

By the Committee on Governmental Oversight and Accountability

585-02043-13

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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.; 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 state agencies to post certain  
23          information on the system and to update that  
24          information; requiring that exempt and confidential  
25          information be redacted from contracts and procurement  
26          documents posted on the system; providing procedures  
27          for removing such information from the system;  
28          authorizing the Chief Financial Officer to make  
29          certain information available on a website for viewing

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30 and downloading by the public and providing guidelines  
31 for regulation of such website; providing  
32 applicability of public record requests for  
33 information posted on the website; authorizing the  
34 Chief Financial Officer to adopt rules; creating the  
35 User Experience Task Force to develop and recommend a  
36 design for consolidating existing state-managed  
37 websites; providing for membership; providing for  
38 staffing; requiring reports; providing for expiration;  
39 providing for an appropriation; providing an effective  
40 date.

41  
42 Be It Enacted by the Legislature of the State of Florida:

43  
44 Section 1. Section 215.985, Florida Statutes, is reordered  
45 and amended to read:

46 215.985 Transparency in government spending.—

47 (1) This section may be cited as the "Transparency Florida  
48 Act."

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

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

57 (d) ~~(b)~~ "Website" means a site on the Internet which is  
58 easily accessible to the public at no cost and does not require

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59 the user to provide ~~any~~ information.

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

62 (b) "Contract" means a written agreement or purchase order  
63 issued for the purchase of goods or services, or written  
64 agreement for the receipt of state or federal financial  
65 assistance.

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

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

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

75 (c) Be deployed in compliance with the Americans with  
76 Disabilities Act.

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

78 (4)~~(3)~~ The Executive Office of the Governor, in  
79 consultation with the appropriations committees of the Senate  
80 and the House of Representatives, shall establish and maintain a  
81 single website ~~that, directly accessible through the state's~~  
82 ~~official Internet portal, which provides information relating to~~  
83 ~~the approved operating budget each appropriation in the General~~  
84 ~~Appropriations Act~~ for each branch of state government and state  
85 agency.

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

87 1. Disbursement data for each appropriation by the object

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88 code associated with each expenditure established within the  
89 Florida Accounting Information Resource Subsystem. Expenditure  
90 data must include the name of the payee, the date of the  
91 expenditure, the amount of the expenditure, and the statewide  
92 document number. Such data must be searchable by the name of the  
93 payee, the paying agency, and fiscal year, and must be  
94 downloadable in a format that allows offline analysis.

95 2. For each appropriation, any adjustments, including  
96 vetoes, approved supplemental appropriations included in  
97 legislation other than the General Appropriations Act, budget  
98 amendments, other actions approved pursuant to chapter 216, and  
99 ~~any~~ other adjustments authorized by law.

100 3. Status of spending authority for each appropriation in  
101 the approved operating budget, including released, unreleased,  
102 reserved, and disbursed balances.

103 4. Position and rate information for positions provided in  
104 the General Appropriations Act or approved through an amendment  
105 to the approved operating budget and position information for  
106 positions established in the legislative branch.

107 5. Allotments for planned expenditures of state  
108 appropriations established by state agencies in the Florida  
109 Accounting Information Resource Subsystem, and the current  
110 balances of such allotments.

111 6. Trust fund balance reports, including cash available,  
112 investments, and receipts.

113 7. General revenue fund balance reports, including revenue  
114 received and amounts disbursed.

115 8. Fixed capital outlay project data, including original  
116 appropriation and disbursements throughout the life of the

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117 project.

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

119 10. Links to state audits or reports related to the  
120 expenditure and dispersal of state funds.

121 11. Links to program or activity descriptions for which  
122 funds may be expended.

123 (b) All data provided through the website must be data  
124 currently available in the state's financial management  
125 information system referenced in s. 215.93. The Office of Policy  
126 and Budget in the Executive Office of the Governor shall ensure  
127 that all data added to the website remains accessible to the  
128 public for 10 years.

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

132 ~~(a) Details of nonoperating budget authority established~~  
133 ~~pursuant to s. 216.181.~~

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

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

138 ~~(d) Fixed capital outlay project data, including original~~  
139 ~~appropriation and disbursements throughout the life of the~~  
140 ~~project.~~

141 ~~(e) A 10-year history of appropriations indicated by~~  
142 ~~agency.~~

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

145 ~~(g) Links to program or activity descriptions for which~~

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146 ~~funds may be expended.~~

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

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

152 1. The long-range financial outlook adopted by the  
153 Legislative Budget Commission.

154 2. The instructions to the agencies relating to legislative  
155 budget requests, capital improvement plans, and long-range  
156 program plans.

157 3. The legislative budget requests submitted by each state  
158 agency or branch of state government, and any amendments to such  
159 requests.

160 4. The capital improvement plans submitted by each state  
161 agency or branch of state government.

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

164 6. The Governor's budget recommendation submitted pursuant  
165 to s. 216.163.

166 (b) The data must be searchable by fiscal year, agency,  
167 appropriation category, and keywords.

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

171 ~~(5) The committee shall recommend a format for collecting~~  
172 ~~and displaying information from state universities, Florida~~  
173 ~~College System institutions, school districts, charter schools,~~  
174 ~~charter technical career centers, local governmental units, and~~

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175 ~~other governmental entities.~~

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

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

183 1. Name and salary or hourly rate of pay.

184 2. Position number, class code, and class title.

185 3. Employing agency and budget entity.

186 (b) The information must be searchable by state agency,  
187 state university, and the State Board of Administration, and by  
188 employee name, salary range, or class code and must be  
189 downloadable in a format that allows offline analysis.

190 (7) ~~(6)~~ By November 1, 2013 ~~2012~~, and annually thereafter,  
191 the committee shall recommend to the President of the Senate and  
192 the Speaker of the House of Representatives:

193 (a) Additional information to be added to a website, such  
194 as whether to expand the scope of the information provided to  
195 include state universities, Florida College System institutions,  
196 school districts, charter schools, charter technical career  
197 centers, local government units, and other governmental  
198 entities.

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

202 (c) A format for collecting and displaying the additional  
203 information. ~~The schedule for adding additional information~~

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204 ~~shall be submitted to the President of the Senate and the~~  
205 ~~Speaker of the House of Representatives. Additional information~~  
206 ~~may include:~~

207 ~~(a) Disbursements by the governmental entity from funds~~  
208 ~~established within the treasury of the governmental entity,~~  
209 ~~including, for all branches of state government, allotment~~  
210 ~~balances in the Florida Accounting Information Resource~~  
211 ~~Subsystem.~~

212 ~~(b) Revenues received by each governmental entity,~~  
213 ~~including receipts or deposits by the governmental entity into~~  
214 ~~funds established within the treasury of the governmental~~  
215 ~~entity.~~

216 ~~(c) Information relating to a governmental entity's bonded~~  
217 ~~indebtedness, including, but not limited to, the total amount of~~  
218 ~~obligation stated in terms of principal and interest, an~~  
219 ~~itemization of each obligation, the term of each obligation, the~~  
220 ~~source of funding for repayment of each obligation, the amounts~~  
221 ~~of principal and interest previously paid to reduce each~~  
222 ~~obligation, the balance remaining of each obligation, any~~  
223 ~~refinancing of any obligation, and the cited statutory authority~~  
224 ~~to issue such bonds.~~

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

226 (8) (7) The manager of each website described in subsections  
227 (4), (5), and (6) shall submit to the committee information  
228 relating to the cost of creating and maintaining such website,  
229 and A counter shall be established on the website to show the  
230 number of times the website has been accessed.

231 ~~(8) By August 31 of each fiscal year, each executive branch~~  
232 ~~agency, the state court system, and the Legislature shall~~



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233 ~~establish allotments in the Florida Accounting Information~~  
234 ~~Resource Subsystem for planned expenditures of state~~  
235 ~~appropriations.~~

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

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

243 ~~(11) A municipality or special district that has total~~  
244 ~~annual revenues of less than \$10 million is exempt from this~~  
245 ~~section.~~

246 ~~(11)(12) By September 1, 2011,~~ Each water management  
247 district shall provide a monthly financial statement to its  
248 governing board and make such statement available for public  
249 access on its website.

250 ~~(12)(13)~~ This section does not require or permit the  
251 disclosure of information that is considered confidential under  
252 ~~by~~ state or federal law.

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

256 ~~(13)(15)~~ The committee shall prepare an annual report  
257 detailing progress in establishing the single website and  
258 providing recommendations for enhancement of the content and  
259 format of the website and related policies and procedures. The  
260 ~~first~~ report shall be submitted to the Governor, the President  
261 of the Senate, and the Speaker of the House of Representatives

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262 by ~~November 1, 2011, and annually by November 1 thereafter.~~

263 ~~(14)-(16)~~ The Chief Financial Officer shall establish and  
264 maintain a secure, shared state contract tracking system  
265 accessible through a website to provide public access to a state  
266 contract management system that provides information and  
267 documentation relating to contracts procured by state agencies  
268 governmental entities.

269 (a) Within 30 calendar days after executing a contract,  
270 each state agency must post the following information and  
271 documentation relating to that contract on the system:

- 272 1. The names of the contracting entities.
- 273 2. The procurement method.
- 274 3. The contract beginning and ending dates.
- 275 4. The nature or type of commodities or services purchased.
- 276 5. Applicable contract unit prices and deliverables.
- 277 6. Total compensation to be paid or received under the  
278 contract.
- 279 7. All payments made to the contractor to date.
- 280 8. Applicable contract performance measures.
- 281 9. If a competitive solicitation was not used to procure  
282 the goods or services, the justification of such action,  
283 including citation to a statutory exemption or exception from  
284 competitive solicitation, if any.

285 10. Electronic copies of the contract and procurement  
286 documents that have been redacted to conceal exempt or  
287 confidential information as provided under paragraph (c). ~~The~~  
288 data collected in the system must include, but need not be  
289 limited to, the contracting agency; the procurement method; the  
290 contract beginning and ending dates; the type of commodity or

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291 ~~service; the purpose of the commodity or service; the~~  
292 ~~compensation to be paid; compliance information, such as~~  
293 ~~performance metrics for the service or commodity; contract~~  
294 ~~violations; the number of extensions or renewals; and the~~  
295 ~~statutory authority for providing the service.~~

296 (b) Within 30 calendar days after a major modification or  
297 amendment change to an existing contract, ~~or the execution of a~~  
298 ~~new contract,~~ agency procurement staff of the affected state  
299 governmental entity shall update the ~~necessary~~ information and  
300 documentation described in paragraph (a) in the state contract  
301 tracking management system. A major modification or amendment  
302 change to a contract includes, but is not limited to, a renewal,  
303 termination, or extension of the contract, or an amendment to  
304 the contract as determined by the Chief Financial Officer.

305 (c) Each state agency shall redact, as defined in s.  
306 119.011, information that is exempt from s. 119.07(1) and Art.  
307 I, s. 24(a) of the State Constitution, or that is otherwise made  
308 confidential by law, from the contract or procurement documents  
309 before posting an electronic copy of such documents on the state  
310 contract tracking system.

311 1. If a state agency becomes aware that an electronic copy  
312 of a contract or procurement document that it posted has not  
313 been properly redacted, the state agency shall immediately  
314 notify the Chief Financial Officer so that the contract or  
315 procurement document can be removed. Within 7 calendar days, the  
316 state agency shall provide the Chief Financial Officer with a  
317 properly redacted copy for posting.

318 2. If a party to a contract, or an authorized  
319 representative thereof, discovers that an electronic copy of a

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320 contract or procurement document on the system has not been  
321 properly redacted, the party or representative may request the  
322 state agency that posted the document to redact the exempt or  
323 confidential information. Upon receipt of a request in  
324 compliance with this subparagraph, the state agency that posted  
325 the document shall redact the exempt or confidential  
326 information.

327 a. Such request must be in writing and delivered by mail or  
328 electronic transmission, or in person, to the state agency that  
329 posted the information. The request must identify the specific  
330 document, the page numbers that include the exempt or  
331 confidential information, the information that is exempt or  
332 confidential, and the statute that makes the information exempt  
333 or confidential. A fee may not be charged for a redaction made  
334 pursuant to such request.

335 b. If necessary, a party to a contract may petition the  
336 circuit court for an order directing compliance with this  
337 paragraph.

338 3. The Chief Financial Officer, the Department of Financial  
339 Services, or an officer, employee, or contractor thereof, is not  
340 responsible for redacting exempt or confidential information  
341 from an electronic copy of a contract or procurement document  
342 posted by another state agency on the system, and is not liable  
343 for the failure of the state agency to redact the exempt or  
344 confidential information. The Chief Financial Officer may notify  
345 the posting state agency if a document posted on the tracking  
346 system which contains exempt or confidential information is  
347 discovered.

348 (d) Pursuant to ss. 119.01 and 119.07, the Chief Financial

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349 Officer may make information posted on the state contract  
350 tracking system available for viewing and downloading by the  
351 public through a website. Unless otherwise provided by law,  
352 information retrieved electronically pursuant to this paragraph  
353 is not admissible in court as an authenticated document.

354 1. The Chief Financial Officer may regulate and prohibit  
355 the posting of records that could facilitate identity theft or  
356 fraud, such as signatures; compromise or reveal an agency  
357 investigation; reveal the identity of undercover personnel;  
358 reveal proprietary business information or trade secrets; reveal  
359 an individual's medical information; or reveal any other record  
360 or information that the Chief Financial Officer believes may  
361 jeopardize the health, safety, or welfare of the public.  
362 However, such action by the Chief Financial Officer does not  
363 supersede the duty of a state agency to provide a copy of a  
364 public record upon request. The Chief Financial Officer shall  
365 use appropriate Internet security measures to ensure that no  
366 person has the ability to alter or modify records available on  
367 the website.

368 2. Records made available on the website, including  
369 electronic copies of contracts or procurement documents, may not  
370 reveal information made exempt or confidential by law. Notice of  
371 the right of an affected party to request redaction of exempt or  
372 confidential information pursuant to paragraph (c) must be  
373 displayed on the website.

374 (e) The posting of information on the state contract  
375 tracking system, or the provision of contract information on a  
376 website for public viewing and downloading, does not supersede  
377 the duty of a state agency to respond to a public record request

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378 for such information or to a subpoena for such information.

379 1. A request for a copy of a contract or procurement document or  
380 a certified copy of a contract or procurement document shall be  
381 made to the state agency that is party to the contract. Such  
382 request may not be made to the Chief Financial Officer or the  
383 Department of Financial Services or an officer, employee, or  
384 contractor thereof unless the Chief Financial Officer or the  
385 Department of Financial Services is a party to the contract.

386 2. A subpoena for a copy of a contract or procurement  
387 document or certified copy of a contract or procurement document  
388 must be served on the state agency that is a party to the  
389 contract and that maintains the original documents. The Chief  
390 Financial Officer or the Department of Financial Services or an  
391 officer, employee, or contractor thereof may not be served a  
392 subpoena for those records unless the Chief Financial Officer or  
393 the Department of Financial Services is a party to the contract.

394 (f) The Chief Financial Officer may adopt rules to  
395 administer this subsection, including procedures and  
396 requirements for submitting and updating the information and  
397 documentation relating to contracts required by this subsection.

398 Section 2. User Experience Task Force.—

399 (1) The User Experience Task Force is created to develop  
400 and recommend a design for consolidating existing state-managed  
401 websites that provide public access to state operational and  
402 fiscal information into a single website. If necessary, the  
403 recommendation may include a complete redesign of data  
404 submission and inclusion.

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

406 (a) One member designated by the Governor.

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

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

409 (d) One member designated by the Speaker of the House of  
410 Representatives.

411 (3) The task force shall elect a chair from among its  
412 members.

413 (4) The Governor, the Chief Financial Officer, the  
414 President of the Senate, and the Speaker of the House of  
415 Representatives shall assign staff to assist the task force in  
416 performing its duties.

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

421 (a) All relevant state-managed websites.

422 (b) Options for reducing the number of websites without  
423 losing detailed data.

424 (c) Options for linking expenditure data with related  
425 invoices and contracts.

426 (6) By March 1, 2014, the task force shall submit its  
427 complete recommendation to the Governor, the Chief Financial  
428 Officer, the President of the Senate, and the Speaker of the  
429 House of Representatives. The recommended design must provide an  
430 intuitive and cohesive user experience that allows users to move  
431 easily between varied types of related data. The recommendation  
432 must also include a cost estimate for implementation of the  
433 design.

434 (7) This section expires June 30, 2014.

435 Section 3. The sum of \$326,775 in recurring funds and

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436 \$386,292 in nonrecurring funds from the General Revenue Fund and  
437 four full-time equivalent positions and associated salary rate  
438 of 231,409 are appropriated to the Department of Financial  
439 Services for the 2013-2014 fiscal year to implement the state  
440 contract tracking system.

441 Section 4. This act shall take effect July 1, 2013.