

Amendment No. 5 (for drafter's use only)

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

11 The Committee on Fiscal Policy & Resources offered the
12 following:

14 **Amendment (with title amendment)**

15 On page 52, between lines 21 and 22, of the bill

17 insert:

18 Section 28. Paragraph (f) of subsection (2) of section
19 216.163, Florida Statutes, is amended to read:

20 216.163 Governor's recommended budget; form and
21 content; declaration of collective bargaining impasses.--

22 (2) The Governor's recommended budget shall also
23 include:

24 (f) The Governor's recommendations for high-risk
25 ~~critical information technology resource management~~ projects
26 which should be subject to ~~special~~ monitoring under s.
27 282.322. These recommendations shall include proviso language
28 which specifies whether funds are specifically provided to
29 contract for project monitoring, or whether the Auditor
30 General will conduct such project monitoring. When funds are
31 recommended for contracting with a project monitor, such funds

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1 may equal 1 percent to 5 percent of the project's estimated
2 total costs. These funds shall be specifically appropriated
3 and nonrecurring.

4 Section 29. Paragraph (b) of subsection (1) and
5 paragraph (o) of subsection (3) of section 119.07, Florida
6 Statutes, are amended to read:

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

9 (1)

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

22 "Information technology resources" means data processing
23 hardware and software and services, communications, supplies,
24 personnel, facility resources, maintenance, and training shall
25 ~~have the same meaning as in s. 282.303(12).~~

26 (3)

27 (o) Data processing software obtained by an agency
28 under a licensing agreement which prohibits its disclosure and
29 which software is a trade secret, as defined in s. 812.081,
30 and agency-produced data processing software which is
31 sensitive are exempt from the provisions of subsection (1) and

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1 s. 24(a), Art. I of the State Constitution. The designation
2 of agency-produced software as sensitive shall not prohibit an
3 agency head from sharing or exchanging such software with
4 another public agency. As used in this paragraph:

5 1. "Data processing software" means the programs and
6 routines used to employ and control the capabilities of data
7 processing hardware, including, but not limited to, operating
8 systems, compilers, assemblers, utilities, library routines,
9 maintenance routines, applications, and computer networking
10 programs ~~has the same meaning as in s. 282.303(7).~~

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

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

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

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

21 Section 30. Paragraph (b) of subsection (1) of section
22 119.083, Florida Statutes, is amended to read:

23 119.083 Definitions; copyright of data processing
24 software created by governmental agencies; fees; prohibited
25 contracts.--

26 (1) As used in this section:

27 (b) "Data processing software" has the same meaning as
28 in s. 119.07(3)(o)~~282.303~~.

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1 ===== T I T L E A M E N D M E N T =====
2 And the title is amended as follows:
3 On page 5, line 26,
4
5 after the semicolon, insert:
6 amending s. 216.163, F.S.; providing that the
7 Governor's recommended budget shall include
8 recommendations for specified high-risk
9 information technology projects; amending s.
10 119.07, F.S.; defining "information technology
11 resources" and "data processing software";
12 amending ss. 119.083, F.S.; correcting cross
13 references;
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