

1 A bill to be entitled
2 An act relating to information technology
3 management; amending s. 20.22, F.S.;
4 establishing the State Technology Office within
5 the Information Technology Program; amending
6 ss. 282.005, 282.101, 282.102, 282.103,
7 282.104, 282.105, 282.106, 282.107, 282.1095,
8 282.111, 282.20, 282.21, 282.22, 282.303,
9 282.3031, 282.3032, 282.3041, 282.3055, and
10 282.3063, F.S.; providing legislative findings
11 and creating the State Technology Office within
12 the Department of Management Services;
13 providing for a Chief Information Officer to be
14 in charge of the office; requiring the office
15 to provide support and guidance to all state
16 agencies in order to enhance the state's use
17 and management of information technology
18 resources; providing for enterprise resource
19 planning and management by each state agency in
20 consultation with the office; creating s.
21 282.3095, F.S.; directing the State Technology
22 Office to create a Task Force on Privacy and
23 Technology; providing for the task force to
24 hold meetings and report to the Legislature and
25 Governor; amending ss. 282.310, 282.315,
26 282.318, and 282.404, F.S.; directing the State
27 Technology Office to prepare and disseminate
28 the State Annual Report on Enterprise Resource
29 Planning and Management; transferring the
30 Florida Geographic Information Board and the
31 Florida Geographic Information Advisory Council

1 from the Executive Office of the Governor to
2 the State Technology Office; amending ss.
3 119.07 and 287.073, F.S.; conforming statutory
4 cross references; amending ss. 216.0446 and
5 119.083, F.S.; conforming terminology to
6 changes made by the act; repealing s. 282.3091,
7 F.S., relating to the State Technology Council;
8 repealing s. 282.3093, F.S., relating to the
9 State Technology Office; providing an effective
10 date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Paragraph (b) of subsection (2) and
15 subsections (3) and (4) of section 20.22, Florida Statutes,
16 are amended to read:

17 20.22 Department of Management Services.--There is
18 created a Department of Management Services.

19 (2) The following divisions and programs within the
20 Department of Management Services are established:

21 (b) Information Technology Program.

22 1. State Technology Office.

23 2. The State Technology Office shall operate and
24 manage the Technology Resource Center.

25 ~~(3) The Information Technology Program shall operate~~
26 ~~and manage the Technology Resource Center.~~

27 ~~(3)(4)~~ The duties of the Chief Labor Negotiator shall
28 be determined by the Secretary of Management Services, and
29 must include, but need not be limited to, the representation
30 of the Governor as the public employer in collective
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1 bargaining negotiations pursuant to the provisions of chapter
2 447.

3 Section 2. Paragraph (b) of subsection (1) and
4 paragraph (o) of subsection (3) of section 119.07, Florida
5 Statutes, are amended to read:

6 119.07 Inspection, examination, and duplication of
7 records; exemptions.--

8 (1)

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

23 (3)

24 (o) Data processing software obtained by an agency
25 under a licensing agreement which prohibits its disclosure and
26 which software is a trade secret, as defined in s. 812.081,
27 and agency-produced data processing software which is
28 sensitive are exempt from the provisions of subsection (1) and
29 s. 24(a), Art. I of the State Constitution. The designation
30 of agency-produced software as sensitive shall not prohibit an
31

1 agency head from sharing or exchanging such software with
2 another public agency. As used in this paragraph:

3 1. "Data processing software" has the same meaning as
4 information technology software in s. 282.303(7)~~(8)~~.

5 2. "Sensitive" means only those portions of data
6 processing software, including the specifications and
7 documentation, used to:

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

10 b. Collect, process, store, and retrieve financial
11 management information of the agency, such as payroll and
12 accounting records; or

13 c. Control and direct access authorizations and
14 security measures for automated systems.

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

17 282.005 Legislative findings and intent.--The
18 Legislature finds that:

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

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

25 (3) An office must be created to provide support and
26 guidance to enhance the state's use and management of
27 information technology resources and to design, procure, and
28 deploy, on behalf of the state, information technology
29 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

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

14 Section 4. Section 282.101, Florida Statutes, is
15 amended to read:

16 282.101 Construction of terms, "information technology
17 ~~communications~~" or "information technology communications
18 system."--Any reference in this part to "information
19 technology communications" or "information technology
20 ~~communications~~ system" means any transmission, emission, and
21 reception of signs, signals, writings, images, and sounds of
22 intelligence of any nature by wire, radio, optical, or other
23 electromagnetic systems and includes all facilities and
24 equipment owned, leased, or used by all agencies and political
25 subdivisions of state government, and a full-service,
26 information-processing facility offering hardware, software,
27 operations, integration, networking, and consulting services.

28 Section 5. Section 282.102, Florida Statutes, is
29 amended to read:

30 282.102 Powers and duties of the State Technology
31 Office of the Department of Management Services.--There is

1 created a State Technology Office, administratively placed
2 within the Department of Management Services, which shall be
3 headed by a Chief Information Officer who is appointed by the
4 Governor and is in the Senior Management Service. The office
5 shall have the following powers, duties, and functions:

6 (1) To publish electronically the portfolio of
7 services available from the office ~~department~~, including
8 pricing information; the policies and procedures of the office
9 ~~department~~ governing usage of available services; and a
10 forecast of the priorities and initiatives for the state
11 information technology ~~communications~~ system for the ensuing 2
12 years. The office ~~department~~ shall provide a hard copy of its
13 portfolio of services upon request.

14 (2) To coordinate the purchase, lease, and use of all
15 information technology ~~communications~~ services for state
16 government, including information technology ~~communications~~
17 services provided as part of any other total system to be used
18 by the state or any of its agencies.

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

23 (4) To integrate ~~consolidate~~ the information
24 technology ~~communications~~ systems and services of state
25 agencies ~~and to provide for their joint use by the agencies~~
26 ~~when determined by the department to be economically efficient~~
27 ~~or performance-effective.~~

28 (5) To adopt technical standards for the state
29 information technology ~~communications~~ system which will assure
30 the interconnection of computer networks and information
31 systems of state agencies.

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

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

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

11 (9) To standardize policies and procedures for the use
12 of such services.

13 (10) To purchase from or contract with information
14 technology providers ~~suppliers and communications companies~~
15 for information technology ~~communications~~ facilities or
16 services, including private line services.

17 (11) To apply for, receive, and hold, or assist
18 agencies in applying for, receiving, or holding, such
19 authorizations, licenses, and allocations or channels and
20 frequencies to carry out the purposes of ss. 282.101-282.109.

21 (12) To acquire real estate, equipment, and other
22 property.

23 (13) To cooperate with any federal, state, or local
24 emergency management agency in providing for emergency
25 information technology ~~communications~~ services.

26 (14) To delegate to state agencies the powers of
27 acquisition and utilization of information technology
28 ~~communications~~ equipment, facilities, and services or to
29 control and approve the purchase, lease, and use of all
30 information technology ~~communications~~ equipment, services, and
31 facilities, including information technology ~~communications~~

1 services provided as part of any other total system to be used
2 by the state or any of its agencies. ~~This subsection does not~~
3 ~~apply to the data processing hardware of an agency as defined~~
4 ~~in this part.~~

5 (15) To take ownership, custody, and control of
6 existing information technology ~~communications~~ equipment and
7 facilities, with agency concurrence, including all right,
8 title, interest, and equity therein, to carry out the purposes
9 of ss. 282.101-282.109. However, the provisions of this
10 subsection shall in no way affect the rights, title, interest,
11 or equity in any such equipment or facilities owned by, or
12 leased to, the state or any state agency by any
13 telecommunications company.

14 (16) To adopt ~~prescribe~~ rules pursuant to ss. 120.54
15 and 120.536(1) relating to information technology and to
16 implement the provisions of this part ~~and regulations for the~~
17 ~~use of the state communications system.~~

18 (17) To provide a means whereby political subdivisions
19 of the state may use the state information technology
20 ~~communications~~ system upon such terms and under such
21 conditions as the office ~~department~~ may establish.

22 (18) To apply for and accept federal funds for any of
23 the purposes of ss. 282.101-282.109 as well as gifts and
24 donations from individuals, foundations, and private
25 organizations.

26 (19) To monitor issues relating to information
27 technology ~~communications~~ facilities and services before the
28 Florida Public Service Commission and, when necessary, prepare
29 position papers, prepare testimony, appear as a witness, and
30 retain witnesses on behalf of state agencies in proceedings
31 before the commission.

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

4 (a) Establishing technical standards to physically
5 interface with the SUNCOM Network.

6 (b) Specifying how communications are transmitted
7 within the SUNCOM Network.

8 (c) Controlling the routing of communications within
9 the SUNCOM Network.

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

12 (e) Ensuring orderly and reliable information
13 technology ~~communications~~ services in accordance with the
14 standards and policies of all state agencies and the service
15 agreements executed with state agencies.

16 (21) To plan, design, and conduct experiments for
17 information technology ~~in communications~~ services, equipment,
18 and technologies, and to implement enhancements in the state
19 information technology ~~communications~~ system when in the
20 public interest ~~justified~~ and cost-effective. Funding for
21 such experiments shall be derived from SUNCOM Network service
22 revenues and shall not exceed 2 ± percent of the annual budget
23 for the SUNCOM Network for any fiscal year or as provided in
24 the General Appropriations Act. New services offered as a
25 result of this subsection shall not affect existing rates for
26 facilities or services.

27 (22) To enter into contracts or agreements, with or
28 without competitive bidding or procurement, to make available,
29 on a fair, reasonable, and nondiscriminatory basis, property
30 and other structures under office ~~department~~ control for the
31 placement of new facilities by any wireless provider of mobile

1 service as defined in 47 U.S.C. s. 153(n) or s. 332(d) and any
 2 telecommunications company as defined in s. 364.02 when it is
 3 determined to be practical and feasible to make such property
 4 or other structures available. The office ~~department~~ may,
 5 without adopting a rule, charge a just, reasonable, and
 6 nondiscriminatory fee for the placement of the facilities,
 7 payable annually, based on the fair market value of space used
 8 by comparable information technology ~~communications~~ facilities
 9 in the state. The office ~~department~~ and a wireless provider or
 10 telecommunications company may negotiate the reduction or
 11 elimination of a fee in consideration of services provided to
 12 the office ~~department~~ by the wireless provider or
 13 telecommunications company. All such fees collected by the
 14 office ~~department~~ shall be deposited directly into the State
 15 Agency Law Enforcement Radio System Trust Fund, and may be
 16 used by the office ~~department~~ to construct, maintain, or
 17 support the system.

18 (23) To provide an integrated electronic system for
 19 deploying government products, services, and information to
 20 individuals and businesses.

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

25 (b) The office shall provide a method for assessing
 26 fiscal accountability for the integrated electronic system and
 27 shall establish the organizational structure required to
 28 implement this system.

29 (24) To provide administrative support to the Chief
 30 Information Officers Council and other workgroups created by
 31 the Chief Information Officer.

1 (25) To facilitate state information technology
2 education and training for senior management and other agency
3 staff.

4 (26) To prepare, on behalf of the Executive Office of
5 the Governor, memoranda on recommended guidelines and best
6 practices for information resources management, when
7 requested.

8 (27) To prepare, publish, and disseminate the State
9 Annual Report on Enterprise Resource Planning and Management
10 under s. 282.310.

11 (28) To study and make a recommendation to the
12 Governor and the Legislature on the feasibility of
13 implementing on-line voting in this state.

14 Section 6. Section 282.103, Florida Statutes, is
15 amended to read:

16 282.103 SUNCOM Network; exemptions from the required
17 use.--

18 (1) There is created within the State Technology
19 Office of the Department of Management Services the SUNCOM
20 Network which shall be developed to serve as the state
21 information technology ~~communications~~ system for providing
22 local and long-distance communications services to state
23 agencies, political subdivisions of the state, municipalities,
24 and nonprofit corporations pursuant to ss. 282.101-282.111.
25 The SUNCOM Network shall be developed to transmit all types of
26 communications signals, including, but not limited to, voice,
27 data, video, image, and radio. State agencies shall cooperate
28 and assist in the development and joint use of information
29 technology ~~communications~~ systems and services.

30 (2) The State Technology Office of the Department of
31 Management Services shall design, engineer, implement, manage,

1 and operate through state ownership, commercial leasing, or
 2 some combination thereof, the facilities and equipment
 3 providing SUNCOM Network services, and shall develop a system
 4 of equitable billings and charges for information technology
 5 ~~communication~~ services.

6 (3) All state agencies are required to use the SUNCOM
 7 Network for agency information technology ~~communications~~
 8 services as the services become available; however, no agency
 9 is relieved of responsibility for maintaining information
 10 technology ~~communications~~ services necessary for effective
 11 management of its programs and functions. If a SUNCOM Network
 12 service does not meet the information technology
 13 ~~communications~~ requirements of an agency, the agency shall
 14 notify the State Technology Office of the Department of
 15 Management Services in writing and detail the requirements for
 16 that information technology ~~communications~~ service. If the
 17 office department is unable, ~~within 90 days,~~ to meet an
 18 agency's requirements by enhancing SUNCOM Network service, the
 19 office department shall grant the agency an exemption from the
 20 required use of specified SUNCOM Network services.

21 Section 7. Section 282.104, Florida Statutes, is
 22 amended to read:

23 282.104 Use of state SUNCOM Network by
 24 municipalities.--Any municipality may request the State
 25 Technology Office of the Department of Management Services to
 26 provide any or all of the SUNCOM Network's portfolio of
 27 information technology ~~communications~~ services upon such terms
 28 and under such conditions as the department may establish. The
 29 requesting municipality shall pay its share of installation
 30 and recurring costs according to the published rates for
 31 SUNCOM Network services and as invoiced by the office

1 ~~department~~. Such municipality shall also pay for any requested
2 modifications to existing SUNCOM Network services, if any
3 charges apply.

4 Section 8. Section 282.105, Florida Statutes, is
5 amended to read:

6 282.105 Use of state SUNCOM Network by nonprofit
7 corporations.--

8 (1) The State Technology Office of the Department of
9 Management Services shall provide a means whereby private
10 nonprofit corporations under contract with state agencies or
11 political subdivisions of the state may use the state SUNCOM
12 Network, subject to the limitations in this section. In order
13 to qualify to use the state SUNCOM Network, a nonprofit
14 corporation shall:

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

18 (b) Receive only a small portion of its total revenues
19 from any source other than a state agency, a municipality, or
20 a political subdivision of the state during the period of time
21 SUNCOM Network services are requested.

22 (2) Each nonprofit corporation seeking authorization
23 to use the state SUNCOM Network pursuant to this section shall
24 provide to the office ~~department~~, upon request, proof of
25 compliance with subsection (1).

26 (3) Nonprofit corporations established pursuant to
27 general law and an association of municipal governments which
28 is wholly owned by the municipalities shall be eligible to use
29 the state SUNCOM Network, subject to the terms and conditions
30 of the office ~~department~~.

31

1 (4) Institutions qualified pursuant to s. 240.605
2 shall be eligible to use the state SUNCOM Network, subject to
3 the terms and conditions of the office ~~department~~. Such
4 entities shall not be required to satisfy the other criteria
5 of this section.

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

10 Section 9. Section 282.106, Florida Statutes, is
11 amended to read:

12 282.106 Use of SUNCOM Network by libraries.--The State
13 Technology Office of the Department of Management Services may
14 provide SUNCOM Network services to any library in the state,
15 including libraries in public schools, community colleges, the
16 State University System, and nonprofit private postsecondary
17 educational institutions, and libraries owned and operated by
18 municipalities and political subdivisions.

19 Section 10. Subsections (1) and (2) of section
20 282.107, Florida Statutes, are amended to read:

21 282.107 SUNCOM Network; criteria for usage.--

22 (1) The State Technology Office ~~division~~ shall
23 periodically review the qualifications of subscribers using
24 the state SUNCOM Network and shall terminate services provided
25 to any facility not qualified pursuant to ss. 282.101-282.111
26 or rules adopted hereunder. In the event of nonpayment of
27 invoices by subscribers whose SUNCOM Network invoices are paid
28 from sources other than legislative appropriations, such
29 nonpayment represents good and sufficient reason to terminate
30 service.

31

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

6 Section 11. Section 282.1095, Florida Statutes, is
7 amended to read:

8 282.1095 State agency law enforcement radio system.--

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

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

26 1. A representative of the Division of Alcoholic
27 Beverages and Tobacco of the Department of Business and
28 Professional Regulation who shall be appointed by the
29 secretary of the department.

30 2. A representative of the Division of Florida Highway
31 Patrol of the Department of Highway Safety and Motor Vehicles

1 who shall be appointed by the executive director of the
2 department.

3 3. A representative of the Department of Law
4 Enforcement who shall be appointed by the executive director
5 of the department.

6 4. A representative of the Fish and Wildlife
7 Conservation Commission who shall be appointed by the
8 executive director of the commission.

9 5. A representative of the Division of Law Enforcement
10 of the Department of Environmental Protection who shall be
11 appointed by the secretary of the department.

12 6. A representative of the Department of Corrections
13 who shall be appointed by the secretary of the department.

14 7. A representative of the Division of State Fire
15 Marshal of the Department of Insurance who shall be appointed
16 by the State Fire Marshal.

17 8. A representative of the Department of
18 Transportation who shall be appointed by the secretary of the
19 department.

20 (b) Each appointed member of the joint task force
21 shall serve at the pleasure of the appointing official. Any
22 vacancy on the joint task force shall be filled in the same
23 manner as the original appointment.

24 (c) The joint task force shall elect a chair from
25 among its members to serve a 1-year term. A vacancy in the
26 chair of the joint task force must be filled for the remainder
27 of the unexpired term by an election of the joint task force
28 members.

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

1 (e) The per diem and travel expenses incurred by a
2 member of the joint task force in attending its meetings and
3 in attending to its affairs shall be paid pursuant to s.
4 112.061, from funds budgeted to the state agency that the
5 member represents.

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

20 (g) The State Technology Office of the Department of
21 Management Services is hereby authorized to rent, lease, or
22 sublease ground space on lands acquired by the office
23 ~~department~~ for the construction of privately owned or publicly
24 owned towers. The office ~~department~~ may, as a part of such
25 rental, lease, or sublease agreement, require space on said
26 tower or towers for antennae as may be necessary for the
27 construction and operation of the state agency law enforcement
28 radio system or any other state need. The positions necessary
29 for the office ~~department~~ to accomplish its duties under this
30 paragraph and paragraph (f) shall be established in the

31

1 General Appropriations Act and shall be funded by the State
2 Agency Law Enforcement Radio System Trust Fund.

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

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

25 (b) The joint task force shall have the authority to
26 permit other state agencies to use the communications system,
27 under terms and conditions established by the joint task
28 force.

29 (5)(a) The State Technology Office of the Department
30 of Management Services shall provide technical support to the
31 joint task force and shall bear the overall responsibility for

1 the design, engineering, acquisition, and implementation of
2 the statewide radio communications system and for ensuring the
3 proper operation and maintenance of all system common
4 equipment.

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

9 Section 12. Section 282.111, Florida Statutes, is
10 amended to read:

11 282.111 Statewide system of regional law enforcement
12 communications.--

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

24 (2) The State Technology Office of the Department of
25 Management Services is hereby authorized and directed to
26 develop and maintain a statewide system of regional law
27 enforcement communications. In formulating such a system, the
28 office ~~department~~ shall divide the state into appropriate
29 regions and shall develop a program which shall include, but
30 not be limited to, the following provisions:

31

1 (a) The information technology ~~communications~~
2 requirements for each county and municipality comprising the
3 region.

4 (b) An interagency communications provision which
5 shall depict the communication interfaces between municipal,
6 county, and state law enforcement entities which operate
7 within the region.

8 (c) Frequency allocation and use provision which shall
9 include, on an entity basis, each assigned and planned radio
10 channel and the type of operation, simplex, duplex, or
11 half-duplex, on each channel.

12 (3) The office ~~department~~ shall adopt any necessary
13 rules and regulations for implementing and coordinating the
14 statewide system of regional law enforcement communications.

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

23 (5) No law enforcement communications system shall be
24 established or present system expanded without the prior
25 approval of the State Technology Office of the Department of
26 Management Services.

27 (6) Within the limits of its capability, the
28 Department of Law Enforcement is encouraged to lend assistance
29 to the State Technology Office of the Department of Management
30 Services in the development of the statewide system of
31

1 regional law enforcement communications proposed by this
2 section.

3 Section 13. Section 282.20, Florida Statutes, is
4 amended to read:

5 282.20 Technology Resource Center.--

6 (1)(a) The State Technology Office ~~Division of~~
7 ~~Information Services~~ of the Department of Management Services
8 shall operate and manage the Technology Resource Center.

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

10 1. "Office Department" means the State Technology
11 Office of the Department of Management Services.

12 2. ~~"Division" means the Division of Information~~
13 ~~Services of the Department of Management Services.~~

14 2.3. "Information-system utility" means a full-service
15 information-processing facility offering hardware, software,
16 operations, integration, networking, and consulting services.

17 3.4. "Customer" means a state agency or other entity
18 which is authorized to utilize the SUNCOM Network pursuant to
19 this part.

20 (2) The ~~division and the~~ Technology Resource Center
21 shall:

22 (a) Serve the office department and other customers as
23 an information-system utility.

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

28 (c) Cooperate with the Florida Legal Resource Center
29 of the Department of Legal Affairs and other state agencies to
30 develop and provide access to repositories of legal
31 information throughout the state.

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

5 (e) Assist customers in testing and evaluating new and
6 emerging technologies that could be used to meet the needs of
7 the state.

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

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

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

28 (6) Notwithstanding the provisions of s. 216.272, the
29 Technology Resource Center may spend the funds in the reserve
30 account of its working capital trust fund for enhancements to
31 center operations or for information technology resources. Any

1 expenditure of reserve account funds must be approved by the
2 data processing policy board of the center. Any funds
3 remaining in the reserve account at the end of the fiscal year
4 may be carried forward and spent as approved by the Chief
5 Information Officer of the State Technology Office ~~policy~~
6 ~~board~~.

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

9 282.21 State Technology Office of the Department of
10 Management Services' electronic access services.--The State
11 Technology Office of the Department of Management Services may
12 collect fees for providing remote electronic access pursuant
13 to s. 119.085. The fees may be imposed on individual
14 transactions or as a fixed subscription for a designated
15 period of time. All fees collected under this section shall
16 be deposited in the appropriate trust fund of the program or
17 activity that made the remote electronic access available.

18 Section 15. Section 282.22, Florida Statutes, is
19 amended to read:

20 282.22 State Technology Office of the Department of
21 Management Services production and dissemination of materials
22 and products.--

23 (1) It is the intent of the Legislature that when
24 materials, ~~and~~ products, information, and services are
25 collected or developed by or under the direction of the State
26 Technology Office of the Department of Management Services,
27 through research and development or other efforts, including
28 those subject to copyright, patent, or trademark, they shall
29 be made available for use by state and local government
30 entities at the earliest practicable date and in the most
31

1 economical and efficient manner possible and consistent with
 2 chapter 119.

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

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

28 (4) All proceeds from the sale of such materials and
 29 products or other money collected pursuant to this section
 30 shall be deposited into the Grants and Donations Trust Fund of
 31 the office department and, when properly budgeted as approved

1 by the Legislature and the Executive Office of the Governor,
2 used to pay the cost of producing and disseminating materials
3 and products to carry out the intent of this section.

4 Section 16. Section 282.303, Florida Statutes, is
5 amended to read:

6 282.303 Definitions.--For the purposes of ss.
7 282.303-282.322, the term:

8 (1) "Agency" means those entities described in chapter
9 216.

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

13 (2)(3) "Chief Information Officer" means the person
14 appointed by the agency head, in consultation with the State
15 Technology Office, to coordinate and manage the information
16 resources management policies and activities within that
17 agency.

18 (3)(4) "Chief Information Officers Council" means the
19 council created in s. 282.315 to facilitate the sharing and
20 coordination of information resources management issues and
21 initiatives among the agencies.

22 (4)(5) "State Technology Office" means the office
23 created in s. 282.102 ~~282.3093~~ to support and coordinate
24 cost-effective deployment of technology and information
25 resources and services across state government ~~specified~~
26 ~~information resources management activities and to facilitate~~
27 ~~educational and training opportunities.~~

28 (5)(6) "Information technology Data processing
29 hardware" means ~~information technology~~ equipment designed for
30 the automated storage, manipulation, and retrieval of data,
31 voice or video, by electronic or mechanical means, or both,

1 and includes, but is not limited to, central processing units,
2 front-end processing units, including miniprocessors and
3 microprocessors, and related peripheral equipment such as data
4 storage devices, document scanners, data entry, terminal
5 controllers and data terminal equipment, ~~computer-related~~ word
6 processing systems, ~~and~~ equipment and systems for computer
7 networks, personal communication devices, and wireless
8 equipment.

9 (6)(7) "Information technology Data processing
10 services" means all services that include, but are not limited
11 to, feasibility studies, systems design, software development,
12 enterprise resource planning, application service provision,
13 consulting, or time-sharing services.

14 (7)(8) "Information technology Data processing
15 software" means the programs and routines used to employ and
16 control the capabilities of information technology data
17 processing hardware, including, but not limited to, operating
18 systems, compilers, assemblers, utilities, library routines,
19 maintenance routines, applications, and computer networking
20 programs.

21 (8)(9) "Agency Annual Enterprise Resource Planning and
22 Information Resources Management Report" means the report
23 prepared by the Chief Information Officer of each agency as
24 required by s. 282.3063.

25 (9)(10) "State Annual Report on Enterprise Resource
26 Planning and Information Resources Management" means the
27 report prepared by the State Technology Office as defined in
28 s. 282.102 ~~282.3093~~.

29 (10)(11) "Project" means an undertaking directed at
30 the accomplishment of a strategic objective relating to
31

1 enterprise information resources management or a specific
2 appropriated program.

3 (11)~~(12)~~ "Enterprise resource planning and information
4 ~~resources~~ management" means the planning, budgeting,
5 acquiring, developing, organizing, directing, training, and
6 control associated with government information technology
7 resources. The term encompasses information and related
8 resources, as well as the controls associated with their
9 acquisition, development, dissemination, and use.

10 (12)~~(13)~~ "Information technology resources" means
11 information technology ~~data processing~~ hardware and software
12 and services, communications, supplies, personnel, facility
13 resources, maintenance, and training.

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

19 (14)~~(15)~~ "Technology Review Workgroup" means the
20 workgroup created in s. 216.0446 to review and make
21 recommendations on agencies' information resources management
22 planning and budgeting proposals.

23 (15)~~(16)~~ "Total cost" means all costs associated with
24 information resources management projects or initiatives,
25 including, but not limited to, value of hardware, software,
26 service, maintenance, incremental personnel, and facilities.
27 Total cost of a loan or gift of information technology
28 resources to an agency includes the fair market value of the
29 resources, except that the total cost of loans or gifts of
30 information technology resources to state universities to be
31

1 used in instruction or research does not include fair market
2 value.

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

5 Section 17. Section 282.3031, Florida Statutes, is
6 amended to read:

7 282.3031 Assignment of information resources
8 management responsibilities.--For purposes of ss.
9 282.303-282.322, to ensure the best management of state
10 information technology resources, and notwithstanding other
11 provisions of law to the contrary, the functions of
12 information resources management are hereby assigned to the
13 Board of Regents as the agency responsible for the development
14 and implementation of policy, planning, management,
15 rulemaking, standards, and guidelines for the State University
16 System; to the State Board of Community Colleges as the agency
17 responsible for establishing and developing rules and policies
18 for the Florida Community College System; to the Supreme Court
19 for the judicial branch; ~~and~~ to each state attorney and public
20 defender; and to the State Technology Office for the agencies
21 within the executive branch of state government.

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

25 282.3032 Development and implementation of information
26 systems; guiding principles.--To ensure the best management of
27 the state's information technology resources, the following
28 guiding principles are adopted:

29 (1) Enterprise resource ~~Cooperative~~ planning by state
30 governmental entities is a prerequisite for the effective
31 development and implementation of information systems to

1 enable sharing of data and cost-effective and efficient
2 services to individuals.

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

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

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

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

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

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

21 282.3041 State agency responsibilities.--The head of
22 each state agency, in consultation with the State Technology
23 Office, is responsible and accountable for enterprise resource
24 ~~information resources~~ management within the agency in
25 accordance with legislative intent and as defined in this
26 part.

27 Section 20. Section 282.3055, Florida Statutes, is
28 amended to read:

29 282.3055 Agency Chief Information Officer;
30 appointment; duties.--

31

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

8 (b) The Chief Information Officer must, at a minimum,
9 have knowledge and experience in both management and
10 information technology resources.

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

13 (a) Coordinating and facilitating agency enterprise
14 resource planning and information resources management
15 projects and initiatives.

16 (b) Preparing an agency annual report on enterprise
17 resource planning and information resources management
18 pursuant to s. 282.3063.

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

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

28 (e) Assisting in the development and prioritization of
29 the enterprise resource planning and information resources
30 management schedule of the agency's legislative budget
31 request.

1 Section 21. Section 282.3063, Florida Statutes, is
2 amended to read:

3 282.3063 Agency Annual Enterprise Resource Planning
4 and Information Resources Management Report.--

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

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

16 (2) The Agency Annual Enterprise Resource Planning and
17 Information Resources Management Report shall contain, at a
18 minimum, the following:

19 (a) A forecast of enterprise resource planning and
20 information resources management priorities and initiatives
21 for the ensuing 2 years.

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

25 (c) A status report on the major enterprise resource
26 planning and information resources management projects of the
27 agency.

28 (d) An assessment of the progress made toward
29 implementing the prior fiscal year legislative appropriation
30 to the agency for enterprise resource planning and information
31 resources management.

1 (e) The estimated expenditures by the agency for
2 enterprise resource planning and information resources
3 management for the prior fiscal year.

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

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

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

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

19 282.3095 Task Force on Privacy and Technology.--

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

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

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

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

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

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

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

30 Section 23. Section 282.310, Florida Statutes, is
31 amended to read:

1 282.310 State Annual Report on Enterprise Resource
2 Planning and Information Resources Management.--

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

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

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

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

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

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

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

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

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

31

1 (h) A summary of the total agency expenditures and
2 descriptions of agreements, contracts, or partnerships for
3 enterprise resource planning and for 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

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

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

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

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

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

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

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

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

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

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

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

11 Section 25. Section 282.318, Florida Statutes, is
12 amended to read:

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

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

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

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

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

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

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

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

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

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

30
31

1 Section 26. Paragraph (a) of subsection (2) and
2 subsections (3), (4), (6), (7), and (8) of section 282.404,
3 Florida Statutes, are amended to read:

4 282.404 Geographic information board; definition;
5 membership; creation; duties; advisory council; membership;
6 duties.--

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

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

1 each to represent the counties, municipalities, regional
 2 planning councils, water management districts, and county
 3 property appraisers. The Governor shall initially appoint two
 4 members to serve 2-year terms and three members to serve
 5 4-year terms. Thereafter, the terms of all appointed members
 6 must be 4 years and the terms must be staggered. Members may
 7 be appointed to successive terms and incumbent members may
 8 continue to serve the board until a new appointment is made.

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

19 (6) The Florida Geographic Information Advisory
 20 Council is created in the State Technology ~~Executive Office of~~
 21 ~~the Governor~~ to provide technical assistance and
 22 recommendations to the board.

23 (7) The Geographic Information Advisory Council
 24 consists of one member each from the State Technology Office
 25 ~~of Planning and Budgeting within the Executive Office of the~~
 26 ~~Governor~~, the Fish and Wildlife Conservation Commission, the
 27 Department of Revenue, the Department of Agriculture and
 28 Consumer Services, the Department of Community Affairs, the
 29 Department of Environmental Protection, the Department of
 30 Transportation, the State Cadastral Surveyor, the Board of
 31 Professional Surveyors and Mappers, counties, municipalities,

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

26 (8) A majority of the membership constitutes a quorum
 27 for the conduct of business and shall elect the chair of the
 28 advisory council biennially. The council shall meet at least
 29 twice a year, and the chair may call meetings as often as
 30 necessary to transact business or as directed by the board.
 31 The chair, or his or her designee, shall attend all board

1 meetings on behalf of the council. Administrative and clerical
2 support shall be provided by the State Technology Office of
3 the Department of Management Services.

4 Section 27. Subsection (1) of section 287.073, Florida
5 Statutes, is amended to read:

6 287.073 Procurement of information technology
7 resources.--

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

11 Section 28. Paragraph (a) of subsection (2) of section
12 216.0446, Florida Statutes, is amended to read:

13 216.0446 Review of information resources management
14 needs.--

15 (2) In addition to its primary duty specified in
16 subsection (1), the Technology Review Workgroup shall have
17 powers and duties that include, but are not limited to, the
18 following:

19 (a) To evaluate the information resource management
20 needs identified in the agency strategic plans for consistency
21 with the State Annual Report on Enterprise Resource Planning
22 and Information Resources Management and statewide policies
23 recommended by the State Technology Council, and make
24 recommendations to the Executive Office of the Governor,
25 pursuant to s. 186.022(3).

26 Section 29. Paragraph (b) of subsection (1) of section
27 119.083, Florida Statutes, is amended to read:

28 119.083 Definitions; copyright of data processing
29 software created by governmental agencies; fees; prohibited
30 contracts.--

31 (1) As used in this section:

1 (b) "Data processing software" has the same meaning as
2 information technology software in s. 282.303.

3 Section 30. Sections 282.3091 and 282.3093, Florida
4 Statutes, are repealed.

5 Section 31. Notwithstanding anything to the contrary
6 contained herein, the State Technology Office shall take no
7 action affecting the supervision and control of the personnel
8 or data processing equipment which is necessary to the
9 Comptroller for the exercise of his official constitutional
10 duties as set forth in Fla. Const. Art. IV. s 4(d).

11 Section 32. This act shall take effect upon becoming a
12 law.

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