

Amendment No.

CHAMBER ACTION

Senate

House

.

The Conference Committee on HB 5401 offered the following:

Conference Committee Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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

215.985 Transparency in government spending.—

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

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

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

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

506411

Approved For Filing: 5/1/2013 4:52:16 PM

Amendment No.

17 (c)~~(a)~~ "Governmental entity" means a ~~any~~ state, regional,
18 county, municipal, special district, or other political
19 subdivision whether executive, judicial, or legislative,
20 including, but not limited to, a ~~any~~ department, division,
21 bureau, commission, authority, district, or agency thereof, or
22 ~~any~~ public school, Florida College System institution, state
23 university, or associated board.

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

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

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

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

36 (c) Be deployed in compliance with the Americans with
37 Disabilities Act.

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

39 (4)~~(3)~~ The Executive Office of the Governor, in
40 consultation with the appropriations committees of the Senate
41 and the House of Representatives, shall establish and maintain a
42 single website that, ~~directly accessible through the state's~~
43 ~~official Internet portal, which provides information relating to~~
44 the approved operating budget ~~each appropriation in the General~~

506411

Approved For Filing: 5/1/2013 4:52:16 PM

Amendment No.

45 ~~Appropriations Act~~ for each branch of state government and state
46 agency.

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

48 1. Disbursement data for each appropriation by the object
49 code associated with each expenditure established within the
50 Florida Accounting Information Resource Subsystem. Expenditure
51 data must include the name of the payee, the date of the
52 expenditure, the amount of the expenditure, and the statewide
53 document number. Such data must be searchable by the name of the
54 payee, the paying agency, and fiscal year, and must be
55 downloadable in a format that allows offline analysis.

56 2. For each appropriation, any adjustments, including
57 vetoes, approved supplemental appropriations included in
58 legislation other than the General Appropriations Act, budget
59 amendments, other actions approved pursuant to chapter 216, and
60 ~~any~~ other adjustments authorized by law.

61 3. Status of spending authority for each appropriation in
62 the approved operating budget, including released, unreleased,
63 reserved, and disbursed balances.

64 4. Position and rate information for positions provided in
65 the General Appropriations Act or approved through an amendment
66 to the approved operating budget and position information for
67 positions established in the legislative branch.

68 5. Allotments for planned expenditures of state
69 appropriations established by state agencies in the Florida
70 Accounting Information Resource Subsystem, and the current
71 balances of such allotments.

72 6. Trust fund balance reports, including cash available,

506411

Approved For Filing: 5/1/2013 4:52:16 PM

Page 3 of 18

Amendment No.

73 investments, and receipts.

74 7. General revenue fund balance reports, including revenue
75 received and amounts disbursed.

76 8. Fixed capital outlay project data, including original
77 appropriation and disbursements throughout the life of the
78 project.

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

81 10. Links to state audits or reports related to the
82 expenditure and dispersal of state funds.

83 11. Links to program or activity descriptions for which
84 funds may be expended.

85 (b) All data provided through the website must be data
86 currently available in the state's financial management
87 information system referenced in s. 215.93. The Office of Policy
88 and Budget in the Executive Office of the Governor shall ensure
89 that all data added to the website remains accessible to the
90 public for 10 years.

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

94 ~~(a) Details of nonoperating budget authority established~~
95 ~~pursuant to s. 216.181.~~

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

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

100 ~~(d) Fixed capital outlay project data, including original~~

Amendment No.

101 ~~appropriation and disbursements throughout the life of the~~
102 ~~project.~~

103 ~~(e) A 10-year history of appropriations indicated by~~
104 ~~agency.~~

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

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

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

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

114 1. The long-range financial outlook adopted by the
115 Legislative Budget Commission.

116 2. The instructions to the agencies relating to
117 legislative budget requests, capital improvement plans, and
118 long-range program plans.

119 3. The legislative budget requests submitted by each state
120 agency or branch of state government, and any amendments to such
121 requests.

122 4. The capital improvement plans submitted by each state
123 agency or branch of state government.

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

126 6. The Governor's budget recommendation submitted pursuant
127 to s. 216.163.

128 (b) The data must be searchable by the fiscal year,

Amendment No.

129 agency, appropriation category, and keywords.

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

133 ~~(5) The committee shall recommend a format for collecting~~
134 ~~and displaying information from state universities, Florida~~
135 ~~College System institutions, school districts, charter schools,~~
136 ~~charter technical career centers, local governmental units, and~~
137 ~~other governmental entities.~~

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

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

- 145 1. Name and salary or hourly rate of pay.
146 2. Position number, class code, and class title.
147 3. Employing agency and budget entity.

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

152 (7)~~(6)~~ By November 1, 2013 ~~2012~~, and annually thereafter,
153 the committee shall recommend to the President of the Senate and
154 the Speaker of the House of Representatives:

155 (a) Additional information to be added to a website, such
156 as whether to expand the scope of the information provided to

506411

Approved For Filing: 5/1/2013 4:52:16 PM

Amendment No.

157 include state universities, Florida College System institutions,
158 school districts, charter schools, charter technical career
159 centers, local government units, and other governmental
160 entities.

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

164 (c) A format for collecting and displaying the additional
165 information. ~~The schedule for adding additional information~~
166 ~~shall be submitted to the President of the Senate and the~~
167 ~~Speaker of the House of Representatives. Additional information~~
168 ~~may include:~~

169 ~~(a) Disbursements by the governmental entity from funds~~
170 ~~established within the treasury of the governmental entity,~~
171 ~~including, for all branches of state government, allotment~~
172 ~~balances in the Florida Accounting Information Resource~~
173 ~~Subsystem.~~

174 ~~(b) Revenues received by each governmental entity,~~
175 ~~including receipts or deposits by the governmental entity into~~
176 ~~funds established within the treasury of the governmental~~
177 ~~entity.~~

178 ~~(c) Information relating to a governmental entity's bonded~~
179 ~~indebtedness, including, but not limited to, the total amount of~~
180 ~~obligation stated in terms of principal and interest, an~~
181 ~~itemization of each obligation, the term of each obligation, the~~
182 ~~source of funding for repayment of each obligation, the amounts~~
183 ~~of principal and interest previously paid to reduce each~~
184 ~~obligation, the balance remaining of each obligation, any~~

506411

Approved For Filing: 5/1/2013 4:52:16 PM

Page 7 of 18

Amendment No.

185 ~~refinancing of any obligation, and the cited statutory authority~~
186 ~~to issue such bonds.~~

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

188 (8)(7) The manager of each website described in
189 subsections (4), (5), and (6) shall submit to the committee
190 information relating to the cost of creating and maintaining
191 such website, and A counter shall be established on the website
192 ~~to show~~ the number of times the website has been accessed.

193 ~~(8) By August 31 of each fiscal year, each executive~~
194 ~~branch agency, the state court system, and the Legislature shall~~
195 ~~establish allotments in the Florida Accounting Information~~
196 ~~Resource Subsystem for planned expenditures of state~~
197 ~~appropriations.~~

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

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

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

208 (11)(12) By September 1, 2011, Each water management
209 district shall provide a monthly financial statement to its
210 governing board and make such statement available for public
211 access on its website.

212 (12)(13) This section does not require or permit the

Amendment No.

213 disclosure of information that is considered confidential under
214 ~~by~~ state or federal law.

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

218 ~~(13)~~~~(15)~~ The committee shall prepare an annual report
219 detailing progress in establishing the single website and
220 providing recommendations for enhancement of the content and
221 format of the website and related policies and procedures. The
222 ~~first~~ report shall be submitted to the Governor, the President
223 of the Senate, and the Speaker of the House of Representatives
224 by ~~November 1, 2011, and annually by~~ November 1 thereafter.

225 ~~(14)~~~~(16)~~ The Chief Financial Officer shall establish and
226 maintain a secure contract tracking ~~provide public access to a~~
227 ~~state contract management~~ system available for viewing and
228 downloading by the public through a secure website. The Chief
229 Financial Officer shall use appropriate Internet security
230 measures to ensure that no person has the ability to alter or
231 modify records available on the website ~~that provides~~
232 ~~information and documentation relating to contracts procured by~~
233 ~~governmental entities.~~

234 (a) Within 30 calendar days after executing a contract,
235 each state entity shall post the following information relating
236 to the contract on the contract tracking system:

- 237 1. The names of the contracting entities.
238 2. The procurement method.
239 3. The contract beginning and ending dates.
240 4. The nature or type of the commodities or services

506411

Approved For Filing: 5/1/2013 4:52:16 PM

Amendment No.

241 purchased.

242 5. Applicable contract unit prices and deliverables.

243 6. Total compensation to be paid or received under the
244 contract.

245 7. All payments made to the contractor to date.

246 8. Applicable contract performance measures.

247 9. If a competitive solicitation was not used to procure
248 the goods or services, the justification of such action,
249 including citation to a statutory exemption or exception from
250 competitive solicitation, if any.

251 10. Electronic copies of the contract and procurement
252 documents that have been redacted to exclude confidential or
253 exempt information ~~The data collected in the system must~~
254 ~~include, but need not be limited to, the contracting agency; the~~
255 ~~procurement method; the contract beginning and ending dates; the~~
256 ~~type of commodity or service; the purpose of the commodity or~~
257 ~~service; the compensation to be paid; compliance information,~~
258 ~~such as performance metrics for the service or commodity;~~
259 ~~contract violations; the number of extensions or renewals; and~~
260 ~~the statutory authority for providing the service.~~

261 (b) Within 30 calendar days after an amendment ~~a major~~
262 ~~change to an existing contract, or the execution of a new~~
263 ~~contract, agency procurement staff of the~~ state entity that is a
264 party to the contract must ~~affected state governmental entity~~
265 ~~shall~~ update the ~~necessary~~ information described in paragraph
266 (a) in the state contract tracking management system. An
267 amendment ~~A major change to a contract includes, but is not~~
268 limited to, a renewal, termination, or extension of the contract

Amendment No.

269 or a modification of an amendment to the terms of the contract.

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

275 (d)1. Records made available on the contract tracking
276 system may not reveal information made confidential or exempt by
277 law.

278 2. Each state entity that is a party to a contract must
279 redact confidential or exempt information from the contract and
280 procurement documents before posting an electronic copy on the
281 contract tracking system. If a state entity that is a party to
282 the contract becomes aware that an electronic copy of a contract
283 or a procurement document has been posted but has not been
284 properly redacted, the state entity must immediately notify the
285 Chief Financial Officer and must immediately remove the contract
286 or procurement document from the contract tracking system.
287 Within 7 business days, the state entity must post a properly
288 redacted copy of the contract or procurement document on the
289 contract tracking system.

290 3.a. If a party to a contract, or an authorized
291 representative of a party to a contract, discovers that an
292 electronic copy of a contract or procurement document has been
293 posted to the contract tracking system but has not been properly
294 redacted, the party or representative may request the state
295 entity that is a party to the contract to redact the
296 confidential or exempt information. Upon receipt of the request,

506411

Approved For Filing: 5/1/2013 4:52:16 PM

Page 11 of 18

Amendment No.

297 the state entity shall redact the confidential or exempt
298 information.

299 b. A request to redact confidential or exempt information
300 must be made in writing and delivered by mail, facsimile,
301 electronic transmission, or in person to the state entity that
302 is a party to the contract. The request must identify the
303 specific document, the page numbers that include the
304 confidential or exempt information, the information that is
305 confidential or exempt, and the applicable statutory exemption.
306 A fee may not be charged for a redaction made pursuant to the
307 request.

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

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

313 5.a. The Chief Financial Officer, the Department of
314 Financial Services, or an officer, employee, or contractor
315 thereof, is not responsible for redacting confidential or exempt
316 information from an electronic copy of a contract or procurement
317 document posted by another state entity on the system.

318 b. The Chief Financial Officer, the Department of
319 Financial Services, or an officer, employee, or contractor
320 thereof, is not liable for the failure of a state entity to
321 redact the confidential or exempt information.

322 (e)1. The posting of information on the contract tracking
323 system or the provision of contract information on a website for
324 public viewing and downloading does not supersede the duty of a

506411

Approved For Filing: 5/1/2013 4:52:16 PM

Page 12 of 18

Amendment No.

325 state entity to respond to a public records request or subpoena
326 for the information.

327 2. A request for a copy of a contract or procurement
328 document or certified copy of a contract or procurement document
329 shall be made to the state entity that is party to the contract.
330 The request may not be made to the Chief Financial Officer, the
331 Department of Financial Services, or an officer, employee, or
332 contractor thereof, unless the Chief Financial Officer or the
333 department is a party to the contract.

334 3. A subpoena for a copy of a contract or procurement
335 document or certified copy of a contract or procurement document
336 must be served on the state entity that is a party to the
337 contract and that maintains the original documents. The Chief
338 Financial Officer, the Department of Financial Services, or an
339 officer, employee, or contractor thereof, may not be served a
340 subpoena for those records unless the Chief Financial Officer or
341 the department is a party to the contract.

342 (f) The Chief Financial Officer may regulate and prohibit
343 the posting of records that could facilitate identity theft or
344 fraud, such as signatures; compromise or reveal an agency
345 investigation; reveal the identity of undercover personnel;
346 reveal proprietary business information or trade secrets; reveal
347 an individual's medical information; or reveal another record or
348 information that the Chief Financial Officer believes may
349 jeopardize the health, safety, or welfare of the public.
350 However, such action by the Chief Financial Officer does not
351 supersede the duty of a state entity to provide a copy of a
352 public record upon request.

506411

Approved For Filing: 5/1/2013 4:52:16 PM

Page 13 of 18

Amendment No.

353 (g) The Chief Financial Officer may adopt rules to
354 administer this subsection.

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

356 1. "Procurement document" means any document or material
357 provided to the public or any vendor as part of a formal
358 competitive solicitation of goods or services undertaken by a
359 state entity, and a document or material submitted in response
360 to a formal competitive solicitation by any vendor who is
361 awarded the resulting contract.

362 2. "State entity" means an official, officer, commission,
363 board, authority, council, committee, or department of the
364 executive branch of state government; a state attorney, public
365 defender, criminal conflict and civil regional counsel, capital
366 collateral regional counsel, and the Justice Administrative
367 Commission; the Public Service Commission; and any part of the
368 judicial branch of state government.

369 (i) In lieu of posting in the contract tracking system
370 administered by the Chief Financial Officer, the Department of
371 Legal Affairs and the Department of Agriculture and Consumer
372 Services may post the information described in paragraphs (a)
373 through (c) to its own agency-managed website. The data posted
374 on the agency-managed website must be downloadable in a format
375 that allows offline analysis.

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

380 Section 2. User Experience Task Force.—

506411

Approved For Filing: 5/1/2013 4:52:16 PM

Amendment No.

381 (1) The User Experience Task Force is created to develop
382 and recommend a design for consolidating existing state-managed
383 websites that provide public access to state operational and
384 fiscal information into a single website. If necessary, the
385 recommendation may include a complete redesign of data
386 submission and inclusion.

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

388 (a) One member designated by the Governor.

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

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

391 (d) One member designated by the Speaker of the House of
392 Representatives.

393 (3) The task force shall elect a chair from among its
394 members.

395 (4) The Governor, the Chief Financial Officer, the
396 President of the Senate, and the Speaker of the House of
397 Representatives shall assign staff to assist the task force in
398 performing its duties.

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

403 (a) All relevant state-managed websites.

404 (b) Options for reducing the number of websites without
405 losing detailed data.

406 (c) Options for linking expenditure data with related
407 invoices and contracts.

408 (6) By March 1, 2014, the task force shall submit its

506411

Approved For Filing: 5/1/2013 4:52:16 PM

Page 15 of 18

Amendment No.

409 complete recommendation to the Governor, the Chief Financial
410 Officer, the President of the Senate, and the Speaker of the
411 House of Representatives. The recommended design must provide an
412 intuitive and cohesive user experience that allows users to move
413 easily between varied types of related data. The recommendation
414 must also include a cost estimate for implementation of the
415 design.

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

417 Section 3. This act shall take effect July 1, 2013.

418 -----
419 -----

420 **T I T L E A M E N D M E N T**

421 Remove everything before the enacting clause and insert:

422 A bill to be entitled

423 An act relating to transparency in government
424 spending; amending s. 215.985, F.S.; adding a
425 definition; requiring the Executive Office of the
426 Governor to establish a single website providing
427 access to other websites; revising provisions relating
428 to the establishment of a website relating to the
429 approved operating budget; requiring the office to
430 establish a website providing information about fiscal
431 planning for the state and specifying the information
432 to be included on the website; requiring the
433 Department of Management Services to maintain a
434 website that provides current information on state
435 employees and officers; revising provisions requiring
436 the Legislative Auditing Committee to provide

Amendment No.

437 recommendations to the Legislature about adding other
438 information to a website; requiring website managers
439 to provide information about the cost of creating and
440 maintaining each website; revising provisions relating
441 to access to the state contract management system to
442 require that such information be accessible through a
443 website; requiring the Chief Financial Officer to
444 establish and maintain a secure contract tracking
445 system; requiring that such system be available for
446 viewing and downloading by the public through a secure
447 website; requiring state entities to post certain
448 information on the system and to update that
449 information; requiring that exempt and confidential
450 information be redacted from contracts and procurement
451 documents posted on the system; providing procedures
452 for removing such information from the system;
453 providing applicability of public record requests for
454 information posted on the website; providing an
455 exemption; providing for service of subpoenas for
456 contract or procurement documents; authorizing the
457 Chief Financial Officer to regulate and prohibit the
458 posting of certain information that could facilitate
459 identity theft or cause harm; authorizing the Chief
460 Financial Officer to adopt rules; providing
461 definitions; authorizing certain departments to post
462 specified information on agency-managed websites in
463 lieu of posting through the contract tracking system;
464 creating the User Experience Task Force to develop and

506411

Approved For Filing: 5/1/2013 4:52:16 PM

Page 17 of 18

Amendment No.

465 | recommend a design for consolidating existing state-
466 | managed websites; providing for membership; providing
467 | for staffing; requiring reports; providing for
468 | expiration; providing an effective date.