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LEGISLATIVE ACTION

Senate

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House

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Senator Garcia moved the following:

1           **Senate Amendment to Amendment (587542) (with title**  
2 **amendment)**

3  
4           Delete lines 63 - 197

5 and insert:

6           Section 2. Subsections (2) and (6) of section 215.985,  
7 Florida Statutes, are amended to read:

8           215.985 Transparency in government spending.—

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

10           (a) "Committee" means the Legislative Auditing Committee.

11           (b) "Contract" means a written agreement or purchase order



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12 issued for the purchase of goods or services or a written  
13 agreement for the receipt of state or federal financial  
14 assistance.

15 (c) "Governmental entity" means a state, regional, county,  
16 municipal, special district, or other political subdivision  
17 whether executive, judicial, or legislative, including, but not  
18 limited to, a department, division, bureau, commission,  
19 authority, district, or agency thereof, or public school,  
20 Florida College System institution, state university, or  
21 associated board.

22 (d) "Nongovernmental entity" means a nonprofit corporation.

23 (e) "State funds" means funds paid from the General Revenue  
24 Fund or any state trust fund, funds allocated by the Federal  
25 Government and distributed by the state, or funds appropriated  
26 by the state for distribution through any grant program.  
27 Notwithstanding the foregoing, the term does not include funds  
28 used for the state Medicaid program.

29 (f) "Website" means a site on the Internet which is easily  
30 accessible to the public at no cost and does not require the  
31 user to provide information.

32 (6)(a) The Department of Management Services shall  
33 establish and maintain a website that provides current  
34 information relating to each employee or officer of a state  
35 agency, a state university, a Florida College System  
36 institution, or the State Board of Administration, regardless of  
37 the appropriation category from which the person is paid.

38 1.(a) For each employee or officer, the information must  
39 include, at a minimum, his or her:

40 a.1- Name and salary or hourly rate of pay.



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41        ~~b.2.~~ Position number, class code, and class title.  
42        ~~c.3.~~ Employing agency and budget entity.  
43        ~~2.(b)~~ The information must be searchable by state agency,  
44 state university, Florida College System institution, and the  
45 State Board of Administration, and by employee name, salary  
46 range, or class code and must be downloadable in a format that  
47 allows offline analysis.  
48        (b)1. A nongovernmental entity that receives at least 50  
49 percent of its annual revenue, calculated using the  
50 nongovernmental entity's fiscal year, from state funds or that  
51 receives \$750,000 or more in state funds in a fiscal year, must  
52 submit to the Department of Management Services by January 15 of  
53 each year a report that includes the name, position, and total  
54 annual compensation of, including bonuses, exit bonuses, accrued  
55 paid time off, severance payments, and incentive payments paid  
56 to, each director, board member, chief executive officer, chief  
57 financial officer, or chief operating officer or any other  
58 person performing equivalent functions. The report must be  
59 verified as provided in s. 92.525 by a director, board member,  
60 chief executive officer, chief financial officer, or chief  
61 operating officer of the nongovernmental entity.  
62        2. Beginning February 1, 2022, and each February 1  
63 thereafter, the Department of Management Services shall include  
64 the information reported in subparagraph 1. on the website  
65 established under paragraph (a).  
66        3. A nongovernmental entity required to submit a report  
67 under subparagraph 1. must post the reported information on its  
68 website if the entity maintains a website.  
69        4. Before receiving funds from a governmental entity, a



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70 nongovernmental entity that:

71 a. Received funding subject to this paragraph in the  
72 preceding year must submit to the governmental entity an  
73 attestation verified as provided in s. 92.525, that the  
74 nongovernmental entity has submitted the report required in  
75 subparagraph 1.

76 b. Did not receive funding subject to this paragraph in the  
77 preceding year must submit to the governmental entity an  
78 attestation verified as provided in s. 92.525, that the  
79 nongovernmental entity has not received funding in the preceding  
80 year.

81 5.a. Beginning January 15, 2022, a governmental entity may  
82 not expend, transfer, or distribute funds to a nongovernmental  
83 entity until the nongovernmental entity has complied with the  
84 requirements of this paragraph.

85 b. This subparagraph is applicable to payments associated  
86 with contracts executed, amended, extended, or renewed on or  
87 after July 1, 2021, and any transfers or distributions  
88 authorized on or after July 1, 2021.

89 Section 3. Section 215.986, Florida Statutes, is created to  
90 read:

91 215.986 Reporting of administrative expenses for certain  
92 nongovernmental entities.—

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

94 (a) "Administrative expenses" mean expenditures that are  
95 considered indirect operating costs of a nongovernmental entity,  
96 including, but not limited to:

97 1. General administration and general expenses including  
98 accounting, support services, and personnel, including all



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99 compensation earned by or awarded to such personnel, whether  
100 paid or accrued, regardless of contingency, unless the  
101 compensation is explicitly included in the General  
102 Appropriations Act or the compensation relates to the employment  
103 of an employee whose services are integral to a project or  
104 activity of the nongovernmental entity. However, compensation  
105 earned by or awarded to a director, board member, chief  
106 executive officer, chief financial officer, chief operating  
107 officer, or other person performing equivalent functions,  
108 whether paid or accrued, regardless of contingency, shall not be  
109 considered integral to a project or activity of a nongovernment  
110 entity.

111 2. Equipment and capital improvements, depreciation on  
112 buildings, interest on debt associated with such buildings, and  
113 operations and maintenance expenses.

114 (b) "Nongovernmental entity" means a nonprofit corporation  
115 that receives at least 50 percent of its revenue, in any fiscal  
116 year of the nongovernmental entity, from state-appropriated  
117 funds, including state-appropriated federal funds.

118 (2) (a) A nongovernmental entity must identify for each  
119 contract, grant, or other disbursement of state-appropriated  
120 funds, the amount of state-appropriated funds received, the  
121 amount of those funds used for administrative expenses, and the  
122 percentage of the state-appropriated funds that are used for  
123 administrative costs. A nongovernmental entity must post this  
124 information on its website if the entity maintains a website.

125 (b) Each state entity, as defined in s. 215.985, that  
126 disburses state-appropriated funds to a nongovernmental entity  
127 must collect the information identified in paragraph (a). The



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128 contract manager for the agency must review the actual  
129 administrative costs funded with state-appropriated funds and  
130 compare the amounts as identified in paragraph (a). The amounts  
131 must be included in the state entity's submissions to the  
132 contract tracking system established and maintained pursuant to  
133 s. 215.985.

134 (3) This section does not apply to a nongovernmental entity  
135 receiving Medicaid funding.

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

138 And the title is amended as follows:

139 Delete line 232

140 and insert:

141 tracking system; specifying applicability; providing  
142 an effective date.