

20131764e1

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

20131764e1

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; providing an
34 exemption; authorizing the Chief Financial Officer to
35 adopt rules; creating the User Experience Task Force
36 to develop and recommend a design for consolidating
37 existing state-managed websites; providing for
38 membership; providing for staffing; requiring reports;
39 providing for expiration; providing for an
40 appropriation; providing an effective 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

20131764e1

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

20131764e1

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

20131764e1

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~~

20131764e1

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~~

20131764e1

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~~

20131764e1

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~~

20131764e1

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

20131764e1

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~~

20131764e1

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

20131764e1

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

20131764e1

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

20131764e1

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

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

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

395 (f) The requirement under paragraphs (a) and (b) that each
396 agency post information and documentation relating to contracts
397 on the tracking system does not apply to any record that could
398 reveal attorney work product or strategy.

399 (g) The Chief Financial Officer may adopt rules to
400 administer this subsection, including procedures and
401 requirements for submitting and updating the information and
402 documentation relating to contracts required by this subsection.

403 Section 2. User Experience Task Force.—

404 (1) The User Experience Task Force is created to develop
405 and recommend a design for consolidating existing state-managed
406 websites that provide public access to state operational and

20131764e1

407 fiscal information into a single website. If necessary, the
408 recommendation may include a complete redesign of data
409 submission and inclusion.

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

411 (a) One member designated by the Governor.

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

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

414 (d) One member designated by the Speaker of the House of
415 Representatives.

416 (3) The task force shall elect a chair from among its
417 members.

418 (4) The Governor, the Chief Financial Officer, the
419 President of the Senate, and the Speaker of the House of
420 Representatives shall assign staff to assist the task force in
421 performing its duties.

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

426 (a) All relevant state-managed websites.

427 (b) Options for reducing the number of websites without
428 losing detailed data.

429 (c) Options for linking expenditure data with related
430 invoices and contracts.

431 (6) By March 1, 2014, the task force shall submit its
432 complete recommendation to the Governor, the Chief Financial
433 Officer, the President of the Senate, and the Speaker of the
434 House of Representatives. The recommended design must provide an
435 intuitive and cohesive user experience that allows users to move

20131764e1

436 easily between varied types of related data. The recommendation
437 must also include a cost estimate for implementation of the
438 design.

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

440 Section 3. The sum of \$326,775 in recurring funds and
441 \$386,292 in nonrecurring funds from the General Revenue Fund and
442 four full-time equivalent positions and associated salary rate
443 of 231,409 are appropriated to the Department of Financial
444 Services for the 2013-2014 fiscal year to implement the state
445 contract tracking system.

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