

By the Committee on Governmental Oversight and Accountability;
and Senator Garcia

585-02992-21

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1 A bill to be entitled
2 An act relating to transparency in government
3 spending; amending s. 215.985, F.S.; defining terms;
4 requiring nongovernmental entities that have received
5 a specified amount of state funds to submit an annual
6 report detailing certain compensation data to the
7 Department of Management Services; requiring such
8 reports to be verified under penalty of perjury;
9 requiring the department to post the information
10 received through such reports on a specified website;
11 requiring a nongovernmental entity to post the
12 reported compensation information on its website;
13 requiring a nongovernmental entity to take certain
14 actions before receiving funds from a governmental
15 entity; prohibiting a governmental entity from
16 expending, transferring, or distributing funds to a
17 nongovernmental entity if compliance with reporting
18 requirements is not met; specifying applicability;
19 providing an effective date.

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21 Be It Enacted by the Legislature of the State of Florida:

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23 Section 1. Subsections (2) and (6) of section 215.985,
24 Florida Statutes, are amended to read:

25 215.985 Transparency in government spending.—

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

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

28 (b) "Contract" means a written agreement or purchase order
29 issued for the purchase of goods or services or a written

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30 agreement for the receipt of state or federal financial
31 assistance.

32 (c) "Governmental entity" means a state, regional, county,
33 municipal, special district, or other political subdivision
34 whether executive, judicial, or legislative, including, but not
35 limited to, a department, division, bureau, commission,
36 authority, district, or agency thereof, or public school,
37 Florida College System institution, state university, or
38 associated board.

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

40 (e) "State funds" means funds paid from the General Revenue
41 Fund or any state trust fund, funds allocated by the Federal
42 Government and distributed by the state, or funds appropriated
43 by the state for distribution through any grant program.

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

47 (6) (a) The Department of Management Services shall
48 establish and maintain a website that provides current
49 information relating to each employee or officer of a state
50 agency, a state university, a Florida College System
51 institution, or the State Board of Administration, regardless of
52 the appropriation category from which the person is paid.

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

55 ~~a.1.~~ Name and salary or hourly rate of pay.

56 ~~b.2.~~ Position number, class code, and class title.

57 ~~c.3.~~ Employing agency and budget entity.

58 ~~2.(b)~~ The information must be searchable by state agency,

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59 state university, Florida College System institution, and the
60 State Board of Administration, and by employee name, salary
61 range, or class code and must be downloadable in a format that
62 allows offline analysis.

63 (b)1. A nongovernmental entity that receives at least 50
64 percent of its annual revenue, calculated using the
65 nongovernmental entity's fiscal year, from state funds or that
66 receives \$750,000 or more in state funds in a fiscal year, must
67 submit to the Department of Management Services by January 15 of
68 each year a report that includes the name, position, and total
69 annual compensation of, including bonuses, exit bonuses, accrued
70 paid time off, severance payments, and incentive payments paid
71 to, each director, board member, chief executive officer, chief
72 financial officer, or chief operating officer or any other
73 person performing equivalent functions. The report must be
74 verified as provided in s. 92.525 by a director, board member,
75 chief executive officer, chief financial officer, or chief
76 operating officer of the nongovernmental entity.

77 2. Beginning February 1, 2022, and each February 1
78 thereafter, the Department of Management Services shall include
79 the information reported in subparagraph 1. on the website
80 established under paragraph (a).

81 3. A nongovernmental entity required to submit a report
82 under subparagraph 1. must post the reported information on its
83 website if the entity maintains a website.

84 4. Before receiving funds from a governmental entity, a
85 nongovernmental entity that:

86 a. Received funding subject to this paragraph in the
87 preceding year must submit to the governmental entity an

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88 attestation verified as provided in s. 92.525, that the
89 nongovernmental entity has submitted the report required in
90 subparagraph 1.

91 b. Did not receive funding subject to this paragraph in the
92 preceding year must submit to the governmental entity an
93 attestation verified as provided in s. 92.525, that the
94 nongovernmental entity has not received funding in the preceding
95 year.

96 5.a. Beginning January 15, 2022, a governmental entity may
97 not expend, transfer, or distribute funds to a nongovernmental
98 entity until the nongovernmental entity has complied with the
99 requirements of this paragraph.

100 b. This subparagraph is applicable to payments associated
101 with contracts executed, amended, extended, or renewed on or
102 after July 1, 2021, and any transfers or distributions
103 authorized on or after July 1, 2021.

104 Section 2. This act shall take effect July 1, 2021.