

STORAGE NAME: h0827s1.go

DATE: April 15, 1997

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

BILL #: CS/HB 827

RELATING TO: Information Technology Resources Management

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

STATUTE(S) AFFECTED: Amends ss. 11.39, 20.19, 20.316, 20.41, 112.3145, 120.52, 186.021, 186.022, 215.90, 215.91, 215.92, 215.93, 215.94, 215.95, 215.96, 216.031, 216.141, 216.181, 216.235, 216.236, 282.003, 282.102, 282.20, 282.303, 282.313, 282.318, 282.322, 282.404, 287.042, 287.073, and 943.08; creates ss. 216.0446, 282.005, 282.3031, 282.3032, 282.3041, 282.3055, 282.3063, 282.3091, 282.3093, 282.310, and 282.315; repeals ss. 216.0445, 282.004, 282.1021, 282.304, 282.305, 282.3061, 282.3062, 282.307, 282.308, 282.309, 282.311, 282.312, 282.314, 287.073(5), (6), (7), and (8), and 287.0735.

COMPANION BILL(S): CS/SB 940 (s)

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

- (1) LAW ENFORCEMENT AND PUBLIC SAFETY (W/D)
- (2) GOVERNMENTAL OPERATIONS YEAS 5 NAYS 0
- (3) GENERAL GOVERNMENT APPROPRIATIONS
- (4)
- (5)

I. SUMMARY:

CS/HB 827 is a product of the Joint Legislative Information Technology Resource Committee (JLITRC) and is not a product of the Committee on Governmental Operations. It is offered as a proposed committee substitute in order to present the latest version of the bill as heard and approved by the JLITRC.

CS/HB 827 repeals the statutes that created the Information Resource Commission (IRC), the Information Technology Resource Procurement Advisory Council (ITRPAC), and the Information Resource Management Advisory Council. CS/HB 827 provides an alternative governance structure for the State's information resources management which emphasizes the responsibility of state agency heads for effective information technology resource use; establishes a State Technology Council to make policy recommendations for information resources management to the Executive Office of the Governor (EOG) and the Legislature; and, establishes a mechanism for closer scrutiny of agencies' proposed strategic plans, legislative budget requests, and proposed budget amendments pertaining to information resource management projects or initiatives. CS/HB 827 also revises the Florida Fiscal Accounting Management Information System Act (Act) to update and reflect changes in state government since the original Act was adopted in 1980.

CS/HB 827 provides that the EOG may contract with the Legislature to provide review of agencies' budget requests for information resources management. This review mechanism is called the Technology Review Workgroup.

Approximately \$1,106,600 would be available for reappropriation to the newly created information resource management organizations proposed in CS/HB 827 in that IRC and ITRPAC are repealed.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

During the 1995-1996 interim, the Legislative Information Technology Resource Committee conducted an interim project entitled, *A Review of Information Technology Resources Governance in Florida State Government*. Proposed legislation resulting from the February 1996 report was not enacted by the 1996 Legislature. As a result, the joint committee assigned its staff to study the issue again during the 1996-97 interim. The staff assembled a workgroup of state employees representing all three branches of government to discuss the purchase and management of information technology resources. Representatives of the State University System and the Division of Community Colleges also participated with the workgroup. The workgroup spent September through December 1996 reviewing the applicable laws and policies. The workgroup also discussed issues pertaining to planning and reporting requirements, review of agency legislative budget requests for technology, and performance measurements of agency information technology resources. The workgroup findings can be found in the analysis on CS/HB 827 prepared by the Legislative Information Technology Resource Committee.

From the workgroup findings HB 827 was drafted. Thereafter the Legislative Information Technology Resource Committee continued to meet with various individuals, and a substantially different CS/HB 827 has emerged.

Under current law, responsibilities regarding the planning for, and the procurement and management of, information resources are shared by the Division of Purchasing and the Division of Communications, both of the Department of Management Services; the Information Resource Commission; the Information Technology Resource Procurement Advisory Council; and, the Information Resources Management Advisory Council. Each agency also is required to have an information resource manager. The Legislative Information Technology Resource Committee, a joint standing committee of the Legislature, reviews many issues that affect information technology resources. The Office of the Auditor General and the chief internal auditors of each agency also review such projects in accomplishing their respective audit functions.

The Information Resource Commission (IRC)

Chapter 282, F.S., the "Information Resources Management Act of 1996," establishes Florida's policy with regard to communications and data processing. Section 282.304, F.S., creates the Information Resource Commission, the membership of which is the Governor and Cabinet. The IRC, created in 1983, is currently staffed with 14 FTEs, including an executive director, who heads the IRC staff. The IRC has a budget of approximately \$1.1 million in General Revenue Funds, and is housed within the Department of Management Services as a separate budget entity. While the IRC has many responsibilities, it is primarily charged with providing overall leadership and coordination of information resources management activities within the executive branch of government. The Chancellor of the Board of Regents performs this function for the state university system, and the Supreme Court performs this function for the state courts.

Pursuant to s. 216.0445, F.S., the IRC reviews and evaluates the portion of each executive agency's annual budget request relating to information resources management, and submits its review to the Office of Planning and Budgeting of the Executive Office of the Governor and to the appropriations committees of the Legislature. Essentially, the IRC reviews the information resource portion of each agency's budget request to determine whether the respective requests are consistent and compatible with the agency's approved Strategic Plan for Information Resources

Management and the information resources management issues included in the legislative budget instructions.

The Information Resource Management Advisory Council (IRMAC)

Section 282.314, F.S., creates the Information Resource Management Advisory Council to advise the executive director of the Information Resource Commission and the Secretary of the Department of Management Services on any matter relating to information resources management. There are 18 IRMAC members appointed or elected as follows: the Governor and Cabinet members each appoint one information resource manager, a representative of the Florida Fiscal Accounting Management Information System Coordinating Council, a representative of the Geographic Information Board, a representative from the Criminal and Juvenile Justice Information Systems Council, a representative of the Florida Information Resource Network Coordinating Council, the information resource managers of the State Courts System and the State University System, one information resource manager selected by the state attorneys and one selected by the public defenders, and three information resource managers representing and selected by the information resource managers to represent the remaining departments. The IRMAC meets at least quarterly and staff support is provided to the council by the Information Resource Commission.

Information Technology Resource Procurement Advisory Council (ITRPAC)

Section 287.073, F.S., creates the Information Technology Resource Procurement Advisory Council. ITRPAC was created in 1983 to review agencies' proposed information technology resource procurements that are a single-source purchase with a 2-year total cost in excess of \$500,000, or an invitation-to-bid or request-for-proposal with a 2-year total cost in excess of \$1 million. ITRPAC also reviews purchases proposed by any other method, i.e., state term contract, with a 2-year total cost in excess of \$500,000. ITRPAC members include the director of the Division of Purchasing of the Department of Management Services; the director of the Governor's Office of Planning and Budgeting; the director of the Division of Accounting and Auditing of the Department of Banking and Finance; and, the executive director of the Information Resource Commission, or their designees. ITRPAC's primary responsibilities are to review an agency's information technology resource needs, to examine the proposed method of acquisition, and to review procurement specifications to insure that they are appropriate to meet the agency's needs, support fair and open competition, and are not unduly restrictive.

Legislative Information Technology Resource Committee

The 1983 law that created the IRC also created the Legislative Information Technology Resource Committee, a joint committee of the Legislature; the statutory provisions relating to the joint committee are contained in s. 11.39, F.S. The six-member joint committee is required annually to recommend needed legislation in the area of information technology use, and to maintain a continuous review of the use and management of information technology resources by state agencies. The joint committee also is directed by law to aid the standing committees of the Legislature, as needed.

Florida Fiscal Accounting Management Information System Act (FFAMIS)

Sections 215.90-215.96, F.S., were enacted in 1980 to establish the Florida Fiscal Accounting Management Information System. The intent was to direct the executive branch, in consultation with the legislative appropriations committees, to design and implement a management information system utilizing a unified approach. The system was designed to strengthen and standardize management and accounting procedures and strengthen internal controls throughout state government. FFAMIS is comprised of seven subsystems, with the subsystem "owner" being the agency in charge of operating the subsystem statewide. For example, the State Automated Management Accounting Subsystem is operated by the Department of Banking and Finance, although all agencies use it to track their appropriations and expenditures. Although the original legislation established a mechanism, through FFAMIS, to link a number of statewide systems together to provide unified management and accounting information for the state's decision makers, today, the state still lacks a totally unified system.

B. EFFECT OF PROPOSED CHANGES:

CS/HB 827 abolishes the Information Resource Commission, the Information Resource Management Advisory Council, and the Information Technology Resources Procurement Advisory Council. CS/HB 827 establishes an alternative governance structure for the state's information resources management which emphasizes the responsibility of state agency heads for effective information technology resource use. The new governance structure includes the creation of a State Technology Council and a State Technology Office, discussed in further detail below. Additionally, substantial revisions are made to the Florida Fiscal Accounting Management Information System.

State Agency Responsibility

CS/HB 827 clarifies that the head of each state agency is both responsible and accountable for information resources management within his or her agency. For purposes of those sections in ch. 282, F.S., relating to information resources management, the responsibility and accountability for information resources management is assigned to the Board of Regents for the State University System, to the State Board of Community Colleges as the entity responsible for developing rules and policies for the State Community College System, to the Supreme Court for the judicial branch, and to each State Attorney and Public Defender.

Chief Information Officer (CIO)

CS/HB 827 requires the head of each state agency to appoint or contract for a Chief Information Officer to assist the agency head in managing agency information technology resources. The CIO position must be at a level commensurate with the role and importance of information technology resources in the agency. The position is full-time or part-time. The responsibilities of the CIO include: coordinating and facilitating agency information resources management activities and policies; preparing an agency annual report on information resources management; developing and implementing agency information resources management policies, procedures, and standards, including specific policies to govern the agency's purchase of information technology resources; advising the agency head in developing the agency strategic plan or other constitutionally or statutorily required planning document; assisting in the development and prioritization of the agency's information resources management legislative budget requests; and, any other technology-related activities delegated by the agency head.

CS/HB 827 include the chairs or their designees of the following advisory groups as voting members of the Chief Information Officers Council: the Geographic Information Board; the Florida

Financial Management Information System Coordinating Council; the Criminal and Juvenile Justice Information System Council; and, the Health Information Systems Council, which is newly created in this bill.

Agency Strategic Plans

CS/HB 827 abolishes the requirement that each agency develop an Information Resource Management Strategic Plan. However, agencies are required to include as part of their agency strategic plans, data relating to specified information resource management projects. Information relative to initiatives that involve more than one agency, that have an outcome that impacts another agency, or that exceed \$500,000 in total costs over a 1-year period, must be included in the strategic plan.

The newly-created Technology Review Workgroup reviews the information resource management portion of the agency strategic plans for consistency with the State Annual Report on Information Resources Management and statewide policies recommended by the State Technology Council. The Executive Office of the Governor then considers the workgroup's findings in formulating any required revisions to the agency strategic plans.

A new process is established to provide that any required revisions be submitted to the Legislature and to the Administration Commission for review and approval. This process is similar to the one currently used for review and approval of agency proposed budget amendments.

Additionally, various coordinating boards and councils, among them the Financial Management Information Board, the Geographic Information Board, the Criminal and Juvenile Justice Information Systems Council, and the Health Information System Council, also are required to prepare strategic plans. Plans are due March 1 to allow agencies time to review them prior to development of their own agency strategic plans, the drafts of which are due in the Executive Office of the Governor by June 1 of each year. These strategic plans are subject to a review and approval process similar to the one currently used for agency strategic plans.

Agency Annual Information Resources Management Report

Currently, each agency information resource manager prepares and submits to the Information Resource Commission an agency Annual Performance Report on Information Resources Management. CS/HB 827 requires the head of each state agency to develop an Agency Annual Information Resources Management Report. The report is to contain a forecast of the agency's information resources management priorities and initiatives for the ensuing 2 years; a description of the agency's current and planned infrastructure for the ensuing 2 years; a status report on the major technology projects in its agency strategic plan; an assessment of progress made toward implementing the agency's legislative appropriation for information resources management for the prior fiscal year; the agency's estimated expenditures for technology for the prior fiscal year; an inventory list of the agency's information technology resources; an annual assessment of opportunities for sharing technology initiatives with other governmental or private entities; and, a list of technology issues the agency has identified over the past year which it believes are critical or statewide technology issues that require attention and assistance from the State Technology Council.

State Technology Council

CS/HB 827 creates a State Technology Council. The council's duties include making recommendations on statewide policies for information resources management to the Executive Office of the Governor and the Legislature. The council, housed in the Department of Management Services for administrative purposes, is composed of nine members: the Director of the Governor's Office of Planning and Budgeting as chair; the Comptroller; the Commissioner of Education; the Secretary of State; the Secretary of the Department of Management Services; two state agency heads appointed by the Governor; and, two private-sector representatives who are not current members of the Florida Legislature, one appointed by the Senate President and one appointed by the House Speaker. The private sector members may not represent information technology resource vendors or their subsidiaries that sell products or services to the state.

Other duties of the council include: recommending innovations in the state's use of technology to the Executive Office of the Governor and the Legislative Information Technology Resources Committee; identifying, developing, and recommending solutions to address statewide technology issues; creating ad-hoc issue-oriented workgroups as needed; consulting with the Chief Information Officers Council; approving the State Annual Report on Information Resources Management and the State Implementation Plan for Communications; and, recommending memoranda on guidelines and best practices to the Governor's Office.

State Technology Office

CS/HB 827 creates a State Technology Office in the Department of Management Services, headed by a senior-level manager. The State Technology Office provides administrative support to specified organizations and workgroups and facilitates state educational and training opportunities to enhance the state's use and management of information technology resources.

State Annual Report on Information Resources Management

CS/HB 827 requires the State Technology Council to approve the State Annual Report on Information Resources Management by March 1 of each year. The State Technology Office prepares, publishes, and disseminates the report. The report contains: a state vision for information resources management; a forecast of the state's information resources management priorities and initiatives for the ensuing 2 years; a summary of major statewide policies recommended by the State Technology Council for information resources management; a summary of memoranda issued by the Governor's Office; an assessment of the state's overall progress in its information resources management initiatives and priorities for the past fiscal year; a summary and status of major statewide issues related to improving the state's information resources management; an inventory list, by major categories of the state's information resources; a summary of total expenditures for technology by each agency as well as the Board of Regents, State Board of Community Colleges, Supreme Court, and each State Attorney and Public Defender; a summary of opportunities for government agencies or entities to share information resource management projects or initiatives; and, a list of the information resource management issues which have been identified as statewide or critical issues with which the State Technology Council could provide leadership or assistance.

Technology Review Workgroup

CS/HB 827 authorizes the Executive Office of the Governor to contract with the Legislature to provide a mechanism for review and recommendations with respect to the portion of agency

strategic plans that pertain to information resources management needs and with respect to agency legislative budget requests for information resources management. This mechanism is named the "Technology Review Workgroup."

The Technology Review Workgroup has three primary responsibilities, although its duties could be expanded or modified by joint agreement of the Executive Office of the Governor and the legislative appropriations committees. The workgroup's primary responsibilities are to:

- evaluate information resources management projects or initiatives—that meet specified thresholds and that are identified in agency strategic plans—for consistency with the State Annual Report on Information Resources Management and statewide policies, and provide its findings to the Executive Office of the Governor;
- review and make recommendations regarding agency legislative budget requests for information technology resources; and
- review and make recommendations on agency proposed budget amendments for information technology resources which meet specified thresholds. The thresholds would include information resource management projects or initiatives that involve more than one agency, that have an outcome that impacts another agency, or that exceed \$500,000 in total cost over a 1-year period.

Chapter 216 Review and Approval Process

Additionally, when revisions are required to information resource management (IRM) projects or initiatives included in agency strategic plans and when agency budget amendments are submitted for IRM projects or initiatives, the revisions and amendments are subject to a process similar to that currently used for review and approval of agency budget amendments if they meet the specified threshold. This process requires review and approval by the Executive Office of the Governor and the Administration Commission for the executive branch, or the Chief Justice of the Supreme Court for the judicial branch, and the legislative appropriations committees when: the IRM projects or initiatives involve more than one agency, have an outcome that impacts another agency, or exceed \$500,000 in total costs over a 1-year period.

Chief Information Officers Council

CS/HB 827 creates a Chief Information Officers Council to provide a forum for enhancing communication, consensus building, coordination, and facilitation of statewide information resources management issues. The council serves to enhance communication among the state's chief information officers; facilitate the sharing of best practices and exemplary technology applications; identify efficiency opportunities; serve as an educational forum; and, assist the State Technology Council in identifying critical statewide issues and possible solutions.

Members of the Chief Information Officers Council include the chief information officers of all state agencies, including chief information officers of the Board of Regents, State Board of Community Colleges, and judicial branch. The State Attorneys and Public Defenders would each elect a member to represent them. The chairs, or their designees, of the Geographic Information Board, the Florida Financial Management Information System Coordinating Council, the Criminal and Juvenile Justice Information System Council, and the Health Information Systems Council also serve on the Chief Information Officers Council.

Florida Financial Management Information System (FFMIS)

Substantial revisions are made to the Florida Fiscal Accounting Management Information System (FFAMIS) which is renamed the Florida Financial Management Information System. The revisions update the law to reflect changes in state government since passage of the original FFAMIS Act in 1980. . The Fiscal Accounting Information Board is renamed the Financial Management Information Board, although the board retains its current membership, including the Governor, Comptroller, and Treasurer. The board adopts policies, procedures, principles, and standards needed to implement the FFMIS and it oversees the actions of the coordinating council. The Florida Fiscal Accounting Management Information System Coordinating Council is renamed the Florida Financial Management Information System Coordinating Council. The council makes recommendations to the board relative to solutions and policy alternatives to insure coordination between the functional owners of the various information subsystems.

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?

Yes. The Information Resource Commission, which has authority to establish rules for the State's use and management of information technology resources is abolished. The new organizations created by CS/HB 827 are not provided with rulemaking authority; however, the Executive Office of the Governor is authorized to issue "memoranda" on recommended guidelines and best practices for managing and using information technology resources based upon recommendations made by the State Technology Council.

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

Yes. CS/HB 827 sets forth comprehensive changes in how the State uses and manages technology. Accordingly, some organizations are abolished and others created. As such, the newly created organizations and some existing organizations are assigned new responsibilities relating to the planning, budgeting, and overall management of the State's information technology resources. Additionally, two private sector representatives, 1 appointed by the Senate President and 1 appointed by the House Speaker, serve on the State Technology Council.

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

No.

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

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

Technology Review Workgroup: CS/HB 827 authorizes, but does not require, the Governor's Office to contract with the Legislature to establish a Technology Review Workgroup to provide review and recommendations on agencies' legislative budget requests for information technology resources, the information resources management portion of agencies' strategic plans, and agencies' requests for budget amendments for information technology resources.

State Technology Council: CS/HB 827 creates a State Technology Council to, among other things, make recommendations to the Governor's Office on statewide policies for information technology resources.

State Technology Office: CS/HB 827 creates a State Technology Office to provide administrative support to various technology-related organizations and to facilitate statewide technology education and training for the managers and technical staff.

Governor's Office of Planning and Budgeting: The Governor's Office of Planning and Budgeting assumes additional responsibilities in issuing memoranda relating to information resources management (IRM), based upon recommendations from the State Technology Council, and in submitting IRM strategic plan revisions and IRM budget amendments, which meet certain criteria, to the Administration Commission and the Legislature for review and approval.

Legislative Committee on Information Technology Resources: This committee's duties are revised to evaluate recommendations made by the State Technology Council and to review the State Annual Report on IRM and assess the implementation of IRM elements contained in the agency strategic plans in consultation with the Joint Legislative Auditing Committee.

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

The current \$1.1 million appropriated to the Information Resource Commission, and the Information Technology Resource Procurement Advisory Council within the Department of Management Services, could be re-appropriated to fund the newly created organizations. *Additional funding is not anticipated.*

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

The newly created organizations are established to provide a streamlined, more efficient and effective structure and process to better manage the State's use of information technology resources, thereby, potentially resulting in more efficient and effective service delivery to the public. This is anticipated to be accomplished by improving the linkages between the planning, budgeting, and appropriations processes, designed to help link enforcement of agency accountability through the

budgeting process. Additionally, the involvement of top agency managers and input from the private sector in developing statewide policies for information technology management and use may promote increased accountability as well.

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?

N/A

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. SECTION-BY-SECTION RESEARCH:

Section 1: Amends s. 11.39, F.S.; revises the duties of the Legislative Information Technology Resource Committee to include: evaluating proposals and recommendations made by the State Technology Council; consulting with the Joint Legislative Auditing Committee on the review and assessment of the implementation of information resources initiatives or projects identified in agency strategic plans; and, recommending to the Legislature needed legislation in the area of information technology resource use and management.

Section 2: Amends s. 120.52, F.S., of the Administrative Procedure Act; provides that the word “rule” does not include memoranda issued by the Executive Office of the Governor relating to information resources management.

Section 3: Amends s. 186.021(1), (2), and (4), F.S.; deletes references to the agency strategic information resource management plan and its relationship to the agency strategic plan; deletes the current requirement that the Information Resource Commission make revisions to the State Strategic Plan for Information Resources Management after the adoption of revisions to the growth management portion of the state comprehensive plan; and, specifies that agency strategic plans identify information resource management projects or initiatives that involve more than one agency, that have an outcome that impacts another agency, or that exceed \$500,000 in total costs over a 1-year period.

Section 4: Amends s. 186.022 F.S., relating to agency strategic plans; repeals provisions relating to the Information Resource Commission; requires the newly-established Technology Review Workgroup to review the consistency of the information resources portion of agency strategic plans with the State Annual Report on Information Resource Management and statewide policies; requires that revisions to the strategic plans be submitted through the review and approval process provided in s. 216.177, F.S.; creates a new subsection (9) to establish a process for review and approval of strategic plans submitted by the Geographic Information Board, the Financial Management Information Board, the Criminal and Juvenile Justice Information Systems Council, and the Health Information System Council; subjects the strategic plans to a similar review and approval process as agency strategic plans with two exceptions: (1) requires the Executive Office of the Governor, after consultation with the Senate President and House Speaker, to prescribe the format and content for the strategic plans of coordinating boards and councils, and (2) allows the Executive Office of the Governor to establish the time periods for review and return of any required plan revisions.

Section 5: Creates s. 216.0446, F.S.; authorizes the Executive Office of the Governor (EOG) to contract with the Legislature to establish a procedure for reviewing and making recommendations relative to that portion of agency strategic plans which pertain to information resources management needs and with respect to agencies’ legislative budget requests for information resources management -- this mechanism is called the Technology Review Workgroup which is

headed by a senior-level manager; authorizes the Technology Review Workgroup: (1) to evaluate information resources management needs identified in agency strategic plans for consistency with the State Annual Report on Information Resources Management and statewide policies recommended by the State Technology Council, and make recommendations to the EOG; (2) to review and make recommendations to the EOG and chairs of the legislative appropriations committees on notices of proposed action for budget items with respect to information resources management projects or initiatives that involve more than one agency, that have an outcome that impacts another agency, or that exceed \$500,000 in total cost over a 1-year period; and, (3) to make recommendations to the EOG on guidelines and best practices for information resources management.

Section 6: Amends s. 216.181, F.S.; establishes a review and approval process for budget amendments (by the Governor and Administration Commission for the executive branch and the Chief Justice for the judicial branch), regardless of funding source, for information resources management projects or initiatives that involve more than one agency, that have an outcome that impacts another agency, or that exceed a total cost of \$500,000 over a 1-year period.

Section 7: Amends s. 282.003, F.S.; renames chapter 282, F.S., the "Information Resources Management Act of 1997."

Section 8: Creates s. 282.005, F.S.; provides legislative intent and findings with respect to information resources management.

Section 9: Amends s. 282.303, F.S., relating to definitions; deletes, revises, and creates definitions to conform to provisions of this proposed committee substitute.

Section 10. Creates new sections 282.3031, 282.3032, 282.3041, 282.3055, 282.3063, 282.3091, 282.3093, 282.310, and 282.315, F.S.

-- Section 282.3031, F.S.; assigns information resources management functions to the Board of Regents as the agency responsible for the development and implementation of policy, planning, management, rulemaking, standards, and guidelines for the State University System; to the State Board of Community Colleges as the entity responsible for establishing and developing rules and policies for the State Community College System; to the Supreme Court for the judicial branch; and, to each State Attorney and Public Defender.

-- Section 282.3032, F.S.; provides guiding principles for use in the development and implementation of information systems, for example: cooperative planning by state governmental entities is a prerequisite to facilitate data sharing; planning processes should include all principals from the outset; state governmental entities should maximize public access to data; specifies that redundant data be eliminated, to the extent possible; to the extent state government entities charge each other for data, insofar as possible, that should be eliminated; and, state agencies should strive toward sharing their electronic information via networks.

-- Section 282.3041, F.S., provides that each agency head is responsible and accountable for information resources management within his or her agency.

-- Section 282.3055, F.S., provides that each agency head appoint or contract for, full-time or part-time, the services of an agency Chief Information Officer to assist in carrying out the

information resources management responsibilities of the agency; establishes duties for the Chief Information Officer.

- Section 282.3063, F.S.; requires each Agency Chief Information Officer to develop an Agency Annual Information Resources Management Report by November 1, and specifies the information to be included in the report.
- Section 282.3091, F.S., establishes a nine-member State Technology Council, placed for administrative purposes in the Department of Management Services, to include: the Director of the Governor's Office of Planning and Budgeting; Comptroller; Commissioner of Education; Secretary of State; Secretary of the Department of Management Services; two state agency heads appointed by the Governor; and two private sector representatives, one appointed by the Senate President and one by the House Speaker; legislative appointees may not be legislative members and may not represent information technology vendors or any of their subsidiaries that sell products or services to the state; members serve 2-year terms and may be removed if absent from 3 consecutive meetings; council members are to be reimbursed per diem and travel expenses; and, council members are to develop a statewide vision for information resources management to be reflected in the State Annual Report on Information Resources and make recommendations on statewide policies for information resources management to the Executive Office of the Governor and the Legislature, among other duties.
- Section 282.3093, F.S.; establishes a State Technology Office within the Department of Management Services, headed by a senior-level manager, which is primarily responsible for providing administrative support to specified organizations and workgroups, and facilitating state educational and training opportunities for the state's use and management of information technology resources.
- Section 282.310, F.S.; requires the State Technology Office to prepare a State Annual Report on Information Resources Management by March 1 of each year based on information received from agency Annual Reports on information resource management; the state annual report must be approved by the State Technology Council; and, specifies the content of the report.
- Section 282.315, F.S.; establishes the Chief Information Officers Council to enhance communication and provide for consensus building, coordination, and facilitation of information resources management issues among the agency chief information officers; members of the council include: each state agency chief information officer, including the chief information officers of the Board of Regents, the State Board of Community Colleges, and the judicial branch; members elected by each of the State Attorneys and Public Defenders; and the chairs, or their designees, of the Geographic Information Board, the Florida Financial Management Information System Coordinating Council, the Criminal and Juvenile Justice Information System Council, and the Health Information Systems Council.

Section 11: Amends s. 282.102, F.S.; authorizes the Division of Communications to electronically publish its portfolio of services, which is to include the policies and procedures of the division governing usage of available services and a forecast of the priorities and initiatives for the state communications system for the ensuing 2 years; and, requires the division to provide a hard copy of its portfolio of services upon request.

Section 12: Repeals s. 282.1021, F.S., relating to the State Implementation Plan for Communications Services.

Section 13: Amends s. 282.20, F.S., relating to the Technology Resource Center; repeals references to the Information Resource Commission.

Section 14: Amends s. 282.313, F.S., relating to data processing policy boards; requires each data processing center to review its information resources management needs in its agency strategic plan with the policy board prior to submission of the plan as prescribed in ch. 186, F.S., and provides conforming changes.

Section 15: Amends s. 282.318, F.S., relating to the security of data and information technology resources; deletes redundant definitions; and, makes the agency head accountable and responsible for assuring an adequate level of security for agency information technology resources.

Section 16: Amends s. 282.322, F.S., relating to the special monitoring process for information resources management projects designated in proviso language in the General Appropriations Act; requires that the Technology Review Group, rather than the Information Resource Commission, in consultation with each affected agency, contract for such monitors.

Section 17: Amends s. 282.404, F.S., relating to the Geographic Information Board; repeals provisions relating to the Information Resource Commission; authorizes the board to issue guidelines on recommended best practices for the coordinating and sharing of geographic information; requires the Geographic Information Board to approve a strategic plan by March 1 of each year; adds the State Geologist to the council and representation from The Florida Association of Professional Geologists; conforms the name change of the Department of Health and Rehabilitative Services to the "Department of Children and Family Services" and the "Department of Health," in effect, adding an additional member to the council; and, requires the Department of Management Services to provide administrative support to the board.

Section 18: The following sections are repealed:

- Repeals s. 216.0445, F.S., which requires the Information Resource Commission to evaluate state agency budget requests for information resources management.
- Repeals s. 282.004, F.S., relating to legislative intent with respect to information resources management. (New intent language is created.)
- Repeals s. 282.304, F.S., which creates the Information Resource Commission.
- Repeals s. 282.305, F.S., which enumerates the powers and duties of the Information Resource Commission and Board of Regents as it relates to information resources management.
- Repeals s. 282.3061, F.S., relating to the requirement for a state strategic plan for information resources management.
- Repeals s. 282.3062, F.S., which requires the Information Resource Commission to prepare an annual report on the information resources management activities of state government.
- Repeals s. 282.307, F.S., which requires each department to submit to the Information Resource Commission a Strategic Plan for Information Resource Management.

- Repeals s. 282.308, F.S., which requires each state university to prepare a strategic plan for information resources management and have it approved by the Chancellor of the State University System.
- Repeals s. 282.309, F.S., which requires the Supreme Court, district courts of appeal, and circuit courts to prepare a strategic plan for Information Resources Management and have it approved by the Supreme Court; and, repeals the requirement that the Justice Administration Commission, each state attorney, and each public defender prepare a strategic plan for Information Resources Management and have it approved by the Information Resource Commission.
- Repeals s. 282.311, F.S., which requires each agency to appoint an information resource manager.
- Repeals s. 282.312, F.S., which requires each agency information resource manager to prepare and submit to the IRC an annual report describing the agency's information resource management activities for the previous year.
- Repeals s. 282.314, F.S., which creates the Information Resources Management Advisory Council.
- Repeals s. 287.073(5),(6),(7), and (8), F.S., which creates and assigns duties to the Information Technology Resource Procurement Advisory Council.
- Repeals s. 287.0735, F.S., relating to the Information Resource Commission's review of state term contracts for information technology resources.

Section 19: Amends s. 215.90, F.S.; renames the Florida Financial Fiscal Accounting Management Information System Act the "Florida Financial Management Information System Act."

Section 20: Amends s. 215.91, F.S., the legislative intent regarding the Florida Financial Management Information System (FFMIS); states that, among other things, FFMIS is to be the primary means by which state government managers acquire and disseminate the information needed to plan and account for the delivery of services to the citizens in a timely, efficient, and effective manner; provides that FFMIS is to be a unified information system for supporting the work of the state's decisionmakers and in support of performance monitoring; states that the Financial Management Information Board is to provide the overall framework within which the system will operate and the Florida Financial Management Information System Coordinating Council is to adopt policies and procedures for operation of the system; and, provides other duties for the coordinating council.

Section 21: Amends s. 215.92, F.S., relating to definitions; defines "Coordinating Council" to mean the "Florida Financial Management Information System Coordinating Council"; defines "Design and coordination staff"; deletes the definitions for "data record" and "overall costs"; and, amends the definition of "data code."

Section 22: Amends s. 215.93, F.S.; renames the Florida Fiscal Accounting Management Information System the Florida Financial Management Information System (FFMIS); authorizes FFMIS to collect data from any state agency or judicial branch information systems which have been determined to have statewide financial management significance; deletes the Revenue and Regulations Subsystem and the Investment and Debt Control Subsystem from FFMIS because they

are not statewide systems and their data is available from other systems; renames the State Automated Management Accounting Subsystem the Florida Accounting Information Resource Subsystem; renames the Banking and Collateral Subsystem the Cash Management Subsystem; renames the Management Services and Purchasing Subsystem as the Purchasing Subsystem; renames the State Personnel Payroll Information Subsystem the Cooperative Personnel Employment Subsystem; establishes the use of common financial management data codes for the FFMIS; and, requires the use of a chart of accounts approved by the Comptroller which utilizes common financial management data codes.

Section 23: Amends s. 215.94, F.S., relating to the designation and duties of functional owners; makes conforming changes to delete the Revenue and Regulations Subsystem and the Investment and Debt Control Subsystem from the Florida Management Information System; amends the duties and responsibilities of the functional owner subsystems of the Florida Financial Management Information System; revises the Planning and Budgeting Subsystem functions to include controlling and tracking the approved budget and releases and performance-based program budgeting compliance evaluations; deletes the Planning and Budgeting Subsystem requirements for cash forecasting and revenue and expenditure projections; revises the functions of the Florida Accounting Information Resource Subsystem to include accounting and reporting so that timely data can be provided to produce State financial statements, and to facilitate auditing and settling claims against the state; deletes functions relating to departmental, agency, or judicial branch accounting, cost accounting, production control, state or central accounting and reporting, and warrant preparation; revises the functions of the Cash Management Subsystem to include administering the provisions of the Federal Cash Management Improvement Act of 1990; revises the functions of the Purchasing Subsystem to include not only commodity procurements, but services as well; deletes the Purchasing Subsystem functions relating to inventory control, warehousing, facilities management and utilization, construction bidding and monitoring, and controlling and operating centralized equipment pools; revises the functions of the Cooperative Personnel Employment Subsystem to include collective bargaining data and employee data, including funding sources and percentages, salary lapse, payroll, and employee benefits; and, requires the Office of the Auditor General to provide to the Financial Management Information Board and the Florida Financial Management Information System Coordinating Council the findings and recommendations of any audit regarding the provisions of ss. 215.90-215.96, F.S.

Section 24: Amends s. 215.95, F.S., relating to the Fiscal Accounting Information Board; makes a conforming change to the Financial Management Information Board; revises the duties of the board; and, requires the board to approve an annual strategic plan and to adopt policies, procedures, principles, and standards necessary to implement the Florida Financial Management Information System.

Section 25: Amends s. 215.96, F.S., relating to the Florida Financial Management Information System Coordinating Council (coordinating council); adds design and coordination staff to the title; provides that the coordinating council members include the Comptroller, Treasurer, Secretary of the Department of Management Services, and the Director of the Governor's Office of Planning and Budgeting and adds as ex officio, non voting members, the State Courts Administrator, the Florida Association of State Administrative Services Directors, and the Florida Association of State Budget Officers; revises the duties of the coordinating council and provides for assistance from the design and coordination staff; makes conforming changes; and, provides for the development of a strategic plan which is to be made available to coordinating council members, the appropriations committees of the Legislature, the Joint Legislative Information Technology Resources Committee and any interested person.

Section 26: Amends s. 216.141, F.S., relating to budget system procedures; revises the requirements for the planning and budgeting system; provides that the Florida Management Information Board notify the Office of the Auditor General of changes or modifications to the Florida Financial Management Information System; requires that the contract between the Executive Office of the Governor and the Legislature for the support and use of the legislative appropriations system, include policies and procedures for combining the legislative appropriations system with the planning and budgeting subsystem; requires the combined legislative appropriations system and the planning and budgeting subsystem to use common data codes and to support the legislative oversight and appropriations processes; and, requires the Comptroller to utilize the Florida Accounting Information Resource Subsystem for accounting purposes in the performance of and accounting for his or her constitutional and statutory duties and responsibilities.

Section 27: Creates a Health Information Systems Council; provides legislative intent; provides for appointment and duties; directs that the Health Information Systems Council be created in the Department of Health to facilitate the identification, collection, standardization, sharing, and coordination of health-related data, including fraud and abuse data, and professional and facility licensing data among federal, state, local, and private entities; provides for ten council members; provides for council member terms of office, member removal, procedures, per diem and travel expenses for members, and the development of a strategic plan.

Section 28: Amends s. 20.19(13), F.S., relating to the Department of Children and Family Services; corrects a cross-reference and makes conforming changes.

Section 29: Amends s. 20.316(6), F.S., relating to the Department of Juvenile Justice; corrects a cross-reference.

Section 30: Amends s. 20.41(2), F.S.; provides that the Department of Elderly Affairs plan and administer its programs and services through planning and service areas as designated by the Legislature (not the department); amends s. 20.41(6), F.S., relating to the Department of Elderly Affairs; strikes language made obsolete by this proposed committee substitute.

Section 31: Amends s. 112.3145(1), F.S., relating to the disclosure of financial interests and clients represented before agencies; strikes references to the ITRPAC.

Section 32: Amends s. 216.031, F.S., relating to budgets; corrects a cross-reference.

Section 33: Amends s. 216.235(5), (6), and (10), F.S., relating to the Innovation Investment Program; makes conforming changes; deletes the requirement that innovative proposals be submitted to the Information Resource Commission and requires that such proposals be submitted to the State Innovation Committee, or its designee; and, requires the State Innovation Committee, or its designee, rather than the Information Resource Commission, to evaluate the innovative project's technical feasibility and make recommendations to the review board.

Section 34: Amends s. 216.236, F.S., relating to the Innovation Investment Program; provides that the State Innovation Committee, or its designee, rather than the Information Resource Commission, review and evaluate proposals involving information technology resources.

Section 35: Amends s. 287.042(16), F.S., relating to the powers and duties of the Division of Purchasing of the Department of Management Services; repeals references to the Information Resource Commission's authority to assist multiple agencies in jointly pooling their resources for

the purchase of information technology resources, however, such authority remains with the Division of Purchasing.

Section 36: Amends s. 287.073(1), F.S., relating to the procurement of information technology resources; revises cites and deletes definitions made obsolete by this proposed committee substitute.

Section 37: Amends s. 943.08, F.S., relating to the Criminal and Juvenile Justice Information Systems Council; requires the council to develop a strategic plan by March 1 of each year and transmit copies of same to the EOG, the Legislature, and the council members.

Section 38: Directs that the current staff of the Information Resource Commission be afforded priority consideration for any vacant or new positions created by the reorganization proposed by this proposed committee substitute.

Section 39: Provides that all records of each entity repealed by this act be appropriately stored, except that the records of the Information Resource Commission may be transferred to the State Technology Office, upon request of that office.

Section 40: Requires that all administrative rules of the Information Resource Commission remain in effect until June 30, 1998, at which time they are repealed unless memoranda issued by the Governor's Office conflicts with an existing administrative rule of the Information Resource Commission prior to that date, in which case, the memorandum shall prevail.

Section 41: Provides that all unexpended appropriations designated for special monitoring, pursuant to s. 282.322, F.S., be transferred from the Information Resource Commission to the Technology Review Workgroup.

Section 42: Authorizes the Division of Statutory Revision of the Joint Legislative Management Committee to conform necessary cross-references.

Section 43: Except as otherwise provided, provides an effective date of July 1, 1997.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

The \$1,066,600 in General Revenue Funds currently appropriated to the Information Resource Commission (IRC) would be available for re-appropriation or partial re-appropriation to fund the new governance structure created by this proposed committee substitute since the IRC would be abolished.

An additional \$40,000 in General Revenue Funds currently appropriated to the Department of Management Services, Division of Purchasing for administrative functions associated with the Information Technology Resource Procurement Advisory Council (ITRPAC) would also be available for re-appropriation since ITRPAC would be abolished as well.

Total General Revenue Funds available for re-appropriation to the newly created State Technology Office and Technology Review Workgroup are \$1,106,600.

3. Long Run Effects Other Than Normal Growth:

To the extent that information resources management reporting requirements and processes are streamlined, there should be a corresponding reduction in workload requirements for state governmental entities.

4. Total Revenues and Expenditures:

Total General Revenue Funds available for re-appropriation to the newly created State Technology Office and Technology Review Workgroup are \$1,106,600.

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:

None.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take action which requires the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority of counties or municipalities to raise revenues.

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

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

V. COMMENTS:

A summary of the Proposed Alternative Information Resources Management (IRM) Governance Structure is attached.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On April 15, 1997, the House Committee on Governmental Operations adopted 4 amendments to PCS HB 827.

The first amendment repeals s. 282.1021, F.S., which requires the Division of Communications of the Department of Management Services to develop a biennial plan for communications services. Additionally, it amends s. 282.102(1), F.S., to authorize the division to publish electronically its portfolio of services. The portfolio of services is to include the policies and procedures of the division governing usage of available services, and a forecast of the priorities and initiatives for the state communications system for the ensuing 2 years. Furthermore, the first amendment requires the division to provide a hard copy of its portfolio of services upon request.

The second amendment amends s. 20.41(2), F.S., to provide that the Department of Elderly Affairs plan and administer its programs and services through planning and service areas as designated by the Legislature (not the department).

The third amendment changes the section numbers referenced in the effective date to reflect the renumbering of sections necessitated by the first amendment.

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The fourth amendment is a conceptual amendment authorizing bill drafting to make all the conforming and editorial changes necessary.

VII. SIGNATURES:

COMMITTEE ON GOVERNMENTAL OPERATIONS:

Prepared by:

Legislative Research Director:

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

Jimmy O. Helms