

STORAGE NAME: h3481s1.go

DATE: March 24, 1998

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
GOVERNMENTAL OPERATIONS
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: CS/HB 3481

RELATING TO: Information Resource Management

SPONSOR(S): Committee on Governmental Operations, Representative Culp and others

COMPANION BILL(S): SB 832(s)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) GOVERNMENTAL OPERATIONS YEAS 4 NAYS 0
 - (2) GENERAL GOVERNMENT APPROPRIATIONS
 - (3)
-

I. SUMMARY:

This bill

- Exempts from inclusion in the agency strategic plan and from the mandatory review for budget amendments certain information resources management projects that are a continuation of hardware or software maintenance or software licensing agreements, or certain desktop replacement.
- Clarifies that a member of the State Technology Council may appoint a designee, who must be in a position that reports directly to the member, to serve on the member's behalf.
- Requires that coordinating councils and boards, like agencies, provide an annual performance report to the Executive Office of the Governor, with copies to the Senate President, House Speaker and Auditor General.
- Changes the due dates, from November 1 to September 1 for the agency annual information resources management performance report and from March 1 to January 15 for the state annual report on information resources management. This coincides with the budget review process and provides ample time for legislative review prior to session.
- Requires a project monitor, of an information resources management project designated for special monitoring, to provide a written report "at the end of each quarter and" within 20 days after an agency has completed a major stage of its designated project; and, requires that his or her final report also be forwarded to the Office of Program Policy Analysis and Government Accountability.
- Eliminates the chair of the Geographic Information Advisory Council as an ex officio, nonvoting member of the Geographic Information Board and revises the board's duties.
- Provides that the state annual report shall include information resources management information from the Justice Administrative Commission on behalf of state attorneys and public defenders.

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This bill does not appear to have a substantial fiscal impact on state or local governments.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

The 1997 Legislature passed Chapter 97-286, Laws of Florida, which set forth comprehensive changes to the State's use and management of its information technology resources. These changes repealed statutes that created the Information Resource Commission, the Information Technology Resource Procurement Advisory Council, and the Information Resource Management Advisory Council.

Chapter 97-286, Laws of Florida, also established a new governance structure for information resources management, thereby creating new organizations and processes. The legislation created

- (1) the State Technology Council to develop a statewide vision and to make recommendations on statewide policies for information resources management to the Executive Office of the Governor and the Legislature;
- (2) the State Technology Office to provide administrative support to specified organizations and to facilitate state education and training opportunities;
- (3) the Chief Information Officers (CIO) Council to provide a forum for enhancing communication, consensus building, coordination, and facilitation of statewide information resources management issues among the agency CIO's; and
- (4) the Technology Review Workgroup to provide a mechanism to review and make recommendations to the Governor's Office and the Legislature with respect to the portion of agency strategic plans that pertain to information resources management (IRM) needs and with respect to agency legislative budget requests for IRM.

After the passage of Chapter 97-286, Laws of Florida, staff of the Joint Legislative Information Technology Resource Committee found that various provisions required minor modification in order to increase the overall effectiveness of the original legislation. This bill is a result of those findings.

Section 43.16, F.S., creates a Justice Administrative Commission of the Judicial Branch of Florida. The duties of the commission already include the maintenance of a central state office for administrative services and assistance when possible to and on behalf of the state attorneys and public defenders of Florida, the office of capital collateral representative of Florida, and the Judicial Qualifications Commission.

B. EFFECT OF PROPOSED CHANGES:

This bill

- Exempts from inclusion in the agency strategic plan certain information resources management projects that are a continuation of hardware or software maintenance or software licensing agreements, or certain desktop replacement.

Information resources management projects other than those specified above would continue to be included in agency strategic plans if they:

- Involve more than one agency,
- Have an outcome that impacts another agency, or
- Exceed \$500,000 in total cost over a 1-year period.

- Exempts from mandatory review by the Governor and Administration Commission for the executive branch or the Chief Justice for the judicial branch, any amendments to an agency's original approved operating budget for certain information resource management projects that are a continuation of hardware or software maintenance or software licensing agreements, or certain desktop replacement. Such amendments to the approved operating budget would continue, however, to be reviewed through the existing notice and review requirements set forth in s. 216.177, F.S.

Information resources management projects other than those specified above would continue to be subject to the mandatory review requirements if they:

- Involve more than one agency,
- Have an outcome that impacts another agency, or
- Exceed \$500,000 in total cost over a 1-year period.

- Clarifies that a member of the State Technology Council may appoint a designee, who must be in a position that reports directly to that member, to serve on the member's behalf.
- Requires that coordinating councils and boards, like agencies, provide an annual performance report to the Executive Office of the Governor, with copies to the Senate President, House Speaker and Auditor General.
- Changes the due date of the Agency Annual Information Resources Management Report from November 1 to September 1, to coincide with budget review of the agencies' legislative budget requests.
- Changes the due date of the State Annual Report from March 1 to January 15 to provide additional time for the legislature to review the information prior to the legislative session.
- Requires a project monitor, of an information resources management project designated for special monitoring, to provide a written report "at the end of each quarter and" within 20 days after an agency has completed a major stage of its designated project. Additionally, the project monitor's final report must also be forwarded to the Office of Program Policy Analysis and Government Accountability.
- Eliminates the chair of the Geographic Information Advisory Council as an ex officio, nonvoting member of the Geographic Information Board. Eliminates duplicative statements as to the board's duties, as well as provides that the board shall increase efficiency and reduce costs of data acquisition by promoting the coordination of geographic information activities, including but not

limited to, development and maintenance of a data directory in which geographic information is cataloged.

- Requires that the chair of the Geographic Information Advisory Council, or his or her designee, attend all meetings of the Geographic Information Board.
- Provides that the state annual report shall include information resources management information from the Justice Administrative Commission (JAC) on behalf of state attorneys and public defenders. Currently the state attorneys and public defenders send directly to the State Technology Office (STO) information regarding IRM. The STO includes that information in the State Annual Report on Information Resources Management. This change in the statute would simply route the information from the public defenders and state attorneys to the JAC and the JAC would forward same as needed. This function already comports with the duties and functions of the JAC as are set forth in s. 43.16, F.S., discussed above.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Yes. Certain reporting activities required of state attorneys and public defenders would be coordinated through the Justice Administrative Commission.

Also, this bill requires certain councils and boards to provide an annual performance report to the Executive Office of the Governor, with copies to the Senate President, House Speaker and Auditor General.

(3) any entitlement to a government service or benefit?

No

b. If an agency or program is eliminated or reduced:

An agency or program is not eliminated or reduced.

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

- (2) what is the cost of such responsibility at the new level/agency?

N/A

- (3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

No

- b. Does the bill require or authorize an increase in any fees?

No

- c. Does the bill reduce total taxes, both rates and revenues?

No

- d. Does the bill reduce total fees, both rates and revenues?

No

- e. Does the bill authorize any fee or tax increase by any local government?

No

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

This bill does not purport to provide services to families or children.

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

No

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

This bill does not create or change a program providing services to families or children.

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

ss. 186.021(1), 186.022(9), 216.181(4), 282.2063(1), 282.3091(3), 282.322, 282.404, 215.96(2), and 282.310(1)

E. SECTION-BY-SECTION RESEARCH:

Section 1 - Amends s. 186.021(1), F.S. Provides that state agency strategic plans do not have to include information resources management projects that are a continuation of hardware or software maintenance or software licensing agreements, or desktop replacement that is similar to the technology currently in use.

Section 2 - Amends s. 216.181(4), F.S. Excludes from the mandatory review any information resource management projects that are a continuation of hardware or software maintenance or software licensing agreements, or desktop replacement that is similar to the technology currently in use. (Currently the law provides that any amendments to the original approved operating budgets for certain information resource management projects *must* be reviewed by the Governor and Administration Commission for the executive branch or the Chief Justice for the judicial branch.)

Section 3 - Amends s. 186.022(9), F.S. Requires that the Geographic Information Board, the Financial Management Information Board, the Criminal and Juvenile Justice Information System Council, and the Health Information System Council shall, like state agencies, prepare an annual performance report. Such report would be submitted by September 1 to the Executive Office of the Governor, with copies to the Senate President, House Speaker, and Auditor General.

Section 4 - Amends s. 282.3063(1), F.S. Changes the due date of the Agency Annual Information Resources Management Report from November 1 to September 1 to coincide with the review process for agencies' legislative budget requests.

Section 5 - Amends ss. 282.310(1) and (2), F.S. Changes the due date of the State Annual Report on Information Resources Management from March 1 to January 15 to provide the Legislature ample time for review prior to the legislative session; and, provides that the state annual report shall include information resources management

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information from the Justice Administrative Commission on behalf of state attorneys and public defenders.

Section 6 - Amends s. 282.3091(3), F.S. Provides that a State Technology Council member may appoint a designee to serve on that member's behalf; however, such designee must be in a position that reports directly to that member.

Section 7 - Amends s. 282.322, F.S. Requires a project monitor, of an information resources management project designated for special monitoring, to provide a written report "at the end of each quarter and" within 20 days after an agency has completed a major stage of its designated project; and, requires that his or her final report also be forwarded to the Office of Program Policy Analysis and Government Accountability.

Section 8 - Amends ss. 282.404(3), (5), (7), and (8), F.S. Makes a technical correction relating to the statutory placement of the State Geologist as a member of the Geographic Information Advisory Council; provides that the chair of the Geographic Information Advisory Council, or his or her designee, will be required to attend all meetings of the Geographic Information Board, but the chair will not be an ex-officio member of the Board; and, revises and eliminates some duplication in the statement of the board's duties.

Section 9 - Amends s. 215.96(2), F.S. Makes a technical correction in the name of the State Agency Administrative Services Directors.

Section 10 - Provides an effective date upon becoming law.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None

2. Recurring Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

4. Total Revenues and Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None

2. Recurring Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None

2. Direct Private Sector Benefits:

None

3. Effects on Competition, Private Enterprise and Employment Markets:

None

D. FISCAL COMMENTS:

This bill would require an annual performance report of certain boards and councils, including the Health Information Systems Council. According to the Department of Health (DOH), which provides support to the Council, this would increase the department's workload. DOH further states that it "did not receive any additional positions or funds to provide this support when the Council was created in legislation that passed in 1997. This new reporting requirement further adds to the workload that was created by creation of the Council." According to DOH, when the original legislation was passed DOH documented the need for two FTEs, and has "submitted a legislative budget request [this year] for two positions ... in the amount of \$117,665". See Department of Health Bill analysis, Economic Statement & Fiscal Note, HB 3481, Judy Bentley, analyst.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

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A. **APPLICABILITY OF THE MANDATES PROVISION:**

This bill does not require counties or municipalities to expend funds.

B. **REDUCTION OF REVENUE RAISING AUTHORITY:**

This bill does not reduce revenue raising authority.

C. **REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:**

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. **COMMENTS:**

None

VI. **AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:**

Two amendments were adopted by the Committee on Governmental Operations. The bill, as amended, was made a committee substitute. The first amendment amended s. 282.322, F.S., to require a project monitor, of an information resources management project designated for special monitoring, to provide a written report "at the end of each quarter and" within 20 days after an agency has completed a major stage of its designated project; and, requires that his or her final report also be forwarded to the Office of Program Policy Analysis and Government Accountability. The second amendment amended s. 282.404(5), F.S., changing some of the Geographic Information Board duties and eliminating certain duplicative language.

VII. **SIGNATURES:**

COMMITTEE ON GOVERNMENTAL OPERATIONS:

Prepared by:

Legislative Research Director:

J. Marleen Ahearn, Ph.D., J.D.

Jimmy O. Helms