

Bill No. HB 2075, 1st Eng.

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Latvala moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	Delete everything after the enacting clause		
15			
16	and insert:		
17	Section 1. Section 282.005, Florida Statutes, is		
18	amended to read:		
19	282.005 Legislative findings and intent.--The		
20	Legislature finds that:		
21	(1) Information is a strategic asset of the state,		
22	and, as such, it should be managed as a valuable state		
23	resource.		
24	(2) The state makes significant investments in		
25	information technology resources in order to manage		
26	information and to provide services to its citizens.		
27	<u>(3) An office must be created to provide support and</u>		
28	<u>guidance to enhance the state's use and management of</u>		
29	<u>information technology resources and to design, procure, and</u>		
30	<u>deploy, on behalf of the state, information technology</u>		
31	<u>resources.</u>		

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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

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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 or control of the
23 personnel or data-processing equipment that 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 2. 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

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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

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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

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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

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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

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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 Section 4. Section 282.103, Florida Statutes, is
27 amended to read:

28 282.103 SUNCOM Network; exemptions from the required
29 use.--

30 (1) There is created within the State Technology
31 Office of the Department of Management Services the SUNCOM

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

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

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

31 Section 5. Section 282.104, Florida Statutes, is

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1 to use the state SUNCOM Network pursuant to this section shall
2 provide to the office department, upon request, proof of
3 compliance with subsection (1).

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

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

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

18 Section 7. Section 282.106, Florida Statutes, is
19 amended to read:

20 282.106 Use of SUNCOM Network by libraries.--The State
21 Technology Office of the Department of Management Services may
22 provide SUNCOM Network services to any library in the state,
23 including libraries in public schools, community colleges, the
24 State University System, and nonprofit private postsecondary
25 educational institutions, and libraries owned and operated by
26 municipalities and political subdivisions.

27 Section 8. Subsections (1) and (2) of section 282.107,
28 Florida Statutes, are amended to read:

29 282.107 SUNCOM Network; criteria for usage.--

30 (1) The State Technology Office ~~division~~ shall
31 periodically review the qualifications of subscribers using

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1 the state SUNCOM Network and shall terminate services provided
2 to any facility not qualified pursuant to ss. 282.101-282.111
3 or rules adopted hereunder. In the event of nonpayment of
4 invoices by subscribers whose SUNCOM Network invoices are paid
5 from sources other than legislative appropriations, such
6 nonpayment represents good and sufficient reason to terminate
7 service.

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

13 Section 9. Section 282.1095, Florida Statutes, is
14 amended to read:

15 282.1095 State agency law enforcement radio system.--

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

30 (2)(a) The Joint Task Force on State Agency Law
31 Enforcement Communications shall consist of eight members, as

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1 follows:

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

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

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

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

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

19 6. A representative of the Department of Corrections
20 who shall be appointed by the secretary of the department.

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

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

27 (b) Each appointed member of the joint task force
28 shall serve at the pleasure of the appointing official. Any
29 vacancy on the joint task force shall be filled in the same
30 manner as the original appointment.

31 (c) The joint task force shall elect a chair from

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1 among its members to serve a 1-year term. A vacancy in the
2 chair of the joint task force must be filled for the remainder
3 of the unexpired term by an election of the joint task force
4 members.

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

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

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

27 (g) The State Technology Office of the Department of
28 Management Services is hereby authorized to rent, lease, or
29 sublease ground space on lands acquired by the office
30 ~~department~~ for the construction of privately owned or publicly
31 owned towers. The office ~~department~~ may, as a part of such

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

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

27 (4)(a) The joint task force, shall establish policies,
28 procedures, and standards which shall be incorporated into a
29 comprehensive management plan for the use and operation of the
30 statewide radio communications system.

31 (b) The joint task force shall have the authority to

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1 permit other state agencies to use the communications system,
2 under terms and conditions established by the joint task
3 force.

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

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

15 Section 10. Section 282.111, Florida Statutes, is
16 amended to read:

17 282.111 Statewide system of regional law enforcement
18 communications.--

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

30 (2) The State Technology Office of the Department of
31 Management Services is hereby authorized and directed to

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1 develop and maintain a statewide system of regional law
2 enforcement communications. In formulating such a system, the
3 office department shall divide the state into appropriate
4 regions and shall develop a program which shall include, but
5 not be limited to, the following provisions:

6 (a) The communications requirements for each county
7 and municipality comprising the region.

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

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

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

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

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

31 (6) Within the limits of its capability, the

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1 Department of Law Enforcement is encouraged to lend assistance
2 to the State Technology Office of the Department of Management
3 Services in the development of the statewide system of
4 regional law enforcement communications proposed by this
5 section.

6 Section 11. Section 282.20, Florida Statutes, is
7 amended to read:

8 282.20 Technology Resource Center.--

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

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

13 1. "Office" ~~"Department"~~ means the State Technology
14 Office of the Department of Management Services.

15 ~~2. "Division" means the Division of Information~~
16 ~~Services of the Department of Management Services.~~

17 ~~2.3.~~ "Information-system utility" means a full-service
18 information-processing facility offering hardware, software,
19 operations, integration, networking, and consulting services.

20 ~~3.4.~~ "Customer" means a state agency or other entity
21 which is authorized to utilize the SUNCOM Network pursuant to
22 this part.

23 (2) The ~~division and the~~ Technology Resource Center
24 shall:

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

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

31 (c) Cooperate with the Florida Legal Resource Center

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1 of the Department of Legal Affairs and other state agencies to
2 develop and provide access to repositories of legal
3 information throughout the state.

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

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

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

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

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

31 (6) Notwithstanding the provisions of s. 216.272, the

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

12 Section 12. Section 282.21, Florida Statutes, is
13 amended to read:

14 282.21 The State Technology Office of the Department
15 of Management Services' electronic access services.--The State
16 Technology Office of the Department of Management Services may
17 collect fees for providing remote electronic access pursuant
18 to s. 119.085. The fees may be imposed on individual
19 transactions or as a fixed subscription for a designated
20 period of time. All fees collected under this section shall
21 be deposited in the appropriate trust fund of the program or
22 activity that made the remote electronic access available.

23 Section 13. Section 282.22, Florida Statutes, is
24 amended to read:

25 282.22 The State Technology Office of the Department
26 of Management Services production and dissemination of
27 materials and products.--

28 (1) It is the intent of the Legislature that when
29 materials, and products, information, and services are
30 collected or developed by or under the direction of the State
31 Technology Office of the Department of Management Services,

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1 through research and development or other efforts, including
2 those subject to copyright, patent, or trademark, they shall
3 be made available for use by state and local government
4 entities at the earliest practicable date and in the most
5 economical and efficient manner possible and consistent with
6 chapter 119.

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

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

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

8 Section 14. Section 282.303, Florida Statutes, is
 9 amended to read:

10 282.303 Definitions.--For the purposes of ss.
 11 282.303-282.322, the term:

12 (1) "Agency" means those entities described in s.
 13 216.011(1)(mm) ~~chapter 216~~.

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

17 (2)(3) "Chief Information Officer" means the person
 18 appointed by the agency head, in consultation with the State
 19 Technology Office, to coordinate and manage the information
 20 resources management policies and activities within that
 21 agency.

22 (3)(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.

26 (4)(5) "State Technology Office" means the office
 27 created in s. 282.102 ~~s. 282.3093~~ to support and coordinate
 28 cost-effective deployment of technology and information
 29 resources and services across state government ~~specified~~
 30 ~~information resources management activities and to facilitate~~
 31 ~~educational and training opportunities.~~

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1 (5)(6)"Information technology"~~Data processing~~
2 hardware" means ~~information technology~~ equipment designed for
3 the automated storage, manipulation, and retrieval of data,
4 voice or video, by electronic or mechanical means, or both,
5 and includes, but is not limited to, central processing units,
6 front-end processing units, including miniprocessors and
7 microprocessors, and related peripheral equipment such as data
8 storage devices, document scanners, data entry, terminal
9 controllers and data terminal equipment, ~~computer-related~~ word
10 processing systems, ~~and~~ equipment and systems for computer
11 networks, personal communication devices, and wireless
12 equipment.

13 (6)(7)"Information technology"~~Data processing~~
14 services" means all services that include, but are not limited
15 to, feasibility studies, systems design, software development,
16 enterprise resource planning, application service provision,
17 consulting, or time-sharing services.

18 (7)(8) "Data processing software" means the programs
19 and routines used to employ and control the capabilities of
20 data processing hardware, including, but not limited to,
21 operating systems, compilers, assemblers, utilities, library
22 routines, maintenance routines, applications, and computer
23 networking programs.

24 (8)(9) "Agency Annual Enterprise Resource Planning and
25 ~~Information Resources~~ Management Report" means the report
26 prepared by the Chief Information Officer of each agency as
27 required by s. 282.3063.

28 (9)(10) "State Annual Report on Enterprise Resource
29 Planning and ~~Information Resources~~ Management" means the
30 report prepared by the State Technology Office as defined in
31 s. 282.3093.

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1 (10)~~(11)~~ "Project" means an undertaking directed at
2 the accomplishment of a strategic objective relating to
3 enterprise information resources management or a specific
4 appropriated program.

5 (11)~~(12)~~ "Enterprise resource planning and information
6 ~~resources~~ management" means the planning, budgeting,
7 acquiring, developing, organizing, directing, training, and
8 control associated with government information technology
9 resources. The term encompasses information and related
10 resources, as well as the controls associated with their
11 acquisition, development, dissemination, and use.

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

16 (13)~~(14)~~ "Enterprise information resources management
17 infrastructure" means the hardware, software, networks, data,
18 human resources, policies, standards, and facilities that are
19 required to support the business processes of an agency or
20 state enterprise.

21 (14)~~(15)~~ "Technology Review Workgroup" means the
22 workgroup created in s. 216.0446 to review and make
23 recommendations on agencies' information resources management
24 planning and budgeting proposals.

25 (15)~~(16)~~ "Total cost" means all costs associated with
26 information resources management projects or initiatives,
27 including, but not limited to, value of hardware, software,
28 service, maintenance, incremental personnel, and facilities.
29 Total cost of a loan or gift of information technology
30 resources to an agency includes the fair market value of the
31 resources, except that the total cost of loans or gifts of

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1 information technology resources to state universities to be
2 used in instruction or research does not include fair market
3 value.

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

6 Section 15. Section 282.3031, Florida Statutes, is
7 amended to read:

8 282.3031 Assignment of information resources
9 management responsibilities.--For purposes of ss.
10 282.303-282.322, to ensure the best management of state
11 information technology resources, and notwithstanding other
12 provisions of law to the contrary, the functions of
13 information resources management are hereby assigned to the
14 Board of Regents as the agency responsible for the development
15 and implementation of policy, planning, management,
16 rulemaking, standards, and guidelines for the State University
17 System; to the State Board of Community Colleges as the agency
18 responsible for establishing and developing rules and policies
19 for the Florida Community College System; to the Supreme Court
20 for the judicial branch; ~~and~~ to each state attorney and public
21 defender; and to the State Technology Office for the agencies
22 within the executive branch of state government.

23 Section 16. Subsections (1), (2), (3), (5), (7) and
24 (10) of section 282.3032, Florida Statutes, are amended to
25 read:

26 282.3032 Development and implementation of information
27 systems; guiding principles.--To ensure the best management of
28 the state's information technology resources, the following
29 guiding principles are adopted:

30 (1) Enterprise resource ~~Cooperative~~ planning by state
31 governmental entities is a prerequisite for the effective

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1 development and implementation of information systems to
2 enable sharing of data and cost-effective and efficient
3 services to individuals.

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

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

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

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

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

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

23 Section 17. Section 282.3041, Florida Statutes, is
24 amended to read:

25 282.3041 State agency responsibilities.--The head of
26 each state agency, in consultation with the State Technology
27 Office, is responsible and accountable for enterprise resource
28 planning and information resources management within the
29 agency in accordance with legislative intent and as defined in
30 this part.

31 Section 18. Section 282.3055, Florida Statutes, is

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1 amended to read:

2 282.3055 Agency Chief Information Officer;
3 appointment; duties.--

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

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

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

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

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

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

27 (d) Advising agency senior management as to the
28 enterprise resource planning and information resources
29 management needs of the agency for inclusion in planning
30 documents required by law.

31 (e) Assisting in the development and prioritization of

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1 the enterprise resource planning and information resources
2 management schedule of the agency's legislative budget
3 request.

4 Section 19. Section 282.3063, Florida Statutes, is
5 amended to read:

6 282.3063 Agency Annual Enterprise Resource Planning
7 and Information Resources Management Report.--

8 (1) By September 1 of each year, and for the State
9 University System within 90 days after completion of the
10 expenditure analysis developed pursuant to s. 240.271(4), each
11 Chief Information Officer shall prepare and submit to the
12 State Technology Office an Agency Annual Enterprise Resource
13 Planning and Information Resources Management Report.

14 Following consultation with the State Technology Office
15 ~~Council~~ and the Chief Information Officers Council, the
16 Executive Office of the Governor and the fiscal committees of
17 the Legislature shall jointly develop and issue instructions
18 for the format and contents of the report.

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

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

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

28 (c) A status report on the major enterprise resource
29 planning and information resources management projects of the
30 agency.

31 (d) An assessment of the progress made toward

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1 implementing the prior fiscal year legislative appropriation
2 to the agency for enterprise resource planning and information
3 ~~resources~~ management.

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

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

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

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

20 Section 20. Section 282.3095, Florida Statutes, is
21 created to read:

22 282.3095 Task Force on Privacy and Technology.--

23 (1) The State Technology Office shall create a Task
24 Force on Privacy and Technology. The task force shall include
25 professionals in the fields of communications, government, law
26 enforcement, law, marketing, technology, and financial
27 services, including, but not limited to, the Society of
28 Consumer Affairs Professionals in Business, the Florida Retail
29 Federation, and the Office of Statewide Prosecution. The task
30 force shall study and make policy recommendations by February
31 1, 2001 to the Legislature and the Governor which includes,

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1 but is not limited to:

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

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

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

10 (d) The sale of public records to private individuals
11 and companies.

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

20 (3) In order to carry out its duties and
21 responsibilities, the task force shall hold public meetings
22 necessary to gather the best available knowledge regarding
23 these issues. The State Technology Office shall staff the task
24 force as necessary. The members of the task force shall serve
25 without compensation, but shall be reimbursed for reasonable
26 and necessary expenses of attending the public meetings and
27 performing duties of the task force, including per diem and
28 travel expenses as provided in s. 112.061. Such expenses shall
29 be reimbursed from funds of the Department of Highway Safety
30 and Motor Vehicles. This subsection expires July 1, 2001.

31 Section 21. Section 282.310, Florida Statutes, is

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1 amended to read:

2 282.310 State Annual Report on Enterprise Resource
 3 Planning and Information Resources Management.--

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

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

11 (a) The state vision for enterprise resource planning
 12 and information resources management.

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

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

19 (d) A summary of memoranda issued by the Executive
 20 Office of the Governor.

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

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

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

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

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

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

14
15 The state annual report shall also include enterprise resource
16 planning and information resources management information from
17 the annual reports prepared by the Board of Regents for the
18 State University System, from the State Board of Community
19 Colleges for the Florida Community College System, from the
20 Supreme Court for the judicial branch, and from the Justice
21 Administrative Commission on behalf of the state attorneys and
22 public defenders. Expenditure information shall be taken from
23 each agency's annual report as well as the annual reports of
24 the Board of Regents, the State Board of Community Colleges,
25 the Supreme Court, and the Justice Administrative Commission.

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

31 Section 22. Section 282.315, Florida Statutes, is

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1 amended to read:

2 282.315 Chief Information Officers Council;
3 creation.--The Legislature finds that enhancing communication,
4 consensus building, coordination, and facilitation of
5 statewide enterprise resource planning and information
6 ~~resources~~ management issues is essential to improving state
7 management of such resources.

8 (1) There is created a Chief Information Officers
9 Council to:

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

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

18 (c) Identify efficiency opportunities among state
19 agencies.

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

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

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

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

8 (3) The State Technology Office shall provide
9 administrative support to the council.

10 Section 23. Section 282.318, Florida Statutes, is
11 amended to read:

12 282.318 Security of data and information technology
13 resources.--

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

16 (2)(a) Each agency head, in consultation with the
17 State Technology Office, is responsible and accountable for
18 assuring an adequate level of security for all data and
19 information technology resources of the agency and, to carry
20 out this responsibility, shall, at a minimum:

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

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

31 3. Develop, and periodically update, written internal

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

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

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

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

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

29 Section 24. Subsections (2), (3), (4), (6), (7), and
30 (8) of section 282.404, Florida Statutes, are amended to read:

31 282.404 Geographic information board; definition;

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1 membership; creation; duties; advisory council; membership;
2 duties.--

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

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

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

26 (3) The board consists of the Chief Information
27 Officer in the State Technology Office ~~Director of Planning~~
28 ~~and Budgeting within the Executive Office of the Governor~~, the
29 executive director of the Fish and Wildlife Conservation
30 Commission, the executive director of the Department of
31 Revenue, and the State Cadastral Surveyor, as defined in s.

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

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

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

29 (7) The Geographic Information Advisory Council
30 consists of one member each from the State Technology Office
31 ~~Office of Planning and Budgeting within the Executive Office~~

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1 ~~of the Governor~~, the Fish and Wildlife Conservation
2 Commission, the Department of Revenue, the Department of
3 Agriculture and Consumer Services, the Department of Community
4 Affairs, the Department of Environmental Protection, the
5 Department of Transportation, the State Cadastral Surveyor,
6 the Board of Professional Surveyors and Mappers, counties,
7 municipalities, regional planning councils, water management
8 districts, and property appraisers, as appointed by the
9 corresponding member of the board, and the State Geologist.
10 The Governor shall appoint to the council one member each, as
11 recommended by the respective organization, to represent the
12 Department of Children and Family Services, the Department of
13 Health, the Florida Survey and Mapping Society, Florida Region
14 of the American Society of Photogrammetry and Remote Sensing,
15 Florida Association of Cadastral Mappers, the Florida
16 Association of Professional Geologists, Florida Engineering
17 Society, Florida Chapter of the Urban and Regional Information
18 Systems Association, the forestry industry, the State
19 University System survey and mapping academic research
20 programs, and State University System geographic information
21 systems academic research programs; and two members
22 representing utilities, one from a regional utility, and one
23 from a local or municipal utility. These persons must have
24 technical expertise in geographic information issues. The
25 Governor shall initially appoint six members to serve 2-year
26 terms and six members to serve 4-year terms. Thereafter, the
27 terms of all appointed members must be 4 years and must be
28 staggered. Members may be appointed to successive terms, and
29 incumbent members may continue to serve the council until a
30 successor is appointed. Representatives of the Federal
31 Government may serve as ex officio members without voting

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1 rights.

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

11 Section 25. Paragraph (b) of subsection (1) and
12 paragraph (o) of subsection (3) of section 119.07, Florida
13 Statutes, are amended to read:

14 119.07 Inspection, examination, and duplication of
15 records; exemptions.--

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

30 (3)

31 (o) Data processing software obtained by an agency

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

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

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

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

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

19 c. Control and direct access authorizations and
20 security measures for automated systems.

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

23 287.073 Procurement of information technology
24 resources.--

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

28 Section 27. Sections 282.3091 and 282.3093, Florida
29 Statutes, are repealed.

30 Section 28. This act shall take effect upon becoming a
31 law.

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

2 And the title is amended as follows:

3 Delete everything before the enacting clause

4

5 and insert:

6 A bill to be entitled

7 An act relating to information technology
8 management; amending ss. 282.005, 282.101,
9 282.102, 282.103, 282.104, 282.105, 282.106,
10 282.107, 282.1095, 282.111, 282.20, 282.21,
11 282.22, 282.303, 282.3031, 282.3032, 282.3041,
12 282.3055, 282.3063, F.S.; providing legislative
13 findings and creating the State Technology
14 Office within the Department of Management
15 Services; providing for the Chief Information
16 Officer to be in charge of the office;
17 requiring the office to provide support and
18 guidance to all state agencies in order to
19 enhance the state's use and management of
20 information technology resources; providing for
21 a study and recommendations concerning online
22 voting; providing for enterprise resource
23 planning and management by each state agency in
24 consultation with the office; creating s.
25 282.3095, F.S.; directing the State Technology
26 Office to create a Task Force on Privacy and
27 Technology; providing for the task force to
28 hold meetings and report to the Legislature and
29 Governor; amending ss. 282.310, 282.315,
30 282.318, 282.404, F.S.; directing the State
31 Technology Office to prepare and disseminate

Bill No. HB 2075, 1st Eng.

Amendment No. ____

1 the State Annual Report on Enterprise Resource
2 Planning and Management; transferring the
3 Florida Geographic Information Board and the
4 Florida Geographic Information Advisory Council
5 from the Executive Office of the Governor to
6 the State Technology Office; amending ss.
7 119.07, 287.073, F.S.; conforming statutory
8 cross-references; repealing s. 282.3091, F.S.,
9 relating to the State Technology Council;
10 repealing s. 282.3093, F.S., relating to the
11 State Technology Office; providing an effective
12 date.

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