, if any.
- 249 10. Electronic copies of the contract and procurement  
250 documents that have been redacted to exclude confidential or  
251 exempt information.

252 (b) Within 30 calendar days after an amendment to an  
253 existing contract, the state entity or quasi-public entity that  
254 is a party to the contract must update the information described  
255 in paragraph (a) in the contract tracking system. An amendment  
256 to a contract includes, but is not limited to, a renewal,  
257 termination, or extension of the contract or a modification of  
258 the terms of the contract.

259 (c) By January 1, 2014, each state and quasi-public entity  
260 shall post to the contract tracking system the information  
261 required in paragraph (a) for each existing contract that was

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262 executed before July 1, 2013, with payment from state funds made  
263 after June 30, 2013.

264 (d)1. Records made available on the contract tracking  
265 system may not reveal information made confidential or exempt by  
266 law.

267 2. Each state and quasi-public entity that is a party to a  
268 contract must redact confidential or exempt information from the  
269 contract and procurement documents before posting an electronic  
270 copy on the contract tracking system. If a state entity or  
271 quasi-public entity that is a party to the contract becomes  
272 aware that an electronic copy of a contract or a procurement  
273 document has been posted but has not been properly redacted, the  
274 state entity or quasi-public entity must immediately notify the  
275 Chief Financial Officer and must immediately remove the contract  
276 or procurement document from the contract tracking system.  
277 Within 7 business days, the state entity or quasi-public entity  
278 must post a properly redacted copy of the contract or  
279 procurement document on the contract tracking system.

280 3.a. If a party to a contract, or an authorized  
281 representative of a party to a contract, discovers that an  
282 electronic copy of a contract or procurement document has been  
283 posted to the contract tracking system but has not been properly  
284 redacted, the party or representative may request the state  
285 entity or quasi-public entity that is a party to the contract to  
286 redact the confidential or exempt information. Upon receipt of  
287 the request, the state entity or quasi-public entity shall  
288 redact the confidential or exempt information.

289 b. A request to redact confidential or exempt information  
290 must be made in writing and delivered by mail, facsimile,

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291 electronic transmission, or in person to the state entity or  
292 quasi-public entity that is a party to the contract. The request  
293 must identify the specific document, the page numbers that  
294 include the confidential or exempt information, the information  
295 that is confidential or exempt, and the applicable statutory  
296 exemption. A fee may not be charged for a redaction made  
297 pursuant to the request.

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

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

303 5.a. The Chief Financial Officer, the Department of  
304 Financial Services, or an officer, employee, or contractor  
305 thereof, is not responsible for redacting confidential or exempt  
306 information from an electronic copy of a contract or procurement  
307 document posted by another state entity or quasi-public entity  
308 on the system.

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

313 (e)1. The posting of information on the contract tracking  
314 system or the provision of contract information on a website for  
315 public viewing and downloading does not supersede the duty of a  
316 state entity or quasi-public entity to respond to a public  
317 records request or subpoena for the information.

318 2. A request for a copy of a contract or procurement  
319 document or certified copy of a contract or procurement document

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320 shall be made to the state entity or quasi-public entity that is  
321 party to the contract. The request may not be made to the Chief  
322 Financial Officer, the Department of Financial Services, or an  
323 officer, employee, or contractor thereof, unless the Chief  
324 Financial Officer or the department is a party to the contract.

325 3. A subpoena for a copy of a contract or procurement  
326 document or certified copy of a contract or procurement document  
327 must be served on the state entity or quasi-public entity that  
328 is a party to the contract and that maintains the original  
329 documents. The Chief Financial Officer, the Department of  
330 Financial Services, or an officer, employee, or contractor  
331 thereof, may not be served a subpoena for those records unless  
332 the Chief Financial Officer or the department is a party to the  
333 contract.

334 (f) The Chief Financial Officer may regulate and prohibit  
335 the posting of records that could facilitate identity theft or  
336 fraud, such as signatures; compromise or reveal an agency  
337 investigation; reveal the identity of undercover personnel;  
338 reveal proprietary business information or trade secrets; reveal  
339 an individual's medical information; or reveal another record or  
340 information that the Chief Financial Officer believes may  
341 jeopardize the health, safety, or welfare of the public.  
342 However, such action by the Chief Financial Officer does not  
343 supersede the duty of a state entity or quasi-public entity to  
344 provide a copy of a public record upon request.

345 (g) The Chief Financial Officer may adopt rules to  
346 administer this subsection.

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

348 1. "Procurement document" means any document or material

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349 provided to the public or any vendor as part of a formal  
350 competitive solicitation of goods or services undertaken by a  
351 state entity or quasi-public entity, and a document or material  
352 submitted in response to a formal competitive solicitation by  
353 any vendor who is awarded the resulting contract.

354 2. "Quasi-public entity" means an entity established by  
355 law, regardless of form, for a public purpose or to effectuate a  
356 government program and which is not directly controlled by a  
357 governmental entity. This term does not include a citizen  
358 support organization or a direct-support organization.

359 3.2- "State entity" means an official, officer, commission,  
360 board, authority, council, committee, or department of the  
361 executive branch of state government; a state attorney, public  
362 defender, criminal conflict and civil regional counsel, capital  
363 collateral regional counsel, and the Justice Administrative  
364 Commission; the Public Service Commission; and any part of the  
365 judicial branch of state government.

366 (i) In lieu of posting in the contract tracking system  
367 administered by the Chief Financial Officer, the Department of  
368 Legal Affairs and the Department of Agriculture and Consumer  
369 Services may post the information described in paragraphs (a)  
370 through (c) to its own agency-managed website. The data posted  
371 on the agency-managed website must be downloadable in a format  
372 that allows offline analysis.

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

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