

By the Committee on Community Affairs; and Senators Storms and Ring

578-05424-08

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1 A bill to be entitled

2 An act relating to local government transparency; creating  
3 s. 218.315, F.S.; defining the terms "contract,"  
4 "corporation," "county officer," "local government," and  
5 "individual," for purposes of the act; directing the  
6 Department of Financial Services to develop and maintain a  
7 portal linking to websites maintained by local  
8 governments; requiring local governments with a website to  
9 electronically post contract information relating to  
10 certain contracts; providing an exemption for contracts  
11 protected under ch. 119, F.S., or by general law;  
12 requiring that access to the website be provided at no  
13 cost; requiring that electronic copies of contracts be  
14 provided in certain circumstances; requiring the  
15 Department of Financial Services to develop a uniform  
16 format to be used by local governments when posting  
17 contract information; requiring specific information be  
18 provided under the uniform format; requiring each local  
19 government to designate a central office to maintain all  
20 contract information; providing reporting requirements for  
21 local governments without a website; requiring that  
22 contract information be posted at least quarterly using  
23 the uniform format; establishing a schedule for local  
24 governments to meet requirements of the act; providing  
25 rulemaking authority; providing an effective date.

26  
27 Be It Enacted by the Legislature of the State of Florida:

28  
29 Section 1. Section 218.315, Florida Statutes, is created to

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30 read:

31 218.315 Local government transparency; contracts.--

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

33 (a) "Contract" means any legally binding agreement executed  
34 by a governmental entity and a corporation or an individual which  
35 requires the expenditure of \$5,000 or more.

36 (b) "Corporation" means all corporations registered to do  
37 business in the state, whether for profit or not for profit;  
38 foreign corporations qualified to do business in this state or  
39 actually doing business in this state, whether for profit or not  
40 for profit; limited liability companies under chapter 608;  
41 partnerships under chapter 620; a sole proprietorship as defined  
42 in s. 440.02; or any other legal business entity, whether for  
43 profit or not for profit.

44 (c) "County officer" means a sheriff, tax collector,  
45 property appraiser, supervisor of elections, and a clerk of the  
46 circuit court.

47 (d) "Local government" means counties, municipalities,  
48 water management districts, and special taxing districts that  
49 have the authority to levy ad valorem taxes or non-ad valorem  
50 assessments, but the term excludes school districts.

51 (e) "Individual" means a person, but excludes an employee  
52 of a governmental entity or an employee of the federal  
53 government.

54 (2) In accordance with the schedule provided in subsection  
55 (5), the Department of Financial Services shall develop and  
56 maintain a portal linking to websites maintained by the local  
57 governments subject to the requirements of this section.

58 (3) (a) Each local government that has a website must

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59 electronically post contract information relating to each  
60 contract executed between the local government and a corporation  
61 or an individual, or, for a county officer, between the county  
62 officer and a corporation or an individual. The information must  
63 be posted using the basic expenditure categories required in the  
64 uniform format established under paragraph (c). The website must  
65 be accessible without charge to any individual who has Internet  
66 access using standard browsing software.

67 (b) To the extent possible, each local government's website  
68 shall provide a link to an electronic copy of the contract. Any  
69 public record that is exempt from inspection or copying under  
70 chapter 119 or general law is exempt from the provisions of this  
71 section.

72 (c) The Department of Financial Services shall develop a  
73 uniform format to be used by each local government when posting  
74 contract information. The uniform format must include:

75 1. The name of the local government or county officer who  
76 is a party to the contract.

77 2. The name of each corporation or individual who is a  
78 party to the contract;

79 3. The date and amount of the contract;

80 4. The purpose of the contract; and

81 5. The basic expenditure categories reported by local  
82 governments in the annual financial report submitted to the  
83 department under s. 218.32.

84 (4) Except as provided in this section, each local  
85 government shall designate one central office to maintain all  
86 contract information required to be reported. The county shall  
87 maintain all contract information required to be reported by a

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88 county officer. In cases where a local government does not have  
89 an official website, the contract information must be maintained  
90 in a local government office that is reasonably accessible to the  
91 general public during normal business hours and capable of  
92 providing contract information to a member of the general public  
93 as a public-records request.

94 (5) (a) Information concerning contracts executed by a local  
95 government or a county officer shall be reported at least  
96 quarterly by each local government according to the following  
97 schedule and in a uniform reporting format:

98 1. On or before December 31, 2009, all five water  
99 management districts, any county having a population of 300,000  
100 or more, any municipality having a population of 50,000 or more,  
101 and any special taxing authority within such a county or  
102 municipality shall report contract information required by this  
103 section for contracts executed on or after October 1, 2009.

104 2. On or before December 31, 2010, any county having a  
105 population of at least 50,000 but fewer than 300,000, any  
106 municipality having a population of at least 10,000 but fewer  
107 than 50,000, and any special taxing authority within such a  
108 county or municipality shall report contract information required  
109 by this section for contracts executed on or after October 1,  
110 2010.

111 3. On or before December 31, 2011, any county having a  
112 population of fewer than 50,000, any municipality having a  
113 population of fewer than 10,000, and any special taxing authority  
114 within such a county or municipality shall report contract  
115 information required by this section for contracts executed on or  
116 after October 1, 2011.

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117        (b) The population estimates used by counties and  
118 municipalities to meet the schedule requirements of this  
119 subsection shall be those reported on April 1, 2009, by the  
120 Office of Economic and Demographic Research to the Executive  
121 Office of the Governor under s. 186.901.

122        (6) The Department of Financial Services may adopt rules  
123 pursuant to ss. 120.536(1) and 120.54 to implement the provisions  
124 of this section requiring the development and maintenance of the  
125 state portal that links to the local government website and  
126 requiring the development and distribution of the uniform  
127 reporting format.

128        Section 2. This act shall take effect July 1, 2008.