

FOR CONSIDERATION By the Committee on Governmental Oversight and Accountability

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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; providing for
35 an appropriation; providing an effective date.
36

37 Be It Enacted by the Legislature of the State of Florida:
38

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

41 215.985 Transparency in government spending.—

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

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

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

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

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

57 (b) "Contract" means a written agreement or purchase order
58 issued for the purchase of goods or services, or written

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59 agreement for the receipt of state or federal financial
60 assistance.

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

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

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

70 (c) Be deployed in compliance with the Americans with
71 Disabilities Act.

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

73 (4) ~~(3)~~ The Executive Office of the Governor, in
74 consultation with the appropriations committees of the Senate
75 and the House of Representatives, shall establish and maintain a
76 single website that, ~~directly accessible through the state's~~
77 ~~official Internet portal, which~~ provides information relating to
78 the approved operating budget ~~each appropriation in the General~~
79 ~~Appropriations Act~~ for each branch of state government and state
80 agency.

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

82 1. Disbursement data for each appropriation by the object
83 code associated with each expenditure established within the
84 Florida Accounting Information Resource Subsystem. Expenditure
85 data must include the name of the payee, the date of the
86 expenditure, the amount of the expenditure, and the statewide
87 document number. Such data must be searchable by the name of the

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88 payee, the paying agency, and fiscal year, and must be
89 downloadable in a format that allows offline analysis.

90 2. For each appropriation, any adjustments, including
91 vetoes, approved supplemental appropriations included in
92 legislation other than the General Appropriations Act, budget
93 amendments, other actions approved pursuant to chapter 216, and
94 ~~any~~ other adjustments authorized by law.

95 3. Status of spending authority for each appropriation in
96 the approved operating budget, including released, unreleased,
97 reserved, and disbursed balances.

98 4. Position and rate information for positions provided in
99 the General Appropriations Act or approved through an amendment
100 to the approved operating budget and position information for
101 positions established in the legislative branch.

102 5. Allotments for planned expenditures of state
103 appropriations established by state agencies in the Florida
104 Accounting Information Resource Subsystem, and the current
105 balances of such allotments.

106 6. Trust fund balance reports, including cash available,
107 investments, and receipts.

108 7. General revenue fund balance reports, including revenue
109 received and amounts disbursed.

110 8. Fixed capital outlay project data, including original
111 appropriation and disbursements throughout the life of the
112 project.

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

114 10. Links to state audits or reports related to the
115 expenditure and dispersal of state funds.

116 11. Links to program or activity descriptions for which

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117 funds may be expended.

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

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

127 ~~(a) Details of nonoperating budget authority established~~
128 ~~pursuant to s. 216.181.~~

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

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

133 ~~(d) Fixed capital outlay project data, including original~~
134 ~~appropriation and disbursements throughout the life of the~~
135 ~~project.~~

136 ~~(e) A 10-year history of appropriations indicated by~~
137 ~~agency.~~

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

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

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

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

147 1. The long-range financial outlook adopted by the
148 Legislative Budget Commission.

149 2. The instructions to the agencies relating to legislative
150 budget requests, capital improvement plans, and long-range
151 program plans.

152 3. The legislative budget requests submitted by each state
153 agency or branch of state government, and any amendments to such
154 requests.

155 4. The capital improvement plans submitted by each state
156 agency or branch of state government.

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

159 6. The Governor's budget recommendation submitted pursuant
160 to s. 216.163.

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

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

166 ~~(5) The committee shall recommend a format for collecting~~
167 ~~and displaying information from state universities, Florida~~
168 ~~College System institutions, school districts, charter schools,~~
169 ~~charter technical career centers, local governmental units, and~~
170 ~~other governmental entities.~~

171 (6) The Department of Management Services shall establish
172 and maintain a website that provides current information
173 relating to each employee or officer of a state agency, state
174 university, or the State Board of Administration, regardless of

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175 the appropriation category from which the person is paid.

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

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

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

180 3. Employing agency and budget entity.

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

185 (7) ~~(6)~~ By November 1, 2013 ~~2012~~, and annually thereafter,
186 the committee shall recommend to the President of the Senate and
187 the Speaker of the House of Representatives:

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

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

197 (c) A format for collecting and displaying the additional
198 information. ~~The schedule for adding additional information~~
199 ~~shall be submitted to the President of the Senate and the~~
200 ~~Speaker of the House of Representatives. Additional information~~
201 ~~may include:~~

202 ~~(a) Disbursements by the governmental entity from funds~~
203 ~~established within the treasury of the governmental entity,~~

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204 ~~including, for all branches of state government, allotment~~
205 ~~balances in the Florida Accounting Information Resource~~
206 ~~Subsystem.~~

207 ~~(b) Revenues received by each governmental entity,~~
208 ~~including receipts or deposits by the governmental entity into~~
209 ~~funds established within the treasury of the governmental~~
210 ~~entity.~~

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

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

221 (8)(7) The manager of each website described in subsections
222 (4), (5), and (6) shall submit to the committee information
223 relating to the cost of creating and maintaining such website,
224 and A counter shall be established on the website to show the
225 number of times the website has been accessed.

226 ~~(8) By August 31 of each fiscal year, each executive branch~~
227 ~~agency, the state court system, and the Legislature shall~~
228 ~~establish allotments in the Florida Accounting Information~~
229 ~~Resource Subsystem for planned expenditures of state~~
230 ~~appropriations.~~

231 (9) The committee shall coordinate with the Financial
232 Management Information Board in developing any recommendations

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233 for including information on the website which is necessary to
234 meet the requirements of s. 215.91(8).

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

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

241 ~~(11)~~ ~~(12)~~ ~~By September 1, 2011,~~ Each water management
242 district shall provide a monthly financial statement to its
243 governing board and make such statement available for public
244 access on its website.

245 ~~(12)~~ ~~(13)~~ This section does not require or permit the
246 disclosure of information that is considered confidential under
247 ~~by~~ state or federal law.

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

251 ~~(13)~~ ~~(15)~~ The committee shall prepare an annual report
252 detailing progress in establishing the single website and
253 providing recommendations for enhancement of the content and
254 format of the website and related policies and procedures. The
255 ~~first~~ report shall be submitted to the Governor, the President
256 of the Senate, and the Speaker of the House of Representatives
257 by ~~November 1, 2011,~~ and annually by November 1 thereafter.

258 ~~(14)~~ ~~(16)~~ The Chief Financial Officer shall establish and
259 maintain a secure, shared state contract tracking system
260 accessible through a website to provide public access to a state
261 ~~contract management system that provides information and~~

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262 documentation relating to contracts procured by state agencies
263 ~~governmental entities.~~

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

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

280 10. Electronic copies of the contract and procurement
281 documents that have been redacted to conceal exempt or
282 confidential information as provided under paragraph (c). ~~The~~
283 data collected in the system must include, but need not be
284 limited to, the contracting agency; the procurement method; the
285 contract beginning and ending dates; the type of commodity or
286 service; the purpose of the commodity or service; the
287 compensation to be paid; compliance information, such as
288 performance metrics for the service or commodity; contract
289 violations; the number of extensions or renewals; and the
290 statutory authority for providing the service.

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

300 (c) Each state agency shall redact, as defined in s.
301 119.011, information that is exempt from s. 119.07(1) and Art.
302 I, s. 24(a) of the State Constitution, or that is otherwise made
303 confidential by law, from the contract or procurement documents
304 before posting an electronic copy of such documents on the state
305 contract tracking system.

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

313 2. If a party to a contract, or an authorized
314 representative thereof, discovers that an electronic copy of a
315 contract or procurement document on the system has not been
316 properly redacted, the party or representative may request the
317 state agency that posted the document to redact the exempt or
318 confidential information. Upon receipt of a request in
319 compliance with this subparagraph, the state agency that posted

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320 the document shall redact the exempt or confidential
321 information.

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

330 b. If necessary, a party to a contract may petition the
331 circuit court for an order directing compliance with this
332 paragraph.

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

343 (d) Pursuant to ss. 119.01 and 119.07, the Chief Financial
344 Officer may make information posted on the state contract
345 tracking system available for viewing and downloading by the
346 public through a website. Unless otherwise provided by law,
347 information retrieved electronically pursuant to this paragraph
348 is not admissible in court as an authenticated document.

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

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

369 (e) The posting of information on the state contract
370 tracking system, or the provision of contract information on a
371 website for public viewing and downloading, does not supersede
372 the duty of a state agency to respond to a public record request
373 for such information or to a subpoena for such information.

374 1. A request for a copy of a contract or procurement
375 document or a certified copy of a contract or procurement
376 document shall be made to the state agency that is party to the
377 contract. Such request may not be made to the Chief Financial

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378 Officer or the Department of Financial Services or an officer,
379 employee, or contractor thereof unless the Chief Financial
380 Officer or the department is a party to the contract.

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

389 (f) The Chief Financial Officer may adopt rules to
390 administer this subsection, including procedures and
391 requirements for submitting and updating the information and
392 documentation relating to contracts required by this subsection.

393 Section 2. The sum of \$326,775 in recurring funds and
394 \$386,292 in nonrecurring funds from the General Revenue Fund and
395 four full-time equivalent positions and associated salary rate
396 of 231,409 are appropriated to the Department of Financial
397 Services for the 2013-2014 fiscal year to implement the state
398 contract tracking system.

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