

**By** the Committee on 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.; 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       requirements for a law creating a quasi-public entity;  
8       requiring the completion of an operational audit at  
9       certain intervals; requiring a quasi-public entity to  
10      submit an annual report that includes certain  
11      information to the Governor, the Legislature, and its  
12      affiliated department by a certain date; requiring a  
13      quasi-public entity to maintain a website that  
14      includes certain information; prohibiting a quasi-  
15      public entity from using public funds to retain a  
16      lobbyist; authorizing certain employees of a quasi-  
17      public entity to register as a lobbyist and represent  
18      the quasi-public entity; prohibiting a quasi-public  
19      entity from creating an entity separate from itself;  
20      requiring that meetings of the quasi-public entity's  
21      governing body be video recorded; prohibiting an  
22      executive director or similar officer of a quasi-  
23      public entity from certain involvement with the  
24      entity's governing body; amending s. 215.985, F.S.;  
25      requiring a quasi-public entity to post and update  
26      certain information on the secure contract tracking  
27      system established and maintained by the Chief  
28      Financial Officer; requiring a quasi-public entity to  
29      redact certain information; providing that the Chief

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30 Financial Officer, the Department of Financial  
31 Services, and officers, employees, and contractors  
32 thereof are not responsible for redacting, and are not  
33 liable for the failure to redact, certain information  
34 posted on the secure contract tracking system by a  
35 quasi-public entity; providing that the posting of  
36 certain information does not supersede the duty of a  
37 quasi-public entity to respond to certain requests or  
38 subpoenas; providing that certain actions by the Chief  
39 Financial Officer do not supersede the duty of a  
40 quasi-public entity to provide certain records upon  
41 request; revising and providing definitions; providing  
42 an effective date.

43  
44 Be It Enacted by the Legislature of the State of Florida:

45  
46 Section 1. Section 20.059, Florida Statutes, is created to  
47 read:

48 20.059 Quasi-public entities.—

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

50 (a) "Governmental entity" means a state, regional, county,  
51 municipal, special district, or any other political subdivision,  
52 whether executive, judicial, or legislative, including, but not  
53 limited to, a department, a division, a bureau, a commission, an  
54 authority, a district, or an agency thereof or a public school,  
55 a Florida College System institution, a state university, or an  
56 associated board.

57 (b) "Operational audit" has the same meaning as in s.  
58 11.45(1).

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59       (c) "Quasi-public entity" means an entity established by  
60 general law, regardless of form, for a public purpose or to  
61 effectuate a government program and which is not directly  
62 controlled by a governmental entity. The term does not include a  
63 citizen support organization or a direct-support organization.

64       (2) (a) For a quasi-public entity created in law before July  
65 1, 2021, the Governor must specify a department with which the  
66 quasi-public entity will be affiliated, unless a department is  
67 already specified in law, no later than December 31, 2021. The  
68 affiliated department, whether specified by the Governor or in  
69 law, shall serve in an advisory capacity to the governing body  
70 of the affiliated quasi-public entity. The head of the  
71 affiliated department shall review the activities of the  
72 affiliated quasi-public entity at least annually and shall  
73 recommend appropriate statutory changes to the Legislature, as  
74 necessary, to ensure the most efficient and cost-effective  
75 operation.

76       (b) For a quasi-public entity created in law on or after  
77 July 1, 2021, the law creating the quasi-public entity shall  
78 specify a department with which the quasi-public entity will be  
79 affiliated. The affiliated department shall serve in an advisory  
80 capacity to the governing body of the affiliated quasi-public  
81 entity. The head of the affiliated department shall review the  
82 activities of the affiliated quasi-public entity at least  
83 annually and shall recommend appropriate statutory changes to  
84 the Legislature, as necessary, to ensure the most efficient and  
85 cost-effective operation.

86       (3) Each quasi-public entity shall have an operational  
87 audit completed by the Auditor General at least once every 3

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88 years.

89 (4) By September 15 of each year, each quasi-public entity  
90 shall submit a report to the Governor, the President of the  
91 Senate, the Speaker of the House of Representatives, and its  
92 affiliated department which includes all of the following  
93 information:

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

96 (b) The statutory authority creating the quasi-public  
97 entity.

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

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

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

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

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

108 1. Corporate governance framework and structure.

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

111 3. Policies and practices for directing senior management.

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

115 (h) If the quasi-public entity has created an entity of any  
116 type with which it is affiliated, the following information must

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117 be included for each such affiliated entity:

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

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

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

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

125 5. If the affiliated 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 (5) Each quasi-public entity shall maintain a publicly  
130 accessible website. The website must include the following:

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

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

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

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

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

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

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

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146       (6) A quasi-public entity may not use public funds to  
147 retain a lobbyist to represent the entity before the legislative  
148 or executive branch. However, a full-time employee of the quasi-  
149 public entity may register as a lobbyist and represent the  
150 entity before the legislative or executive branch. Except as a  
151 full-time employee, a person may not accept public funds from a  
152 quasi-public entity for lobbying.

153       (7) Unless specifically authorized by law, a quasi-public  
154 entity may not create an entity separate from itself, including  
155 a citizen support organization or a direct-support organization.

156       (8) Any meeting of a quasi-public entity's governing body  
157 must be video recorded.

158       (9) The executive director of a quasi-public entity, or an  
159 officer with responsibilities similar to that of an executive  
160 director, may not recommend or otherwise be involved in the  
161 selection, appointment, or retention of any member of the  
162 entity's governing body.

163       Section 2. Subsection (14) of section 215.985, Florida  
164 Statutes, is amended to read:

165       215.985 Transparency in government spending.—

166       (14) The Chief Financial Officer shall establish and  
167 maintain a secure contract tracking system available for viewing  
168 and downloading by the public through a secure website. The  
169 Chief Financial Officer shall use appropriate Internet security  
170 measures to ensure that no person has the ability to alter or  
171 modify records available on the website.

172       (a) Within 30 calendar days after executing a contract,  
173 each state and quasi-public entity shall post the following  
174 information relating to the contract on the contract tracking

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175 system:

- 176 1. The names of the contracting entities.
- 177 2. The procurement method.
- 178 3. The contract beginning and ending dates.
- 179 4. The nature or type of the commodities or services
- 180 purchased.
- 181 5. Applicable contract unit prices and deliverables.
- 182 6. Total compensation to be paid or received under the
- 183 contract.
- 184 7. All payments made to the contractor to date.
- 185 8. Applicable contract performance measures.
- 186 9. If a competitive solicitation was not used to procure
- 187 the goods or services, the justification of such action,
- 188 including citation to a statutory exemption or exception from
- 189 competitive solicitation, if any.
- 190 10. Electronic copies of the contract and procurement
- 191 documents that have been redacted to exclude confidential or
- 192 exempt information.

193 (b) Within 30 calendar days after an amendment to an

194 existing contract, the state entity or quasi-public entity that

195 is a party to the contract must update the information described

196 in paragraph (a) in the contract tracking system. An amendment

197 to a contract includes, but is not limited to, a renewal,

198 termination, or extension of the contract or a modification of

199 the terms of the contract.

200 (c) By January 1, 2014, each state and quasi-public entity

201 shall post to the contract tracking system the information

202 required in paragraph (a) for each existing contract that was

203 executed before July 1, 2013, with payment from state funds made

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204 after June 30, 2013.

205 (d)1. Records made available on the contract tracking  
206 system may not reveal information made confidential or exempt by  
207 law.

208 2. Each state and quasi-public entity that is a party to a  
209 contract must redact confidential or exempt information from the  
210 contract and procurement documents before posting an electronic  
211 copy on the contract tracking system. If a state entity or  
212 quasi-public entity that is a party to the contract becomes  
213 aware that an electronic copy of a contract or a procurement  
214 document has been posted but has not been properly redacted, the  
215 state entity or quasi-public entity must immediately notify the  
216 Chief Financial Officer and must immediately remove the contract  
217 or procurement document from the contract tracking system.  
218 Within 7 business days, the state entity or quasi-public entity  
219 must post a properly redacted copy of the contract or  
220 procurement document on the contract tracking system.

221 3.a. If a party to a contract, or an authorized  
222 representative of a party to a contract, discovers that an  
223 electronic copy of a contract or procurement document has been  
224 posted to the contract tracking system but has not been properly  
225 redacted, the party or representative may request the state  
226 entity or quasi-public entity that is a party to the contract to  
227 redact the confidential or exempt information. Upon receipt of  
228 the request, the state entity or quasi-public entity shall  
229 redact the confidential or exempt information.

230 b. A request to redact confidential or exempt information  
231 must be made in writing and delivered by mail, facsimile,  
232 electronic transmission, or in person to the state entity or

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233 quasi-public entity that is a party to the contract. The request  
234 must identify the specific document, the page numbers that  
235 include the confidential or exempt information, the information  
236 that is confidential or exempt, and the applicable statutory  
237 exemption. A fee may not be charged for a redaction made  
238 pursuant to the request.

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

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

244 5.a. The Chief Financial Officer, the Department of  
245 Financial Services, or an officer, employee, or contractor  
246 thereof, is not responsible for redacting confidential or exempt  
247 information from an electronic copy of a contract or procurement  
248 document posted by another state entity or quasi-public entity  
249 on the system.

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

254 (e)1. The posting of information on the contract tracking  
255 system or the provision of contract information on a website for  
256 public viewing and downloading does not supersede the duty of a  
257 state entity or quasi-public entity to respond to a public  
258 records request or subpoena for the information.

259 2. A request for a copy of a contract or procurement  
260 document or certified copy of a contract or procurement document  
261 shall be made to the state entity or quasi-public entity that is

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262 party to the contract. The request may not be made to the Chief  
263 Financial Officer, the Department of Financial Services, or an  
264 officer, employee, or contractor thereof, unless the Chief  
265 Financial Officer or the department is a party to the contract.

266 3. A subpoena for a copy of a contract or procurement  
267 document or certified copy of a contract or procurement document  
268 must be served on the state entity or quasi-public entity that  
269 is a party to the contract and that maintains the original  
270 documents. The Chief Financial Officer, the Department of  
271 Financial Services, or an officer, employee, or contractor  
272 thereof, may not be served a subpoena for those records unless  
273 the Chief Financial Officer or the department is a party to the  
274 contract.

275 (f) The Chief Financial Officer may regulate and prohibit  
276 the posting of records that could facilitate identity theft or  
277 fraud, such as signatures; compromise or reveal an agency  
278 investigation; reveal the identity of undercover personnel;  
279 reveal proprietary business information or trade secrets; reveal  
280 an individual's medical information; or reveal another record or  
281 information that the Chief Financial Officer believes may  
282 jeopardize the health, safety, or welfare of the public.  
283 However, such action by the Chief Financial Officer does not  
284 supersede the duty of a state entity or quasi-public entity to  
285 provide a copy of a public record upon request.

286 (g) The Chief Financial Officer may adopt rules to  
287 administer this subsection.

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

289 1. "Procurement document" means any document or material  
290 provided to the public or any vendor as part of a formal

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291 competitive solicitation of goods or services undertaken by a  
292 state entity or quasi-public entity, and a document or material  
293 submitted in response to a formal competitive solicitation by  
294 any vendor who is awarded the resulting contract.

295 2. "Quasi-public entity" means an entity established by  
296 law, regardless of form, for a public purpose or to effectuate a  
297 government program and which is not directly controlled by a  
298 governmental entity. This term does not include a citizen  
299 support organization or a direct-support organization.

300 3.2. "State entity" means an official, officer, commission,  
301 board, authority, council, committee, or department of the  
302 executive branch of state government; a state attorney, public  
303 defender, criminal conflict and civil regional counsel, capital  
304 collateral regional counsel, and the Justice Administrative  
305 Commission; the Public Service Commission; and any part of the  
306 judicial branch of state government.

307 (i) In lieu of posting in the contract tracking system  
308 administered by the Chief Financial Officer, the Department of  
309 Legal Affairs and the Department of Agriculture and Consumer  
310 Services may post the information described in paragraphs (a)  
311 through (c) to its own agency-managed website. The data posted  
312 on the agency-managed website must be downloadable in a format  
313 that allows offline analysis.

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

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