

By Senator Latvala

19-1634B-00

1 A bill to be entitled
2 An act relating to information technology
3 management; amending ss. 282.005, 282.101,
4 282.102, 282.103, 282.104, 282.105, 282.106,
5 282.107, 282.1095, 282.111, 282.20, 282.21,
6 282.22, 282.303, 282.3031, 282.3032, 282.3041,
7 282.3055, 282.3063, F.S.; providing legislative
8 findings and creating the State Technology
9 Office within the Department of Management
10 Services; providing for the Chief Information
11 Officer to be in charge of the office;
12 requiring the office to provide support and
13 guidance to all state agencies in order to
14 enhance the state's use and management of
15 information technology resources; providing for
16 enterprise resource planning and management by
17 each state agency in consultation with the
18 office; creating s. 282.3095, F.S.; directing
19 the State Technology Office to create a Task
20 Force on Privacy and Technology; providing for
21 the task force to hold meetings and report to
22 the Legislature and Governor; amending ss.
23 282.310, 282.315, 282.318, 282.404, F.S.;
24 directing the State Technology Office to
25 prepare and disseminate the State Annual Report
26 on Enterprise Resource Planning and Management;
27 transferring the Florida Geographic Information
28 Board and the Florida Geographic Information
29 Advisory Council from the Executive Office of
30 the Governor to the State Technology Office;
31 amending ss. 119.07, 287.073, F.S.; conforming

1 statutory cross-references; repealing s.
2 282.3091, F.S., relating to the State
3 Technology Council; repealing s. 282.3093,
4 F.S., relating to the State Technology Office;
5 providing an effective date.

6
7 Be It Enacted by the Legislature of the State of Florida:

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9 Section 1. Section 282.005, Florida Statutes, is
10 amended to read:

11 282.005 Legislative findings and intent.--The
12 Legislature finds that:

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

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

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

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

27 (5)~~(3)~~ The head of each state agency, in consultation
28 with the State Technology Office, has primary responsibility
29 and accountability for the planning, budgeting, acquisition,
30 development, implementation, use, and management of
31 information technology resources within the agency.

1 ~~(6)~~~~(4)~~ The expanding need for, use of, and dependence
2 on information technology resources requires focused
3 management attention and managerial accountability by state
4 agencies and the state as a whole.

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

13 ~~(8)~~~~(6)~~ The state shall provide, by whatever means is
14 most cost-effective and efficient, the information resources
15 management infrastructure needed to collect, store, and
16 process the state's data and information, provide
17 connectivity, and facilitate the exchange of data and
18 information among both public and private parties.

19 ~~(9)~~~~(7)~~ A necessary part of the state's information
20 resources management infrastructure is a statewide
21 communications system for all types of signals, including
22 voice, data, video, radio, and image.

23 ~~(10)~~~~(8)~~ To ensure the best management of the state's
24 information technology resources, and notwithstanding other
25 provisions of law to the contrary, the functions of
26 information resources management are hereby assigned to the
27 Board of Regents as the agency responsible for the development
28 and implementation of policy, planning, management,
29 rulemaking, standards, and guidelines for the State University
30 System; to the State Board of Community Colleges as the agency
31 responsible for establishing and developing rules and policies

1 for the Florida Community College System; to the Supreme
2 Court, for the judicial branch; ~~and~~ to each state attorney and
3 public defender; and to the State Technology Office for the
4 executive branch of state government.

5 Section 2. Section 282.101, Florida Statutes, is
6 amended to read:

7 282.101 Construction of terms, "information
8 technology" ~~"communications"~~ or "information technology
9 ~~"communications system."~~ --Any reference in this part to
10 "information technology" ~~"communications"~~ or "information
11 technology" ~~"communications system"~~ means any transmission,
12 emission, and reception of signs, signals, writings, images,
13 and sounds of intelligence of any nature by wire, radio,
14 optical, or other electromagnetic systems and includes all
15 facilities and equipment owned, leased, or used by all
16 agencies and political subdivisions of state government, and a
17 full-service, information-processing facility offering
18 hardware, software, operations, integration, networking, and
19 consulting services.

20 Section 3. Section 282.102, Florida Statutes, is
21 amended to read:

22 282.102 Powers and duties of the State Technology
23 Office of the Department of Management Services. --There is
24 created a State Technology Office, administratively placed
25 within the Department of Management Services, which shall be
26 headed by a Chief Information Officer who is appointed by the
27 Governor and is in the Senior Management Service. The office
28 shall have the following powers, duties, and functions:

29 (1) To publish electronically the portfolio of
30 services available from the office ~~department~~, including
31 pricing information; the policies and procedures of the office

1 ~~department~~ governing usage of available services; and a
2 forecast of the priorities and initiatives for the state
3 communications system for the ensuing 2 years. The office
4 ~~department~~ shall provide a hard copy of its portfolio of
5 services upon request.

6 (2) To coordinate the purchase, lease, and use of all
7 information technology ~~communications~~ services for state
8 government, including communications services provided as part
9 of any other total system to be used by the state or any of
10 its agencies.

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

15 (4) To integrate ~~consolidate~~ the information
16 technology ~~communications~~ systems and services of state
17 agencies ~~and to provide for their joint use by the agencies~~
18 ~~when determined by the department to be economically efficient~~
19 ~~or performance-effective.~~

20 (5) To adopt technical standards for the state
21 information technology ~~communications~~ system which will assure
22 the interconnection of computer networks and information
23 systems of state agencies.

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

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

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

4 (9) To standardize policies and procedures for the use
5 of such services.

6 (10) To purchase from or contract with information
7 technology providers ~~suppliers and communications companies~~
8 for information technology ~~communications~~ facilities or
9 services, including private line services.

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

14 (12) To acquire real estate, equipment, and other
15 property.

16 (13) To cooperate with any federal, state, or local
17 emergency management agency in providing for emergency
18 communications services.

19 (14) To delegate to state agencies the powers of
20 acquisition and utilization of information technology
21 ~~communications~~ equipment, facilities, and services or to
22 control and approve the purchase, lease, and use of all
23 information technology ~~communications~~ equipment, services, and
24 facilities, including communications services provided as part
25 of any other total system to be used by the state or any of
26 its agencies. ~~This subsection does not apply to the data~~
27 ~~processing hardware of an agency as defined in this part.~~

28 (15) To take ownership, custody, and control of
29 existing communications equipment and facilities, with agency
30 concurrence, including all right, title, interest, and equity
31 therein, to carry out the purposes of ss. 282.101-282.109.

1 However, the provisions of this subsection shall in no way
2 affect the rights, title, interest, or equity in any such
3 equipment or facilities owned by, or leased to, the state or
4 any state agency by any telecommunications company.

5 (16) To adopt ~~prescribe~~ rules relating to information
6 technology and to administer the provisions of this part ~~and~~
7 ~~regulations for the use of the state communications system.~~

8 (17) To provide a means whereby political subdivisions
9 of the state may use the state information technology
10 ~~communications~~ system upon such terms and under such
11 conditions as the office ~~department~~ may establish.

12 (18) To apply for and accept federal funds for any of
13 the purposes of ss. 282.101-282.109 as well as gifts and
14 donations from individuals, foundations, and private
15 organizations.

16 (19) To monitor issues relating to communications
17 facilities and services before the Florida Public Service
18 Commission and, when necessary, prepare position papers,
19 prepare testimony, appear as a witness, and retain witnesses
20 on behalf of state agencies in proceedings before the
21 commission.

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

25 (a) Establishing technical standards to physically
26 interface with the SUNCOM Network.

27 (b) Specifying how communications are transmitted
28 within the SUNCOM Network.

29 (c) Controlling the routing of communications within
30 the SUNCOM Network.

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

3 (e) Ensuring orderly and reliable communications
4 services in accordance with the standards and policies of all
5 state agencies and the service agreements executed with state
6 agencies.

7 (21) To plan, design, and conduct experiments for
8 information technology ~~in communications~~ services, equipment,
9 and technologies, and to implement enhancements in the state
10 information technology ~~communications~~ system when in the
11 public interest ~~justified~~ and cost-effective. Funding for
12 such experiments shall be derived from SUNCOM Network service
13 revenues and shall not exceed 2 percent of the annual budget
14 for the SUNCOM Network for any fiscal year or as provided in
15 the General Appropriations Act. New services offered as a
16 result of this subsection shall not affect existing rates for
17 facilities or services.

18 (22) To enter into contracts or agreements, with or
19 without competitive bidding or procurement, to make available,
20 on a fair, reasonable, and nondiscriminatory basis, property
21 and other structures under office ~~department~~ control for the
22 placement of new facilities by any wireless provider of mobile
23 service as defined in 47 U.S.C. s. 153(n) or s. 332(d) and any
24 telecommunications company as defined in s. 364.02 when it is
25 determined to be practical and feasible to make such property
26 or other structures available. The office ~~department~~ may,
27 without adopting a rule, charge a just, reasonable, and
28 nondiscriminatory fee for the placement of the facilities,
29 payable annually, based on the fair market value of space used
30 by comparable communications facilities in the state. The
31 office ~~department~~ and a wireless provider or

1 telecommunications company may negotiate the reduction or
2 elimination of a fee in consideration of services provided to
3 the office ~~department~~ by the wireless provider or
4 telecommunications company. All such fees collected by the
5 office ~~department~~ shall be deposited directly into the State
6 Agency Law Enforcement Radio System Trust Fund, and may be
7 used by the office ~~department~~ to construct, maintain, or
8 support the system.

9 (23) To provide an integrated electronic system for
10 deploying government products, services, and information to
11 individuals and businesses.

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

16 (b) The office shall provide a method for assessing
17 fiscal accountability for the integrated electronic system and
18 shall establish the organizational structure required to
19 implement this system.

20 (24) To provide administrative support to the Chief
21 Information Officers' Council and other ad hoc issue-oriented
22 workgroups created by the Chief Information Officer.

23 (25) To facilitate state information technology
24 education and training for senior management and other agency
25 staff.

26 (26) To prepare, on behalf of the Executive Office of
27 the Governor, memoranda on recommended guidelines and best
28 practices for information resources management, when
29 requested.

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1 (27) To prepare, publish, and disseminate the State
2 Annual Report on Enterprise Resource Planning and Management
3 under s. 282.310.

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

6 282.103 SUNCOM Network; exemptions from the required
7 use.--

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

20 (2) The State Technology Office of the Department of
21 Management Services shall design, engineer, implement, manage,
22 and operate through state ownership, commercial leasing, or
23 some combination thereof, the facilities and equipment
24 providing SUNCOM Network services, and shall develop a system
25 of equitable billings and charges for communication services.

26 (3) All state agencies are required to use the SUNCOM
27 Network for agency communications services as the services
28 become available; however, no agency is relieved of
29 responsibility for maintaining communications services
30 necessary for effective management of its programs and
31 functions. If a SUNCOM Network service does not meet the

1 communications requirements of an agency, the agency shall
2 notify the State Technology Office of the Department of
3 Management Services in writing and detail the requirements for
4 that communications service. If the office department is
5 unable, ~~within 90 days,~~ to meet an agency's requirements by
6 enhancing SUNCOM Network service, the office department shall
7 grant the agency an exemption from the required use of
8 specified SUNCOM Network services.

9 Section 5. Section 282.104, Florida Statutes, is
10 amended to read:

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

22 Section 6. Section 282.105, Florida Statutes, is
23 amended to read:

24 282.105 Use of state SUNCOM Network by nonprofit
25 corporations.--

26 (1) The State Technology Office of the Department of
27 Management Services shall provide a means whereby private
28 nonprofit corporations under contract with state agencies or
29 political subdivisions of the state may use the state SUNCOM
30 Network, subject to the limitations in this section. In order

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1 to qualify to use the state SUNCOM Network, a nonprofit
2 corporation shall:

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

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

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

14 (3) Nonprofit corporations established pursuant to
15 general law and an association of municipal governments which
16 is wholly owned by the municipalities shall be eligible to use
17 the state SUNCOM Network, subject to the terms and conditions
18 of the office ~~department~~.

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

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

28 Section 7. Section 282.106, Florida Statutes, is
29 amended to read:

30 282.106 Use of SUNCOM Network by libraries.--The State
31 Technology Office of the Department of Management Services may

1 provide SUNCOM Network services to any library in the state,
2 including libraries in public schools, community colleges, the
3 State University System, and nonprofit private postsecondary
4 educational institutions, and libraries owned and operated by
5 municipalities and political subdivisions.

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

8 282.107 SUNCOM Network; criteria for usage.--

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

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

23 Section 9. Section 282.1095, Florida Statutes, is
24 amended to read:

25 282.1095 State agency law enforcement radio system.--

26 (1) The State Technology Office of the Department of
27 Management Services may acquire and implement a statewide
28 radio communications system to serve law enforcement units of
29 state agencies, and to serve local law enforcement agencies
30 through a mutual aid channel. The Joint Task Force on State
31 Agency Law Enforcement Communications is established in the

1 State Technology Office of the Department of Management
2 Services to advise the office ~~department~~ of member-agency
3 needs for the planning, designing, and establishment of the
4 joint system. The State Agency Law Enforcement Radio System
5 Trust Fund is established in the State Technology Office of
6 the Department of Management Services. The trust fund shall be
7 funded from surcharges collected under ss. 320.0802 and
8 328.72.

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

12 1. A representative of the Division of Alcoholic
13 Beverages and Tobacco of the Department of Business and
14 Professional Regulation who shall be appointed by the
15 secretary of the department.

16 2. A representative of the Division of Florida Highway
17 Patrol of the Department of Highway Safety and Motor Vehicles
18 who shall be appointed by the executive director of the
19 department.

20 3. A representative of the Department of Law
21 Enforcement who shall be appointed by the executive director
22 of the department.

23 4. A representative of the Fish and Wildlife
24 Conservation Commission who shall be appointed by the
25 executive director of the commission.

26 5. A representative of the Division of Law Enforcement
27 of the Department of Environmental Protection who shall be
28 appointed by the secretary of the department.

29 6. A representative of the Department of Corrections
30 who shall be appointed by the secretary of the department.

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1 7. A representative of the Division of State Fire
2 Marshal of the Department of Insurance who shall be appointed
3 by the State Fire Marshal.

4 8. A representative of the Department of
5 Transportation who shall be appointed by the secretary of the
6 department.

7 (b) Each appointed member of the joint task force
8 shall serve at the pleasure of the appointing official. Any
9 vacancy on the joint task force shall be filled in the same
10 manner as the original appointment.

11 (c) The joint task force shall elect a chair from
12 among its members to serve a 1-year term. A vacancy in the
13 chair of the joint task force must be filled for the remainder
14 of the unexpired term by an election of the joint task force
15 members.

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

19 (e) The per diem and travel expenses incurred by a
20 member of the joint task force in attending its meetings and
21 in attending to its affairs shall be paid pursuant to s.
22 112.061, from funds budgeted to the state agency that the
23 member represents.

24 (f) The State Technology Office of the Department of
25 Management Services is hereby authorized to rent or lease
26 space on any tower under its control. The office ~~department~~
27 may also rent, lease, or sublease ground space as necessary to
28 locate equipment to support antennae on the towers. The costs
29 for use of such space shall be established by the office
30 ~~department~~ for each site, when it is determined to be
31 practicable and feasible to make space available. The office

1 ~~department~~ may refuse to lease space on any tower at any site.
2 All moneys collected by the office ~~department~~ for such rents,
3 leases, and subleases shall be deposited directly into the
4 State Agency Law Enforcement Radio System Trust Fund and may
5 be used by the office ~~department~~ to construct, maintain, or
6 support the system.

7 (g) The State Technology Office of the Department of
8 Management Services is hereby authorized to rent, lease, or
9 sublease ground space on lands acquired by the office
10 ~~department~~ for the construction of privately owned or publicly
11 owned towers. The office ~~department~~ may, as a part of such
12 rental, lease, or sublease agreement, require space on said
13 tower or towers for antennae as may be necessary for the
14 construction and operation of the state agency law enforcement
15 radio system or any other state need. The positions necessary
16 for the office ~~department~~ to accomplish its duties under this
17 paragraph and paragraph (f) shall be established in the
18 General Appropriations Act and shall be funded by the State
19 Agency Law Enforcement Radio System Trust Fund.

20 (3) Upon appropriation, moneys in the trust fund may
21 be used by the office ~~department~~ to acquire by competitive
22 procurement the equipment; software; and engineering,
23 administrative, and maintenance services it needs to
24 construct, operate, and maintain the statewide radio system.
25 Moneys in the trust fund collected as a result of the
26 surcharges set forth in ss. 320.0802 and 328.72 shall be used
27 to help fund the costs of the system. Upon completion of the
28 system, moneys in the trust fund may also be used by the
29 office ~~department~~ to provide for payment of the recurring
30 maintenance costs of the system. Moneys in the trust fund may
31 be appropriated to maintain and enhance, over and above

1 existing agency budgets, existing radio equipment systems of
2 the state agencies represented by the task force members, in
3 an amount not to exceed 10 percent per year per agency, of the
4 existing radio equipment inventory until the existing radio
5 equipment can be replaced pursuant to implementation of the
6 statewide radio communications system.

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

11 (b) The joint task force shall have the authority to
12 permit other state agencies to use the communications system,
13 under terms and conditions established by the joint task
14 force.

15 (5)(a) The State Technology Office of the Department
16 of Management Services shall provide technical support to the
17 joint task force and shall bear the overall responsibility for
18 the design, engineering, acquisition, and implementation of
19 the statewide radio communications system and for ensuring the
20 proper operation and maintenance of all system common
21 equipment.

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

26 Section 10. Section 282.111, Florida Statutes, is
27 amended to read:

28 282.111 Statewide system of regional law enforcement
29 communications.--

30 (1) It is the intent and purpose of the Legislature
31 that a statewide system of regional law enforcement

1 communications be developed whereby maximum efficiency in the
2 use of existing radio channels is achieved in order to deal
3 more effectively with the apprehension of criminals and the
4 prevention of crime generally. To this end, all law
5 enforcement agencies within the state are directed to provide
6 the State Technology Office of the Department of Management
7 Services with any information the office ~~department~~ requests
8 for the purpose of implementing the provisions of subsection
9 (2).

10 (2) The State Technology Office of the Department of
11 Management Services is hereby authorized and directed to
12 develop and maintain a statewide system of regional law
13 enforcement communications. In formulating such a system, the
14 office ~~department~~ shall divide the state into appropriate
15 regions and shall develop a program which shall include, but
16 not be limited to, the following provisions:

17 (a) The communications requirements for each county
18 and municipality comprising the region.

19 (b) An interagency communications provision which
20 shall depict the communication interfaces between municipal,
21 county, and state law enforcement entities which operate
22 within the region.

23 (c) Frequency allocation and use provision which shall
24 include, on an entity basis, each assigned and planned radio
25 channel and the type of operation, simplex, duplex, or
26 half-duplex, on each channel.

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

30 (4) The Chief Information Officer of the State
31 Technology Office ~~Secretary of Management Services~~ or his or

1 her designee is designated as the director of the statewide
2 system of regional law enforcement communications and, for the
3 purpose of carrying out the provisions of this section, is
4 authorized to coordinate the activities of the system with
5 other interested state agencies and local law enforcement
6 agencies.

7 (5) No law enforcement communications system shall be
8 established or present system expanded without the prior
9 approval of the State Technology Office of the Department of
10 Management Services.

11 (6) Within the limits of its capability, the
12 Department of Law Enforcement is encouraged to lend assistance
13 to the State Technology Office of the Department of Management
14 Services in the development of the statewide system of
15 regional law enforcement communications proposed by this
16 section.

17 Section 11. Section 282.20, Florida Statutes, is
18 amended to read:

19 282.20 Technology Resource Center.--

20 (1)(a) The State Technology Office ~~Division of~~
21 ~~Information Services~~ of the Department of Management Services
22 shall operate and manage the Technology Resource Center.

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

24 1. "Office" ~~"Department"~~ means the State Technology
25 Office of the Department of Management Services.

26 2. ~~"Division" means the Division of Information~~
27 ~~Services of the Department of Management Services.~~

28 2.3. "Information-system utility" means a full-service
29 information-processing facility offering hardware, software,
30 operations, integration, networking, and consulting services.

31

1 3.4. "Customer" means a state agency or other entity
2 which is authorized to utilize the SUNCOM Network pursuant to
3 this part.

4 (2) The ~~division and the~~ Technology Resource Center
5 shall:

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

8 (b) Cooperate with ~~the Information Resource Commission~~
9 ~~and with other~~ customers to offer, develop, and support a wide
10 range of services and applications needed by users of the
11 Technology Resource Center.

12 (c) Cooperate with the Florida Legal Resource Center
13 of the Department of Legal Affairs and other state agencies to
14 develop and provide access to repositories of legal
15 information throughout the state.

16 (d) Cooperate with the office ~~Division of~~
17 ~~Communications of the department~~ to facilitate
18 interdepartmental networking and integration of network
19 services for its customers.

20 (e) Assist customers in testing and evaluating new and
21 emerging technologies that could be used to meet the needs of
22 the state.

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

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

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

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

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

24 282.21 The State Technology Office of the Department
25 of Management Services' electronic access services.--The State
26 Technology Office of the Department of Management Services may
27 collect fees for providing remote electronic access pursuant
28 to s. 119.085. The fees may be imposed on individual
29 transactions or as a fixed subscription for a designated
30 period of time. All fees collected under this section shall
31

1 be deposited in the appropriate trust fund of the program or
2 activity that made the remote electronic access available.

3 Section 13. Section 282.22, Florida Statutes, is
4 amended to read:

5 282.22 The State Technology Office of the Department
6 of Management Services production and dissemination of
7 materials and products.--

8 (1) It is the intent of the Legislature that when
9 materials, and products, information, and services are
10 collected or developed by or under the direction of the State
11 Technology Office of the Department of Management Services,
12 through research and development or other efforts, including
13 those subject to copyright, patent, or trademark, they shall
14 be made available for use by state and local government
15 entities at the earliest practicable date and in the most
16 economical and efficient manner possible and consistent with
17 chapter 119.

18 (2) To accomplish this objective the office ~~department~~
19 is authorized to publish or partner with private sector
20 entities to, produce, or have produced materials and products
21 and to make them readily available for appropriate use. The
22 office ~~department~~ is authorized to charge an amount or receive
23 value-added services adequate to cover the essential cost of
24 producing and disseminating such materials, information,
25 services, or ~~and~~ products and is authorized to sell services,
26 when appropriate, copies for use to any entity who is
27 authorized to use ~~utilize~~ the SUNCOM Network pursuant to this
28 part and to the public.

29 (3) In cases in which the materials or products are of
30 such nature, or the circumstances are such, that it is not
31 practicable or feasible for the office ~~department~~ to produce

1 or have produced materials and products so developed, it is
2 authorized, after review and approval by the Executive Office
3 of the Governor ~~Department of State~~, to license, lease,
4 assign, sell, or otherwise give written consent to any person,
5 firm, or corporation for the manufacture or use thereof, on a
6 royalty basis, or for such other consideration as the office
7 ~~department~~ shall deem proper and in the best interest of the
8 state; the office ~~department~~ is authorized and directed to
9 protect same against improper or unlawful use or infringement
10 and to enforce the collection of any sums due for the
11 manufacture or use thereof by any other party.

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

19 Section 14. Section 282.303, Florida Statutes, is
20 amended to read:

21 282.303 Definitions.--For the purposes of ss.
22 282.303-282.322, the term:

23 (1) "Agency" means those entities described in chapter
24 216.

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

28 (2)(3) "Chief Information Officer" means the person
29 appointed by the agency head, in consultation with the State
30 Technology Office, to coordinate and manage the information
31

1 resources management policies and activities within that
2 agency.

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

7 (4)~~(5)~~ "State Technology Office" means the office
8 created in s. 282.102 ~~s. 282.3093~~ to support and coordinate
9 cost-effective deployment of technology and information
10 resources and services across state government ~~specified~~
11 ~~information resources management activities and to facilitate~~
12 ~~educational and training opportunities.~~

13 (5)~~(6)~~ "Information technology"~~"Data processing~~
14 hardware" means ~~information technology~~ equipment designed for
15 the automated storage, manipulation, and retrieval of data,
16 voice or video, by electronic or mechanical means, or both,
17 and includes, but is not limited to, central processing units,
18 front-end processing units, including miniprocessors and
19 microprocessors, and related peripheral equipment such as data
20 storage devices, document scanners, data entry, terminal
21 controllers and data terminal equipment, ~~computer-related~~ word
22 processing systems, ~~and~~ equipment and systems for computer
23 networks, personal communication devices, and wireless
24 equipment.

25 (6)~~(7)~~ "Information technology"~~"Data processing~~
26 services" means all services that include, but are not limited
27 to, feasibility studies, systems design, software development,
28 enterprise resource planning, application service provision,
29 consulting, or time-sharing services.

30 (7)~~(8)~~ "Data processing software" means the programs
31 and routines used to employ and control the capabilities of

1 data processing hardware, including, but not limited to,
2 operating systems, compilers, assemblers, utilities, library
3 routines, maintenance routines, applications, and computer
4 networking programs.

5 (8)~~(9)~~ "Agency Annual Enterprise Resource Planning and
6 ~~Information Resources~~ Management Report" means the report
7 prepared by the Chief Information Officer of each agency as
8 required by s. 282.3063.

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

13 (10)~~(11)~~ "Project" means an undertaking directed at
14 the accomplishment of a strategic objective relating to
15 enterprise information resources management or a specific
16 appropriated program.

17 (11)~~(12)~~ "Enterprise resource planning and information
18 ~~resources~~ management" means the planning, budgeting,
19 acquiring, developing, organizing, directing, training, and
20 control associated with government information technology
21 resources. The term encompasses information and related
22 resources, as well as the controls associated with their
23 acquisition, development, dissemination, and use.

24 (12)~~(13)~~ "Information technology resources" means data
25 processing hardware and software and services, communications,
26 supplies, personnel, facility resources, maintenance, and
27 training.

28 (13)~~(14)~~ "Enterprise information resources management
29 infrastructure" means the hardware, software, networks, data,
30 human resources, policies, standards, and facilities that are
31

1 required to support the business processes of an agency or
2 state enterprise.

3 (14)~~(15)~~ "Technology Review Workgroup" means the
4 workgroup created in s. 216.0446 to review and make
5 recommendations on agencies' information resources management
6 planning and budgeting proposals.

7 (15)~~(16)~~ "Total cost" means all costs associated with
8 information resources management projects or initiatives,
9 including, but not limited to, value of hardware, software,
10 service, maintenance, incremental personnel, and facilities.
11 Total cost of a loan or gift of information technology
12 resources to an agency includes the fair market value of the
13 resources, except that the total cost of loans or gifts of
14 information technology resources to state universities to be
15 used in instruction or research does not include fair market
16 value.

17 Section 15. Section 282.3031, Florida Statutes, is
18 amended to read:

19 282.3031 Assignment of information resources
20 management responsibilities.--For purposes of ss.
21 282.303-282.322, to ensure the best management of state
22 information technology resources, and notwithstanding other
23 provisions of law to the contrary, the functions of
24 information resources management are hereby assigned to the
25 Board of Regents as the agency responsible for the development
26 and implementation of policy, planning, management,
27 rulemaking, standards, and guidelines for the State University
28 System; to the State Board of Community Colleges as the agency
29 responsible for establishing and developing rules and policies
30 for the Florida Community College System; to the Supreme Court
31 for the judicial branch; ~~and~~ to each state attorney and public

1 defender; and to the State Technology Office for the agencies
2 within the executive branch of state government.

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

6 282.3032 Development and implementation of information
7 systems; guiding principles.--To ensure the best management of
8 the state's information technology resources, the following
9 guiding principles are adopted:

10 (1) Enterprise resource ~~Cooperative~~ planning by state
11 governmental entities is a prerequisite for the effective
12 development and implementation of information systems to
13 enable sharing of data and cost-effective and efficient
14 services to individuals.

15 (2) The enterprise resource planning process, as well
16 as coordination of development efforts, should include all
17 principals from the outset.

18 (3) State governmental entities should be committed to
19 maximizing information sharing and participate in
20 enterprise-wide efforts when appropriate ~~moving away from~~
21 ~~proprietary positions taken relative to data they collect and~~
22 ~~maintain.~~

23 (4) State governmental entities should maximize public
24 access to data, while complying with legitimate security,
25 privacy, and confidentiality requirements.

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

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

31

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

4 Section 17. Section 282.3041, Florida Statutes, is
5 amended to read:

6 282.3041 State agency responsibilities.--The head of
7 each state agency, in consultation with the State Technology
8 Office, is responsible and accountable for enterprise resource
9 planning and information resources management within the
10 agency in accordance with legislative intent and as defined in
11 this part.

12 Section 18. Section 282.3055, Florida Statutes, is
13 amended to read:

14 282.3055 Agency Chief Information Officer;
15 appointment; duties.--

16 (1)(a) To assist the agency head in carrying out the
17 enterprise resource planning and information resources
18 management responsibilities, the agency head shall appoint, in
19 consultation with the State Technology Office, or contract for
20 a Chief Information Officer at a level commensurate with the
21 role and importance of information technology resources in the
22 agency. This position may be full time or part time.

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

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

28 (a) Coordinating and facilitating agency enterprise
29 resource planning and information resources management
30 projects and initiatives.

31

1 (b) Preparing an agency annual report on enterprise
2 resource planning and ~~information resources~~ management
3 pursuant to s. 282.3063.

4 (c) Developing and implementing agency enterprise
5 resource planning and ~~information resources~~ management
6 policies, procedures, and standards, including specific
7 policies and procedures for review and approval of the
8 agency's purchases of information technology resources.

9 (d) Advising agency senior management as to the
10 enterprise resource planning and ~~information resources~~
11 management needs of the agency for inclusion in planning
12 documents required by law.

13 (e) Assisting in the development and prioritization of
14 the enterprise resource planning and ~~information resources~~
15 management schedule of the agency's legislative budget
16 request.

17 Section 19. Section 282.3063, Florida Statutes, is
18 amended to read:

19 282.3063 Agency Annual Enterprise Resource Planning
20 and ~~Information Resources~~ Management Report.--

21 (1) By September 1 of each year, and for the State
22 University System within 90 days after completion of the
23 expenditure analysis developed pursuant to s. 240.271(4), each
24 Chief Information Officer shall prepare and submit to the
25 State Technology Office an Agency Annual Enterprise Resource
26 Planning and ~~Information Resources~~ Management Report.

27 Following consultation with the State Technology Office
28 ~~Council~~ and the Chief Information Officers Council, the
29 Executive Office of the Governor and the fiscal committees of
30 the Legislature shall jointly develop and issue instructions
31 for the format and contents of the report.

1 (2) The Agency Annual Enterprise Resource Planning and
2 ~~Information Resources~~ Management Report shall contain, at a
3 minimum, the following:

4 (a) A forecast of enterprise resource planning and
5 ~~information resources~~ management priorities and initiatives
6 for the ensuing 2 years.

7 (b) A description of the current enterprise resource
8 ~~planning and information resources~~ management infrastructure
9 of the agency and planned changes for the ensuing 2 years.

10 (c) A status report on the major enterprise resource
11 ~~planning and information resources~~ management projects of the
12 agency.

13 (d) An assessment of the progress made toward
14 implementing the prior fiscal year legislative appropriation
15 to the agency for enterprise resource planning and information
16 ~~resources~~ management.

17 (e) The estimated expenditures by the agency for
18 enterprise resource planning and information resources
19 management for the prior fiscal year.

20 (f) An inventory list, by major categories, of the
21 agency information technology resources, which specifically
22 identifies the resources acquired during the previous fiscal
23 year.

24 (g) An assessment of opportunities for the agency to
25 share enterprise resource planning and information resources
26 management projects or initiatives with other governmental or
27 private entities.

28 (h) A list of enterprise resource planning and
29 ~~information resources~~ management issues the agency has
30 identified as statewide issues ~~or critical information~~
31

1 ~~resources management issues for which the State Technology~~
2 ~~Council could provide future leadership or assistance.~~

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

5 282.3095 Task Force on Privacy and Technology.--

6 (1) The State Technology Office shall create a Task
7 Force on Privacy and Technology. The task force shall include
8 professionals in the fields of communications, government, law
9 enforcement, law, marketing, technology, and financial
10 services, including, but not limited to, the Society of
11 Consumer Affairs Professionals in Business, the Florida Retail
12 Federation, and the Office of Statewide Prosecution. The task
13 force shall study and make policy recommendations by February
14 1, 2001 to the Legislature and the Governor which includes,
15 but is not limited to:

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

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

21 (c) Balancing the traditional openness of public
22 records in the state with the need to protect the privacy and
23 identity of individuals.

24 (d) The sale of public records to private individuals
25 and companies.

26 (2) The task force shall recommend to the State
27 Technology Office no fewer than three pilot projects designed
28 to further the deployment of electronic access with protection
29 of privacy. The pilot projects shall apply technologies and
30 operating procedures to increase electronic access to public
31 records and to reduce the reliance on paper documents while

1 including safeguards for the protection of privacy rights and
2 confidential information.

3 (3) In order to carry out its duties and
4 responsibilities, the task force shall hold public meetings
5 necessary to gather the best available knowledge regarding
6 these issues. The State Technology Office shall staff the task
7 force as necessary. The members of the task force shall serve
8 without compensation, but shall be reimbursed for reasonable
9 and necessary expenses of attending the public meetings and
10 performing duties of the task force, including per diem and
11 travel expenses as provided in s. 112.061. Such expenses shall
12 be reimbursed from funds of the Department of Highway Safety
13 and Motor Vehicles. This subsection expires July 1, 2001.

14 Section 21. Section 282.310, Florida Statutes, is
15 amended to read:

16 282.310 State Annual Report on Enterprise Resource
17 Planning and Information Resources Management.--

18 (1) By February ~~January~~ 15 of each year, the State
19 Technology Office shall develop a State Annual Report on
20 Enterprise Resource Planning and Information Resources
21 Management.

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

25 (a) The state vision for enterprise resource planning
26 and information resources management.

27 (b) A forecast of the state enterprise resource
28 planning and information resources management priorities and
29 initiatives for the ensuing 2 years.

30
31

1 (c) A summary of major statewide policies recommended
2 by the State Technology ~~Office Council~~ for enterprise resource
3 planning and information resources management.

4 (d) A summary of memoranda issued by the Executive
5 Office of the Governor.

6 (e) An assessment of the overall progress toward an
7 integrated electronic system for deploying government
8 products, services, and information to individuals and
9 businesses and on state enterprise resource planning and
10 ~~information resources~~ management initiatives and priorities
11 for the past fiscal year.

12 (f) A summary of major statewide issues related to
13 improving enterprise resource planning and information
14 ~~resources~~ management by the state.

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

17 (h) A summary of the total agency expenditures or
18 descriptions of agreements, contracts, or partnerships for
19 enterprise resource planning and information resources
20 management and of enterprise-wide procurements done by the
21 office on behalf of the state by each state agency.

22 (i) A summary of the opportunities for government
23 agencies or entities to share enterprise resource planning and
24 ~~information resources~~ management projects or initiatives with
25 other governmental or private sector entities.

26 ~~(j) A list of the information resources management~~
27 ~~issues that have been identified as statewide or critical~~
28 ~~issues for which the State Technology Council could provide~~
29 ~~leadership or assistance.~~

30
31

1 The state annual report shall also include enterprise resource
2 planning and information resources management information from
3 the annual reports prepared by the Board of Regents for the
4 State University System, from the State Board of Community
5 Colleges for the Florida Community College System, from the
6 Supreme Court for the judicial branch, and from the Justice
7 Administrative Commission on behalf of the state attorneys and
8 public defenders. Expenditure information shall be taken from
9 each agency's annual report as well as the annual reports of
10 the Board of Regents, the State Board of Community Colleges,
11 the Supreme Court, and the Justice Administrative Commission.

12 (3) The state annual report shall be made available in
13 writing or through electronic means to the Executive Office of
14 the Governor, the President of the Senate, the Speaker of the
15 House of Representatives, and the Chief Justice of the Supreme
16 Court.

17 Section 22. Section 282.315, Florida Statutes, is
18 amended to read:

19 282.315 Chief Information Officers Council;
20 creation.--The Legislature finds that enhancing communication,
21 consensus building, coordination, and facilitation of
22 statewide enterprise resource planning and information
23 ~~resources~~ management issues is essential to improving state
24 management of such resources.

25 (1) There is created a Chief Information Officers
26 Council to:

27 (a) Enhance communication among the Chief Information
28 Officers of state agencies by sharing enterprise resource
29 planning and information resources management experiences and
30 exchanging ideas.

31

1 (b) Facilitate the sharing of best practices that are
2 characteristic of highly successful technology organizations,
3 as well as exemplary information technology applications of
4 state agencies.

5 (c) Identify efficiency opportunities among state
6 agencies.

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

9 (e) Assist the State Technology Office Council in
10 identifying critical statewide issues and, when appropriate,
11 make recommendations for solving enterprise resource planning
12 and information resources management deficiencies.

13 (2) Members of the council shall include the Chief
14 Information Officers of all state agencies, including the
15 Chief Information Officers of the agencies and governmental
16 entities enumerated in s. 282.3031, except that there shall be
17 one Chief Information Officer selected by the state attorneys
18 and one Chief Information Officer selected by the public
19 defenders. The chairs, or their designees, of the Geographic
20 Information Board, the Florida Financial Management
21 Information System Coordinating Council, the Criminal and
22 Juvenile Justice Information Systems Council, and the Health
23 Information Systems Council shall represent their respective
24 organizations on the Chief Information Officers Council as
25 voting members.

26 (3) The State Technology Office shall provide
27 administrative support to the council.

28 Section 23. Section 282.318, Florida Statutes, is
29 amended to read:

30 282.318 Security of data and information technology
31 resources.--

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

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

8 1. Designate an information security manager who shall
9 administer the security program of the agency for its data and
10 information technology resources.

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

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

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

30 5. Ensure that periodic internal audits and
31 evaluations of the security program for the data and

1 information technology resources of the agency are conducted.
2 The results of such internal audits and evaluations are
3 confidential information and exempt from the provisions of s.
4 119.07(1), except that such information shall be available to
5 the Auditor General in performing his or her postauditing
6 duties.

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

10 (b) In those instances in which the State Technology
11 Office of the Department of Management Services develops state
12 contracts for use by state agencies, the department shall
13 include appropriate security requirements in the
14 specifications for the solicitation for state contracts for
15 procuring information technology resources.

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

18 282.404 Geographic information board; definition;
19 membership; creation; duties; advisory council; membership;
20 duties.--

21 (2)(a) The Florida Geographic Information Board is
22 created in the State Technology ~~Executive Office of the~~
23 ~~Governor~~. The purpose of the board is to facilitate the
24 identification, coordination, collection, and sharing of
25 geographic information among federal, state, regional, and
26 local agencies, and the private sector. The board shall
27 develop solutions, policies, and standards to increase the
28 value and usefulness of geographic information concerning
29 Florida. In formulating and developing solutions, policies,
30 and standards, the board shall provide for and consider input
31 from other public agencies, such as the state universities,

1 large and small municipalities, urban and rural county
2 governments, and the private sector.

3 (b) The Geographic Information Board may issue
4 guidelines on recommended best practices, including
5 recommended policies and standards, for the identification,
6 coordination, collection, and sharing of geographic
7 information.

8 (c) The Geographic Information Board may contract for,
9 accept, and make gifts, grants, loans, or other aid from and
10 to any other governmental entity and to any person. Members
11 may contribute, and the board may receive and expend, funds
12 for board initiatives.

13 (3) The board consists of the Chief Information
14 Officer in the State Technology Office ~~Director of Planning~~
15 ~~and Budgeting within the Executive Office of the Governor~~, the
16 executive director of the Fish and Wildlife Conservation
17 Commission, the executive director of the Department of
18 Revenue, and the State Cadastral Surveyor, as defined in s.
19 177.503, or their designees, and the heads of the following
20 agencies, or their designees: the Department of Agriculture
21 and Consumer Services, the Department of Community Affairs,
22 the Department of Environmental Protection, the Department of
23 Transportation, and the Board of Professional Surveyors and
24 Mappers. The Governor shall appoint to the board one member
25 each to represent the counties, municipalities, regional
26 planning councils, water management districts, and county
27 property appraisers. The Governor shall initially appoint two
28 members to serve 2-year terms and three members to serve
29 4-year terms. Thereafter, the terms of all appointed members
30 must be 4 years and the terms must be staggered. Members may
31

1 be appointed to successive terms and incumbent members may
2 continue to serve the board until a new appointment is made.

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

13 (6) The Florida Geographic Information Advisory
14 Council is created in the State Technology Office ~~Executive~~
15 ~~Office of the Governor~~ to provide technical assistance and
16 recommendations to the board.

17 (7) The Geographic Information Advisory Council
18 consists of one member each from the State Technology Office
19 ~~Office of Planning and Budgeting within the Executive Office~~
20 ~~of the Governor~~, the Fish and Wildlife Conservation
21 Commission, the Department of Revenue, the Department of
22 Agriculture and Consumer Services, the Department of Community
23 Affairs, the Department of Environmental Protection, the
24 Department of Transportation, the State Cadastral Surveyor,
25 the Board of Professional Surveyors and Mappers, counties,
26 municipalities, regional planning councils, water management
27 districts, and property appraisers, as appointed by the
28 corresponding member of the board, and the State Geologist.
29 The Governor shall appoint to the council one member each, as
30 recommended by the respective organization, to represent the
31 Department of Children and Family Services, the Department of

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

21 (8) A majority of the membership constitutes a quorum
22 for the conduct of business and shall elect the chair of the
23 advisory council biennially. The council shall meet at least
24 twice a year, and the chair may call meetings as often as
25 necessary to transact business or as directed by the board.
26 The chair, or his or her designee, shall attend all board
27 meetings on behalf of the council. Administrative and clerical
28 support shall be provided by the State Technology Office of
29 the Department of Management Services.

30
31

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

4 119.07 Inspection, examination, and duplication of
5 records; exemptions.--

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

20 (3)

21 (o) Data processing software obtained by an agency
22 under a licensing agreement which prohibits its disclosure and
23 which software is a trade secret, as defined in s. 812.081,
24 and agency-produced data processing software which is
25 sensitive are exempt from the provisions of subsection (1) and
26 s. 24(a), Art. I of the State Constitution. The designation
27 of agency-produced software as sensitive shall not prohibit an
28 agency head from sharing or exchanging such software with
29 another public agency. As used in this paragraph:

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

