

By Representatives Culp, Trovillion and Effman

1 A bill to be entitled
2 An act relating to information resources
3 management; amending s. 120.52, F.S.; providing
4 an additional exclusion to the definition of
5 "rule"; creating s. 216.0446, F.S.; authorizing
6 a mechanism for the review of agency
7 legislative budget requests for information
8 technology resources; amending s. 282.003,
9 F.S.; revising the short title of ch. 282,
10 F.S.; creating s. 282.005, F.S.; providing
11 legislative intent with respect to information
12 resources management; amending s. 282.303,
13 F.S.; revising definitions; creating s.
14 282.3031, F.S.; providing for assignment of
15 information resources management
16 responsibilities; creating s. 282.3041, F.S.;
17 providing for information resources management
18 responsibilities within state agencies;
19 creating s. 282.3055, F.S.; creating the
20 position of Chief Information Officer;
21 providing duties; creating s. 282.3063, F.S.;
22 requiring an Agency Annual Information
23 Resources Management Report; creating s.
24 282.3091, F.S.; creating the position of State
25 Chief Technology Officer; creating s. 282.3093,
26 F.S.; providing legislative intent with respect
27 to the State Chief Technology Officer;
28 providing powers and duties; creating s.
29 282.3095, F.S.; creating the Office of the
30 State Chief Technology Officer; creating s.
31 282.310, F.S.; requiring an annual report on

1 information resources management; creating s.
2 282.315, F.S.; creating the Chief Information
3 Officers Council; providing legislative intent;
4 providing purposes and membership of the
5 council; amending s. 282.1021, F.S.; revising
6 requirements of the State Implementation Plan
7 for Communications Services; amending s.
8 282.20, F.S., relating to the Technology
9 Resource Center; removing references to the
10 Information Resource Commission; amending s.
11 282.313, F.S.; revising provisions relating to
12 data processing policy boards; amending s.
13 282,318, F.S.; revising security requirements
14 for data and information technology resources;
15 amending s. 282.322, F.S., relating to special
16 monitoring for designated information resources
17 management projects; providing for the
18 assumption of specified responsibilities by the
19 technology budget review group; amending s.
20 282.404, F.S., relating to the Geographic
21 Information Board; requiring the board to
22 approve a strategic plan; removing references
23 to the Information Resource Commission;
24 revising the membership of the Geographic
25 Information Advisory Council; repealing s.
26 282.004, F.S., relating to legislative intent
27 with respect to information resources
28 management and paperwork reduction; repealing
29 s. 282.304, F.S., which provides for the
30 creation of the Information Resource
31 Commission; repealing s. 282.307, F.S., which

1 requires each department to submit a strategic
2 plan for information resources management;
3 repealing s. 282.308, F.S., which requires each
4 state university to prepare a strategic plan
5 for information resources management; repealing
6 s. 282.312, F.S., which requires the submission
7 of annual performance reports to the
8 Information Resource Commission; repealing s.
9 287.0735, F.S., which requires the review of
10 contracts relating to the acquisition of
11 information technology resources by the
12 Information Resource Commission; repealing s.
13 287.073(5), (6), (7), and (8), F.S., which
14 creates the Information Technology Resource
15 Procurement Advisory Council within the
16 Department of Management Services; repealing s.
17 216.0445, F.S., relating to budget evaluation
18 by the Information Resource Commission;
19 repealing s. 282.309, F.S., which requires the
20 preparation of strategic plans for information
21 resources management by the judicial branch;
22 repealing s. 282.311, F.S., which provides for
23 information resource managers; repealing s.
24 282.305, F.S., which provides powers and duties
25 of the Information Resource Commission and the
26 Board of Regents with respect to information
27 resources management; repealing s. 282.3061,
28 F.S., which provides for a State Strategic Plan
29 for Information Resources Management; repealing
30 s. 282.3062, F.S., which requires an annual
31 report on information resources management by

1 the Information Resource Commission; repealing
2 s. 282.314, F.S., which creates the Information
3 Resources Management Advisory Council; amending
4 s. 11.39, F.S.; revising the duties of the
5 Legislative Information Technology Resource
6 Committee; amending ss. 20.19, 20.316, and
7 20.41, F.S., to conform and correct cross
8 references; amending s. 112.3145, F.S.;
9 removing voting members of the Information
10 Technology Resource Procurement Advisory
11 Council from the definition of "specified state
12 employee"; amending ss. 186.021 and 186.022,
13 F.S.; revising provisions relating to state
14 agency strategic plans; amending s. 215.96,
15 F.S., relating to the Florida Fiscal Accounting
16 Management Information System; revising
17 provisions relating to the coordinating council
18 to the system; amending s. 216.031, F.S.;
19 correcting a cross reference; amending ss.
20 216.235 and 216.236, F.S., to conform; amending
21 s. 287.042, F.S., relating to the powers,
22 duties, and functions of the Division of
23 Purchasing of the Department of Management
24 Services, to conform; amending s. 287.073,
25 F.S.; revising the definition of "information
26 technology resources"; amending s. 943.06,
27 F.S.; relating to the Criminal and Juvenile
28 Justice Information Systems Council; adding the
29 State Chief Technology Officer as an ex officio
30 nonvoting member; amending s. 943.08, F.S.;
31 requiring the council to approve a strategic

1 plan; requiring that the current staff of the
2 Information Resource Commission be given
3 priority consideration for vacant or new
4 positions; requiring that the records of the
5 Information Resource Commission be transferred
6 to the State Chief Technology Officer;
7 providing for the repeal of the administrative
8 rules of the Information Resource Commission on
9 June 30, 1998; providing for the transfer of
10 specified unexpended appropriations to the
11 technology budget review group; providing an
12 effective date.

13

14 Be It Enacted by the Legislature of the State of Florida:

15

16 Section 1. Paragraph (c) of subsection (15) of section
17 120.52, Florida Statutes, 1996 Supplement, is amended to read:

18 120.52 Definitions.--As used in this act:

19 (15) "Rule" means each agency statement of general
20 applicability that implements, interprets, or prescribes law
21 or policy or describes the procedure or practice requirements
22 of an agency and includes any form which imposes any
23 requirement or solicits any information not specifically
24 required by statute or by an existing rule. The term also
25 includes the amendment or repeal of a rule. The term does not
26 include:

27 (c) The preparation or modification of:

28 1. Agency budgets.

29 2. Statements, memoranda, or instructions to state
30 agencies issued by the Comptroller as chief fiscal officer of

31

1 the state and relating or pertaining to claims for payment
2 submitted by state agencies to the Comptroller.

3 3. Contractual provisions reached as a result of
4 collective bargaining.

5 4. Memoranda issued by the State Chief Technology
6 Officer relating to information resources management.

7 Section 2. Section 216.0446, Florida Statutes, is
8 created to read:

9 216.0446 Budget evaluation of information technology
10 resources.--The Executive Office of the Governor may contract
11 with the Legislature to provide a mechanism for review of and
12 recommendations with respect to agencies' legislative budget
13 requests for information technology resources.

14 Section 3. Section 282.003, Florida Statutes, 1996
15 Supplement, is amended to read:

16 282.003 Short title.--This chapter may be cited as the
17 "Information ~~Technology~~ Resources Management Act of 1997
18 ~~1996~~."

19 Section 4. Section 282.005, Florida Statutes, is
20 created to read:

21 282.005 Legislative intent.--The Legislature finds
22 that:

23 (1) Information is a strategic asset of the state and,
24 as such, it should be managed as a valuable state resource.

25 (2) The state makes significant investments in
26 information technology resources in order to manage
27 information and to provide services to its citizens.

28 (3) The head of each state agency has primary
29 responsibility and accountability for the planning, budgeting,
30 acquisition, development, implementation, use, and management
31 of information technology resources within the agency.

1 (4) The expanding need for, use of, and dependence on
2 information technology resources requires focused management
3 attention and managerial accountability by state agencies and
4 the state as a whole.

5 (5) The agency head has primary responsibility for the
6 agency's information technology resources and for its use in
7 accomplishing the agency's mission. However, each agency
8 shall also use its information technology resources in the
9 best interests of the state as a whole and thus contribute to
10 and make use of shared data and related resources whenever
11 appropriate.

12 (6) The state shall provide, by whatever means is most
13 cost-effective and efficient, the information resources
14 management infrastructure needed to collect, store, and
15 process the state's data and information, provide
16 connectivity, and facilitate the exchange of data and
17 information among both public and private parties.

18 (7) A necessary part of the state's information
19 resources management infrastructure is a statewide
20 communications system for all types of signals, including
21 voice, data, video, radio, and image.

22 (8) To ensure the best management of the state's
23 information technology resources, and notwithstanding other
24 provisions of law to the contrary, the functions of
25 information resources management are hereby assigned to the
26 Board of Regents as the agency responsible for the development
27 and implementation of policy, planning, management,
28 rulemaking, standards, and guidelines for the State University
29 System; to the State Board of Community Colleges as the agency
30 responsible for establishing and developing rules and policies
31 for the State Community College System; to the Supreme Court,

1 for the judicial branch; and to each state attorney and public
2 defender.

3 Section 5. Section 282.303, Florida Statutes, is
4 amended to read:

5 282.303 Definitions.--For the purposes of ss.
6 282.303-282.322, the term:

7 (1) "Agency" means those entities described in chapter
8 216.

9 (2) "State Chief Technology Officer" means the person,
10 appointed by and serving at the pleasure of the Governor and
11 confirmed by the Senate, whose primary responsibility is to
12 provide leadership and statewide coordination for state
13 information resources management activities.~~"Commission"~~
14 ~~means the Information Resource Commission as created by s.~~
15 ~~282.304.~~

16 (3) "Chief Information Officer" means the person
17 appointed by the agency head to coordinate and manage the
18 information resources management policies and activities
19 within that agency.~~"Common applications" means separately~~
20 ~~identifiable information technology resources that are used to~~
21 ~~support an objective and are shared statewide or agencywide.~~

22 (4) "Chief Information Officers Council" means the
23 council created in s. 282.315 to facilitate the sharing and
24 coordination of information resources management issues and
25 initiatives among the agencies.~~"Common data structure" means~~
26 ~~logical data items or attributes that are shared statewide or~~
27 ~~agencywide.~~

28 (5) "State Annual Report for Information Resources
29 Management" means the report prepared by the State Chief
30 Technology Officer as defined in s. 282.310.~~"Computing~~
31 ~~component" means the part of the agency's technology~~

1 ~~architecture for supporting its data processing hardware and~~
2 ~~the agency's strategy to facilitate common applications.~~

3 (6) "Data processing hardware" means information
4 technology equipment designed for the automated storage,
5 manipulation, and retrieval of data by electronic or
6 mechanical means, or both, and includes, but is not limited
7 to, central processing units, front-end processing units,
8 including miniprocessors and microprocessors, and related
9 peripheral equipment such as data storage devices, document
10 scanners, data entry, terminal controllers and data terminal
11 equipment, computer-related word processing systems, and
12 equipment and systems for computer networks.

13 (7) "Data processing services" means all services that
14 include, but are not limited to, feasibility studies, systems
15 design, software development, or time-sharing services.

16 (8) "Data processing software" means the programs and
17 routines used to employ and control the capabilities of data
18 processing hardware, including, but not limited to, operating
19 systems, compilers, assemblers, utilities, library routines,
20 maintenance routines, applications, and computer networking
21 programs.

22 (9) "Agency Annual Report on Information Resources
23 Management" means the report prepared by the Chief Information
24 Officer of each agency as required by s. 282.3063.

25 ~~"Department" means the principal administrative unit within~~
26 ~~the executive branch of state government as defined in chapter~~
27 ~~20. For the purposes of ss. 282.303-282.313, the State Board~~
28 ~~of Administration, the Executive Office of the Governor, and~~
29 ~~the Game and Fresh Water Fish Commission shall be considered~~
30 ~~departments.~~

31

1 (10) "Project" means an undertaking directed at the
2 accomplishment of a strategic objective relating to
3 information resources management or a specific appropriated
4 program. ~~"Executive director" means the executive director of~~
5 ~~the Information Resource Commission as provided in s. 282.304.~~

6 (11) "Information resources management infrastructure"
7 means the hardware, software, networks, data, human resources,
8 policies, standards, and facilities which are required to
9 support the business processes of an agency. ~~"Information~~
10 ~~architecture" means the set of common applications and common~~
11 ~~data structures that are planned to support statewide or~~
12 ~~agency objectives.~~

13 (12) "Information resources management" means the
14 planning, budgeting, acquiring, developing, organizing,
15 directing, training, and control associated with government
16 information resources. The term encompasses information and
17 related resources, as well as the controls associated with
18 their acquisition, development, dissemination, and use.

19 (13) "Information technology resources" means data
20 processing hardware and software and services, communications,
21 supplies, personnel, facility resources, maintenance, and
22 training. ~~The commission shall determine, by rule, the~~
23 ~~process control devices to be excluded from this definition.~~

24 ~~(14) "Infrastructure component" means the training,~~
25 ~~personnel, facilities, and administrative support for~~
26 ~~implementing the agency's computing and network components of~~
27 ~~the technology architecture.~~

28 ~~(15) "Manager" means the information resource manager~~
29 ~~appointed by each department.~~

30 ~~(16) "Network component" means the framework for~~
31 ~~employing data communications resources in support of the~~

1 ~~agency's technology architecture, including local and wide~~
2 ~~area network capabilities, and the agency's strategy for~~
3 ~~facilitating common application access to common data~~
4 ~~structures.~~

5 ~~(17) "Project" means an undertaking directed at the~~
6 ~~accomplishment of a strategic objective relating to~~
7 ~~information resources management or a specific appropriated~~
8 ~~program.~~

9 ~~(18) "Reporting requirement" means a statutory~~
10 ~~provision that specifically requires a state governmental~~
11 ~~entity to prepare or have prepared on a regular or periodic~~
12 ~~basis a written account or record for the purpose of informing~~
13 ~~persons outside of the state governmental entity of matters~~
14 ~~relevant to the official business of the state governmental~~
15 ~~entity. The term does not include requirements for the~~
16 ~~preparation of legislative budget requests or the preparation~~
17 ~~of brochures, newsletters, handbooks, manuals, pamphlets,~~
18 ~~flyers, directories, or other similar documents.~~

19 ~~(19) "State governmental entity" means any department,~~
20 ~~agency, or other unit of organization of the executive branch~~
21 ~~of state government, a unit of organization of the legislative~~
22 ~~branch of state government, a unit of organization of the~~
23 ~~judicial branch of state government, the State Board of~~
24 ~~Community Colleges, the Board of Regents, and the Public~~
25 ~~Service Commission.~~

26 Section 6. Sections 282.3031, 282.3041, 282.3055,
27 282.3063, 282.3091, 282.3093, 282.3095, 282.310 and 282.315,
28 Florida Statutes, are created to read:

29 282.3031 Assignment of information resources
30 management responsibilities.--For purposes of ss.
31 282.303-282.322, to ensure the best management of state

1 information technology resources, and notwithstanding other
2 provisions of law to the contrary, the functions of
3 information resources management are hereby assigned to the
4 Board of Regents as the agency responsible for the development
5 and implementation of policy, planning, management,
6 rulemaking, standards, and guidelines for the State University
7 System; to the State Board of Community Colleges as the agency
8 responsible for establishing and developing rules and policies
9 for the State Community College System; to the Supreme Court
10 for the judicial branch; and to each state attorney and public
11 defender.

12 282.3041 State agency responsibilities.--The head of
13 each state agency is responsible and accountable for
14 information resources management within the agency in
15 accordance with legislative intent and as defined in this
16 chapter.

17 282.3055 Agency Chief Information Officer;
18 appointments; duties.--

19 (1)(a) To assist the agency head in carrying out the
20 information resources management responsibilities, the agency
21 head shall appoint or contract for a Chief Information Officer
22 at a level commensurate with the role and importance of
23 information technology resources in the agency. This position
24 may be full time or part time.

25 (b) The Chief Information Officer must, at a minimum,
26 have a knowledge and experience in both management and
27 information technology resources.

28 (2) The duties of the Chief Information Officer
29 include, but are not limited to:

30 (a) Coordinating and facilitating agency information
31 resources management activities and policies.

1 (b) Preparing an agency annual report on information
2 resources management pursuant to s. 282.3063.

3 (c) Developing and implementing agency information
4 resources management policies, procedures, and standards.

5 (d) Advising agency senior management as to the
6 information resources management needs of the agency for
7 inclusion in planning documents required by law.

8 (e) Assisting in the development and prioritization of
9 the information resources management schedule of the agency's
10 legislative budget request.

11 282.3063 Agency Annual Information Resources
12 Management Report.--

13 (1)(a) By November 1 of each year, and for the State
14 University System within 90 days after completion of the
15 expenditure analysis developed pursuant to s. 240.271(4), each
16 Chief Information Officer shall prepare and submit to the
17 State Chief Technology Officer an Agency Annual Information
18 Resources Management Report. Following consultation with the
19 technology budget review group established pursuant to s.
20 216.0446, the Legislative Information Technology Resource
21 Committee, and the Chief Information Officers Council, the
22 format and contents of the report shall be prescribed by the
23 State Chief Technology Officer, except for the report for the
24 State University System, the format of which shall be
25 prescribed by the Chancellor of the State University System,
26 the report for the State Community College System, the format
27 of which shall be prescribed by the State Board of Community
28 Colleges, and the report for the judicial branch, the format
29 of which shall be prescribed by the Supreme Court.

30 (b) The Agency Annual Report on Information Resources
31 Management shall contain, at a minimum, the following:

1 1. A forecast of information resources management
2 priorities and initiatives for the ensuing 2 years.

3 2. A description of the current information resources
4 management infrastructure of the agency and planned changes
5 for the ensuing 2 years.

6 3. A status report on the major information resources
7 management projects of the agency.

8 4. An assessment of the progress made toward
9 implementing the prior fiscal year legislative appropriation
10 to the agency for information resources management.

11 5. The estimated expenditures by the agency for
12 information resources management for the prior fiscal year.

13 6. An inventory list, by major categories, of the
14 agency information technology resources, which specifically
15 identifies the resources acquired during the previous fiscal
16 year.

17 7. An assessment of opportunities for the agency to
18 share information resources management initiatives with other
19 governmental or private entities.

20 8. A list of information resources management issues
21 the agency has identified as statewide issues or critical
22 information resources management issues with which the State
23 Chief Technology Officer could provide future assistance.

24 282.3091 State Chief Technology Officer; creation.--

25 (1) Effective July 1, 1997, there is created a State
26 Chief Technology Officer who shall be appointed by and serves
27 at the pleasure of the Governor, subject to confirmation by
28 the Senate.

29 (2) Criteria for appointment of the State Chief
30 Technology Officer shall include, but are not limited to:

31

1 (a) At least 5 years' experience in information
2 resources management at a senior executive level in a public
3 or private organization.

4 (b) Significant experience in facilitating, consensus
5 building, coordinating, negotiating, problem solving,
6 communicating with top-level management, strategic planning,
7 and policymaking.

8 (c) A 4-year college degree from an accredited
9 institution.

10 282.3093 State Chief Technology Officer; legislative
11 intent; powers and duties.--

12 (1) Effective July 1, 1997, it is the intent of the
13 Legislature that the State Chief Technology Officer foster
14 coordination, communication, and sharing of technology ideas,
15 issues, and initiatives among the state agencies, as well as
16 facilitate educational and training opportunities for the
17 agencies in order to enable the state to more effectively and
18 efficiently develop, implement, and manage its information
19 technology resources. It is also the intent of the
20 Legislature that the State Chief Technology Officer utilize
21 the Chief Information Officers Council, as well as ad hoc
22 issue-oriented workgroups, to address areas of shared interest
23 and concerns.

24 (2) The duties of the State Chief Technology Officer
25 shall include, but are not limited to:

26 (a) Identifying critical information resources
27 management issues and, when appropriate, pursuing solutions.

28 (b) Advising and consulting with the technology budget
29 review group established pursuant to s. 216.0446, on
30 information resources management issues.

31

1 (c) Facilitating educational opportunities for agency
2 senior management, Chief Information Officers, and technical
3 staff. This duty shall include consulting with the Department
4 of Management Services on potential statewide information
5 resources management training.

6 (d) Facilitating the creation of ad hoc issue-oriented
7 workgroups, which may include both public and private
8 representatives, on an as-needed basis.

9 (e) Providing limited administrative support for, and
10 participating as a nonvoting member in, the Chief Information
11 Officers Council meetings.

12 (f) Preparing the state annual Report on Information
13 Resources Management pursuant to s. 282.310.

14 (g) Issuing memoranda to agencies on recommended
15 guidelines or best practices for information resources
16 management.

17 (h) Requiring, on an as-needed basis, ad hoc agency
18 reports on information resources management.

19 282.3095 Office of the State Chief Technology Officer;
20 creation.--

21 (1) Effective July 1, 1997, the Office of the State
22 Chief Technology Officer is created within the Executive
23 Office of the Governor.

24 (2) The Office of the State Chief Technology Officer
25 shall be headed by the State Chief Technology Officer shall
26 report directly to the Governor and who shall be responsible
27 for all administrative functions of the office.

28 Administrative functions of the office may include preparing
29 the annual budget, hiring staff, purchasing, and other
30 activities required to support the office.

31

1 282.310 State Annual Report on Information Resources
2 Management.--

3 (1) By March 1 of each year, the State Chief
4 Technology Officer shall develop a State Annual Report on
5 Information Resources Management.

6 (2) The State Annual Report on Information Resources
7 Management shall contain, at a minimum, the following:

8 (a) A forecast of the state information resources
9 management priorities and initiatives for the ensuing 2 years.

10 (b) An assessment of the overall progress on state
11 information resources management initiatives and priorities
12 for the past fiscal year.

13 (c) A summary of major statewide issues related to
14 improving information resources management by the state.

15 (d) An inventory list, by major categories, of state
16 information technology resources.

17 (e) A summary of the total expenditures for
18 information resources management by each state agency.

19 The state annual report shall include information resources
20 management information from the annual reports prepared by the
21 Board of Regents for the State University System, from the
22 State Board of Community Colleges for the State Community
23 College System, from the Supreme Court for the judicial
24 branch, and from each state attorney and public defender.

25 (3) The state annual report shall be made available in
26 writing or through electronic means to the Executive Office of
27 the Governor, the President of the Senate, the Speaker of the
28 House of Representatives, the technology budget review group,
29 and the Legislative Information Technology Resource Committee.

30 282.315 Chief Information Officers Council;
31 creation.--The Legislature finds that enhancing communication,

1 consensus building, coordination, and facilitation of
2 statewide information resources management issues is essential
3 to improving state management of such resources.

4 (1) There is created a Chief Information Officers
5 Council to:

6 (a) Enhance communication among the Chief Information
7 Officers of state agencies by sharing information resources
8 management experiences and exchanging ideas.

9 (b) Facilitate the sharing of best practices which are
10 characteristic of highly successful technology organizations,
11 as well as exemplary information technology applications of
12 state agencies.

13 (c) Identify efficiency opportunities among state
14 agencies.

15 (d) Serve as an educational forum for information
16 resources management issues.

17 (e) Assist the State Chief Technology Officer in
18 identifying critical statewide issues and, when appropriate,
19 make recommendations for solving information resources
20 management deficiencies.

21 (2) Members of the council shall include the Chief
22 Information Officers of all state agencies, including the
23 Chief Information Officers of the agencies enumerated in s.
24 282.3031, except that there shall be one Chief Information
25 Officer selected by the state attorneys and one Chief
26 Information Officer selected by the public defenders. The
27 State Chief Technology Officer shall serve as a nonvoting
28 member.

29 (3) The State Chief Technology Officer shall provide
30 limited administrative support to the council.

31

1 Section 7. Section 282.1021, Florida Statutes, is
2 amended to read:

3 282.1021 State Implementation Plan for Communications
4 Services.--

5 (1) By March 1 of each year,the Division of
6 Communications of the Department of Management Services shall
7 ~~biennially~~ develop a state plan for the implementation of
8 communications services. The format and contents of the plan
9 shall be determined upon consultation with the State Chief
10 Technology Officer, the Chief Information Officers Council,
11 and the technology budget review group established pursuant to
12 s. 216.0446. At a minimum, the State Implementation Plan
13 shall include:

14 (a) A general description of communications services
15 available, including pricing information.

16 (b) A forecast of the priorities and initiatives for
17 the state communications system for the ensuing 2 years.

18 (c) An assessment of the overall progress by the state
19 in achieving its communications priorities and initiatives.

20 (d) A statement addressing the communications needs
21 identified in each Agency Annual Information Resources
22 Management Report.~~descriptions of how the plan will support~~
23 ~~and further the goals and policies of the State Comprehensive~~
24 ~~Plan and the State Strategic Plan for Information Resources~~
25 ~~Management approved by the Information Resource Commission,~~
26 ~~and address the communications needs identified in each~~
27 ~~department's approved Strategic Plan for Information Resources~~
28 ~~Management. Such plan shall also include a general description~~
29 ~~of communications services available and planned to be made~~
30 ~~available during the plan period along with the estimated cost~~
31 ~~of providing those services. A copy of the proposed State~~

1 ~~Implementation Plan shall be sent to the executive director of~~
2 ~~the Information Resource Commission for his or her review and~~
3 ~~recommendations to the division.~~

4 (2) Upon approval of the State Implementation Plan by
5 ~~shall be submitted to the Governor and Cabinet, the plan shall~~
6 ~~be made available in writing or through electronic means to~~
7 ~~the Division of Communications customers, sitting as the head~~
8 ~~of the Information Resource Commission, for approval on or~~
9 ~~before February 1 of each odd-numbered year. A copy of the~~
10 ~~recommendations by the executive director of the Information~~
11 ~~Resource Commission shall be provided to the Governor and~~
12 ~~Cabinet along with the final State Implementation Plan.~~

13 Section 8. Section 282.20, Florida Statutes, is
14 amended to read:

15 282.20 Technology Resource Center.--

16 (1)(a) The Division of Information Services of the
17 Department of Management Services shall operate and manage the
18 Technology Resource Center.

19 (b) For the purposes of this section, the term:

20 1. "Department" means the Department of Management
21 Services.

22 2. "Division" means the Division of Information
23 Services of the Department of Management Services.

24 3. "Information-system utility" means a full-service
25 information-processing facility offering hardware, software,
26 operations, integration, networking, and consulting services
27 to state agencies.

28 (2) The division and the Technology Resource Center
29 shall:

30 (a) Serve the department and other state agencies as
31 an information-system utility.

1 (b) ~~Cooperate with the Information Resource Commission~~
2 ~~and with other state agencies to~~ Offer, develop, and support a
3 wide range of services and applications needed by users of the
4 Technology Resource Center.

5 (c) Cooperate with the Florida Legal Resource Center
6 of the Department of Legal Affairs and other state agencies to
7 develop and provide access to repositories of legal
8 information throughout the state.

9 (d) Cooperate with the Division of Communications of
10 the department to facilitate interdepartmental networking and
11 integration of network services for state agencies.

12 (e) Assist state agencies in testing and evaluating
13 new and emerging technologies that could be used to meet the
14 needs of the state.

15 (3) The division may contract with state agencies to
16 provide any combination of services necessary for agencies to
17 fulfill their responsibilities and to serve their users.

18 (4)(a) There is created for the Technology Resource
19 Center a data processing policy board as provided in s.
20 282.313.

21 (b) In addition to the members of the policy board
22 provided in s. 282.313, the following ex officio members are
23 appointed to the data processing policy board of the
24 Technology Resource Center: the State Chief Technology Officer
25 ~~the Executive Director of the Information Resource Commission,~~
26 the Director of the Division of Communications of the
27 Department of Management Services, and the chair of the
28 coordinating council to the Florida Fiscal Accounting
29 Management Information System, as created in s. 215.96, or
30 their respective designees. The ex officio members provided in
31

1 this subsection shall vote and serve in the same manner as
2 other policy board members.

3 (5) The Technology Resource Center may plan, design,
4 establish pilot projects for, and conduct experiments with
5 information technology resources, and may implement
6 enhancements in services when such implementation is
7 cost-effective. Funding for experiments and pilot projects
8 shall be derived from service revenues and may not exceed 5
9 percent of the service revenues for the Technology Resource
10 Center for any fiscal year. Any experiment, pilot project,
11 plan, or design must be approved by the data processing policy
12 board of the center.

13 (6) Notwithstanding the provisions of s. 216.272, the
14 Technology Resource Center may spend the funds in the reserve
15 account of its working capital trust fund for enhancements to
16 center operations or for information technology resources. Any
17 expenditure of reserve account funds must be approved by the
18 data processing policy board of the center. Any funds
19 remaining in the reserve account at the end of the fiscal year
20 may be carried forward and spent as approved by the policy
21 board.

22 Section 9. Section 282.313, Florida Statutes, is
23 amended to read:

24 282.313 Data processing policy boards.--

25 (1) There is created a data processing policy board
26 for each data processing center which derives 20 percent or
27 more of its total yearly funding from departments other than
28 the host department for the center. The Chief Information
29 Officer ~~information resource manager~~ of each department
30 utilizing the center, or his or her designee, shall serve as
31 the representative on the policy board. The data center

1 director shall serve in a nonvoting ex officio capacity. A
2 designee of the director or the supervisor of the data
3 processing center shall serve without voting rights as the
4 secretary to the policy board. The secretary shall maintain
5 minutes of each policy board meeting. Upon approval of the
6 minutes by the policy board, the secretary shall file a copy
7 with the commission. The policy board shall annually elect a
8 chair from its membership and shall meet at the call of the
9 chair or at the request of a majority of the members.

10 (2) Each data processing center shall review its
11 portion of its agency strategic information technology
12 ~~resource~~ plan with the policy board prior to the submission of
13 the plan as prescribed by ss. 186.021 and 186.022
14 ~~282.307-282.309~~. The policy board may suggest modifications to
15 that plan and ~~submit any suggested modifications as part of~~
16 ~~the plan~~.

17 (3) Actions taken by the data processing center to
18 implement its approved plan shall be reviewed and approved by
19 the policy board prior to implementation. These actions
20 include, but are not limited to, setting policies and
21 procedures governing the data processing center's rate
22 structure and charging algorithm, information technology
23 resource acquisitions above \$2,500, setting of work
24 priorities, scheduling, and acceptance of new users.

25 (4) The data processing policy board may approve
26 expenditures derived from the overall rate structure of the
27 data processing center, not to exceed 5 percent of the gross
28 services billings to all users in any fiscal year, to design,
29 demonstrate, and conduct research and development for advanced
30 information technology solutions to information processing
31 problems. The data processing center may enter into agreements

1 with private industry and federal, state, and local
2 governments in designing, demonstrating, or developing such
3 technologies which offer the potential to improve efficiency
4 and reduce the cost of state operations. A majority vote of
5 the policy board shall be required prior to all such
6 expenditures. The data processing center shall report on such
7 activities in its agency's ~~department's~~ annual performance
8 report on information technology resources management pursuant
9 to ~~s. 282.312~~.

10 (5) This section does not apply to those data centers
11 created pursuant to chapter 216.

12 Section 10. Section 282.318, Florida Statutes, 1996
13 Supplement, is amended to read:

14 282.318 Security of data and information technology
15 resources.--

16 (1) This section may be cited as the "Security of Data
17 and Information Technology Resources Act."

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

19 ~~(a) "Department" means the principal administrative~~
20 ~~unit within the executive branch of state government as~~
21 ~~defined in chapter 20. For the purposes of this section, the~~
22 ~~State Board of Administration, the Executive Office of the~~
23 ~~Governor, and the Game and Fresh Water Fish Commission shall~~
24 ~~be considered departments.~~

25 ~~(b) "Head of a department" means the individual or~~
26 ~~board in charge of the department.~~

27 ~~(c) "Information technology resources" means data~~
28 ~~processing hardware, software and services, supplies,~~
29 ~~personnel, facility resources, maintenance, training, or other~~
30 ~~related resources.~~

31

1 (2)(3)(a) Each agency head ~~of a department~~ is
2 responsible and accountable for assuring an adequate level of
3 security for all data and information technology resources of
4 the agency ~~within the department~~ and, to carry out this
5 responsibility, shall, at a minimum:

6 1. Designate an information security manager who shall
7 administer the security program of the agency ~~department~~ for
8 its data and information technology resources.

9 2. Conduct, and periodically update, a comprehensive
10 risk analysis to determine the security threats to the data
11 and information technology resources of the agency. The risk
12 analysis information is confidential and exempt from the
13 provisions of s. 119.07(1), except that such information shall
14 be available to the Auditor General in performing his or her
15 postauditing duties.

16 3. Develop, and periodically update, written internal
17 policies and procedures to assure the security of the data and
18 information technology resources of the agency. The internal
19 policies and procedures which, if disclosed, could facilitate
20 the unauthorized modification, disclosure, or destruction of
21 data or information technology resources are confidential
22 information and exempt from the provisions of s. 119.07(1),
23 except that such information shall be available to the Auditor
24 General in performing his or her postauditing duties.

25 4. Implement appropriate cost-effective safeguards to
26 reduce, eliminate, or recover from the identified risks to the
27 data and information technology resources of the agency.

28 5. Ensure that periodic internal audits and
29 evaluations of the security program for the data and
30 information technology resources of the agency are conducted.
31 The results of such internal audits and evaluations are

1 confidential information and exempt from the provisions of s.
2 119.07(1), except that such information shall be available to
3 the Auditor General in performing his or her postauditing
4 duties.

5 6. Include appropriate security requirements, as
6 determined by the agency department, in the written
7 specifications for the solicitation of information technology
8 resources ~~by the department.~~

9 ~~7. Include as a part of the information resources~~
10 ~~management plan required in this chapter a general description~~
11 ~~of the existing security program and future plans for~~
12 ~~implementing information resources security policies and~~
13 ~~standards developed by the commission.~~

14 ~~8. Certify annually to the Information Resource~~
15 ~~Commission that the security program for data and information~~
16 ~~technology resources conforms with the standards and policies~~
17 ~~developed by that commission and planned for implementation in~~
18 ~~the agency strategic plan for information resources~~
19 ~~management. If the department is unable to certify such~~
20 ~~conformance, it shall notify the Information Resource~~
21 ~~Commission in writing, stating the deficiencies and the~~
22 ~~reasons for its nonconformance. As part of the annual~~
23 ~~certification process, agencies shall also note the percentage~~
24 ~~of critical applications, as defined by the agency, that have~~
25 ~~a current, tested contingency plan in the event of a disaster.~~

26 ~~(b) The Board of Regents is responsible for assuring~~
27 ~~an adequate level of security for the data and the information~~
28 ~~technology resources within the State University System. To~~
29 ~~carry out this responsibility for the State University System,~~
30 ~~the Board of Regents shall establish and maintain minimum~~
31 ~~security standards and rules to implement subparagraphs~~

1 ~~(a)1.-6. and perform the functions described in subparagraphs~~
2 ~~(d)2.-5.~~

3 ~~(c) The Supreme Court is responsible for assuring an~~
4 ~~adequate level of security for the data and the information~~
5 ~~technology resources within the judicial branch of government.~~
6 ~~To carry out this responsibility, at a minimum, the Supreme~~
7 ~~Court shall address the responsibilities prescribed in~~
8 ~~subparagraphs (a)1.-6. The Supreme Court shall develop~~
9 ~~written minimum standards and guidelines for the judicial~~
10 ~~branch to follow in developing its security program. The~~
11 ~~Supreme Court shall include as a part of the information~~
12 ~~resources management plan required by this chapter a general~~
13 ~~description of the existing security program and future plans~~
14 ~~for assuring the security of data and information technology~~
15 ~~resources.~~

16 ~~(d) The Information Resource Commission is responsible~~
17 ~~for providing centralized management and coordination of state~~
18 ~~policies relating to the security of data and information~~
19 ~~technology resources. To carry out this responsibility, the~~
20 ~~Information Resource Commission shall:~~

21 ~~1. Establish and maintain minimum security standards,~~
22 ~~rules, and regulations to implement subparagraphs (a)1.-8.~~

23 ~~2. Establish guidelines to assist agencies in~~
24 ~~identifying electronic data processing personnel who occupy~~
25 ~~positions of special trust or responsibility or sensitive~~
26 ~~locations as addressed in chapter 110.~~

27 ~~3. Establish rules and regulations for the exchange of~~
28 ~~data between data centers or departments by intercoupling or~~
29 ~~telecommunications to ensure that exchanges do not jeopardize~~
30 ~~data security and confidentiality.~~

31

1 4. ~~Coordinate and provide for a training program~~
2 ~~regarding security of data and information technology~~
3 ~~resources to serve the technical and managerial needs of~~
4 ~~government.~~

5 5. ~~Provide technical and managerial assistance~~
6 ~~relating to the security program upon request.~~

7 6. ~~Adopt rules to implement this section.~~

8 (e) ~~The Department of Management Services shall:~~

9 1. ~~Adopt rules and regulations for the physical~~
10 ~~security of central computer rooms consistent with the~~
11 ~~standards developed under subparagraph (d)1.~~

12 (b)2. In those instances in which the Department of
13 Management Services it develops state contracts for use by
14 state all agencies, the department shall include appropriate
15 security requirements, as established in paragraph (d), in the
16 specifications for the solicitation for state contracts for
17 procuring information technology resources.

18 Section 11. Section 282.322, Florida Statutes, is
19 amended to read:

20 282.322 Special monitoring process for designated
21 information resources management projects.--For each
22 information resources management project which is designated
23 for special monitoring in the General Appropriations Act, with
24 a proviso requiring a contract with a project monitor, the
25 technology budget review group established pursuant to s.
26 216.0446 Information Resource Commission, in consultation with
27 each affected agency, ~~or the Board of Regents for each~~
28 ~~affected university~~, shall be responsible for contracting with
29 the project monitor. Upon contract award, funds equal to the
30 contract amount shall be transferred to the technology budget
31 review group ~~Information Resource Commission or the Board of~~

1 ~~Regents as appropriate~~ upon request and subsequent approval of
2 a budget amendment pursuant to s. 216.292. With the
3 concurrence of the Legislative Auditing Committee, the office
4 of the Auditor General shall be the project monitor for other
5 projects designated for special monitoring. However, nothing
6 in this section precludes the Auditor General from conducting
7 such monitoring on any project designated for special
8 monitoring. In addition to monitoring and reporting on
9 significant communications between a contracting agency and
10 the appropriate federal authorities, the project monitoring
11 process shall consist of evaluating each major stage of the
12 designated project to determine whether the deliverables have
13 been satisfied and to assess the level of risks associated
14 with proceeding to the next stage of the project. The major
15 stages of each designated project shall be determined based on
16 the agency's information systems development methodology.
17 Within 20 days after an agency has completed a major stage of
18 its designated project, the project monitor shall issue a
19 written report, including the findings and recommendations for
20 correcting deficiencies, to the agency head, for review and
21 comment. Within 20 days after receipt of the project monitor's
22 report, the agency head shall submit a written statement of
23 explanation or rebuttal concerning the findings and
24 recommendations of the project monitor, including any
25 corrective action to be taken by the agency. The project
26 monitor shall include the agency's statement in its final
27 report which shall be forwarded, within 7 days after receipt
28 of the agency's statement, to the agency head, the inspector
29 general's office of the agency, the Executive Office of the
30 Governor, the appropriations committees of the Legislature,
31 the Joint Legislative Auditing Committee, the technology

1 budget review group, and the Legislative Information
2 Technology Resource Committee. The Auditor General shall also
3 receive a copy of the project monitor's report for those
4 projects in which the Auditor General is not the project
5 monitor.

6 Section 12. Section 282.404, Florida Statutes, 1996
7 Supplement, is amended to read:

8 282.404 Geographic information board; definition;
9 membership; creation; duties; advisory council; membership;
10 duties.--

11 (1) As used in this section, the term "geographic
12 information" means information or data for which location or
13 spatial distribution is an essential element, including, but
14 not limited to, information pertaining to:

15 (a) Land, air, water, and mineral resources;

16 (b) The distribution of plant, animal, and human
17 populations;

18 (c) Real property interests;

19 (d) The elements of the growth management
20 comprehensive planning process under ss. 163.3177 and
21 163.3178;

22 (e) Political, jurisdictional, ownership, and other
23 artificial divisions of geography; and

24 (f) Measured features listed in paragraphs (a)-(d)
25 herein and geographic features produced pursuant to chapter
26 472.

27 (2)(a) The Florida Geographic Information Board is
28 created in the Executive Office of the Governor. The purpose
29 of the board is to facilitate the identification,
30 coordination, collection, and sharing of geographic
31 information among federal, state, regional, and local

1 agencies, and the private sector. The board shall develop
2 ~~review and recommend to the Information Resource Commission~~
3 solutions, policies, and standards to increase the value and
4 usefulness of geographic information concerning Florida. In
5 formulating and developing solutions, policies, and standards,
6 the board shall provide for and consider input from other
7 public agencies, such as the state universities, large and
8 small municipalities, urban and rural county governments, and
9 the private sector.

10 (b) The Geographic Information Board may issue
11 guidelines on recommended best practices, including
12 recommended policies and standards, for the identification,
13 coordination, collection, and sharing of geographic
14 information.

15 (c) The Geographic Information Board may contract for,
16 accept, and make gifts, grants, loans, or other aid from and
17 to any other governmental entity and to any person. Members
18 may contribute, and the board may receive and expend, funds
19 for board initiatives.

20 (3) The board consists of the Director of Planning and
21 Budgeting within the Executive Office of the Governor, the
22 executive director of the Game and Fresh Water Fish
23 Commission, the executive director of the Department of
24 Revenue, and the State Cadastral Surveyor, as defined in s.
25 177.503, or their designees, and the heads of the following
26 agencies, or their designees: the Department of Agriculture
27 and Consumer Services, the Department of Community Affairs,
28 the Department of Environmental Protection, the Department of
29 Transportation, and the Board of Professional Surveyors and
30 Mappers. The Governor shall appoint to the board one member
31 each to represent the counties, municipalities, regional

1 planning councils, water management districts, and county
2 property appraisers. The Governor shall initially appoint two
3 members to serve 2-year terms and three members to serve
4 4-year terms. Thereafter, the terms of all appointed members
5 must be 4 years and the terms must be staggered. Members may
6 be appointed to successive terms and incumbent members may
7 continue to serve the board until a new appointment is made.
8 The State Chief Technology Officer ~~executive director of the~~
9 ~~Information Resource Commission, or the executive director's~~
10 ~~designee~~, and the chair of the Geographic Information Advisory
11 Council shall serve without voting rights as ex officio
12 members on the board.

13 (4) The Director of Planning and Budgeting of the
14 Executive Office of the Governor, or his or her designee,
15 shall serve as the chair of the board. A majority of the
16 membership of the board constitutes a quorum for the conduct
17 of business. The board shall meet at least twice each year,
18 and the chair may call a meeting of the board as often as
19 necessary to transact business. Administrative and clerical
20 support to the board shall be provided by the Department of
21 Management Services ~~Information Resource Commission~~.

22 (5) The board shall:

23 (a) Promote the sharing of geographic information
24 between the public sector and the private sector;

25 (b) Conduct a periodic assessment of geographic
26 information and geographic information systems in this state
27 to identify geographic information management activities and
28 available resources in this state;

29 (c) Reduce redundancy of data acquisition by promoting
30 the coordination of geographic data collection;

31

1 (d) Promote consistency of data elements by
2 establishing standard data definitions and formats;

3 (e) Promote the adoption and use of standards that
4 have broad application to the public and private sectors;

5 (f) Develop criteria, policies, and procedures for the
6 prescribed and preplanned electronic transmission of
7 geographic information, including, but not limited to,
8 transmissions between a local planning agency, as defined in
9 s. 163.3164, and the state land planning agency;

10 (g) By March 1 of each year, approve a strategic plan
11 following the general statutory requirements which are
12 applicable to agencies pursuant to s. 186.021(1)-(3). Copies
13 of the plan shall be transmitted electronically or in writing
14 to the Executive Office of the Governor and the members of the
15 Geographic Information Advisory Council as provided in
16 subsection (7);~~Develop and submit to the Information Resource~~
17 ~~Commission a strategic information resources management plan~~
18 ~~for geographic information no later than May 1 of each~~
19 ~~even-numbered year, except that the first plan is due May 1,~~
20 ~~1997. At a minimum, the plan must address the planning~~
21 ~~components and procedures described in s. 282.307;~~

22 (h) Promote the use and coordination of geographic
23 information from sources such as universities, government
24 organizations, nonprofit organizations, and the private
25 sector;

26 (i) Promote the development and maintenance of a data
27 directory in which geographic information is cataloged;

28 (j) Serve as liaison between this state and the
29 Federal Government to promote the sharing of geographic
30 information;

31

1 (k) Establish technical advisory committees to assist
2 the board; and

3 (l) Promote regional coordination of geographic
4 information.

5 (6) The Florida Geographic Information Advisory
6 Council is created in the Executive Office of the Governor to
7 provide technical assistance and recommendations to the board.

8 (7) The Geographic Information Advisory Council
9 consists of one member each from the Office of Planning and
10 Budgeting within the Executive Office of the Governor, the
11 Game and Fresh Water Fish Commission, the Department of
12 Revenue, ~~the Information Resource Commission,~~ the Department
13 of Agriculture and Consumer Services, the Department of
14 Community Affairs, the Department of Environmental Protection,
15 the Department of Transportation, the State Cadastral
16 Surveyor, the State Geologist, the Board of Professional
17 Surveyors and Mappers, counties, municipalities, regional
18 planning councils, water management districts, and property
19 appraisers, as appointed by the corresponding member of the
20 board. The Governor shall appoint to the council one member
21 each, as recommended by the respective organization, to
22 represent the Department of Commerce, the Department of
23 Children and Family Services, the Department of Health and
24 ~~Rehabilitative Services,~~ the Florida Survey and Mapping
25 Society, Florida Region of the American Society of
26 Photogrammetry and Remote Sensing, Florida Association of
27 Cadastral Mappers, The Florida Association of Professional
28 Geologists, Florida Engineering Society, Florida Chapter of
29 the Urban and Regional Information Systems Association, the
30 forestry industry, the State University System survey and
31 mapping academic research programs, and State University

1 System geographic information systems academic research
2 programs; and two members representing utilities, one from a
3 regional utility, and one from a local or municipal utility.
4 These persons must have technical expertise in geographic
5 information issues. The Governor shall initially appoint six
6 members to serve 2-year terms and six members to serve 4-year
7 terms. Thereafter, the terms of all appointed members must be
8 4 years and must be staggered. Members may be appointed to
9 successive terms and incumbent members may continue to serve
10 the council until a successor is appointed. The State Chief
11 Technology Officer and representatives of the Federal
12 Government shall ~~may~~ serve without voting rights as ex officio
13 members.

14 (8) A majority of the membership constitutes a quorum
15 for the conduct of business and shall elect the chair of the
16 advisory council biennially. The council shall meet at least
17 twice a year, and the chair may call meetings as often as
18 necessary to transact business or as directed by the board.
19 Administrative and clerical support shall be provided by the
20 Department of Management Services Information Resource
21 Commission.

22 (9) The advisory council shall:

23 (a) Develop operational procedures for the conduct of
24 business;

25 (b) Make recommendations to the geographic information
26 board for policies, procedures, standards, and technical
27 solutions pertaining to the planning, coordination, sharing,
28 consistency, development, and maintenance of geographic
29 information;

30 (c) Develop solutions that promote coordinated and
31 cost-effective statewide financing of geographic information;

1 (d) Make recommendations for the reduction of
2 unnecessary duplication of geographic information efforts
3 among various state, federal, regional, and local agencies and
4 the private sector;

5 (e) Seek information from the geographic information
6 and mapping community in formulating priorities for the
7 federal and state mapping and geographic information programs
8 and activities; and

9 (f) Inform mapping and geographic information users in
10 the state of programs, available materials and information,
11 and standards and solutions pertaining to mapping and
12 geographic information.

13 (10) If any specified state agency fails to comply
14 with this section without good cause, the Executive Office of
15 the Governor may withhold releases of appropriations of those
16 portions of the agency's operating budget that pertain to the
17 collection and analysis of geographic information.

18 (11) Local governments are encouraged to participate
19 within their abilities and resources in order to facilitate
20 implementation of this section.

21 Section 13. Sections 287.0735, Florida Statutes,
22 sections 282.004 and 282.312, Florida Statutes, as amended by
23 chapter 94-340, Laws of Florida, section 282.304, Florida
24 Statutes, as amended by chapters 94-226 and 94-340, Laws of
25 Florida, section 282.307, Florida Statutes, as amended by
26 chapters 94-226, 94-340, and 95-296, Laws of Florida, section
27 282.308, Florida Statutes, as amended by chapters 94-226,
28 94-340, 95-148, 95-243, and 95-392, Laws of Florida,
29 subsections (5), (6), (7) and (8) of section 287.073, Florida
30 Statutes, as amended by chapters 94-226, 94-340, and 95-148,
31 Laws of Florida, section 282.309, Florida Statutes, as amended

1 by chapters 95-148 and 96-388, Laws of Florida, sections
2 216.0445 and 282.311, Florida Statutes, as amended by chapters
3 94-226, 94-340, and 96-388, Laws of Florida, section 282.305,
4 Florida Statutes, as amended by chapters 94-226, 94-340, and
5 96-390, Laws of Florida, section 282.3062, Florida Statutes,
6 as amended by chapters 94-340, 96-388, and 96-390, Laws of
7 Florida, and sections 282.3061 and 282.314, Florida Statutes,
8 as amended by chapters 94-226, 94-340, 96-388, and 96-390,
9 Laws of Florida, are repealed.

10 Section 14. Paragraph (c) of subsection (2) of section
11 11.39, Florida Statutes, is amended to read:

12 11.39 Legislative Information Technology Resource
13 Committee; membership; powers; duties.--

14 (2) The committee shall:

15 (c) Assist standing committees of the Senate and of
16 the House of Representatives with such services as the joint
17 committee may deem necessary, including, but not limited to,
18 ~~review of agency information technology resource plans as~~
19 ~~provided in s. 282.307~~ and evaluation of the overall impact of
20 resource acquisitions on the productivity and services of the
21 agencies.

22 Section 15. Paragraph (a) of subsection (13) of
23 section 20.19, Florida Statutes, 1996 Supplement, is amended
24 to read:

25 20.19 Department of Children and Family
26 Services.--There is created a Department of Children and
27 Family Services.

28 (13) INFORMATION SYSTEMS.--

29 (a) The secretary shall appoint a Chief Management
30 Information Officer ~~to serve as the department's information~~
31 ~~resource manager~~ with the authority for agency development and

1 management information systems maintenance, policies, and
2 procedures as provided for in chapter 282 ~~s. 282.311~~. The
3 Chief Management Information Officer shall direct and promote
4 information as a strategic asset and facilitate integration of
5 data systems and agency and interagency resource sharing as
6 allowed by applicable statutes. The Chief Management
7 Information Officer serves at the pleasure of the secretary.

8 Section 16. Paragraph (c) of subsection (6) of section
9 20.316, Florida Statutes, 1996 Supplement, is amended to read:

10 20.316 Department of Juvenile Justice.--There is
11 created a Department of Juvenile Justice.

12 (6) INFORMATION SYSTEMS.--

13 (c) The department shall implement a distributed
14 system architecture which shall be defined in its agency
15 strategic plan ~~pursuant to s. 282.307~~.

16 Section 17. Subsection (6) of section 20.41, Florida
17 Statutes, is amended to read:

18 20.41 Department of Elderly Affairs.--There is created
19 a Department of Elderly Affairs.

20 (6) In accordance with the federal Older Americans Act
21 of 1965, as amended, the department shall designate and
22 contract with area agencies on aging in each of the
23 department's planning and service areas. Area agencies on
24 aging shall ensure a coordinated and integrated provision of
25 long-term care services to the elderly and shall ensure the
26 provision of prevention and early intervention services. The
27 department shall have overall responsibility for information
28 system planning. The department shall ensure, through the
29 development of equipment, software, data, and connectivity
30 standards, the ability to share and integrate information
31 collected and reported by the area agencies in support of

1 their contracted obligations to the state. ~~Information system~~
2 ~~plans developed in support of the area agencies shall be~~
3 ~~included in the department's strategic information resource~~
4 ~~management plan, as required by s. 282.307.~~

5 Section 18. Paragraph (b) of subsection (1) of section
6 112.3145, Florida Statutes, 1996 Supplement, is amended to
7 read:

8 112.3145 Disclosure of financial interests and clients
9 represented before agencies.--

10 (1) For purposes of this section, unless the context
11 otherwise requires, the term:

12 (b) "Specified state employee" means:

13 1. Public counsel created by chapter 350, an assistant
14 state attorney, an assistant public defender, a full-time
15 state employee who serves as counsel or assistant counsel to
16 any state agency, a judge of compensation claims, an
17 administrative law judge, or a hearing officer.

18 2. Any person employed in the office of the Governor
19 or in the office of any member of the Cabinet if that person
20 is exempt from the Career Service System, except persons
21 employed in clerical, secretarial, or similar positions.

22 3. Each appointed secretary, assistant secretary,
23 deputy secretary, executive director, assistant executive
24 director, or deputy executive director of each state
25 department, commission, board, or council; unless otherwise
26 provided, the division director, assistant division director,
27 deputy director, bureau chief, and assistant bureau chief of
28 any state department or division; or any person having the
29 power normally conferred upon such persons, by whatever title.

30 4. The superintendent or institute director of a state
31 mental health institute established for training and research

1 in the mental health field or the superintendent or director
2 of any major state institution or facility established for
3 corrections, training, treatment, or rehabilitation.

4 5. Business managers, purchasing agents having the
5 power to make any purchase exceeding \$1,000, finance and
6 accounting directors, personnel officers, or grants
7 coordinators for any state agency.

8 ~~6. Any voting member of the Information Technology~~
9 ~~Resource Procurement Advisory Council established in the~~
10 ~~Department of Management Services by s. 287.073.~~

11 6.7. Any person, other than a legislative assistant
12 exempted by the presiding officer of the house by which the
13 legislative assistant is employed, who is employed in the
14 legislative branch of government, except persons employed in
15 maintenance, clerical, secretarial, or similar positions.

16 ~~7.8.~~ Each employee of the Commission on Ethics.

17 Section 19. Subsections (2) and (4) of section
18 186.021, Florida Statutes, are amended to read:

19 186.021 State agency strategic plans.--

20 (2) A state agency strategic plan shall be developed
21 with a 5-year outlook and shall provide the strategic
22 framework within which an agency's legislative budget request
23 is ~~and the agency Strategic Information Resource Management~~
24 ~~Plan are~~ developed. An agency's budget ~~and its Strategic~~
25 ~~Information Resource Management Plan~~ shall be designed to
26 further the agency's strategic plan.

27 (4) The Department of Environmental Protection, with
28 regard to the plan required by s. 373.036, and the state land
29 planning agency, with regard to the plan defined in s.
30 380.031(17), ~~and the Information Resource Commission, with~~
31 ~~regard to the plan defined in s. 282.3061,~~ shall prepare

1 revisions to such plans no later than 6 months after the
2 adoption of revisions to the growth management portion of the
3 state comprehensive plan or by June 1 of each even-numbered
4 year, whichever is later.

5 Section 20. Subsection (3) of section 186.022, Florida
6 Statutes, 1996 Supplement, is amended to read:

7 186.022 State agency strategic plans; preparation,
8 form, and review.--

9 (3) The Executive Office of the Governor shall review
10 the state agency strategic plans to ensure that they are
11 consistent with the state comprehensive plan and other
12 requirements as specified in the written instructions. In its
13 review, the Executive Office of the Governor shall consider
14 all comments received in formulating required revisions. This
15 shall include:

16 (a) The findings of the Statewide Health Council's
17 review of the consistency of the health components of agency
18 strategic plans with the health element of the state
19 comprehensive plan; and

20 ~~(b) The findings of the review of the Information~~
21 ~~Resource Commission with respect to the strategic information~~
22 ~~resources management issues not covered under paragraph (d);~~
23 ~~and~~

24 (b)~~(c)~~ The findings of the Criminal and Juvenile
25 Justice Information Systems Council's review with respect to
26 public safety system strategic information ~~technology~~
27 resources management issues.

28
29 Within 60 days, reviewed plans shall be returned to the
30 agency, together with any required revisions.

31

1 Section 21. Subsection (2) and paragraph (a) of
2 subsection (3) of section 215.96, Florida Statutes, are
3 amended to read:

4 215.96 Coordinating council.--

5 (2) The coordinating council shall consist of the
6 Comptroller; the Treasurer; the secretary of the Department of
7 Management Services; the Director of Planning and Budgeting,
8 Executive Office of the Governor; the executive director of
9 the Department of Revenue; and the executive director of the
10 State Board of Administration, or their designees. The
11 Comptroller, or his or her designee, shall be chair of the
12 coordinating council and shall provide administrative and
13 clerical support to the council. The Comptroller shall
14 maintain the minutes of each meeting and shall make such
15 minutes available to any interested person. The Auditor
16 General and the State Chief Technology Officer ~~executive~~
17 ~~director of the Information Resource Commission~~, or their
18 designees, shall serve without voting rights as ex officio
19 members on the coordinating council. The chair may call
20 meetings of the coordinating council as often as necessary to
21 transact business; however, the coordinating council shall
22 meet at least once a year.

23 (3) The coordinating council shall have the following
24 duties, powers, and responsibilities pertaining to the Florida
25 Fiscal Accounting Management Information System:

26 (a) To conduct such studies as necessary to establish
27 a strategic ~~an information resources management~~ plan to
28 design, implement, and perpetuate a fiscal accounting
29 management information system. The plan shall follow the
30 general statutory requirements which are applicable to
31 agencies pursuant to s. 186.021(1)-(3). ~~At a minimum, the~~

1 ~~plan shall address the planning components described in s.~~
2 ~~282.307(1).~~The plan shall be ~~established and~~ approved by the
3 board no later than March 1 of each ~~even-numbered~~ year.
4 Copies ~~The council shall forward a copy~~ of the approved plan
5 shall be made available in writing or through electronic means
6 ~~to the Information Resource Commission,~~the Executive Office
7 of the Governor, the appropriations committees of the
8 Legislature, and each agency ~~department~~ as defined in s.
9 282.303.

10 Section 22. Subsection (8) of section 216.031, Florida
11 Statutes, is amended to read:

12 216.031 Budgets for operational expenditures.--A
13 legislative budget request, reflecting the independent
14 judgment of the head of the state agency, and of the Chief
15 Justice of the Supreme Court, with respect to the needs of the
16 agency and the judicial branch for operational expenditures
17 during the next fiscal year, shall be submitted by each head
18 of a state agency and by the Chief Justice of the Supreme
19 Court and shall contain the following:

20 (8) An information resources management schedule
21 showing the agency's or judicial branch's total budget request
22 for information resources management. The schedule shall be
23 in the format provided for in the legislative budget
24 instructions. The budget request for information resources
25 management shall identify, if applicable, which parts of the
26 request are in response to any information resources
27 management issues included in the legislative budget
28 instructions ~~pursuant to s. 282.305(1)~~. This subsection is
29 applicable only to those state agencies which are under the
30 purview of ss. 282.303-282.313 and to the judicial branch.

31

1 Section 23. Subsections (5), (6), and (10) of section
2 216.235, Florida Statutes, are amended to read:

3 216.235 Innovation Investment Program; definitions;
4 intent; State Innovation Committee; responsibilities;
5 procedures for innovative project submission, review,
6 evaluation, and approval; criteria to be considered.--

7 (5) Except as otherwise provided in this act,
8 innovative project proposals shall be submitted to the
9 department no later than August 1. The department shall
10 prescribe the format for proposals submitted pursuant to this
11 section. Such proposals shall include, but not be limited to:

12 (a) The identification of a specific innovative
13 project.

14 (b) The name of the innovative project administrator.

15 (c) A cost/benefit analysis.

16 (d) A plan to be used by the agency in evaluating the
17 outcomes of the innovative project upon implementation.

18 (e) A summary of how the innovative project produces a
19 cost savings for the agency or improves the quality of the
20 public services delivered by the agency.

21
22 All proposals shall have the approval of the agency head, the
23 agency's budget director, the agency's inspector general or
24 internal auditor, and, if the proposal involves information
25 technology resources, the agency's Chief Information Officer
26 ~~information resource manager~~ prior to submission to the
27 department.

28 (6) Any agency submitting a proposal for an innovative
29 project that involves information technology resources shall
30 submit a draft proposal to the State Innovation Committee or
31 its designee ~~Information Resource Commission~~ for review and

1 consultation no later than June 1 and a final proposal no
2 later than July 1. In addition to the requirements of
3 subsection (5), such proposals shall include:

4 (a) The identification of the specific project, as
5 defined in s. 282.303.

6 (b) A statement as to the innovative project's
7 consistency with the agency's strategic plan ~~for information~~
8 ~~resources management~~.

9 (c) The business case, which shall include how the
10 funds are to be used, what specific processes will be
11 affected, and how savings for improved efficiency of
12 operations are to be achieved.

13 (d) A planning and analysis methodology that provides
14 a high level of confidence in successful implementation.

15 (e) If applicable, a description of the
16 transferability of the technology to other agencies.

17

18 Based on the components required by this subsection to be
19 included in innovative project proposals, the State Innovation
20 Committee or its designee ~~Information Resource Commission~~
21 shall evaluate the innovative project's technical feasibility
22 and ~~shall~~ make recommendations to the review board. Proposals
23 that involve the innovative application of information
24 technology resources that have a transferable benefit to other
25 agencies shall receive greater consideration by the committee
26 or its designee ~~Information Resource Commission~~ than those
27 applications that do not have a transferable benefit.

28 (10) The department shall monitor and evaluate the
29 implementation of innovative projects to determine if the
30 anticipated results were achieved. For innovative projects
31 involving information technology resources, the agency's Chief

1 Information Officer ~~Information Resource Commission~~ shall
2 assist the department in monitoring and evaluating the
3 implementation of the innovative project, and determining
4 whether the anticipated results were achieved.

5 Section 24. Section 216.236, Florida Statutes, is
6 amended to read:

7 216.236 Innovation Investment Program; funding;
8 recordkeeping and reporting.--The amount of \$1 million of any
9 funds appropriated from the General Revenue Fund for the
10 purpose of funding the Innovation Investment Program shall be
11 available on a payback basis. Innovative project proposals
12 funded on a payback basis shall include the requirements of s.
13 216.235(5) and, if applicable, s. 216.235(6), and shall be
14 submitted to the department no later than May 15. The State
15 Innovation Committee or its designee ~~Agencies submitting an~~
16 ~~innovative project proposal involving information technology~~
17 ~~resources shall not be required to submit a draft proposal to~~
18 ~~the Information Resource Commission; however, the Information~~
19 ~~Resource Commission~~ shall review and evaluate such proposal as
20 to its technical feasibility. Funds for the innovative project
21 shall be available to the agency on July 1. Any of such funds
22 which are not awarded by July 1 shall be used for funding
23 innovative projects submitted for funding pursuant to section
24 3. Loans made under this section shall be repaid, without
25 interest, from savings realized by the agency as a result of
26 implementing the innovative project by no later than July 30
27 of the following fiscal year in which the funds were received
28 by the agency. Any agency awarded funds pursuant to this
29 section shall maintain detailed accounting records showing all
30 expenses, loan transfers, savings, or other financial actions
31 concerning the project. Any savings realized as a result of

1 implementing the innovative project shall be quantified,
2 validated, and verified by the agency. By July 1 of the
3 following fiscal year in which the funds were received, a
4 final report of the results of the implementation of each
5 innovative project shall be submitted by each participating
6 agency to the Governor's Office of Planning and Budgeting and
7 the legislative appropriations committees, along with a budget
8 amendment to reimburse the General Revenue Fund.

9 Section 25. Subsection (16) of section 287.042,
10 Florida Statutes, 1996 Supplement, is amended to read:

11 287.042 Powers, duties, and functions.--The division
12 shall have the following powers, duties, and functions:

13 (16)(a) To enter into joint agreements with
14 governmental agencies, as defined in s. 163.3164(10), for the
15 purpose of pooling funds for the purchase of commodities,
16 information technology resources, or services that can be used
17 by multiple agencies. However, the department shall consult
18 with the State Chief Technology Officer on joint agreements
19 that involve the purchase of information technology resources
20 ~~must be coordinated with the Information Resource Commission.~~
21 ~~The Information Resource Commission may also provide~~
22 ~~administrative and technical support for those agreements~~
23 ~~involving the purchase of information technology resources, or~~
24 ~~the division may delegate complete authority for joint~~
25 ~~agreements involving information technology resources to the~~
26 ~~commission.~~ Agencies entering into joint purchasing
27 agreements with the division ~~or the Information Resource~~
28 ~~Commission, as appropriate,~~ shall authorize the division ~~or~~
29 ~~commission~~ to contract for such purchases on their behalf.

30 (b) Each agency that has been appropriated or has
31 existing funds for such purchases, shall, upon contract award

1 by the division, transfer their portion of the funds into the
2 division's Grants and Donations Trust Fund for payment by the
3 division. These funds shall be transferred by the Executive
4 Office of the Governor pursuant to the agency budget amendment
5 request provisions in chapter 216.

6 ~~(c) Notwithstanding paragraph (b), for joint~~
7 ~~agreements for information technology resources purchases that~~
8 ~~have been delegated by the division to the Information~~
9 ~~Resource Commission, agencies that have been appropriated or~~
10 ~~have existing funds for information technology resources~~
11 ~~purchases shall, upon contract award by the commission,~~
12 ~~transfer their portion of the funds into the Information~~
13 ~~Resource Commission's Grants and Donations Trust Fund for~~
14 ~~payment by the commission. These funds shall be transferred~~
15 ~~by the Executive Office of the Governor pursuant to the agency~~
16 ~~budget amendment request provisions in chapter 216.~~

17 (c)~~(d)~~ Agencies that sign such joint agreements are
18 financially obligated for their portion of the agreed-upon
19 funds. If any agency becomes more than 90 days delinquent in
20 paying such funds, the Department of Management Services ~~or~~
21 ~~the Information Resource Commission, as applicable,~~ shall
22 certify to the Comptroller the amount due, and the Comptroller
23 shall transfer the amount due to the Grants and Donations
24 Trust Fund of the division ~~or the Information Resource~~
25 ~~Commission, as appropriate,~~ from any of the agency's available
26 funds. The Comptroller shall report all such transfers and
27 the reasons for such transfers to the Executive Office of the
28 Governor and the legislative appropriations committees.

29 Section 26. Subsection (1) of section 287.073, Florida
30 Statutes, is amended to read:

31

1 287.073 Procurement of information technology
2 resources.--

3 (1) For the purposes of this section, the term+

4 ~~(a) "Information technology resources" shall have the~~
5 same meaning as defined in s. 282.303(10)~~means data~~

6 ~~processing hardware, software, services, supplies, personnel,~~
7 ~~facility resources, maintenance, and training but does not~~
8 ~~include those process control devices excluded from such~~
9 ~~definition by rule of the Information Resource Commission.~~

10 ~~(b) "Total cost" means all costs associated with the~~
11 ~~information technology resource, including, but not limited~~

12 ~~to, value of hardware, software or service, maintenance,~~
13 ~~incremental personnel, and facilities. Total cost of a loan or~~
14 ~~gift of information technology resources to an agency includes~~
15 ~~the fair market value of the resources, except that the total~~
16 ~~cost of loans or gifts of information technology resources to~~
17 ~~state universities to be used in instruction or research does~~
18 ~~not include fair market value.~~

19 Section 27. Subsection (1) of section 943.06, Florida
20 Statutes, 1996 Supplement, is amended to read:

21 943.06 Criminal and Juvenile Justice Information
22 Systems Council.--There is created a Criminal and Juvenile
23 Justice Information Systems Council within the department.

24 (1) The council shall be composed of 14 members,
25 consisting of the Attorney General or a designated assistant;
26 the executive director of the Department of Law Enforcement or
27 a designated assistant; the secretary of the Department of
28 Corrections or a designated assistant; the chair of the Parole
29 Commission or a designated assistant; the Secretary of
30 Juvenile Justice or a designated assistant; the executive
31 director of the Department of Highway Safety and Motor

1 Vehicles or a designated assistant; the State Courts
2 Administrator or a designated assistant; 1 public defender
3 appointed by the Florida Public Defender Association, Inc.; 1
4 state attorney appointed by the Florida Prosecuting Attorneys
5 Association, Inc.; and 5 members, to be appointed by the
6 Governor, consisting of 2 sheriffs, 2 police chiefs, and 1
7 clerk of the circuit court. The State Chief Technology Officer
8 shall serve as an ex officio nonvoting member.

9 Section 28. Subsection (3) is added to section 943.08,
10 Florida Statutes, 1996 Supplement, to read:

11 943.08 Duties; Criminal and Juvenile Justice
12 Information Systems Council.--

13 (3) By March 1 of each year, the council shall approve
14 a strategic plan following the general statutory requirements
15 which are applicable to agencies pursuant to s.
16 186.021(1)-(3). Copies of the approved plan shall be
17 transmitted, electronically or in writing, to the Executive
18 Office of the Governor and the council members.

19 Section 29. The current staff of the Information
20 Resource Commission, which is abolished by this act, shall be
21 afforded priority consideration for any positions created by
22 the reorganization pursuant to the provisions of this act or
23 for other vacant positions in state government in accordance
24 with s. 20.02(7), Florida Statutes.

25 Section 30. All records, including electronic and
26 paper records, of each entity abolished by this act must be
27 appropriately stored within 30 days after the date of the
28 abolishment of the entity, except that records of the
29 Information Resource Commission may be transferred to the
30 Office of the State Chief Technology Officer upon the request
31 of the State Chief Technology Officer.

1 Section 31. The administrative rules of the
2 Information Resource Commission shall remain in effect until
3 June 30, 1998, at which time such rules are repealed.
4 However, the judicial and legislative branches, the State
5 University System, and the Community College System are not
6 bound by any existing administrative rules adopted by the
7 Information Resource Commission.

8 Section 32. Effective July 1, 1997, all unexpended
9 appropriations resulting from the repeal of the Information
10 Resource Commission, which were designated for special
11 monitoring pursuant to s. 282.322, Florida Statutes, shall be
12 transferred by a type two transfer to the technology budget
13 review group established pursuant to s. 216.0446, Florida
14 Statutes.

15 Section 33. The Division of Statutory Revision of the
16 Joint Legislative Management Committee is authorized to
17 conform any cross references which are necessary as a result
18 of this act.

19 Section 34. Except as otherwise provided herein, this
20 act shall take effect October 1, 1997.
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HOUSE SUMMARY

Repeals specified provisions of ch. 282, F.S., the "Information Technology Resources Management Act of 1996," and ch. 287, F.S., relating to procurement of personal property and services, for the purpose of eliminating:

1. A State Strategic Plan for Information Resources Management.
2. The Information Resource Commission.
3. The Information Technology Resource Procurement Advisory Council.
4. The Information Resources Management Advisory Council.

Repeals various related provisions regarding the submission of strategic plans for information resources management by state agencies, universities, and the judicial branch, the submission of annual reports, review of contracts, and information resource managers.

Excludes memoranda issued by the State Chief Technology Officer relating to information resources management from the definition of the term "rule" for purposes of the Administrative Procedure Act. Authorizes a mechanism for the review of agency legislative budget requests for information technology resources. Provides legislative intent with respect to information resources management.

Provides for the assignment of the functions of information resources management within the State University System and the State Community College System to the Board of Regents and the State Board of Community Colleges, to the Supreme Court for the judicial branch, and to each state attorney and public defender. Assigns responsibility for information resources management within state agencies to the head of each agency. Creates the position of Chief Information Officer and provides duties. Creates the position of State Chief Technology Officer and provides powers and duties.

Provides for an annual report on information resources management. Creates the Chief Information Officers Council and provides purposes and membership. Revises requirements for the State Implementation Plan for Communications Services. Revises security requirements for data and information technology resources. Provides that the technology budget review group, rather than the Information Resource Commission, shall be responsible for certain contracting responsibilities with respect to special monitoring of designated information resources management projects.

Requires the Geographic Information Board to approve a strategic plan. Revises the membership of the Geographic

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1 Information Advisory Council and provides that
2 administrative and clerical support shall be provided by
the Department of Management Services.

3 Provides various conforming amendments in accordance with
4 the provisions of the act.

5 Requires that current staff of the Information Resource
6 Commission be given priority consideration for vacant or
7 new positions in state government. Provides for the
8 transfer of commission records to the State Chief
Technology Officer. Provides for the repeal of the
9 administrative rules of the commission on June 30, 1998.
Provides for the transfer of specified unexpended
10 appropriations resulting from the repeal of the
11 commission.

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