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1
2 An act relating to transparency in government
3 spending; amending s. 215.985, F.S.; adding a
4 definition; requiring the Executive Office of the
5 Governor to establish a single website providing
6 access to other websites; revising provisions relating
7 to the establishment of a website relating to the
8 approved operating budget; requiring the office to
9 establish a website providing information about fiscal
10 planning for the state and specifying the information
11 to be included on the website; requiring the
12 Department of Management Services to maintain a
13 website that provides current information on state
14 employees and officers; revising provisions requiring
15 the Legislative Auditing Committee to provide
16 recommendations to the Legislature about adding other
17 information to a website; requiring website managers
18 to provide information about the cost of creating and
19 maintaining each website; revising provisions relating
20 to access to the state contract management system to
21 require that such information be accessible through a
22 website; requiring the Chief Financial Officer to
23 establish and maintain a secure contract tracking
24 system; requiring that such system be available for
25 viewing and downloading by the public through a secure
26 website; requiring state entities to post certain
27 information on the system and to update that
28 information; requiring that exempt and confidential



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29 information be redacted from contracts and procurement
30 documents posted on the system; providing procedures
31 for removing such information from the system;
32 providing applicability of public record requests for
33 information posted on the website; providing an
34 exemption; providing for service of subpoenas for
35 contract or procurement documents; authorizing the
36 Chief Financial Officer to regulate and prohibit the
37 posting of certain information that could facilitate
38 identity theft or cause harm; authorizing the Chief
39 Financial Officer to adopt rules; providing
40 definitions; authorizing certain departments to post
41 specified information on agency-managed websites in
42 lieu of posting through the contract tracking system;
43 creating the User Experience Task Force to develop and
44 recommend a design for consolidating existing state-
45 managed websites; providing for membership; providing
46 for staffing; requiring reports; providing for
47 expiration; providing an effective date.

48
49 Be It Enacted by the Legislature of the State of Florida:

50
51 Section 1. Section 215.985, Florida Statutes, is reordered
52 and amended to read:

53 215.985 Transparency in government spending.—

54 (1) This section may be cited as the "Transparency Florida
55 Act."

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



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57 (a) ~~(e)~~ "Committee" means the Legislative Auditing
58 Committee created in s. 11.40.

59 (b) "Contract" means a written agreement or purchase order
60 issued for the purchase of goods or services or a written
61 agreement for the receipt of state or federal financial
62 assistance.

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

70 (d) ~~(b)~~ "Website" means a site on the Internet which is
71 easily accessible to the public at no cost and does not require
72 the user to provide ~~any~~ information.

73 (3) The Executive Office of the Governor, in consultation
74 with the appropriations committees of the Senate and the House
75 of Representatives, shall establish and maintain a single
76 website that provides access to all other websites required by
77 this section. Such single website and other websites must:

78 (a) Be constructed for usability that, to the extent
79 possible, provides an intuitive user experience.

80 (b) Provide a consistent visual design, interaction or
81 navigation design, and information or data presentation.

82 (c) Be deployed in compliance with the Americans with
83 Disabilities Act.

84 (d) Be compatible with all major web browsers.



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85 | ~~(4)-(3)~~ The Executive Office of the Governor, in
86 | consultation with the appropriations committees of the Senate
87 | and the House of Representatives, shall establish and maintain a
88 | ~~single website that, directly accessible through the state's~~
89 | ~~official Internet portal, which~~ provides information relating to
90 | the approved operating budget each appropriation in the General
91 | ~~Appropriations Act~~ for each branch of state government and state
92 | agency.

93 | (a) At a minimum, the information ~~provided~~ must include:

94 | 1. Disbursement data for each appropriation by the object
95 | code associated with each expenditure established within the
96 | Florida Accounting Information Resource Subsystem. Expenditure
97 | data must include the name of the payee, the date of the
98 | expenditure, the amount of the expenditure, and the statewide
99 | document number. Such data must be searchable by the name of the
100 | payee, the paying agency, and fiscal year, and must be
101 | downloadable in a format that allows offline analysis.

102 | 2. For each appropriation, any adjustments, including
103 | vetoes, approved supplemental appropriations included in
104 | legislation other than the General Appropriations Act, budget
105 | amendments, other actions approved pursuant to chapter 216, and
106 | ~~any~~ other adjustments authorized by law.

107 | 3. Status of spending authority for each appropriation in
108 | the approved operating budget, including released, unreleased,
109 | reserved, and disbursed balances.

110 | 4. Position and rate information for positions provided in
111 | the General Appropriations Act or approved through an amendment
112 | to the approved operating budget and position information for



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113 positions established in the legislative branch.

114 5. Allotments for planned expenditures of state
 115 appropriations established by state agencies in the Florida
 116 Accounting Information Resource Subsystem, and the current
 117 balances of such allotments.

118 6. Trust fund balance reports, including cash available,
 119 investments, and receipts.

120 7. General revenue fund balance reports, including revenue
 121 received and amounts disbursed.

122 8. Fixed capital outlay project data, including original
 123 appropriation and disbursements throughout the life of the
 124 project.

125 9. A 10-year history of appropriations indicated by
 126 agency.

127 10. Links to state audits or reports related to the
 128 expenditure and dispersal of state funds.

129 11. Links to program or activity descriptions for which
 130 funds may be expended.

131 (b) All data provided through the website must be data
 132 currently available in the state's financial management
 133 information system referenced in s. 215.93. The Office of Policy
 134 and Budget in the Executive Office of the Governor shall ensure
 135 that all data added to the website remains accessible to the
 136 public for 10 years.

137 ~~(4) The committee shall propose providing additional state~~
 138 ~~fiscal information, which may include, but is not limited to,~~
 139 ~~the following information for state agencies:~~

140 ~~(a) Details of nonoperating budget authority established~~



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141 ~~pursuant to s. 216.181.~~

142 ~~(b) Trust fund balance reports, including cash available,~~
143 ~~investments, and receipts.~~

144 ~~(c) General revenue fund balance reports, including~~
145 ~~revenue received and amounts disbursed.~~

146 ~~(d) Fixed capital outlay project data, including original~~
147 ~~appropriation and disbursements throughout the life of the~~
148 ~~project.~~

149 ~~(e) A 10-year history of appropriations indicated by~~
150 ~~agency.~~

151 ~~(f) Links to state audits or reports related to the~~
152 ~~expenditure and dispersal of state funds.~~

153 ~~(g) Links to program or activity descriptions for which~~
154 ~~funds may be expended.~~

155 (5) The Executive Office of the Governor, in consultation
156 with the appropriations committees of the Senate and the House
157 of Representatives, shall establish and maintain a website that
158 provides information relating to fiscal planning for the state.

159 (a) At a minimum, the information must include:

160 1. The long-range financial outlook adopted by the
161 Legislative Budget Commission.

162 2. The instructions to the agencies relating to
163 legislative budget requests, capital improvement plans, and
164 long-range program plans.

165 3. The legislative budget requests submitted by each state
166 agency or branch of state government, and any amendments to such
167 requests.

168 4. The capital improvement plans submitted by each state



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169 agency or branch of state government.

170 5. The long-range program plans submitted by each state
 171 agency or branch of state government.

172 6. The Governor's budget recommendation submitted pursuant
 173 to s. 216.163.

174 (b) The data must be searchable by the fiscal year,
 175 agency, appropriation category, and keywords.

176 (c) The Office of Policy and Budget in the Executive
 177 Office of the Governor shall ensure that all data added to the
 178 website remains accessible to the public for 10 years.

179 ~~(5) The committee shall recommend a format for collecting~~
 180 ~~and displaying information from state universities, Florida~~
 181 ~~College System institutions, school districts, charter schools,~~
 182 ~~charter technical career centers, local governmental units, and~~
 183 ~~other governmental entities.~~

184 (6) The Department of Management Services shall establish
 185 and maintain a website that provides current information
 186 relating to each employee or officer of a state agency, a state
 187 university, or the State Board of Administration, regardless of
 188 the appropriation category from which the person is paid.

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

- 191 1. Name and salary or hourly rate of pay.
- 192 2. Position number, class code, and class title.
- 193 3. Employing agency and budget entity.

194 (b) The information must be searchable by state agency,
 195 state university, and the State Board of Administration, and by
 196 employee name, salary range, or class code and must be



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197 downloadable in a format that allows offline analysis.

198 (7)~~(6)~~ By November 1, 2013 ~~2012~~, and annually thereafter,
199 the committee shall recommend to the President of the Senate and
200 the Speaker of the House of Representatives:

201 (a) Additional information to be added to a website, such
202 as whether to expand the scope of the information provided to
203 include state universities, Florida College System institutions,
204 school districts, charter schools, charter technical career
205 centers, local government units, and other governmental
206 entities.

207 (b) develop A schedule for adding ~~additional~~ information
208 to the website by type of information and governmental entity,
209 including timeframes and development entity.

210 (c) A format for collecting and displaying the additional
211 information. ~~The schedule for adding additional information~~
212 ~~shall be submitted to the President of the Senate and the~~
213 ~~Speaker of the House of Representatives. Additional information~~
214 ~~may include:~~

215 ~~(a) Disbursements by the governmental entity from funds~~
216 ~~established within the treasury of the governmental entity,~~
217 ~~including, for all branches of state government, allotment~~
218 ~~balances in the Florida Accounting Information Resource~~
219 ~~Subsystem.~~

220 ~~(b) Revenues received by each governmental entity,~~
221 ~~including receipts or deposits by the governmental entity into~~
222 ~~funds established within the treasury of the governmental~~
223 ~~entity.~~

224 ~~(c) Information relating to a governmental entity's bonded~~



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225 ~~indebtedness, including, but not limited to, the total amount of~~
 226 ~~obligation stated in terms of principal and interest, an~~
 227 ~~itemization of each obligation, the term of each obligation, the~~
 228 ~~source of funding for repayment of each obligation, the amounts~~
 229 ~~of principal and interest previously paid to reduce each~~
 230 ~~obligation, the balance remaining of each obligation, any~~
 231 ~~refinancing of any obligation, and the cited statutory authority~~
 232 ~~to issue such bonds.~~

233 ~~(d) Links to available governmental entity websites.~~

234 (8)-(7) The manager of each website described in
 235 subsections (4), (5), and (6) shall submit to the committee
 236 information relating to the cost of creating and maintaining
 237 such website, and A counter shall be established on the website
 238 ~~to show~~ the number of times the website has been accessed.

239 ~~(8) By August 31 of each fiscal year, each executive~~
 240 ~~branch agency, the state court system, and the Legislature shall~~
 241 ~~establish allotments in the Florida Accounting Information~~
 242 ~~Resource Subsystem for planned expenditures of state~~
 243 ~~appropriations.~~

244 (9) The committee shall coordinate with the Financial
 245 Management Information Board in developing ~~any~~ recommendations
 246 for including information on the website which is necessary to
 247 meet the requirements of s. 215.91(8).

248 (10) Functional owners as described ~~defined~~ in s. 215.94
 249 and other governmental entities shall provide information
 250 necessary to accomplish the purposes of this section.

251 ~~(11) A municipality or special district that has total~~
 252 ~~annual revenues of less than \$10 million is exempt from this~~



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253 ~~section.~~

254 ~~(11)-(12)~~ By September 1, 2011, Each water management
 255 district shall provide a monthly financial statement to its
 256 governing board and make such statement available for public
 257 access on its website.

258 ~~(12)-(13)~~ This section does not require or permit the
 259 disclosure of information that is considered confidential under
 260 by state or federal law.

261 ~~(14)~~ ~~The Office of Policy and Budget in the Executive~~
 262 ~~Office of the Governor shall ensure that all data added to the~~
 263 ~~website remains accessible to the public for 10 years.~~

264 ~~(13)-(15)~~ The committee shall prepare an annual report
 265 detailing progress in establishing the single website and
 266 providing recommendations for enhancement of the content and
 267 format of the website and related policies and procedures. The
 268 ~~first~~ report shall be submitted to the Governor, the President
 269 of the Senate, and the Speaker of the House of Representatives
 270 by ~~November 1, 2011,~~ and annually by November 1 thereafter.

271 ~~(14)-(16)~~ The Chief Financial Officer shall establish and
 272 maintain a secure contract tracking ~~provide public access to a~~
 273 ~~state contract management~~ system available for viewing and
 274 downloading by the public through a secure website. The Chief
 275 Financial Officer shall use appropriate Internet security
 276 measures to ensure that no person has the ability to alter or
 277 modify records available on the website ~~that provides~~
 278 ~~information and documentation relating to contracts procured by~~
 279 ~~governmental entities.~~

280 (a) Within 30 calendar days after executing a contract,



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281 each state entity shall post the following information relating
 282 to the contract on the contract tracking system:

- 283 1. The names of the contracting entities.
- 284 2. The procurement method.
- 285 3. The contract beginning and ending dates.
- 286 4. The nature or type of the commodities or services
 287 purchased.
- 288 5. Applicable contract unit prices and deliverables.
- 289 6. Total compensation to be paid or received under the
 290 contract.
- 291 7. All payments made to the contractor to date.
- 292 8. Applicable contract performance measures.
- 293 9. If a competitive solicitation was not used to procure
 294 the goods or services, the justification of such action,
 295 including citation to a statutory exemption or exception from
 296 competitive solicitation, if any.
- 297 10. Electronic copies of the contract and procurement
 298 documents that have been redacted to exclude confidential or
 299 exempt information ~~The data collected in the system must~~
 300 ~~include, but need not be limited to, the contracting agency; the~~
 301 ~~procurement method; the contract beginning and ending dates; the~~
 302 ~~type of commodity or service; the purpose of the commodity or~~
 303 ~~service; the compensation to be paid; compliance information,~~
 304 ~~such as performance metrics for the service or commodity;~~
 305 ~~contract violations; the number of extensions or renewals; and~~
 306 ~~the statutory authority for providing the service.~~

307 (b) Within 30 calendar days after an amendment ~~a major~~
 308 ~~change to an existing contract, or the execution of a new~~



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309 ~~contract, agency procurement staff of the~~ state entity that is a
310 party to the contract must ~~affected state governmental entity~~
311 ~~shall~~ update the ~~necessary~~ information described in paragraph
312 (a) in the state contract tracking management system. An
313 amendment ~~A major change~~ to a contract includes, but is not
314 limited to, a renewal, termination, or extension of the contract
315 or a modification of an amendment to the terms of the contract.

316 (c) By January 1, 2014, each state entity shall post to
317 the contract tracking system the information required in
318 paragraph (a) for each existing contract that was executed
319 before July 1, 2013, with payment from state funds made after
320 June 30, 2013.

321 (d)1. Records made available on the contract tracking
322 system may not reveal information made confidential or exempt by
323 law.

324 2. Each state entity that is a party to a contract must
325 redact confidential or exempt information from the contract and
326 procurement documents before posting an electronic copy on the
327 contract tracking system. If a state entity that is a party to
328 the contract becomes aware that an electronic copy of a contract
329 or a procurement document has been posted but has not been
330 properly redacted, the state entity must immediately notify the
331 Chief Financial Officer and must immediately remove the contract
332 or procurement document from the contract tracking system.
333 Within 7 business days, the state entity must post a properly
334 redacted copy of the contract or procurement document on the
335 contract tracking system.

336 3.a. If a party to a contract, or an authorized



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337 representative of a party to a contract, discovers that an
338 electronic copy of a contract or procurement document has been
339 posted to the contract tracking system but has not been properly
340 redacted, the party or representative may request the state
341 entity that is a party to the contract to redact the
342 confidential or exempt information. Upon receipt of the request,
343 the state entity shall redact the confidential or exempt
344 information.

345 b. A request to redact confidential or exempt information
346 must be made in writing and delivered by mail, facsimile,
347 electronic transmission, or in person to the state entity that
348 is a party to the contract. The request must identify the
349 specific document, the page numbers that include the
350 confidential or exempt information, the information that is
351 confidential or exempt, and the applicable statutory exemption.
352 A fee may not be charged for a redaction made pursuant to the
353 request.

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

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

359 5.a. The Chief Financial Officer, the Department of
360 Financial Services, or an officer, employee, or contractor
361 thereof, is not responsible for redacting confidential or exempt
362 information from an electronic copy of a contract or procurement
363 document posted by another state entity on the system.

364 b. The Chief Financial Officer, the Department of



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365 Financial Services, or an officer, employee, or contractor
366 thereof, is not liable for the failure of a state entity to
367 redact the confidential or exempt information.

368 (e)1. The posting of information on the contract tracking
369 system or the provision of contract information on a website for
370 public viewing and downloading does not supersede the duty of a
371 state entity to respond to a public records request or subpoena
372 for the information.

373 2. A request for a copy of a contract or procurement
374 document or certified copy of a contract or procurement document
375 shall be made to the state entity that is party to the contract.
376 The request may not be made to the Chief Financial Officer, the
377 Department of Financial Services, or an officer, employee, or
378 contractor thereof, unless the Chief Financial Officer or the
379 department is a party to the contract.

380 3. A subpoena for a copy of a contract or procurement
381 document or certified copy of a contract or procurement document
382 must be served on the state entity that is a party to the
383 contract and that maintains the original documents. The Chief
384 Financial Officer, the Department of Financial Services, or an
385 officer, employee, or contractor thereof, may not be served a
386 subpoena for those records unless the Chief Financial Officer or
387 the department is a party to the contract.

388 (f) The Chief Financial Officer may regulate and prohibit
389 the posting of records that could facilitate identity theft or
390 fraud, such as signatures; compromise or reveal an agency
391 investigation; reveal the identity of undercover personnel;
392 reveal proprietary business information or trade secrets; reveal



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393 an individual's medical information; or reveal another record or
394 information that the Chief Financial Officer believes may
395 jeopardize the health, safety, or welfare of the public.
396 However, such action by the Chief Financial Officer does not
397 supersede the duty of a state entity to provide a copy of a
398 public record upon request.

399 (g) The Chief Financial Officer may adopt rules to
400 administer this subsection.

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

402 1. "Procurement document" means any document or material
403 provided to the public or any vendor as part of a formal
404 competitive solicitation of goods or services undertaken by a
405 state entity, and a document or material submitted in response
406 to a formal competitive solicitation by any vendor who is
407 awarded the resulting contract.

408 2. "State entity" means an official, officer, commission,
409 board, authority, council, committee, or department of the
410 executive branch of state government; a state attorney, public
411 defender, criminal conflict and civil regional counsel, capital
412 collateral regional counsel, and the Justice Administrative
413 Commission; the Public Service Commission; and any part of the
414 judicial branch of state government.

415 (i) In lieu of posting in the contract tracking system
416 administered by the Chief Financial Officer, the Department of
417 Legal Affairs and the Department of Agriculture and Consumer
418 Services may post the information described in paragraphs (a)
419 through (c) to its own agency-managed website. The data posted
420 on the agency-managed website must be downloadable in a format



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421 that allows offline analysis.

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

426 Section 2. User Experience Task Force.—

427 (1) The User Experience Task Force is created to develop
428 and recommend a design for consolidating existing state-managed
429 websites that provide public access to state operational and
430 fiscal information into a single website. If necessary, the
431 recommendation may include a complete redesign of data
432 submission and inclusion.

433 (2) The task force shall be comprised of four members:

434 (a) One member designated by the Governor.

435 (b) One member designated by the Chief Financial Officer.

436 (c) One member designated by the President of the Senate.

437 (d) One member designated by the Speaker of the House of
438 Representatives.

439 (3) The task force shall elect a chair from among its
440 members.

441 (4) The Governor, the Chief Financial Officer, the
442 President of the Senate, and the Speaker of the House of
443 Representatives shall assign staff to assist the task force in
444 performing its duties.

445 (5) By October 1, 2013, the task force shall submit a work
446 plan to the Governor, the Chief Financial Officer, the President
447 of the Senate, and the Speaker of the House of Representatives.
448 The work plan must include, but is not limited to, a review of:



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- 449 (a) All relevant state-managed websites.
- 450 (b) Options for reducing the number of websites without
451 losing detailed data.
- 452 (c) Options for linking expenditure data with related
453 invoices and contracts.
- 454 (6) By March 1, 2014, the task force shall submit its
455 complete recommendation to the Governor, the Chief Financial
456 Officer, the President of the Senate, and the Speaker of the
457 House of Representatives. The recommended design must provide an
458 intuitive and cohesive user experience that allows users to move
459 easily between varied types of related data. The recommendation
460 must also include a cost estimate for implementation of the
461 design.
- 462 (7) This section expires June 30, 2014.
- 463 Section 3. This act shall take effect July 1, 2013.