

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

Representative(s) Rojas offered the following:

**Amendment (with title amendment)**

On page 18, between lines 26 and 27 of the bill

insert:

Section 3. Section 282.005, Florida Statutes, is amended to read:

282.005 Legislative findings and intent.--The Legislature finds that:

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

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

(3) An office must be created to provide support and guidance to enhance the state's use and management of information technology resources and to design, procure, and deploy, on behalf of the state, information technology resources.

1           (4) The cost-effective deployment of technology and  
2 information resources by state agencies can best be managed by  
3 a Chief Information Officer.

4           ~~(5)(3)~~ The head of each state agency, in consultation  
5 with the State Technology Office, has primary responsibility  
6 and accountability for the planning, budgeting, acquisition,  
7 development, implementation, use, and management of  
8 information technology resources within the agency.

9           ~~(6)(4)~~ The expanding need for, use of, and dependence  
10 on information technology resources requires focused  
11 management attention and managerial accountability by state  
12 agencies and the state as a whole.

13           ~~(7)(5)~~ The agency head, in consultation with the State  
14 Technology Office, has primary responsibility for the agency's  
15 information technology resources and for their use in  
16 accomplishing the agency's mission. However, each agency  
17 shall also use its information technology resources in the  
18 best interests of the state as a whole and thus contribute to  
19 and make use of shared data and related resources whenever  
20 appropriate.

21           ~~(8)(6)~~ The state shall provide, by whatever means is  
22 most cost-effective and efficient, the information resources  
23 management infrastructure needed to collect, store, and  
24 process the state's data and information, provide  
25 connectivity, and facilitate the exchange of data and  
26 information among both public and private parties.

27           ~~(9)(7)~~ A necessary part of the state's information  
28 resources management infrastructure is a statewide  
29 communications system for all types of signals, including  
30 voice, data, video, radio, and image.

31           ~~(10)(8)~~ To ensure the best management of the state's

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 Florida Community College System; to the Supreme  
10 Court, for the judicial branch; ~~and~~ to each state attorney and  
11 public defender; and to the State Technology Office for the  
12 executive branch of state government.

13 (11) Notwithstanding anything to the contrary  
14 contained in this act, the State Technology Office shall take  
15 no action affecting the supervision or control of the  
16 personnel or data-processing equipment that the Comptroller  
17 deems necessary for the exercise of his or her official  
18 constitutional duties as set forth in s. 4(d) and 4(e) of Art.  
19 IV of the State Constitution.

20 (12) Notwithstanding anything to the contrary  
21 contained in this act, the State Technology Office shall take  
22 no action affecting the supervision and control of the  
23 personnel or data-processing equipment which the Attorney  
24 General deems necessary for the exercise of his or her  
25 official constitutional duties as set forth in s. 4(c) of Art.  
26 IV of the State Constitution.

27 Section 4. Section 282.101, Florida Statutes, is  
28 amended to read:

29 282.101 Construction of terms, "information  
30 technology" ~~"communications"~~ or "information technology  
31 ~~"communications system."~~ --Any reference in this part to

1 "information technology"~~"communications"~~or "information  
2 technology"~~communications~~ system" means any transmission,  
3 emission, and reception of signs, signals, writings, images,  
4 and sounds of intelligence of any nature by wire, radio,  
5 optical, or other electromagnetic systems and includes all  
6 facilities and equipment owned, leased, or used by all  
7 agencies and political subdivisions of state government, and a  
8 full-service, information-processing facility offering  
9 hardware, software, operations, integration, networking, and  
10 consulting services.

11 Section 5. Section 282.102, Florida Statutes, is  
12 amended to read:

13 282.102 Powers and duties of the State Technology  
14 Office of the Department of Management Services.--There is  
15 created a State Technology Office, administratively placed  
16 within the Department of Management Services, which shall be  
17 headed by a Chief Information Officer who is appointed by the  
18 Governor and is in the Senior Management Service. The office  
19 shall have the following powers, duties, and functions:

20 (1) To publish electronically the portfolio of  
21 services available from the office ~~department~~, including  
22 pricing information; the policies and procedures of the office  
23 ~~department~~ governing usage of available services; and a  
24 forecast of the priorities and initiatives for the state  
25 communications system for the ensuing 2 years. The office  
26 ~~department~~ shall provide a hard copy of its portfolio of  
27 services upon request.

28 (2) To coordinate the purchase, lease, and use of all  
29 information technology ~~communications~~ services for state  
30 agencies ~~government~~, including communications services  
31 provided as part of any other total system to be used by the

1 state or any of its agencies.

2 (3) To advise and render aid to state agencies and  
3 political subdivisions of the state as to systems or methods  
4 to be used for organizing and meeting information technology  
5 ~~communications~~ requirements efficiently and effectively.

6 (4) To integrate ~~consolidate~~ the information  
7 technology ~~communications~~ systems and services of state  
8 agencies ~~and to provide for their joint use by the agencies~~  
9 ~~when determined by the department to be economically efficient~~  
10 ~~or performance-effective.~~

11 (5) To adopt technical standards for the state  
12 information technology ~~communications~~ system which will assure  
13 the interconnection of computer networks and information  
14 systems of state agencies.

15 (6) To assume management responsibility for any  
16 integrated information technology ~~consolidated communications~~  
17 system or service when determined by the office ~~department~~ to  
18 be economically efficient or performance-effective.

19 (7) To enter into agreements for the support and use  
20 of the information technology ~~communications~~ services of state  
21 agencies and of political subdivisions of the state.

22 (8) To use or acquire, with agency concurrence,  
23 information technology ~~communications~~ facilities now owned or  
24 operated by any state agency.

25 (9) To standardize policies and procedures for the use  
26 of such services.

27 (10) To purchase from or contract with information  
28 technology providers ~~suppliers and communications companies~~  
29 for information technology ~~communications~~ facilities or  
30 services, including private line services.

31 (11) To apply for, receive, and hold, or assist

1 agencies in applying for, receiving, or holding, such  
2 authorizations, licenses, and allocations or channels and  
3 frequencies to carry out the purposes of ss. 282.101-282.109.

4 (12) To acquire real estate, equipment, and other  
5 property.

6 (13) To cooperate with any federal, state, or local  
7 emergency management agency in providing for emergency  
8 communications services.

9 (14) To delegate to state agencies the powers of  
10 acquisition and utilization of information technology  
11 ~~communications~~ equipment, facilities, and services or to  
12 control and approve the purchase, lease, and use of all  
13 information technology ~~communications~~ equipment, services, and  
14 facilities, including communications services provided as part  
15 of any other total system to be used by the state or any of  
16 its agencies. ~~This subsection does not apply to the data~~  
17 ~~processing hardware of an agency as defined in this part.~~

18 (15) To take ownership, custody, and control of  
19 existing communications equipment and facilities, with agency  
20 concurrence, including all right, title, interest, and equity  
21 therein, to carry out the purposes of ss. 282.101-282.109.  
22 However, the provisions of this subsection shall in no way  
23 affect the rights, title, interest, or equity in any such  
24 equipment or facilities owned by, or leased to, the state or  
25 any state agency by any telecommunications company.

26 (16) To adopt ~~prescribe~~ rules pursuant to ss. 120.54  
27 and 120.536(1) relating to information technology and to  
28 administer the provisions of this part ~~and regulations for the~~  
29 ~~use of the state communications system.~~

30 (17) To provide a means whereby political subdivisions  
31 of the state may use the state information technology

1 ~~communications~~ system upon such terms and under such  
2 conditions as the office ~~department~~ may establish.

3 (18) To apply for and accept federal funds for any of  
4 the purposes of ss. 282.101-282.109 as well as gifts and  
5 donations from individuals, foundations, and private  
6 organizations.

7 (19) To monitor issues relating to communications  
8 facilities and services before the Florida Public Service  
9 Commission and, when necessary, prepare position papers,  
10 prepare testimony, appear as a witness, and retain witnesses  
11 on behalf of state agencies in proceedings before the  
12 commission.

13 (20) Unless delegated to the agencies by the Chief  
14 Information Officer, to manage and control, but not intercept  
15 or interpret, communications within the SUNCOM Network by:

16 (a) Establishing technical standards to physically  
17 interface with the SUNCOM Network.

18 (b) Specifying how communications are transmitted  
19 within the SUNCOM Network.

20 (c) Controlling the routing of communications within  
21 the SUNCOM Network.

22 (d) Establishing standards, policies, and procedures  
23 for access to the SUNCOM Network.

24 (e) Ensuring orderly and reliable communications  
25 services in accordance with the standards and policies of all  
26 state agencies and the service agreements executed with state  
27 agencies.

28 (21) To plan, design, and conduct experiments for  
29 information technology ~~in communications~~ services, equipment,  
30 and technologies, and to implement enhancements in the state  
31 information technology ~~communications~~ system when in the

1 public interest ~~justified~~ and cost-effective. Funding for  
2 such experiments shall be derived from SUNCOM Network service  
3 revenues and shall not exceed 2~~1~~ percent of the annual budget  
4 for the SUNCOM Network for any fiscal year or as provided in  
5 the General Appropriations Act for fiscal year 2000-2001. New  
6 services offered as a result of this subsection shall not  
7 affect existing rates for facilities or services.

8 (22) To enter into contracts or agreements, with or  
9 without competitive bidding or procurement, to make available,  
10 on a fair, reasonable, and nondiscriminatory basis, property  
11 and other structures under office ~~department~~ control for the  
12 placement of new facilities by any wireless provider of mobile  
13 service as defined in 47 U.S.C. s. 153(n) or s. 332(d) and any  
14 telecommunications company as defined in s. 364.02 when it is  
15 determined to be practical and feasible to make such property  
16 or other structures available. The office ~~department~~ may,  
17 without adopting a rule, charge a just, reasonable, and  
18 nondiscriminatory fee for the placement of the facilities,  
19 payable annually, based on the fair market value of space used  
20 by comparable communications facilities in the state. The  
21 office ~~department~~ and a wireless provider or  
22 telecommunications company may negotiate the reduction or  
23 elimination of a fee in consideration of services provided to  
24 the office ~~department~~ by the wireless provider or  
25 telecommunications company. All such fees collected by the  
26 office ~~department~~ shall be deposited directly into the State  
27 Agency Law Enforcement Radio System Trust Fund, and may be  
28 used by the office ~~department~~ to construct, maintain, or  
29 support the system.

30 (23) To provide an integrated electronic system for  
31 deploying government products, services, and information to



1 individuals and businesses.

2 (a) The integrated electronic system shall reflect  
3 cost-effective deployment strategies in keeping with industry  
4 standards and practices, including protections of security of  
5 private information as well as maintenance of public records.

6 (b) The office shall provide a method for assessing  
7 fiscal accountability for the integrated electronic system and  
8 shall establish the organizational structure required to  
9 implement this system.

10 (24) To provide administrative support to the Chief  
11 Information Officers' Council and other workgroups created by  
12 the Chief Information Officer.

13 (25) To facilitate state information technology  
14 education and training for senior management and other agency  
15 staff.

16 (26) To prepare, on behalf of the Executive Office of  
17 the Governor, memoranda on recommended guidelines and best  
18 practices for information resources management, when  
19 requested.

20 (27) To prepare, publish, and disseminate the State  
21 Annual Report on Enterprise Resource Planning and Management  
22 under s. 282.310.

23 (28) To study and make a recommendation to the  
24 Governor and Legislature on the feasibility of implementing  
25 online voting in this state.

26 (29) To facilitate the development of a network access  
27 point in this state, as needed.

28 Section 6. Section 282.103, Florida Statutes, is  
29 amended to read:

30 282.103 SUNCOM Network; exemptions from the required  
31 use.--

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1           (1) There is created within the State Technology  
2 Office of the Department of Management Services the SUNCOM  
3 Network which shall be developed to serve as the state  
4 communications system for providing local and long-distance  
5 communications services to state agencies, political  
6 subdivisions of the state, municipalities, and nonprofit  
7 corporations pursuant to ss. 282.101-282.111. The SUNCOM  
8 Network shall be developed to transmit all types of  
9 communications signals, including, but not limited to, voice,  
10 data, video, image, and radio. State agencies shall cooperate  
11 and assist in the development and joint use of communications  
12 systems and services.

13           (2) The State Technology Office of the Department of  
14 Management Services shall design, engineer, implement, manage,  
15 and operate through state ownership, commercial leasing, or  
16 some combination thereof, the facilities and equipment  
17 providing SUNCOM Network services, and shall develop a system  
18 of equitable billings and charges for communication services.

19           (3) All state agencies are required to use the SUNCOM  
20 Network for agency communications services as the services  
21 become available; however, no agency is relieved of  
22 responsibility for maintaining communications services  
23 necessary for effective management of its programs and  
24 functions. If a SUNCOM Network service does not meet the  
25 communications requirements of an agency, the agency shall  
26 notify the State Technology Office of the Department of  
27 Management Services in writing and detail the requirements for  
28 that communications service. If the office department is  
29 ~~unable, within 90 days,~~ to meet an agency's requirements by  
30 enhancing SUNCOM Network service, the office department shall  
31 grant the agency an exemption from the required use of

1 specified SUNCOM Network services.

2 Section 7. Section 282.104, Florida Statutes, is  
3 amended to read:

4 282.104 Use of state SUNCOM Network by  
5 municipalities.--Any municipality may request the State  
6 Technology Office of the Department of Management Services to  
7 provide any or all of the SUNCOM Network's portfolio of  
8 communications services upon such terms and under such  
9 conditions as the department may establish. The requesting  
10 municipality shall pay its share of installation and recurring  
11 costs according to the published rates for SUNCOM Network  
12 services and as invoiced by the office ~~department~~. Such  
13 municipality shall also pay for any requested modifications to  
14 existing SUNCOM Network services, if any charges apply.

15 Section 8. Section 282.105, Florida Statutes, is  
16 amended to read:

17 282.105 Use of state SUNCOM Network by nonprofit  
18 corporations.--

19 (1) The State Technology Office of the Department of  
20 Management Services shall provide a means whereby private  
21 nonprofit corporations under contract with state agencies or  
22 political subdivisions of the state may use the state SUNCOM  
23 Network, subject to the limitations in this section. In order  
24 to qualify to use the state SUNCOM Network, a nonprofit  
25 corporation shall:

26 (a) Expend the majority of its total direct revenues  
27 for the provision of contractual services to the state, a  
28 municipality, or a political subdivision of the state; and

29 (b) Receive only a small portion of its total revenues  
30 from any source other than a state agency, a municipality, or  
31 a political subdivision of the state during the period of time

1 SUNCOM Network services are requested.

2 (2) Each nonprofit corporation seeking authorization  
3 to use the state SUNCOM Network pursuant to this section shall  
4 provide to the office department, upon request, proof of  
5 compliance with subsection (1).

6 (3) Nonprofit corporations established pursuant to  
7 general law and an association of municipal governments which  
8 is wholly owned by the municipalities shall be eligible to use  
9 the state SUNCOM Network, subject to the terms and conditions  
10 of the office department.

11 (4) Institutions qualified pursuant to s. 240.605  
12 shall be eligible to use the state SUNCOM Network, subject to  
13 the terms and conditions of the office department. Such  
14 entities shall not be required to satisfy the other criteria  
15 of this section.

16 (5) Private, nonprofit elementary and secondary  
17 schools shall be eligible for rates and services on the same  
18 basis as public schools, providing these nonpublic schools do  
19 not have an endowment in excess of \$50 million.

20 Section 9. Section 282.106, Florida Statutes, is  
21 amended to read:

22 282.106 Use of SUNCOM Network by libraries.--The State  
23 Technology Office of the Department of Management Services may  
24 provide SUNCOM Network services to any library in the state,  
25 including libraries in public schools, community colleges, the  
26 State University System, and nonprofit private postsecondary  
27 educational institutions, and libraries owned and operated by  
28 municipalities and political subdivisions.

29 Section 10. Subsections (1) and (2) of section  
30 282.107, Florida Statutes, are amended to read:

31 282.107 SUNCOM Network; criteria for usage.--

1           (1) The State Technology Office ~~division~~ shall  
2 periodically review the qualifications of subscribers using  
3 the state SUNCOM Network and shall terminate services provided  
4 to any facility not qualified pursuant to ss. 282.101-282.111  
5 or rules adopted hereunder. In the event of nonpayment of  
6 invoices by subscribers whose SUNCOM Network invoices are paid  
7 from sources other than legislative appropriations, such  
8 nonpayment represents good and sufficient reason to terminate  
9 service.

10           (2) The State Technology Office ~~division~~ shall adopt  
11 rules setting forth its procedures for withdrawing and  
12 restoring authorization to use the state SUNCOM Network. Such  
13 rules shall provide a minimum of 30 days' notice to affected  
14 parties prior to termination of voice communications service.

15           Section 11. Section 282.1095, Florida Statutes, is  
16 amended to read:

17           282.1095 State agency law enforcement radio system.--

18           (1) The State Technology Office of the Department of  
19 Management Services may acquire and implement a statewide  
20 radio communications system to serve law enforcement units of  
21 state agencies, and to serve local law enforcement agencies  
22 through a mutual aid channel. The Joint Task Force on State  
23 Agency Law Enforcement Communications is established in the  
24 State Technology Office of the Department of Management  
25 Services to advise the office ~~department~~ of member-agency  
26 needs for the planning, designing, and establishment of the  
27 joint system. The State Agency Law Enforcement Radio System  
28 Trust Fund is established in the State Technology Office of  
29 the Department of Management Services. The trust fund shall be  
30 funded from surcharges collected under ss. 320.0802 and  
31 328.72.

1           (2)(a) The Joint Task Force on State Agency Law  
2 Enforcement Communications shall consist of eight members, as  
3 follows:

4           1. A representative of the Division of Alcoholic  
5 Beverages and Tobacco of the Department of Business and  
6 Professional Regulation who shall be appointed by the  
7 secretary of the department.

8           2. A representative of the Division of Florida Highway  
9 Patrol of the Department of Highway Safety and Motor Vehicles  
10 who shall be appointed by the executive director of the  
11 department.

12           3. A representative of the Department of Law  
13 Enforcement who shall be appointed by the executive director  
14 of the department.

15           4. A representative of the Fish and Wildlife  
16 Conservation Commission who shall be appointed by the  
17 executive director of the commission.

18           5. A representative of the Division of Law Enforcement  
19 of the Department of Environmental Protection who shall be  
20 appointed by the secretary of the department.

21           6. A representative of the Department of Corrections  
22 who shall be appointed by the secretary of the department.

23           7. A representative of the Division of State Fire  
24 Marshal of the Department of Insurance who shall be appointed  
25 by the State Fire Marshal.

26           8. A representative of the Department of  
27 Transportation who shall be appointed by the secretary of the  
28 department.

29           (b) Each appointed member of the joint task force  
30 shall serve at the pleasure of the appointing official. Any  
31 vacancy on the joint task force shall be filled in the same

1 manner as the original appointment.

2 (c) The joint task force shall elect a chair from  
3 among its members to serve a 1-year term. A vacancy in the  
4 chair of the joint task force must be filled for the remainder  
5 of the unexpired term by an election of the joint task force  
6 members.

7 (d) The joint task force shall meet as necessary, but  
8 at least quarterly, at the call of the chair and at the time  
9 and place designated by him or her.

10 (e) The per diem and travel expenses incurred by a  
11 member of the joint task force in attending its meetings and  
12 in attending to its affairs shall be paid pursuant to s.  
13 112.061, from funds budgeted to the state agency that the  
14 member represents.

15 (f) The State Technology Office of the Department of  
16 Management Services is hereby authorized to rent or lease  
17 space on any tower under its control. The office department  
18 may also rent, lease, or sublease ground space as necessary to  
19 locate equipment to support antennae on the towers. The costs  
20 for use of such space shall be established by the office  
21 department for each site, when it is determined to be  
22 practicable and feasible to make space available. The office  
23 department may refuse to lease space on any tower at any site.  
24 All moneys collected by the office department for such rents,  
25 leases, and subleases shall be deposited directly into the  
26 State Agency Law Enforcement Radio System Trust Fund and may  
27 be used by the office department to construct, maintain, or  
28 support the system.

29 (g) The State Technology Office of the Department of  
30 Management Services is hereby authorized to rent, lease, or  
31 sublease ground space on lands acquired by the office

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1 ~~department~~ for the construction of privately owned or publicly  
2 owned towers. The office ~~department~~ may, as a part of such  
3 rental, lease, or sublease agreement, require space on said  
4 tower or towers for antennae as may be necessary for the  
5 construction and operation of the state agency law enforcement  
6 radio system or any other state need. The positions necessary  
7 for the office ~~department~~ to accomplish its duties under this  
8 paragraph and paragraph (f) shall be established in the  
9 General Appropriations Act and shall be funded by the State  
10 Agency Law Enforcement Radio System Trust Fund.

11 (3) Upon appropriation, moneys in the trust fund may  
12 be used by the office ~~department~~ to acquire by competitive  
13 procurement the equipment; software; and engineering,  
14 administrative, and maintenance services it needs to  
15 construct, operate, and maintain the statewide radio system.  
16 Moneys in the trust fund collected as a result of the  
17 surcharges set forth in ss. 320.0802 and 328.72 shall be used  
18 to help fund the costs of the system. Upon completion of the  
19 system, moneys in the trust fund may also be used by the  
20 office ~~department~~ to provide for payment of the recurring  
21 maintenance costs of the system. Moneys in the trust fund may  
22 be appropriated to maintain and enhance, over and above  
23 existing agency budgets, existing radio equipment systems of  
24 the state agencies represented by the task force members, in  
25 an amount not to exceed 10 percent per year per agency, of the  
26 existing radio equipment inventory until the existing radio  
27 equipment can be replaced pursuant to implementation of the  
28 statewide radio communications system.

29 (4)(a) The joint task force, shall establish policies,  
30 procedures, and standards which shall be incorporated into a  
31 comprehensive management plan for the use and operation of the



1 statewide radio communications system.

2 (b) The joint task force shall have the authority to  
3 permit other state agencies to use the communications system,  
4 under terms and conditions established by the joint task  
5 force.

6 (5)(a) The State Technology Office of the Department  
7 of Management Services shall provide technical support to the  
8 joint task force and shall bear the overall responsibility for  
9 the design, engineering, acquisition, and implementation of  
10 the statewide radio communications system and for ensuring the  
11 proper operation and maintenance of all system common  
12 equipment.

13 (b) The positions necessary for the office department  
14 to accomplish its duties under this section shall be  
15 established through the budgetary process and shall be funded  
16 by the State Agency Law Enforcement Radio System Trust Fund.

17 Section 12. Section 282.111, Florida Statutes, is  
18 amended to read:

19 282.111 Statewide system of regional law enforcement  
20 communications.--

21 (1) It is the intent and purpose of the Legislature  
22 that a statewide system of regional law enforcement  
23 communications be developed whereby maximum efficiency in the  
24 use of existing radio channels is achieved in order to deal  
25 more effectively with the apprehension of criminals and the  
26 prevention of crime generally. To this end, all law  
27 enforcement agencies within the state are directed to provide  
28 the State Technology Office of the Department of Management  
29 Services with any information the office department requests  
30 for the purpose of implementing the provisions of subsection  
31 (2).

1           (2) The State Technology Office of the Department of  
2 Management Services is hereby authorized and directed to  
3 develop and maintain a statewide system of regional law  
4 enforcement communications. In formulating such a system, the  
5 office department shall divide the state into appropriate  
6 regions and shall develop a program which shall include, but  
7 not be limited to, the following provisions:

8           (a) The communications requirements for each county  
9 and municipality comprising the region.

10           (b) An interagency communications provision which  
11 shall depict the communication interfaces between municipal,  
12 county, and state law enforcement entities which operate  
13 within the region.

14           (c) Frequency allocation and use provision which shall  
15 include, on an entity basis, each assigned and planned radio  
16 channel and the type of operation, simplex, duplex, or  
17 half-duplex, on each channel.

18           (3) The office department shall adopt any necessary  
19 rules and regulations for implementing and coordinating the  
20 statewide system of regional law enforcement communications.

21           (4) The Chief Information Officer of the State  
22 Technology Office ~~Secretary of Management Services~~ or his or  
23 her designee is designated as the director of the statewide  
24 system of regional law enforcement communications and, for the  
25 purpose of carrying out the provisions of this section, is  
26 authorized to coordinate the activities of the system with  
27 other interested state agencies and local law enforcement  
28 agencies.

29           (5) No law enforcement communications system shall be  
30 established or present system expanded without the prior  
31 approval of the State Technology Office of the Department of

1 Management Services.

2 (6) Within the limits of its capability, the  
3 Department of Law Enforcement is encouraged to lend assistance  
4 to the State Technology Office of the Department of Management  
5 Services in the development of the statewide system of  
6 regional law enforcement communications proposed by this  
7 section.

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

10 282.20 Technology Resource Center.--

11 (1)(a) The State Technology Office ~~Division of~~  
12 ~~Information Services~~ of the Department of Management Services  
13 shall operate and manage the Technology Resource Center.

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

15 1. "Office" ~~"Department"~~ means the State Technology  
16 Office of the Department of Management Services.

17 ~~2. "Division" means the Division of Information~~  
18 ~~Services of the Department of Management Services.~~

19 ~~2.3.~~ "Information-system utility" means a full-service  
20 information-processing facility offering hardware, software,  
21 operations, integration, networking, and consulting services.

22 ~~3.4.~~ "Customer" means a state agency or other entity  
23 which is authorized to utilize the SUNCOM Network pursuant to  
24 this part.

25 (2) The ~~division and the~~ Technology Resource Center  
26 shall:

27 (a) Serve the office ~~department~~ and other customers as  
28 an information-system utility.

29 (b) Cooperate with ~~the Information Resource Commission~~  
30 ~~and with other~~ customers to offer, develop, and support a wide  
31 range of services and applications needed by users of the

1 Technology Resource Center.

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

6 (d) Cooperate with the office ~~Division of~~  
7 ~~Communications of the department~~ to facilitate  
8 interdepartmental networking and integration of network  
9 services for its customers.

10 (e) Assist customers in testing and evaluating new and  
11 emerging technologies that could be used to meet the needs of  
12 the state.

13 (3) The office ~~division~~ may contract with customers to  
14 provide any combination of services necessary for agencies to  
15 fulfill their responsibilities and to serve their users.

16 (4) Acceptance of any new customer other than a state  
17 agency which is expected to pay during the initial 12 months  
18 of use more than 5 percent of the previous year's revenues of  
19 the Technology Resource Center shall be contingent upon  
20 approval of the Office of Planning and Budgeting in a manner  
21 similar to the budget amendment process in s. 216.181.

22 (5) The Technology Resource Center may plan, design,  
23 establish pilot projects for, and conduct experiments with  
24 information technology resources, and may implement  
25 enhancements in services when such implementation is  
26 cost-effective. Funding for experiments and pilot projects  
27 shall be derived from service revenues and may not exceed 5  
28 percent of the service revenues for the Technology Resource  
29 Center for any single fiscal year. Any experiment, pilot  
30 project, plan, or design must be approved by the Chief  
31 Information Officer of the State Technology Office ~~data~~

1 ~~processing policy board of the center.~~  
2 (6) Notwithstanding the provisions of s. 216.272, the  
3 Technology Resource Center may spend the funds in the reserve  
4 account of its working capital trust fund for enhancements to  
5 center operations or for information technology resources. Any  
6 expenditure of reserve account funds must be approved by the  
7 Chief Information Officer of the State Technology Office ~~data~~  
8 ~~processing policy board of the center.~~ Any funds remaining in  
9 the reserve account at the end of the fiscal year may be  
10 carried forward and spent as approved by the Chief Information  
11 Officer of the State Technology Office, provided that such  
12 approval conforms to any applicable provisions of chapter 216  
13 policy board.

14 Section 14. Section 282.21, Florida Statutes, is  
15 amended to read:

16 282.21 The State Technology Office of the Department  
17 of Management Services' electronic access services.--The State  
18 Technology Office of the Department of Management Services may  
19 collect fees for providing remote electronic access pursuant  
20 to s. 119.085. The fees may be imposed on individual  
21 transactions or as a fixed subscription for a designated  
22 period of time. All fees collected under this section shall  
23 be deposited in the appropriate trust fund of the program or  
24 activity that made the remote electronic access available.

25 Section 15. Section 282.22, Florida Statutes, is  
26 amended to read:

27 282.22 The State Technology Office of the Department  
28 of Management Services production and dissemination of  
29 materials and products.--

30 (1) It is the intent of the Legislature that when  
31 materials, and products, information, and services are

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1 collected or developed by or under the direction of the State  
2 Technology Office of the Department of Management Services,  
3 through research and development or other efforts, including  
4 those subject to copyright, patent, or trademark, they shall  
5 be made available for use by state and local government  
6 entities at the earliest practicable date and in the most  
7 economical and efficient manner possible and consistent with  
8 chapter 119.

9 (2) To accomplish this objective the office department  
10 is authorized to publish or partner with private sector  
11 entities to, produce, or have produced materials and products  
12 and to make them readily available for appropriate use. The  
13 office department is authorized to charge an amount or receive  
14 value-added services adequate to cover the essential cost of  
15 producing and disseminating such materials, information,  
16 services, or ~~and~~ products and is authorized to sell services,  
17 when appropriate, ~~copies for use~~ to any entity who is  
18 authorized to use ~~utilize~~ the SUNCOM Network pursuant to this  
19 part and to the public.

20 (3) In cases in which the materials or products are of  
21 such nature, or the circumstances are such, that it is not  
22 practicable or feasible for the office department to produce  
23 or have produced materials and products so developed, it is  
24 authorized, after review and approval by the Executive Office  
25 of the Governor ~~Department of State~~, to license, lease,  
26 assign, sell, or otherwise give written consent to any person,  
27 firm, or corporation for the manufacture or use thereof, on a  
28 royalty basis, or for such other consideration as the office  
29 ~~department~~ shall deem proper and in the best interest of the  
30 state; the office department is authorized and directed to  
31 protect same against improper or unlawful use or infringement

1 and to enforce the collection of any sums due for the  
2 manufacture or use thereof by any other party.

3 (4) All proceeds from the sale of such materials and  
4 products or other money collected pursuant to this section  
5 shall be deposited into the Grants and Donations Trust Fund of  
6 the office ~~department~~ and, when properly budgeted as approved  
7 by the Legislature and the Executive Office of the Governor,  
8 used to pay the cost of producing and disseminating materials  
9 and products to carry out the intent of this section.

10 Section 16. Section 282.303, Florida Statutes, is  
11 amended to read:

12 282.303 Definitions.--For the purposes of ss.  
13 282.303-282.322, the term:

14 (1) "Agency" means those entities described in s.  
15 216.011(1)(mm) ~~chapter 216~~.

16 ~~(2) "State Technology Council" means the council~~  
17 ~~created in s. 282.3091 to develop a statewide vision for, and~~  
18 ~~make recommendations on, information resources management.~~

19 (2)(3) "Chief Information Officer" means the person  
20 appointed by the agency head, in consultation with the State  
21 Technology Office, to coordinate and manage the information  
22 resources management policies and activities within that  
23 agency.

24 (3)(4) "Chief Information Officers Council" means the  
25 council created in s. 282.315 to facilitate the sharing and  
26 coordination of information resources management issues and  
27 initiatives among the agencies.

28 (4)(5) "State Technology Office" means the office  
29 created in s. 282.102 ~~s. 282.3093~~ to support and coordinate  
30 cost-effective deployment of technology and information  
31 resources and services across state government ~~specified~~

1 ~~information resources management activities and to facilitate~~  
2 ~~educational and training opportunities.~~

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

15 (6)(7) "Information technology" Data processing  
16 services" means all services that include, but are not limited  
17 to, feasibility studies, systems design, software development,  
18 enterprise resource planning, application service provision,  
19 consulting, or time-sharing services.

20 (7)(8) "Data processing software" means the programs  
21 and routines used to employ and control the capabilities of  
22 data processing hardware, including, but not limited to,  
23 operating systems, compilers, assemblers, utilities, library  
24 routines, maintenance routines, applications, and computer  
25 networking programs.

26 (8)(9) "Agency Annual Enterprise Resource Planning and  
27 Information Resources Management Report" means the report  
28 prepared by the Chief Information Officer of each agency as  
29 required by s. 282.3063.

30 (9)(10) "State Annual Report on Enterprise Resource  
31 Planning and Information Resources Management" means the



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1 report prepared by the State Technology Office as defined in  
2 s. 282.3093.

3 ~~(10)~~(11) "Project" means an undertaking directed at  
4 the accomplishment of a strategic objective relating to  
5 enterprise information resources management or a specific  
6 appropriated program.

7 ~~(11)~~(12) "Enterprise resource planning and information  
8 ~~resources~~ management" means the planning, budgeting,  
9 acquiring, developing, organizing, directing, training, and  
10 control associated with government information technology  
11 resources. The term encompasses information and related  
12 resources, as well as the controls associated with their  
13 acquisition, development, dissemination, and use.

14 ~~(12)~~(13) "Information technology resources" means data  
15 processing hardware and software and services, communications,  
16 supplies, personnel, facility resources, maintenance, and  
17 training.

18 ~~(13)~~(14) "Enterprise information resources management  
19 infrastructure" means the hardware, software, networks, data,  
20 human resources, policies, standards, and facilities that are  
21 required to support the business processes of an agency or  
22 state enterprise.

23 ~~(14)~~(15) "Technology Review Workgroup" means the  
24 workgroup created in s. 216.0446 to review and make  
25 recommendations on agencies' information resources management  
26 planning and budgeting proposals.

27 ~~(15)~~(16) "Total cost" means all costs associated with  
28 information resources management projects or initiatives,  
29 including, but not limited to, value of hardware, software,  
30 service, maintenance, incremental personnel, and facilities.  
31 Total cost of a loan or gift of information technology

1 resources to an agency includes the fair market value of the  
2 resources, except that the total cost of loans or gifts of  
3 information technology resources to state universities to be  
4 used in instruction or research does not include fair market  
5 value.

6 (16) "Standards" means the use of current, open,  
7 nonproprietary, or non-vendor-specific technologies.

8 Section 17. Section 282.3031, Florida Statutes, is  
9 amended to read:

10 282.3031 Assignment of information resources  
11 management responsibilities.--For purposes of ss.  
12 282.303-282.322, to ensure the best management of state  
13 information technology resources, and notwithstanding other  
14 provisions of law to the contrary, the functions of  
15 information resources management are hereby assigned to the  
16 Board of Regents as the agency responsible for the development  
17 and implementation of policy, planning, management,  
18 rulemaking, standards, and guidelines for the State University  
19 System; to the State Board of Community Colleges as the agency  
20 responsible for establishing and developing rules and policies  
21 for the Florida Community College System; to the Supreme Court  
22 for the judicial branch; ~~and~~ to each state attorney and public  
23 defender; and to the State Technology Office for the agencies  
24 within the executive branch of state government.

25 Section 18. Subsections (1), (2), (3), (5), (7) and  
26 (10) of section 282.3032, Florida Statutes, are amended to  
27 read:

28 282.3032 Development and implementation of information  
29 systems; guiding principles.--To ensure the best management of  
30 the state's information technology resources, the following  
31 guiding principles are adopted:

1           (1) Enterprise resource ~~Cooperative~~ planning by state  
2 governmental entities is a prerequisite for the effective  
3 development and implementation of information systems to  
4 enable sharing of data and cost-effective and efficient  
5 services to individuals.

6           (2) The enterprise resource planning process, as well  
7 as coordination of development efforts, should include all  
8 principals from the outset.

9           (3) State governmental entities should be committed to  
10 maximizing information sharing and participate in  
11 enterprise-wide efforts when appropriate ~~moving away from~~  
12 ~~proprietary positions taken relative to data they collect and~~  
13 ~~maintain.~~

14           (4) State governmental entities should maximize public  
15 access to data, while complying with legitimate security,  
16 privacy, and confidentiality requirements.

17           (5) State governmental entities should strive for an  
18 integrated electronic system for providing individuals with  
19 ~~sharing of information via networks~~ to the extent possible.

20           (7) The redundant capture, storage, and dissemination  
21 of data should, insofar as possible, be eliminated.

22           (10) Integration ~~Consistency~~ of data elements should  
23 be achieved by establishing standard ~~data~~ definitions, and  
24 formats, and integrated electronic systems, when possible.

25           Section 19. Section 282.3041, Florida Statutes, is  
26 amended to read:

27           282.3041 State agency responsibilities.--The head of  
28 each state agency, in consultation with the State Technology  
29 Office, is responsible and accountable for enterprise resource  
30 planning and ~~information resources~~ management within the  
31 agency in accordance with legislative intent and as defined in

1 this part.

2 Section 20. Section 282.3055, Florida Statutes, is  
3 amended to read:

4 282.3055 Agency Chief Information Officer;  
5 appointment; duties.--

6 (1)(a) To assist the agency head in carrying out the  
7 enterprise resource planning and information resources  
8 management responsibilities, the agency head shall appoint, in  
9 consultation with the State Technology Office, or contract for  
10 a Chief Information Officer at a level commensurate with the  
11 role and importance of information technology resources in the  
12 agency. This position may be full time or part time.

13 (b) The Chief Information Officer must, at a minimum,  
14 have knowledge and experience in both management and  
15 information technology resources.

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

18 (a) Coordinating and facilitating agency enterprise  
19 resource planning and information resources management  
20 projects and initiatives.

21 (b) Preparing an agency annual report on enterprise  
22 resource planning and information resources management  
23 pursuant to s. 282.3063.

24 (c) Developing and implementing agency enterprise  
25 resource planning and information resources management  
26 policies, procedures, and standards, including specific  
27 policies and procedures for review and approval of the  
28 agency's purchases of information technology resources.

29 (d) Advising agency senior management as to the  
30 enterprise resource planning and information resources  
31 management needs of the agency for inclusion in planning

1 documents required by law.

2 (e) Assisting in the development and prioritization of  
3 the enterprise resource planning and information resources  
4 management schedule of the agency's legislative budget  
5 request.

6 Section 21. Section 282.3063, Florida Statutes, is  
7 amended to read:

8 282.3063 Agency Annual Enterprise Resource Planning  
9 and Information Resources Management Report.--

10 (1) By September 1 of each year, and for the State  
11 University System within 90 days after completion of the  
12 expenditure analysis developed pursuant to s. 240.271(4), each  
13 Chief Information Officer shall prepare and submit to the  
14 State Technology Office an Agency Annual Enterprise Resource  
15 Planning and Information Resources Management Report.  
16 Following consultation with the State Technology Office  
17 ~~Council~~ and the Chief Information Officers Council, the  
18 Executive Office of the Governor and the fiscal committees of  
19 the Legislature shall jointly develop and issue instructions  
20 for the format and contents of the report.

21 (2) The Agency Annual Enterprise Resource Planning and  
22 Information Resources Management Report shall contain, at a  
23 minimum, the following:

24 (a) A forecast of enterprise resource planning and  
25 information resources management priorities and initiatives  
26 for the ensuing 2 years.

27 (b) A description of the current enterprise resource  
28 planning and information resources management infrastructure  
29 of the agency and planned changes for the ensuing 2 years.

30 (c) A status report on the major enterprise resource  
31 planning and information resources management projects of the

1 agency.

2 (d) An assessment of the progress made toward  
3 implementing the prior fiscal year legislative appropriation  
4 to the agency for enterprise resource planning and information  
5 ~~resources~~ management.

6 (e) The estimated expenditures by the agency for  
7 enterprise resource planning and information resources  
8 management for the prior fiscal year.

9 (f) An inventory list, by major categories, of the  
10 agency information technology resources, which specifically  
11 identifies the resources acquired during the previous fiscal  
12 year.

13 (g) An assessment of opportunities for the agency to  
14 share enterprise resource planning and information resources  
15 management projects or initiatives with other governmental or  
16 private entities.

17 (h) A list of enterprise resource planning and  
18 ~~information resources~~ management issues the agency has  
19 identified as statewide issues ~~or critical information~~  
20 ~~resources management issues for which the State Technology~~  
21 ~~Council could provide future leadership or assistance.~~

22 Section 22. Section 282.3095, Florida Statutes, is  
23 created to read:

24 282.3095 Task Force on Privacy and Technology.--

25 (1) The State Technology Office shall create a Task  
26 Force on Privacy and Technology. The task force shall include  
27 professionals in the fields of communications, government, law  
28 enforcement, law, marketing, technology, and financial  
29 services, including, but not limited to, the Society of  
30 Consumer Affairs Professionals in Business, the Florida Retail  
31 Federation, and the Office of Statewide Prosecution. The task

1 force shall study and make policy recommendations by February  
2 1, 2001 to the Legislature and the Governor which includes,  
3 but is not limited to:

4 (a) Privacy issues under the constitutions and laws of  
5 the United States and the State of Florida, the Public Records  
6 Act, and the advent of the use of advanced technologies.

7 (b) Technology fraud, including, but not limited to,  
8 the illegal use of citizens' identities and credit.

9 (c) Balancing the traditional openness of public  
10 records in the state with the need to protect the privacy and  
11 identity of individuals.

12 (d) The sale of public records to private individuals  
13 and companies.

14 (2) The task force shall recommend to the State  
15 Technology Office no fewer than three pilot projects designed  
16 to further the deployment of electronic access with protection  
17 of privacy. The pilot projects shall apply technologies and  
18 operating procedures to increase electronic access to public  
19 records and to reduce the reliance on paper documents while  
20 including safeguards for the protection of privacy rights and  
21 confidential information.

22 (3) In order to carry out its duties and  
23 responsibilities, the task force shall hold public meetings  
24 necessary to gather the best available knowledge regarding  
25 these issues. The State Technology Office shall staff the task  
26 force as necessary. The members of the task force shall serve  
27 without compensation, but shall be reimbursed for reasonable  
28 and necessary expenses of attending the public meetings and  
29 performing duties of the task force, including per diem and  
30 travel expenses as provided in s. 112.061. Such expenses shall  
31 be reimbursed from funds of the Department of Highway Safety

1 and Motor Vehicles. This subsection expires July 1, 2001.

2 Section 23. Section 282.310, Florida Statutes, is  
3 amended to read:

4 282.310 State Annual Report on Enterprise Resource  
5 Planning and Information Resources Management.--

6 (1) By ~~February~~ January 15 of each year, the State  
7 Technology Office shall develop a State Annual Report on  
8 Enterprise Resource Planning and Information Resources  
9 Management.

10 (2) The State Annual Report on Enterprise Resource  
11 Planning and Information Resources Management shall contain,  
12 at a minimum, the following:

13 (a) The state vision for enterprise resource planning  
14 and information resources management.

15 (b) A forecast of the state enterprise resource  
16 planning and information resources management priorities and  
17 initiatives for the ensuing 2 years.

18 (c) A summary of major statewide policies recommended  
19 by the State Technology Office Council for enterprise resource  
20 planning and information resources management.

21 (d) A summary of memoranda issued by the Executive  
22 Office of the Governor.

23 (e) An assessment of the overall progress toward an  
24 integrated electronic system for deploying government  
25 products, services, and information to individuals and  
26 businesses and on state enterprise resource planning and  
27 information resources management initiatives and priorities  
28 for the past fiscal year.

29 (f) A summary of major statewide issues related to  
30 improving enterprise resource planning and information  
31 resources management by the state.



1 (g) An inventory list, by major categories, of state  
2 information technology resources.

3 (h) A summary of the total agency expenditures or  
4 descriptions of agreements, contracts, or partnerships for  
5 enterprise resource planning and information resources  
6 management and of enterprise-wide procurements done by the  
7 office on behalf of the state by each state agency.

8 (i) A summary of the opportunities for government  
9 agencies or entities to share enterprise resource planning and  
10 information resources management projects or initiatives with  
11 other governmental or private sector entities.

12 ~~(j) A list of the information resources management~~  
13 ~~issues that have been identified as statewide or critical~~  
14 ~~issues for which the State Technology Council could provide~~  
15 ~~leadership or assistance.~~

16  
17 The state annual report shall also include enterprise resource  
18 planning and information resources management information from  
19 the annual reports prepared by the Board of Regents for the  
20 State University System, from the State Board of Community  
21 Colleges for the Florida Community College System, from the  
22 Supreme Court for the judicial branch, and from the Justice  
23 Administrative Commission on behalf of the state attorneys and  
24 public defenders. Expenditure information shall be taken from  
25 each agency's annual report as well as the annual reports of  
26 the Board of Regents, the State Board of Community Colleges,  
27 the Supreme Court, and the Justice Administrative Commission.

28 (3) The state annual report shall be made available in  
29 writing or through electronic means to the Executive Office of  
30 the Governor, the President of the Senate, the Speaker of the  
31 House of Representatives, and the Chief Justice of the Supreme

1 Court.

2 Section 24. Section 282.315, Florida Statutes, is  
3 amended to read:

4 282.315 Chief Information Officers Council;  
5 creation.--The Legislature finds that enhancing communication,  
6 consensus building, coordination, and facilitation of  
7 statewide enterprise resource planning and information  
8 ~~resources~~ management issues is essential to improving state  
9 management of such resources.

10 (1) There is created a Chief Information Officers  
11 Council to:

12 (a) Enhance communication among the Chief Information  
13 Officers of state agencies by sharing enterprise resource  
14 planning and information resources management experiences and  
15 exchanging ideas.

16 (b) Facilitate the sharing of best practices that are  
17 characteristic of highly successful technology organizations,  
18 as well as exemplary information technology applications of  
19 state agencies.

20 (c) Identify efficiency opportunities among state  
21 agencies.

22 (d) Serve as an educational forum for enterprise  
23 resource planning and information resources management issues.

24 (e) Assist the State Technology Office Council in  
25 identifying critical statewide issues and, when appropriate,  
26 make recommendations for solving enterprise resource planning  
27 and information resources management deficiencies.

28 (2) Members of the council shall include the Chief  
29 Information Officers of all state agencies, including the  
30 Chief Information Officers of the agencies and governmental  
31 entities enumerated in s. 282.3031, except that there shall be

1 one Chief Information Officer selected by the state attorneys  
2 and one Chief Information Officer selected by the public  
3 defenders. The chairs, or their designees, of the Geographic  
4 Information Board, the Florida Financial Management  
5 Information System Coordinating Council, the Criminal and  
6 Juvenile Justice Information Systems Council, and the Health  
7 Information Systems Council shall represent their respective  
8 organizations on the Chief Information Officers Council as  
9 voting members.

10 (3) The State Technology Office shall provide  
11 administrative support to the council.

12 Section 25. Section 282.318, Florida Statutes, is  
13 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)(a) Each agency head, in consultation with the  
19 State Technology Office, is responsible and accountable for  
20 assuring an adequate level of security for all data and  
21 information technology resources of the agency and, to carry  
22 out this responsibility, shall, at a minimum:

23 1. Designate an information security manager who shall  
24 administer the security program of the agency for its data and  
25 information technology resources.

26 2. Conduct, and periodically update, a comprehensive  
27 risk analysis to determine the security threats to the data  
28 and information technology resources of the agency. The risk  
29 analysis information is confidential and exempt from the  
30 provisions of s. 119.07(1), except that such information shall  
31 be available to the Auditor General in performing his or her

1 postauditing duties.

2           3. Develop, and periodically update, written internal  
3 policies and procedures to assure the security of the data and  
4 information technology resources of the agency. The internal  
5 policies and procedures which, if disclosed, could facilitate  
6 the unauthorized modification, disclosure, or destruction of  
7 data or information technology resources are confidential  
8 information and exempt from the provisions of s. 119.07(1),  
9 except that such information shall be available to the Auditor  
10 General in performing his or her postauditing duties.

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

14           5. Ensure that periodic internal audits and  
15 evaluations of the security program for the data and  
16 information technology resources of the agency are conducted.  
17 The results of such internal audits and evaluations are  
18 confidential information and exempt from the provisions of s.  
19 119.07(1), except that such information shall be available to  
20 the Auditor General in performing his or her postauditing  
21 duties.

22           6. Include appropriate security requirements, as  
23 determined by the agency, in the written specifications for  
24 the solicitation of information technology resources.

25           (b) In those instances in which the State Technology  
26 Office of the Department of Management Services develops state  
27 contracts for use by state agencies, the department shall  
28 include appropriate security requirements in the  
29 specifications for the solicitation for state contracts for  
30 procuring information technology resources.

31           Section 26. Subsections (2), (3), (4), (6), (7), and

1 (8) of section 282.404, Florida Statutes, are amended to read:

2 282.404 Geographic information board; definition;  
3 membership; creation; duties; advisory council; membership;  
4 duties.--

5 (2)(a) The Florida Geographic Information Board is  
6 created in the State Technology ~~Executive Office of the~~  
7 ~~Governor~~. The purpose of the board is to facilitate the  
8 identification, coordination, collection, and sharing of  
9 geographic information among federal, state, regional, and  
10 local agencies, and the private sector. The board shall  
11 develop solutions, policies, and standards to increase the  
12 value and usefulness of geographic information concerning  
13 Florida. In formulating and developing solutions, policies,  
14 and standards, the board shall provide for and consider input  
15 from other public agencies, such as the state universities,  
16 large and small municipalities, urban and rural county  
17 governments, and the private sector.

18 (b) The Geographic Information Board may issue  
19 guidelines on recommended best practices, including  
20 recommended policies and standards, for the identification,  
21 coordination, collection, and sharing of geographic  
22 information.

23 (c) The Geographic Information Board may contract for,  
24 accept, and make gifts, grants, loans, or other aid from and  
25 to any other governmental entity and to any person. Members  
26 may contribute, and the board may receive and expend, funds  
27 for board initiatives.

28 (3) The board consists of the Chief Information  
29 Officer in the State Technology Office ~~Director of Planning~~  
30 ~~and Budgeting within the Executive Office of the Governor~~, the  
31 executive director of the Fish and Wildlife Conservation

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1 Commission, the executive director of the Department of  
2 Revenue, and the State Cadastral Surveyor, as defined in s.  
3 177.503, or their designees, and the heads of the following  
4 agencies, or their designees: the Department of Agriculture  
5 and Consumer Services, the Department of Community Affairs,  
6 the Department of Environmental Protection, the Department of  
7 Transportation, and the Board of Professional Surveyors and  
8 Mappers. The Governor shall appoint to the board one member  
9 each to represent the counties, municipalities, regional  
10 planning councils, water management districts, and county  
11 property appraisers. The Governor shall initially appoint two  
12 members to serve 2-year terms and three members to serve  
13 4-year terms. Thereafter, the terms of all appointed members  
14 must be 4 years and the terms must be staggered. Members may  
15 be appointed to successive terms and incumbent members may  
16 continue to serve the board until a new appointment is made.

17 (4) The Chief Information Officer in the State  
18 Technology Office ~~Director of Planning and Budgeting of the~~  
19 ~~Executive Office of the Governor~~, or his or her designee,  
20 shall serve as the chair of the board. A majority of the  
21 membership of the board constitutes a quorum for the conduct  
22 of business. The board shall meet at least twice each year,  
23 and the chair may call a meeting of the board as often as  
24 necessary to transact business. Administrative and clerical  
25 support to the board shall be provided by the State Technology  
26 Office of the Department of Management Services.

27 (6) The Florida Geographic Information Advisory  
28 Council is created in the State Technology Office ~~Executive~~  
29 ~~Office of the Governor~~ to provide technical assistance and  
30 recommendations to the board.

31 (7) The Geographic Information Advisory Council

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1 consists of one member each from the State Technology Office  
2 ~~Office of Planning and Budgeting within the Executive Office~~  
3 ~~of the Governor~~, the Fish and Wildlife Conservation  
4 Commission, the Department of Revenue, the Department of  
5 Agriculture and Consumer Services, the Department of Community  
6 Affairs, the Department of Environmental Protection, the  
7 Department of Transportation, the State Cadastral Surveyor,  
8 the Board of Professional Surveyors and Mappers, counties,  
9 municipalities, regional planning councils, water management  
10 districts, and property appraisers, as appointed by the  
11 corresponding member of the board, and the State Geologist.  
12 The Governor shall appoint to the council one member each, as  
13 recommended by the respective organization, to represent the  
14 Department of Children and Family Services, the Department of  
15 Health, the Florida Survey and Mapping Society, Florida Region  
16 of the American Society of Photogrammetry and Remote Sensing,  
17 Florida Association of Cadastral Mappers, the Florida  
18 Association of Professional Geologists, Florida Engineering  
19 Society, Florida Chapter of the Urban and Regional Information  
20 Systems Association, the forestry industry, the State  
21 University System survey and mapping academic research  
22 programs, and State University System geographic information  
23 systems academic research programs; and two members  
24 representing utilities, one from a regional utility, and one  
25 from a local or municipal utility. These persons must have  
26 technical expertise in geographic information issues. The  
27 Governor shall initially appoint six members to serve 2-year  
28 terms and six members to serve 4-year terms. Thereafter, the  
29 terms of all appointed members must be 4 years and must be  
30 staggered. Members may be appointed to successive terms, and  
31 incumbent members may continue to serve the council until a

1 successor is appointed. Representatives of the Federal  
2 Government may serve as ex officio members without voting  
3 rights.

4 (8) A majority of the membership constitutes a quorum  
5 for the conduct of business and shall elect the chair of the  
6 advisory council biennially. The council shall meet at least  
7 twice a year, and the chair may call meetings as often as  
8 necessary to transact business or as directed by the board.  
9 The chair, or his or her designee, shall attend all board  
10 meetings on behalf of the council. Administrative and clerical  
11 support shall be provided by the State Technology Office of  
12 the Department of Management Services.

13 Section 27. Paragraph (b) of subsection (1) and  
14 paragraph (o) of subsection (3) of section 119.07, Florida  
15 Statutes, are amended to read:

16 119.07 Inspection, examination, and duplication of  
17 records; exemptions.--

18 (b) If the nature or volume of public records  
19 requested to be inspected, examined, or copied pursuant to  
20 this subsection is such as to require extensive use of  
21 information technology resources or extensive clerical or  
22 supervisory assistance by personnel of the agency involved, or  
23 both, the agency may charge, in addition to the actual cost of  
24 duplication, a special service charge, which shall be  
25 reasonable and shall be based on the cost incurred for such  
26 extensive use of information technology resources or the labor  
27 cost of the personnel providing the service that is actually  
28 incurred by the agency or attributable to the agency for the  
29 clerical and supervisory assistance required, or both.  
30 "Information technology resources" shall have the same meaning  
31 as in s. 282.303(12)~~s. 282.303(13)~~.



1 (3)

2 (o) Data processing software obtained by an agency  
3 under a licensing agreement which prohibits its disclosure and  
4 which software is a trade secret, as defined in s. 812.081,  
5 and agency-produced data processing software which is  
6 sensitive are exempt from the provisions of subsection (1) and  
7 s. 24(a), Art. I of the State Constitution. The designation  
8 of agency-produced software as sensitive shall not prohibit an  
9 agency head from sharing or exchanging such software with  
10 another public agency. As used in this paragraph:

11 1. "Data processing software" has the same meaning as  
12 in s. 282.303(7)~~s. 282.303(8)~~.

13 2. "Sensitive" means only those portions of data  
14 processing software, including the specifications and  
15 documentation, used to:

16 a. Collect, process, store, and retrieve information  
17 which is exempt from the provisions of subsection (1);

18 b. Collect, process, store, and retrieve financial  
19 management information of the agency, such as payroll and  
20 accounting records; or

21 c. Control and direct access authorizations and  
22 security measures for automated systems.

23 Section 28. Subsection (1) of section 287.073, Florida  
24 Statutes, is amended to read:

25 287.073 Procurement of information technology  
26 resources.--

27 (1) For the purposes of this section, the term  
28 "information technology resources" has the same meaning  
29 ascribed in s. 282.303(12)~~s. 282.303(13)~~.

30 Section 29. Sections 282.3091 and 282.3093, Florida  
31 Statutes, are repealed.

1           Section 30. Subsections (1), (2), and (3) of section  
2 215.322, Florida Statutes, are amended to read:

3           215.322 Acceptance of credit cards, charge cards, or  
4 debit cards by state agencies, units of local government, and  
5 the judicial branch.--

6           (1) It is the intent of the Legislature to encourage  
7 state agencies, the judicial branch and units of local  
8 government to make their goods, services, and information more  
9 convenient to the public through the ~~and to reduce the~~  
10 ~~administrative costs of government by~~ acceptance of payments  
11 by credit cards, charge cards, and debit cards to the maximum  
12 extent practicable when the benefits to the participating  
13 agency and the public substantiate the cost of accepting these  
14 types of payments.

15           (2) A state agency as defined in s. 216.011, or the  
16 judicial branch, may accept credit cards, charge cards, or  
17 debit cards in payment for goods and services ~~upon the~~  
18 ~~recommendation of the Office of Planning and Budgeting and~~  
19 with the prior approval of the Treasurer. When the Internet or  
20 other related electronic methods are to be used as the  
21 collection medium, the State Technology Office shall review  
22 and recommend to the Treasurer whether to approve the request  
23 with regard to the process or procedure to be used.

24           (3) The Treasurer shall adopt rules governing the  
25 establishment and acceptance of credit cards, charge cards, or  
26 debit cards by state agencies or the judicial branch,  
27 including, but not limited to, the following:

28           (a) Utilization of a standardized contract between the  
29 financial institution or other appropriate intermediaries and  
30 the agency or judicial branch which shall be developed by the  
31 Treasurer or approval by the Treasurer of a substitute

1 agreement.

2 (b) Procedures which permit an agency or officer  
3 accepting payment by credit card, charge card, or debit card  
4 to impose a convenience fee upon the person making the  
5 payment. However, the total amount of such convenience fees  
6 shall not exceed the total cost to the state agency of  
7 ~~contracting for such card services~~. A convenience fee is not  
8 refundable to the payor. Notwithstanding the foregoing, this  
9 section shall not be construed to permit surcharges on any  
10 other credit card purchase in violation of s. 501.0117.

11 (c) All service fees payable pursuant to this section  
12 when practicable shall be invoiced and paid by state warrant  
13 or such other manner that is satisfactory to the Comptroller  
14 in accordance with the time periods specified in s. 215.422.

15 (d) Submission of information to the Treasurer  
16 concerning the acceptance of credit cards, charge cards, or  
17 debit cards by all state agencies or the judicial branch.

18 (e) A methodology for agencies to use when completing  
19 the cost-benefit analysis referred to in subsection (1). The  
20 methodology must consider all quantifiable cost reductions,  
21 other benefits to the agency, and potential impact on general  
22 revenue. The methodology must also consider nonquantifiable  
23 benefits such as the convenience to individuals and businesses  
24 that would benefit from the ability to pay for state goods and  
25 services through the use of credit cards, charge cards, and  
26 debit cards.

27 Section 31. Subsections (5), (11), and (15) of section  
28 287.012, Florida Statutes, are amended to read:

29 287.012 Definitions.--The following definitions shall  
30 apply in this part:

31 (5) "Competitive sealed bids" or "competitive sealed

1 proposals" refers to the receipt of two or more sealed bids or  
2 proposals submitted by responsive and qualified bidders or  
3 offerors and includes bids or proposals transmitted by  
4 electronic means in lieu of or in addition to written bids or  
5 proposals.

6 (11) "Invitation to bid" means a written solicitation  
7 for competitive sealed bids with the title, date, and hour of  
8 the public bid opening designated and specifically defining  
9 the commodity, group of commodities, or services for which  
10 bids are sought. It includes instructions prescribing all  
11 conditions for bidding and shall be distributed to all  
12 prospective bidders simultaneously. The invitation to bid is  
13 used when the agency is capable of specifically defining the  
14 scope of work for which a contractual service is required or  
15 when the agency is capable of establishing precise  
16 specifications defining the actual commodity or group of  
17 commodities required. A written solicitation includes a  
18 solicitation published or transmitted by electronic means.

19 (15) "Request for proposals" means a written  
20 solicitation for competitive sealed proposals with the title,  
21 date, and hour of the public opening designated. A written  
22 solicitation includes a solicitation published or transmitted  
23 by electronic means.The request for proposals is used when  
24 the agency is incapable of specifically defining the scope of  
25 work for which the commodity, group of commodities, or  
26 contractual service is required and when the agency is  
27 requesting that a qualified offeror propose a commodity, group  
28 of commodities, or contractual service to meet the  
29 specifications of the solicitation document. A request for  
30 proposals includes, but is not limited to, general  
31 information, applicable laws and rules, functional or general

1 specifications, statement of work, proposal instructions, and  
2 evaluation criteria. Requests for proposals shall state the  
3 relative importance of price and any other evaluation  
4 criteria.

5 Section 32. Paragraph (a) of subsection (16) of  
6 section 287.042, Florida Statutes, is amended to read:

7 287.042 Powers, duties, and functions.--The department  
8 shall have the following powers, duties, and functions:

9 (16)(a) To enter into joint agreements with  
10 governmental agencies, as defined in s. 163.3164(10), for the  
11 purpose of pooling funds for the purchase of commodities,  
12 information technology resources, or services that can be used  
13 by multiple agencies. However, the department shall may  
14 consult with the State Technology Office on joint agreements  
15 that involve the purchase of information technology resources.  
16 Agencies entering into joint purchasing agreements with the  
17 department shall authorize the department to contract for such  
18 purchases on their behalf.

19 Section 33. Subsection (22) is added to section  
20 287.057, Florida Statutes, to read:

21 287.057 Procurement of commodities or contractual  
22 services.--

23 (22)(a) The State Technology Office of the department  
24 shall develop a program for on-line procurement of commodities  
25 and contractual services. Only bidders prequalified as  
26 meeting mandatory requirements and qualifications criteria  
27 shall be permitted to participate in on-line procurement. The  
28 State Technology Office may contract for equipment and  
29 services necessary to develop and implement on-line  
30 procurement.

31 (b) The State Technology Office may adopt rules,

1 pursuant to ss. 120.536(1) and 120.54, to implement the  
2 program for on-line procurement. The rules shall include, but  
3 not be limited to:

4 1. Determining the requirements and qualification  
5 criteria for prequalifying bidders.

6 2. Establishing the procedures for conducting on-line  
7 procurement.

8 3. Establishing the criteria for eligible commodities  
9 and contractual services.

10 4. Establishing the procedures for providing access to  
11 on-line procurement.

12 Section 34. Creation and implementation of a marketing  
13 and image campaign.--

14 (1) Enterprise Florida, Inc., in collaboration with  
15 the private sector, shall create a marketing campaign to help  
16 attract, develop, and retain information technology businesses  
17 in this state. The campaign must be coordinated with any  
18 existing economic development promotion efforts in this state,  
19 and shall be jointly funded from private and public resources.

20 (2) The message of the campaign shall be to increase  
21 national and international awareness of this state as a state  
22 ideally suited for the successful advancement of the  
23 information technology business sector. Marketing strategies  
24 shall include development of promotional materials, Internet  
25 and print advertising, public relations and media placement,  
26 trade show attendance at information technology events, and  
27 appropriate followup activities. Efforts to promote this state  
28 as a high-technology business leader must include  
29 identification and coordination of existing business  
30 technology resources, partnerships with economic development  
31 organizations and private sector businesses, continued

1 retention and growth of businesses based in this state that  
2 produce high-technology products or use high-technology skills  
3 for manufacturing, and recruitment of new business in such  
4 area.

5 Section 35. Development of an Internet-based system  
6 for information technology industry promotion and workforce  
7 recruitment.--

8 (1) The Department of Labor and Employment Security  
9 shall facilitate efforts to ensure the development and  
10 maintenance of a website that promotes and markets the  
11 information technology industry in this state. The website  
12 shall be designed to inform the public concerning the scope of  
13 the information technology industry in the state and shall  
14 also be designed to address the workforce needs of the  
15 industry. The website shall include, through links or actual  
16 content, information concerning information technology  
17 businesses in this state, including links to such businesses;  
18 information concerning employment available at these  
19 businesses; and the means by which a jobseeker may post a  
20 resume on the website.

21 (2) The Department of Labor and Employment Security  
22 shall coordinate with the State Technology Office and the  
23 Workforce Development Board of Enterprise Florida, Inc., to  
24 ensure links, where feasible and appropriate, to existing job  
25 information websites maintained by the state and state  
26 agencies and to ensure that information technology positions  
27 offered by the state and state agencies are posted on the  
28 information technology website.

29 Section 36. Establishment of a network access  
30 point.--The state actively supports efforts that enhance the  
31 information technology industry in this state, particularly

1 those efforts that increase broadband technology. A critical  
2 initiative to enhance this industry in this state is  
3 determined to be the development of a network access point,  
4 which is defined to be a carrier-neutral, public-private  
5 Internet traffic exchange point. The state encourages private  
6 information technology businesses to forge partnerships to  
7 develop a network access point in this state. Moreover, the  
8 state recognizes the importance of a network access point that  
9 addresses the needs of small information technology  
10 businesses.

11 Section 37. Paragraph (n) is added to subsection (5)  
12 of section 212.08, Florida Statutes, to read:

13 212.08 Sales, rental, use, consumption, distribution,  
14 and storage tax; specified exemptions.--The sale at retail,  
15 the rental, the use, the consumption, the distribution, and  
16 the storage to be used or consumed in this state of the  
17 following are hereby specifically exempt from the tax imposed  
18 by this chapter.

19 (5) EXEMPTIONS; ACCOUNT OF USE.--

20 (n) Equipment used to deploy broadband technologies.--

21 1. Beginning July 1, 2000, equipment purchased by a  
22 communications service provider that is necessary for use in  
23 the deployment of broadband technologies in the state as part  
24 of the direct participation by the communications service  
25 provider in a network access point, which is defined as a  
26 carrier-neutral, public-private Internet traffic exchange  
27 point, in this state shall be exempt from the tax imposed by  
28 this chapter. This exemption inures to the communications  
29 service provider only through a refund of previously paid  
30 taxes. A refund shall be authorized upon an affirmative  
31 showing by the taxpayer to the satisfaction of the department



1 that the requirements of this paragraph have been met.

2 2. To be entitled to a refund, an eligible  
3 communications service provider must file under oath with the  
4 department an application that includes:

5 a. The name and address of the communications service  
6 provider claiming to be entitled to the refund.

7 b. A specific description of the property for which  
8 the exemption is sought, including its serial number or other  
9 permanent identification number.

10 c. The location of the property.

11 d. The sales invoice or other proof of purchase of the  
12 property, showing the amount of sales tax paid, the date of  
13 purchase, and the name and address of the sales tax dealer  
14 from whom the property was purchased.

15 3. An application for a refund pursuant to this  
16 paragraph must be submitted to the department within 6 months  
17 after the eligible property is purchased.

18 4. The provisions of s. 212.095 do not apply to any  
19 refund application made pursuant to this paragraph. The  
20 department shall adopt rules governing the manner and form of  
21 refund applications and may establish guidelines as to the  
22 requisites for an affirmative showing of qualification for  
23 exemption under this paragraph.

24 5. For purposes of this paragraph:

25 a. "Broadband technology" means packaged technology  
26 that has the capability of supporting transmission speeds of  
27 at least 1.544 megabits per second in both directions.

28 b. "Communications service provider" means a company  
29 that supports or provides individuals and other companies with  
30 access to the Internet and other related services.

31 c. "Equipment" includes asynchronous transfer mode

1 switches, digital subscriber line access multiplexers,  
2 routers, servers, multiplexers, fiber optic connector  
3 equipment, database equipment, and other network equipment  
4 used to provide broadband technology and information services.

5 6. Contingent upon annual appropriation, the  
6 department may approve refunds up to the amount appropriated  
7 for this refund program based on the filing of an application  
8 pursuant to this paragraph.

9 7. This paragraph is repealed June 30, 2005.

12 ===== T I T L E A M E N D M E N T =====

13 And the title is amended as follows:

14 On page 2, line 10, after the semicolon

16 insert:

17 amending ss. 282.005, 282.101, 282.102,  
18 282.103, 282.104, 282.105, 282.106, 282.107,  
19 282.1095, 282.111, 282.20, 282.21, 282.22,  
20 282.303, 282.3031, 282.3032, 282.3041,  
21 282.3055, 282.3063, F.S.; providing legislative  
22 findings and creating the State Technology  
23 Office within the Department of Management  
24 Services; providing for the Chief Information  
25 Officer to be in charge of the office;  
26 requiring the office to provide support and  
27 guidance to all state agencies in order to  
28 enhance the state's use and management of  
29 information technology resources; providing for  
30 a study and recommendations concerning online  
31 voting; providing for enterprise resource

Amendment No. 1 (for drafter's use only)

1 planning and management by each state agency in  
2 consultation with the office; creating s.  
3 282.3095, F.S.; directing the State Technology  
4 Office to create a Task Force on Privacy and  
5 Technology; providing for the task force to  
6 hold meetings and report to the Legislature and  
7 Governor; amending ss. 282.310, 282.315,  
8 282.318, 282.404, F.S.; directing the State  
9 Technology Office to prepare and disseminate  
10 the State Annual Report on Enterprise Resource  
11 Planning and Management; transferring the  
12 Florida Geographic Information Board and the  
13 Florida Geographic Information Advisory Council  
14 from the Executive Office of the Governor to  
15 the State Technology Office; amending ss.  
16 119.07, 287.073, F.S.; conforming statutory  
17 cross-references; repealing s. 282.3091, F.S.,  
18 relating to the State Technology Council;  
19 repealing s. 282.3093, F.S., relating to the  
20 State Technology Office; amending s. 215.322,  
21 F.S.; revising legislative intent; specifying  
22 circumstances under which governmental agencies  
23 or the judicial branch may accept credit cards,  
24 charge cards, or debit cards; prescribing  
25 duties of the State Technology Office; removing  
26 a limitation on convenience fees; amending s.  
27 287.012, F.S.; revising certain definitions to  
28 include bids or proposals transmitted or  
29 received by electronic means; amending s.  
30 287.042, F.S.; requiring the Department of  
31 Management Services to consult with the State

1 Technology Office on joint agreements involving  
2 the purchase of information technology  
3 resources; amending s. 287.057, F.S., requiring  
4 the office to develop a program for on-line  
5 procurement of commodities and contractual  
6 services; providing a limitation; authorizing  
7 the office to contract for certain equipment  
8 and services; authorizing the office to adopt  
9 rules for certain purposes; requiring  
10 Enterprise Florida, Inc., to create and  
11 implement a marketing and image campaign;  
12 providing purposes of the campaign; requiring  
13 development and maintenance of a website for  
14 information and technology industry marketing  
15 and workforce recruitment; expressing support  
16 of activities to enhance information  
17 technology, including a network access point;  
18 amending s. 212.08, F.S.; providing a sales tax  
19 exemption on sales of certain equipment used to  
20 deploy broadband technologies associated with a  
21 network access point; providing for future  
22 repeal of the exemption;

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