

By the Committee on Fiscal Policy and Senator Latvala

309-2145-00

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 a study and recommendations concerning online
17 voting; providing for enterprise resource
18 planning and management by each state agency in
19 consultation with the office; creating s.
20 282.3095, F.S.; directing the State Technology
21 Office to create a Task Force on Privacy and
22 Technology; providing for the task force to
23 hold meetings and report to the Legislature and
24 Governor; amending ss. 282.310, 282.315,
25 282.318, 282.404, F.S.; directing the State
26 Technology Office to prepare and disseminate
27 the State Annual Report on Enterprise Resource
28 Planning and Management; transferring the
29 Florida Geographic Information Board and the
30 Florida Geographic Information Advisory Council
31 from the Executive Office of the Governor to

1 the State Technology Office; amending ss.
2 119.07, 287.073, F.S.; conforming statutory
3 cross-references; repealing s. 282.3091, F.S.,
4 relating to the State Technology Council;
5 repealing s. 282.3093, F.S., relating to the
6 State Technology Office; providing an effective
7 date.

8

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

10

11 Section 1. Section 282.005, Florida Statutes, is
12 amended to read:

13 282.005 Legislative findings and intent.--The
14 Legislature finds that:

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

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

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

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

29 (5)~~(3)~~ The head of each state agency, in consultation
30 with the State Technology Office, has primary responsibility
31 and accountability for the planning, budgeting, acquisition,

1 development, implementation, use, and management of
2 information technology resources within the agency.

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

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

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

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

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

1 System; to the State Board of Community Colleges as the agency
2 responsible for establishing and developing rules and policies
3 for the Florida Community College System; to the Supreme
4 Court, for the judicial branch; ~~and~~ to each state attorney and
5 public defender; and to the State Technology Office for the
6 executive branch of state government.

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

14 Section 2. Section 282.101, Florida Statutes, is
15 amended to read:

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

29 Section 3. Section 282.102, Florida Statutes, is
30 amended to read:

31

1 282.102 Powers and duties of the State Technology
2 Office of the Department of Management Services.--There is
3 created a State Technology Office, administratively placed
4 within the Department of Management Services, which shall be
5 headed by a Chief Information Officer who is appointed by the
6 Governor and is in the Senior Management Service. The office
7 shall have the following powers, duties, and functions:

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

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

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

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

30 (5) To adopt technical standards for the state
31 information technology ~~communications~~ system which will assure

1 the interconnection of computer networks and information
2 systems of state agencies.

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

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

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

13 (9) To standardize policies and procedures for the use
14 of such services.

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

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

23 (12) To acquire real estate, equipment, and other
24 property.

25 (13) To cooperate with any federal, state, or local
26 emergency management agency in providing for emergency
27 communications services.

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

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

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

10 However, the provisions of this subsection shall in no way
11 affect the rights, title, interest, or equity in any such
12 equipment or facilities owned by, or leased to, the state or
13 any state agency by any 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 administer 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 communications
27 facilities and services before the Florida Public Service
28 Commission and, when necessary, prepare position papers,
29 prepare testimony, appear as a witness, and retain witnesses
30 on behalf of state agencies in proceedings before the
31 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 communications
13 services in accordance with the standards and policies of all
14 state agencies and the service agreements executed with state
15 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~~1~~ percent of the annual budget
23 for the SUNCOM Network for any fiscal year or as provided in
24 the General Appropriations Act for fiscal year 2000-2001. New
25 services offered as a result of this subsection shall not
26 affect existing rates for 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 communications facilities in the state. The
9 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 Legislature on the feasibility of implementing
13 online voting in this state.

14 Section 4. 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 communications system for providing local and long-distance
22 communications services to state agencies, political
23 subdivisions of the state, municipalities, and nonprofit
24 corporations pursuant to ss. 282.101-282.111. The SUNCOM
25 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 communications
29 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 communication services.

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

19 Section 5. Section 282.104, Florida Statutes, is
20 amended to read:

21 282.104 Use of state SUNCOM Network by
22 municipalities.--Any municipality may request the State
23 Technology Office of the Department of Management Services to
24 provide any or all of the SUNCOM Network's portfolio of
25 communications services upon such terms and under such
26 conditions as the department may establish. The requesting
27 municipality shall pay its share of installation and recurring
28 costs according to the published rates for SUNCOM Network
29 services and as invoiced by the office ~~department~~. Such
30 municipality shall also pay for any requested modifications to
31 existing SUNCOM Network services, if any charges apply.

1 Section 6. Section 282.105, Florida Statutes, is
2 amended to read:

3 282.105 Use of state SUNCOM Network by nonprofit
4 corporations.--

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

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

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

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

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

28 (4) Institutions qualified pursuant to s. 240.605
29 shall be eligible to use the state SUNCOM Network, subject to
30 the terms and conditions of the office ~~department~~. Such
31

1 entities shall not be required to satisfy the other criteria
2 of this section.

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

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

9 282.106 Use of SUNCOM Network by libraries.--The State
10 Technology Office of the Department of Management Services may
11 provide SUNCOM Network services to any library in the state,
12 including libraries in public schools, community colleges, the
13 State University System, and nonprofit private postsecondary
14 educational institutions, and libraries owned and operated by
15 municipalities and political subdivisions.

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

18 282.107 SUNCOM Network; criteria for usage.--

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

28 (2) The State Technology Office ~~division~~ shall adopt
29 rules setting forth its procedures for withdrawing and
30 restoring authorization to use the state SUNCOM Network. Such
31

1 rules shall provide a minimum of 30 days' notice to affected
2 parties prior to termination of voice communications service.

3 Section 9. Section 282.1095, Florida Statutes, is
4 amended to read:

5 282.1095 State agency law enforcement radio system.--

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

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

23 1. A representative of the Division of Alcoholic
24 Beverages and Tobacco of the Department of Business and
25 Professional Regulation who shall be appointed by the
26 secretary of the department.

27 2. A representative of the Division of Florida Highway
28 Patrol of the Department of Highway Safety and Motor Vehicles
29 who shall be appointed by the executive director of the
30 department.

31

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

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

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

10 6. A representative of the Department of Corrections
11 who shall be appointed by the secretary of the department.

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

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

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

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

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

30 (e) The per diem and travel expenses incurred by a
31 member of the joint task force in attending its meetings and

1 in attending to its affairs shall be paid pursuant to s.
2 112.061, from funds budgeted to the state agency that the
3 member represents.

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

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

31

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

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

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

27 (5)(a) The State Technology Office of the Department
28 of Management Services shall provide technical support to the
29 joint task force and shall bear the overall responsibility for
30 the design, engineering, acquisition, and implementation of
31 the statewide radio communications system and for ensuring the

1 proper operation and maintenance of all system common
2 equipment.

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

7 Section 10. Section 282.111, Florida Statutes, is
8 amended to read:

9 282.111 Statewide system of regional law enforcement
10 communications.--

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

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

29 (a) The communications requirements for each county
30 and municipality comprising the region.

31

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

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

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

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

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

24 (6) Within the limits of its capability, the
25 Department of Law Enforcement is encouraged to lend assistance
26 to the State Technology Office of the Department of Management
27 Services in the development of the statewide system of
28 regional law enforcement communications proposed by this
29 section.

30 Section 11. Section 282.20, Florida Statutes, is
31 amended to read:

1 282.20 Technology Resource Center.--
2 (1)(a) The State Technology Office ~~Division of~~
3 ~~Information Services~~ of the Department of Management Services
4 shall operate and manage the Technology Resource Center.
5 (b) For the purposes of this section, the term:
6 1. "Office" ~~"Department"~~ means the State Technology
7 Office of the Department of Management Services.
8 2. ~~"Division" means the Division of Information~~
9 ~~Services of the Department of Management Services.~~
10 2.3. "Information-system utility" means a full-service
11 information-processing facility offering hardware, software,
12 operations, integration, networking, and consulting services.
13 3.4. "Customer" means a state agency or other entity
14 which is authorized to utilize the SUNCOM Network pursuant to
15 this part.
16 (2) The ~~division and the~~ Technology Resource Center
17 shall:
18 (a) Serve the office ~~department~~ and other customers as
19 an information-system utility.
20 (b) Cooperate with ~~the Information Resource Commission~~
21 ~~and with other~~ customers to offer, develop, and support a wide
22 range of services and applications needed by users of the
23 Technology Resource Center.
24 (c) Cooperate with the Florida Legal Resource Center
25 of the Department of Legal Affairs and other state agencies to
26 develop and provide access to repositories of legal
27 information throughout the state.
28 (d) Cooperate with the office ~~Division of~~
29 ~~Communications of the department~~ to facilitate
30 interdepartmental networking and integration of network
31 services for its customers.

1 (e) Assist customers in testing and evaluating new and
2 emerging technologies that could be used to meet the needs of
3 the state.

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

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

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

24 (6) Notwithstanding the provisions of s. 216.272, the
25 Technology Resource Center may spend the funds in the reserve
26 account of its working capital trust fund for enhancements to
27 center operations or for information technology resources. Any
28 expenditure of reserve account funds must be approved by the
29 Chief Information Officer of the State Technology Office ~~data~~
30 ~~processing policy board of the center.~~ Any funds remaining in
31 the reserve account at the end of the fiscal year may be

1 carried forward and spent as approved by the Chief Information
2 Officer of the State Technology Office, provided that such
3 approval conforms to any applicable provisions of chapter 216
4 policy board.

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

7 282.21 The State Technology Office of the Department
8 of Management Services' electronic access services.--The State
9 Technology Office of the Department of Management Services may
10 collect fees for providing remote electronic access pursuant
11 to s. 119.085. The fees may be imposed on individual
12 transactions or as a fixed subscription for a designated
13 period of time. All fees collected under this section shall
14 be deposited in the appropriate trust fund of the program or
15 activity that made the remote electronic access available.

16 Section 13. Section 282.22, Florida Statutes, is
17 amended to read:

18 282.22 The State Technology Office of the Department
19 of Management Services production and dissemination of
20 materials and products.--

21 (1) It is the intent of the Legislature that when
22 materials, and products, information, and services are
23 collected or developed by or under the direction of the State
24 Technology Office of the Department of Management Services,
25 through research and development or other efforts, including
26 those subject to copyright, patent, or trademark, they shall
27 be made available for use by state and local government
28 entities at the earliest practicable date and in the most
29 economical and efficient manner possible and consistent with
30 chapter 119.

31

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

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

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

1 used to pay the cost of producing and disseminating materials
2 and products to carry out the intent of this section.

3 Section 14. Section 282.303, Florida Statutes, is
4 amended to read:

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

7 (1) "Agency" means those entities described in s.
8 216.011(1)(mm) chapter 216.

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

12 (2)(3) "Chief Information Officer" means the person
13 appointed by the agency head, in consultation with the State
14 Technology Office, to coordinate and manage the information
15 resources management policies and activities within that
16 agency.

17 (3)(4) "Chief Information Officers Council" means the
18 council created in s. 282.315 to facilitate the sharing and
19 coordination of information resources management issues and
20 initiatives among the agencies.

21 (4)(5) "State Technology Office" means the office
22 created in s. 282.102 s. 282.3093 to support and coordinate
23 cost-effective deployment of technology and information
24 resources and services across state government specified
25 information resources management activities and to facilitate
26 educational and training opportunities.

27 (5)(6) "Information technology" "Data processing
28 hardware" means information technology equipment designed for
29 the automated storage, manipulation, and retrieval of data,
30 voice or video, by electronic or mechanical means, or both,
31 and includes, but is not limited to, central processing units,

1 front-end processing units, including miniprocessors and
2 microprocessors, and related peripheral equipment such as data
3 storage devices, document scanners, data entry, terminal
4 controllers and data terminal equipment, ~~computer-related~~ word
5 processing systems, ~~and~~ equipment and systems for computer
6 networks, personal communication devices, and wireless
7 equipment.

8 (6)(7) "Information technology" ~~Data processing~~
9 services" means all services that include, but are not limited
10 to, feasibility studies, systems design, software development,
11 enterprise resource planning, application service provision,
12 consulting, or time-sharing services.

13 (7)(8) "Data processing software" means the programs
14 and routines used to employ and control the capabilities of
15 data processing hardware, including, but not limited to,
16 operating systems, compilers, assemblers, utilities, library
17 routines, maintenance routines, applications, and computer
18 networking programs.

19 (8)(9) "Agency Annual Enterprise Resource Planning and
20 ~~Information Resources~~ Management Report" means the report
21 prepared by the Chief Information Officer of each agency as
22 required by s. 282.3063.

23 (9)(10) "State Annual Report on Enterprise Resource
24 Planning and Information Resources Management" means the
25 report prepared by the State Technology Office as defined in
26 s. 282.3093.

27 (10)(11) "Project" means an undertaking directed at
28 the accomplishment of a strategic objective relating to
29 enterprise information resources management or a specific
30 appropriated program.

31

1 ~~(11)(12)~~ "Enterprise resource planning and information
2 ~~resources~~ management" means the planning, budgeting,
3 acquiring, developing, organizing, directing, training, and
4 control associated with government information technology
5 resources. The term encompasses information and related
6 resources, as well as the controls associated with their
7 acquisition, development, dissemination, and use.

8 ~~(12)(13)~~ "Information technology resources" means data
9 processing hardware and software and services, communications,
10 supplies, personnel, facility resources, maintenance, and
11 training.

12 ~~(13)(14)~~ "Enterprise information resources management
13 infrastructure" means the hardware, software, networks, data,
14 human resources, policies, standards, and facilities that are
15 required to support the business processes of an agency or
16 state enterprise.

17 ~~(14)(15)~~ "Technology Review Workgroup" means the
18 workgroup created in s. 216.0446 to review and make
19 recommendations on agencies' information resources management
20 planning and budgeting proposals.

21 ~~(15)(16)~~ "Total cost" means all costs associated with
22 information resources management projects or initiatives,
23 including, but not limited to, value of hardware, software,
24 service, maintenance, incremental personnel, and facilities.
25 Total cost of a loan or gift of information technology
26 resources to an agency includes the fair market value of the
27 resources, except that the total cost of loans or gifts of
28 information technology resources to state universities to be
29 used in instruction or research does not include fair market
30 value.

31

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

3 Section 15. Section 282.3031, Florida Statutes, is
4 amended to read:

5 282.3031 Assignment of information resources
6 management responsibilities.--For purposes of ss.
7 282.303-282.322, to ensure the best management of state
8 information technology resources, and notwithstanding other
9 provisions of law to the contrary, the functions of
10 information resources management are hereby assigned to the
11 Board of Regents as the agency responsible for the development
12 and implementation of policy, planning, management,
13 rulemaking, standards, and guidelines for the State University
14 System; to the State Board of Community Colleges as the agency
15 responsible for establishing and developing rules and policies
16 for the Florida Community College System; to the Supreme Court
17 for the judicial branch; ~~and~~ to each state attorney and public
18 defender; and to the State Technology Office for the agencies
19 within the executive branch of state government.

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

23 282.3032 Development and implementation of information
24 systems; guiding principles.--To ensure the best management of
25 the state's information technology resources, the following
26 guiding principles are adopted:

27 (1) Enterprise resource ~~Cooperative~~ planning by state
28 governmental entities is a prerequisite for the effective
29 development and implementation of information systems to
30 enable sharing of data and cost-effective and efficient
31 services to individuals.

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

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

9 (4) State governmental entities should maximize public
10 access to data, while complying with legitimate security,
11 privacy, and confidentiality requirements.

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

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

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

20 Section 17. Section 282.3041, Florida Statutes, is
21 amended to read:

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

28 Section 18. Section 282.3055, Florida Statutes, is
29 amended to read:

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

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 19. 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 20. 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 includes,
29 but is not limited to:

30
31

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 subsection expires July 1, 2001.

30 Section 21. 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 government
22 products, services, and information to individuals and
23 businesses and on state enterprise resource planning and
24 information resources management initiatives and priorities
25 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 or
2 descriptions of agreements, contracts, or partnerships for
3 enterprise resource planning and information resources
4 management and of enterprise-wide procurements done by the
5 office on behalf of the state by each state agency.

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

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

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

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

31

1 Section 22. 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 23. 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 Section 24. Subsections (2), (3), (4), (6), (7), and
31 (8) of section 282.404, Florida Statutes, are amended to read:

1 282.404 Geographic information board; definition;
2 membership; creation; duties; advisory council; membership;
3 duties.--

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

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

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

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

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

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

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

30 (7) The Geographic Information Advisory Council
31 consists of one member each from the State Technology Office

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

1 Government may serve as ex officio members without voting
2 rights.

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

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

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

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

31 (3)

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

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

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

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

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

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

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

24 287.073 Procurement of information technology
25 resources.--

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

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

31

1 Section 28. This act shall take effect upon becoming a
2 law.

3
4 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
5 COMMITTEE SUBSTITUTE FOR
6 Senate Bill 2474

7 Provides that the State Technology Office shall take no action
8 affecting the information technology resources necessary for
9 the Comptroller to exercise his constitutional duties.

10 Exempts the legislative and judicial branches from
11 coordination of information technology acquisition by the
12 State Technology Office.

13 Provides that rules adopted by the State Technology Office
14 will be subject to chapter 120, Florida Statutes.

15 Requires the State Technology Office to study and make a
16 recommendation to the Legislature on the feasibility of online
17 voting.

18 Allows the Chief Information Officer to approve the use of
19 Technology Resource Center reserve funds, and provides that
20 funds unspent at the end of the year may be carried forward
21 under the provisions of chapter 216, Florida Statutes.

22 Defines the term "standards" as technologies that are
23 "current, open, non-proprietary or non-vendor specific" for
24 the purposes of ss. 282.303-282.322, Florida Statutes,
25 relating to state agency information technology practices.

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