

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

Representative(s) Hart offered the following:

**Amendment (with title amendment)**

Remove from the bill: Everything after the enacting clause  
and insert in lieu thereof:

Section 1. Paragraph (b) of subsection (2) and  
subsection (3) of section 20.22, Florida Statutes, are amended  
to read:

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

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

(b) State Technology Office ~~Information Technology~~  
~~Program.~~

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

Section 2. Subsection (2) of section 110.205, Florida  
Statutes, is amended to read:

110.205 Career service; exemptions.--

Amendment No. 1 (for drafter's use only)

1           (2) EXEMPT POSITIONS.--The exempt positions which are  
2 not covered by this part include the following, provided that  
3 no position, except for positions established for a limited  
4 period of time pursuant to paragraph~~(h)~~(i), shall be  
5 exempted if the position reports to a position in the career  
6 service:  
7           (a) All officers of the executive branch elected by  
8 popular vote and persons appointed to fill vacancies in such  
9 offices. Unless otherwise fixed by law, the salary and  
10 benefits for any such officer who serves as the head of a  
11 department shall be set by the department in accordance with  
12 the rules of the Senior Management Service.  
13           (b) All members, officers, and employees of the  
14 legislative branch, except for the members, officers, and  
15 employees of the Florida Public Service Commission.  
16           (c) All members, officers, and employees of the  
17 judicial branch.  
18           (d) All officers and employees of the State University  
19 System and the Correctional Education Program within the  
20 Department of Corrections, and the academic personnel and  
21 academic administrative personnel of the Florida School for  
22 the Deaf and the Blind. In accordance with the provisions of  
23 chapter 242, the salaries for academic personnel and academic  
24 administrative personnel of the Florida School for the Deaf  
25 and the Blind shall be set by the board of trustees for the  
26 school, subject only to the approval of the State Board of  
27 Education. The salaries for all instructional personnel and  
28 all administrative and noninstructional personnel of the  
29 Correctional Education Program shall be set by the Department  
30 of Corrections, subject to the approval of the Department of  
31 Management Services.

Amendment No. 1 (for drafter's use only)

1           (e) The Chief Information Officer, deputy chief  
2 information officers, chief technology officers, and deputy  
3 chief technology officers in the State Technology Office.  
4 Unless otherwise fixed by law, the State Technology Office  
5 shall set the salary and benefits of these positions in  
6 accordance with the rules of the Senior Management Service.

7           (f)~~(e)~~ All members of state boards and commissions,  
8 however selected. Unless otherwise fixed by law, the salary  
9 and benefits for any full-time board or commission member  
10 shall be set by the department in accordance with the rules of  
11 the Senior Management Service.

12           (g)~~(f)~~ Judges, referees, and receivers.

13           (h)~~(g)~~ Patients or inmates in state institutions.

14           (i)~~(h)~~ All positions which are established for a  
15 limited period of time for the purpose of conducting a special  
16 study, project, or investigation and any person paid from an  
17 other-personal-services appropriation. Unless otherwise fixed  
18 by law, the salaries for such positions and persons shall be  
19 set in accordance with rules established by the employing  
20 agency for other-personal-services payments pursuant to s.  
21 110.131.

22           (j)~~(i)~~ The appointed secretaries, assistant  
23 secretaries, deputy secretaries, and deputy assistant  
24 secretaries of all departments; the executive directors,  
25 assistant executive directors, deputy executive directors, and  
26 deputy assistant executive directors of all departments; and  
27 the directors of all divisions and those positions determined  
28 by the department to have managerial responsibilities  
29 comparable to such positions, which positions include, but are  
30 not limited to, program directors, assistant program  
31 directors, district administrators, deputy district

Amendment No. 1 (for drafter's use only)

1 administrators, the Director of Central Operations Services of  
2 the Department of Children and Family Services, and the State  
3 Transportation Planner, State Highway Engineer, State Public  
4 Transportation Administrator, district secretaries, district  
5 directors of planning and programming, production, and  
6 operations, and the managers of the offices specified in s.  
7 20.23(3)(d)2., of the Department of Transportation. Unless  
8 otherwise fixed by law, the department shall set the salary  
9 and benefits of these positions in accordance with the rules  
10 of the Senior Management Service.

11 ~~(k)(j)~~ The personal secretary to the incumbent of each  
12 position exempted in paragraphs paragraph (a), (e), and (j).  
13 ~~and to each appointed secretary, assistant secretary, deputy~~  
14 ~~secretary, executive director, assistant executive director,~~  
15 ~~and deputy executive director of each department under~~  
16 ~~paragraph (i).~~ Unless otherwise fixed by law, the department  
17 shall set the salary and benefits of these positions in  
18 accordance with the rules of the Selected Exempt Service.

19 ~~(l)(k)~~ All officers and employees in the office of the  
20 Governor, including all employees at the Governor's mansion,  
21 and employees within each separate budget entity, as defined  
22 in chapter 216, assigned to the Governor. Unless otherwise  
23 fixed by law, the salary and benefits of these positions shall  
24 be set by the department as follows:

25 1. The chief of staff, the assistant or deputy chief  
26 of staff, general counsel, Director of Legislative Affairs,  
27 chief inspector general, Director of Cabinet Affairs, Director  
28 of Press Relations, Director of Planning and Budgeting,  
29 director of administration, director of state-federal  
30 relations, Director of Appointments, Director of External  
31 Affairs, Deputy General Counsel, Governor's Liaison for

Amendment No. 1 (for drafter's use only)

1 Community Development, Chief of Staff for the Lieutenant  
2 Governor, Deputy Director of Planning and Budgeting, policy  
3 coordinators, and the director of each separate budget entity  
4 shall have their salaries and benefits established by the  
5 department in accordance with the rules of the Senior  
6 Management Service.

7         2. The salaries and benefits of positions not  
8 established in sub-subparagraph a. shall be set by the  
9 employing agency. Salaries and benefits of employees whose  
10 professional training is comparable to that of licensed  
11 professionals under paragraph (r)~~(q)~~, or whose administrative  
12 responsibility is comparable to a bureau chief shall be set by  
13 the Selected Exempt Service. The department shall make the  
14 comparability determinations. Other employees shall have  
15 benefits set comparable to legislative staff, except leave  
16 shall be comparable to career service as if career service  
17 employees.

18         ~~(m)~~~~(l)~~ All assistant division director, deputy  
19 division director, and bureau chief positions in any  
20 department, and those positions determined by the department  
21 to have managerial responsibilities comparable to such  
22 positions, which positions include, but are not limited to,  
23 positions in the Department of Health, the Department of  
24 Children and Family Services, and the Department of  
25 Corrections that are assigned primary duties of serving as the  
26 superintendent or assistant superintendent, or warden or  
27 assistant warden, of an institution; positions in the  
28 Department of Corrections that are assigned primary duties of  
29 serving as the circuit administrator or deputy circuit  
30 administrator; positions in the Department of Transportation  
31 that are assigned primary duties of serving as regional toll

Amendment No. 1 (for drafter's use only)

1 managers and managers of offices as defined in s.  
2 20.23(3)(d)3. and (4)(d); positions in the Department of  
3 Environmental Protection that are assigned the duty of an  
4 Environmental Administrator or program administrator; those  
5 positions described in s. 20.171 as included in the Senior  
6 Management Service; and positions in the Department of Health  
7 that are assigned the duties of Environmental Administrator,  
8 Assistant County Health Department Director, and County Health  
9 Department Financial Administrator. Unless otherwise fixed by  
10 law, the department shall set the salary and benefits of these  
11 positions in accordance with the rules established for the  
12 Selected Exempt Service.

13 (n)~~(m)~~1.a. In addition to those positions exempted by  
14 other paragraphs of this subsection, each department head may  
15 designate a maximum of 20 policymaking or managerial  
16 positions, as defined by the department and approved by the  
17 Administration Commission, as being exempt from the Career  
18 Service System. Career service employees who occupy a position  
19 designated as a position in the Selected Exempt Service under  
20 this paragraph shall have the right to remain in the Career  
21 Service System by opting to serve in a position not exempted  
22 by the employing agency. Unless otherwise fixed by law, the  
23 department shall set the salary and benefits of these  
24 positions in accordance with the rules of the Selected Exempt  
25 Service; provided, however, that if the agency head determines  
26 that the general counsel, chief Cabinet aide, public  
27 information administrator or comparable position for a Cabinet  
28 officer, inspector general, or legislative affairs director  
29 has both policymaking and managerial responsibilities and if  
30 the department determines that any such position has both  
31 policymaking and managerial responsibilities, the salary and

Amendment No. 1 (for drafter's use only)

1 benefits for each such position shall be established by the  
2 department in accordance with the rules of the Senior  
3 Management Service.

4           b. In addition, each department may designate one  
5 additional position in the Senior Management Service if that  
6 position reports directly to the agency head or to a position  
7 in the Senior Management Service and if any additional costs  
8 are absorbed from the existing budget of that department.

9           2. If otherwise exempt, employees of the Public  
10 Employees Relations Commission, the Commission on Human  
11 Relations, and the Unemployment Appeals Commission, upon the  
12 certification of their respective commission heads, may be  
13 provided for under this paragraph as members of the Senior  
14 Management Service, if otherwise qualified. However, the  
15 deputy general counsels of the Public Employees Relations  
16 Commission shall be compensated as members of the Selected  
17 Exempt Service.

18           ~~(o)(n)~~ The executive director, deputy executive  
19 director, general counsel, official reporters, and division  
20 directors within the Public Service Commission and the  
21 personal secretary and personal assistant to each member of  
22 the Public Service Commission. Unless otherwise fixed by law,  
23 the salary and benefits of the executive director, deputy  
24 executive directors, general counsel, Director of  
25 Administration, Director of Appeals, Director of Auditing and  
26 Financial Analysis, Director of Communications, Director of  
27 Consumer Affairs, Director of Electric and Gas, Director of  
28 Information Processing, Director of Legal Services, Director  
29 of Records and Reporting, Director of Research, and Director  
30 of Water and Sewer shall be set by the department in  
31 accordance with the rules of the Senior Management Service.

Amendment No. 1 (for drafter's use only)

1 The salary and benefits of the personal secretary and the  
2 personal assistant of each member of the commission and the  
3 official reporters shall be set by the department in  
4 accordance with the rules of the Selected Exempt Service,  
5 notwithstanding any salary limitations imposed by law for the  
6 official reporters.

7 ~~(p)(e)~~1. All military personnel of the Department of  
8 Military Affairs. Unless otherwise fixed by law, the salary  
9 and benefits for such military personnel shall be set by the  
10 Department of Military Affairs in accordance with the  
11 appropriate military pay schedule.

12 2. The military police chiefs, military police  
13 officers, firefighter trainers, firefighter-rescuers, and  
14 electronic security system technicians shall have salary and  
15 benefits the same as career service employees.

16 ~~(q)(p)~~ The staff directors, assistant staff directors,  
17 district program managers, district program coordinators,  
18 district subdistrict administrators, district administrative  
19 services directors, district attorneys, and the Deputy  
20 Director of Central Operations Services of the Department of  
21 Children and Family Services and the county health department  
22 directors and county health department administrators of the  
23 Department of Health. Unless otherwise fixed by law, the  
24 department shall establish the salary range and benefits for  
25 these positions in accordance with the rules of the Selected  
26 Exempt Service.

27 ~~(r)(q)~~ All positions not otherwise exempt under this  
28 subsection which require as a prerequisite to employment:  
29 licensure as a physician pursuant to chapter 458, licensure as  
30 an osteopathic physician pursuant to chapter 459, licensure as  
31 a chiropractic physician pursuant to chapter 460, including



Amendment No. 1 (for drafter's use only)

1 those positions which are occupied by employees who are  
2 exempted from licensure pursuant to s. 409.352; licensure as  
3 an engineer pursuant to chapter 471, which are supervisory  
4 positions except for such positions in the Department of  
5 Transportation; or for 12 calendar months, which require as a  
6 prerequisite to employment that the employee have received the  
7 degree of Bachelor of Laws or Juris Doctor from a law school  
8 accredited by the American Bar Association and thereafter  
9 membership in The Florida Bar, except for any attorney who  
10 serves as an administrative law judge pursuant to s. 120.65 or  
11 for hearings conducted pursuant to s. 120.57(1)(a). Unless  
12 otherwise fixed by law, the department shall set the salary  
13 and benefits for these positions in accordance with the rules  
14 established for the Selected Exempt Service.

15 (s)~~(r)~~ The statewide prosecutor in charge of the  
16 Office of Statewide Prosecution of the Department of Legal  
17 Affairs and all employees in the office. The Department of  
18 Legal Affairs shall set the salary of these positions.

19 (t)~~(s)~~ The executive director of each board or  
20 commission established within the Department of Business and  
21 Professional Regulation or the Department of Health. Unless  
22 otherwise fixed by law, the department shall establish the  
23 salary and benefits for these positions in accordance with the  
24 rules established for the Selected Exempt Service.

25 (u)~~(t)~~ All officers and employees of the State Board  
26 of Administration. The State Board of Administration shall set  
27 the salaries and benefits of these positions.

28 (v)~~(u)~~ Positions which are leased pursuant to a state  
29 employee lease agreement expressly authorized by the  
30 Legislature pursuant to s. 110.191.

31 (w) All managers, supervisors, and confidential

Amendment No. 1 (for drafter's use only)

1 employees of the State Technology Office. The State Technology  
2 Office shall set the salaries and benefits of these positions  
3 in accordance with the rules established for the Selected  
4 Exempt Service.

5 Section 3. Section 186.022, Florida Statutes, is  
6 amended to read:

7 186.022 Information technology resource strategic  
8 plans.--By June 1 of each year, ~~the Geographic Information~~  
9 ~~Board,~~the Financial Management Information Board, the  
10 Criminal and Juvenile Justice Information Systems Council, and  
11 the Health Information Systems Council shall each develop and  
12 submit to the State Technology Office an information  
13 technology resource strategic plan ~~to the Executive Office of~~  
14 ~~the Governor~~ in a form and manner prescribed in written  
15 instructions from prepared by the State Technology Office  
16 ~~Executive Office of the Governor~~ in consultation with the  
17 Executive Office of the Governor and the legislative  
18 appropriations committees. The State Technology Office  
19 ~~Executive Office of the Governor~~ shall review each such the  
20 strategic plan and ~~may provide comments within 30 days. In its~~  
21 ~~review, the Executive Office of the Governor shall determine~~  
22 ~~consider all comments and findings of the Technology Review~~  
23 ~~Workgroup as to whether~~ each such the plan is consistent with  
24 the State Annual Report on Enterprise Resource Planning and  
25 Information Resources Management and statewide policies  
26 adopted by the State Technology Office, and by July 1 of each  
27 year shall develop and transmit to each such board and council  
28 a written expression of its findings, conclusions, and  
29 required changes, if any, with respect to each such strategic  
30 plan recommended by the State Technology Council. If any  
31 change to any such strategic plan is ~~revisions are~~ required,

Amendment No. 1 (for drafter's use only)

1 each affected board boards and council shall revise its  
2 strategic plan to the extent necessary to incorporate such  
3 required changes councils have 30 days to incorporate those  
4 revisions and shall resubmit its strategic return the plan to  
5 the State Technology Office for final approval and acceptance  
6 Executive Office of the Governor.

7 Section 4. Subsection (4) of section 216.013, Florida  
8 Statutes, is amended to read:

9 216.013 Long-range program plan.--

10 (4) The Executive Office of the Governor shall review  
11 the long-range program plans for executive agencies to ensure  
12 that they are consistent with the state's goals and objectives  
13 and other requirements as specified in the written  
14 instructions and that they provide the framework and context  
15 for the agency's budget request. In its review, the Executive  
16 Office of the Governor shall consider the findings of the  
17 State Technology Office Technology Review Workgroup as to the  
18 consistency of the information technology portion of  
19 long-range program plans with the State Annual Report on  
20 Enterprise Resource Planning and Information Resources  
21 Management and statewide policies adopted recommended by the  
22 State Technology Office Council and the state's plan for  
23 facility needs pursuant to s. 216.0158. Based on the results  
24 of the review, the Executive Office of the Governor may  
25 require an agency to revise the plan.

26 Section 5. Section 216.0446, Florida Statutes, is  
27 amended to read:

28 216.0446 Review of information resources management  
29 needs.--

30 (1) ~~There is created within the Legislature the~~  
31 Technology Review Workgroup. The State Technology Office

Amendment No. 1 (for drafter's use only)

1 ~~workgroup~~ shall review and make recommendations with respect  
2 to the portion of agencies' long-range program plans which  
3 pertains to information resources management needs and with  
4 respect to agencies' legislative budget requests for  
5 information technology and related resources ~~management~~. The  
6 State Technology Office Technology Review Workgroup shall  
7 report such recommendations, together with the findings and  
8 conclusions on which such recommendations are based,~~be~~  
9 ~~responsible~~ to the Executive Office of the Governor and the  
10 chairs of the legislative appropriations committees.

11 (2) In addition to the powers and duties otherwise  
12 provided by law, the State Technology Office ~~its primary duty~~  
13 ~~specified in subsection (1), the Technology Review Workgroup~~  
14 shall have powers and duties that include, but are not limited  
15 to, the following:

16 (a) To evaluate the information resource management  
17 needs identified in the agency long-range program plans for  
18 consistency with the State Annual Report on Enterprise  
19 Resource Planning and Information Resources Management and  
20 statewide policies adopted ~~recommended~~ by the State Technology  
21 Office Council, and make recommendations to the Executive  
22 Office of the Governor and the chairs of the legislative  
23 appropriations committees.

24 (b) To review and make recommendations to the  
25 Executive Office of the Governor and ~~to~~ the chairs of the  
26 legislative appropriations committees on proposed budget  
27 amendments ~~and agency transfers~~ associated with information  
28 technology resources management initiatives ~~or projects that~~  
29 ~~involve more than one agency, that have an outcome that~~  
30 ~~impacts another agency, or that exceed \$500,000 in total cost~~  
31 ~~over a 1-year period.~~

Amendment No. 1 (for drafter's use only)

1           Section 6. Subsection (5) of section 216.181, Florida  
2 Statutes, is amended to read:

3           216.181 Approved budgets for operations and fixed  
4 capital outlay.--

5           (5) An amendment to the original approved operating  
6 budget for an information technology project or initiative  
7 which requires review as provided in s. 216.181 resources  
8 ~~management project or initiative that involves more than one~~  
9 ~~agency, has an outcome that impacts another agency, or exceeds~~  
10 ~~\$500,000 in total cost over a 1-year period, except for those~~  
11 ~~projects that are a continuation of hardware or software~~  
12 ~~maintenance or software licensing agreements, or that are for~~  
13 ~~desktop replacement that is similar to the technology~~  
14 ~~currently in use must be reviewed by the State Technology~~  
15 ~~Office Technology Review Workgroup pursuant to s. 216.0466.~~  
16 This excludes items submitted by the State Technology Office  
17 for review and approval according to the provisions of this  
18 section.~~and approved by the Executive Office of the Governor~~  
19 ~~for the executive branch or by the Chief Justice for the~~  
20 ~~judicial branch, and shall be subject to the notice and review~~  
21 ~~procedures set forth in s. 216.177.~~

22           Section 7. Section 216.235, Florida Statutes, is  
23 amended to read:

24           216.235 Innovation Investment Program; intent;  
25 definitions; composition and responsibilities of State  
26 Innovation Committee; responsibilities of the Office of  
27 Tourism, Trade, and Economic Development ~~Department of~~  
28 ~~Management Services, the Information Resource Commission, and~~  
29 the review board; procedures for innovative project  
30 submission, review, evaluation, and approval; criteria to be  
31 considered.--

Amendment No. 1 (for drafter's use only)

1           (1) This section shall be cited as the "Innovation  
2 Investment Program Act."

3           (2) The Legislature finds that each state agency  
4 should be encouraged to pursue innovative investment projects  
5 which demonstrate a novel, creative, and entrepreneurial  
6 approach to conducting the agency's normal business processes;  
7 effectuate a significant change in the accomplishment of the  
8 agency's activities; address an important problem of public  
9 concern; and have the potential of being replicated by other  
10 state agencies. The Legislature further finds that investment  
11 in innovation can produce longer-term savings and that funds  
12 for such investment should be available to assist agencies in  
13 investing in innovations that produce a cost savings to the  
14 state or improve the quality of services delivered. The  
15 Legislature also finds that any eligible savings realized as a  
16 result of investment in innovation should be available for  
17 future investment in innovation.

18           (3) For purposes of this section:

19           (a) "Agency" means an official, officer, commission,  
20 authority, council, committee, department, division, bureau,  
21 board, section, or other unit or entity of the executive  
22 branch.

23           (b) "Commission" means the Information Resource  
24 Commission.

25           (c) "Committee" means the State Innovation Committee.

26           (d) "Office" means the Office of Tourism, Trade, and  
27 Economic Development within the Executive Office of the  
28 Governor. ~~"Department" means the Department of Management~~  
29 ~~Services.~~

30           (e) "Review board" means a nonpartisan board composed  
31 of private citizens and public employees who evaluate the

Amendment No. 1 (for drafter's use only)

1 projects and make funding recommendations to the committee.

2 (4) There is hereby created the State Innovation  
3 Committee, which shall have final approval authority as to  
4 which innovative investment projects submitted under this  
5 section shall be funded. Such committee shall be comprised of  
6 seven ~~five~~ members. Appointed members shall serve terms of 1  
7 year and may be reappointed. The committee shall include:

8 (a) The Lieutenant Governor.

9 (b) The director of the Governor's Office of Planning  
10 and Budgeting.

11 (c) The Chief Information Officer in the State  
12 Technology Office.

13 ~~(d)~~ ~~(c)~~ The Comptroller.

14 ~~(e)~~ ~~(d)~~ One representative of the private sector  
15 appointed by the Commission on Government Accountability to  
16 the People.

17 ~~(f)~~ ~~(e)~~ The director of the Office of Tourism, Trade,  
18 and Economic Development. ~~One representative appointed by~~  
19 ~~Enterprise Florida, Inc.~~

20 (g) The Chair of IT Florida.com, Inc.

21  
22 ~~The Secretary of Management Services shall serve as an~~  
23 ~~alternate in the event a member is unable to attend the~~  
24 ~~committee meeting.~~

25 (5) Agencies shall submit proposed innovative  
26 investment projects to the Office of Tourism, Trade, and  
27 Economic Development ~~department~~ by a date established and in  
28 the format prescribed by the office ~~department~~. Such  
29 innovative investment project proposals shall include, but not  
30 be limited to:

31 (a) The identification of a specific innovative

Amendment No. 1 (for drafter's use only)

1 investment project.

2 (b) The name of the agency's innovative investment  
3 project administrator.

4 (c) A cost/benefit analysis which is a financial  
5 summary of how the innovative investment project will produce  
6 a cost savings for the agency or improve the quality of the  
7 public services delivered by the agency. The analysis shall  
8 include a breakdown of each project cost category, including,  
9 but not limited to: the costs associated with hiring of  
10 other-personal-services staff, re-engineering efforts,  
11 purchase of equipment, maintenance agreements, training,  
12 consulting services, travel, acquisition of information  
13 technology resources; any monetary or in-kind contributions  
14 made by the agency, another public entity, or the private  
15 sector; and available baseline data, performance measures, and  
16 outcomes as defined in s. 216.011(1).

17 (d) The approval of the agency head, the agency's  
18 budget director, the agency's inspector general or internal  
19 auditor, and, if the innovative investment project involves  
20 information technology resources, the information resource  
21 manager.

22 (6) Any agency developing an innovative investment  
23 project proposal that involves information technology  
24 resources may consult with and seek technical assistance from  
25 the commission. The office ~~department~~ shall consult with the  
26 commission for any project proposal that involves information  
27 resource technology. The commission is responsible for  
28 evaluating these projects and for advising the committee and  
29 review board of the technical feasibility and any transferable  
30 benefits of the proposed technology. In addition to the  
31 requirements of subsection (5), the agencies shall provide to



Amendment No. 1 (for drafter's use only)

1 the commission any information requested by the commission to  
2 aid in determining that the proposed technology is appropriate  
3 for the project's success.

4 (7) The office ~~department~~ shall select a review board  
5 composed of private and public members. Terms of review board  
6 members shall be for 1 year beginning on a date established by  
7 the office ~~department~~. Review board members may serve more  
8 than one term. The board shall evaluate innovative investment  
9 projects and shall make recommendations to the committee as to  
10 which innovative projects should be considered for funding.

11 (8) When evaluating projects, the committee and the  
12 review board shall consider whether the innovative investment  
13 project meets the following criteria:

14 (a) Increases the quality of public services by the  
15 agency.

16 (b) Reduces costs for the agency.

17 (c) Involves a cooperative effort with another public  
18 entity or the private sector.

19 (d) Reduces the need for hiring additional employees  
20 or avoids other operating costs incurred by the agency in the  
21 future.

22 (9) The committee shall allocate funds based on a  
23 competitive evaluation process and award funds to agencies for  
24 innovative investment projects demonstrating quantifiable  
25 savings to the state, or improved customer service delivery.

26 (10) The awarded agency shall monitor and evaluate the  
27 projects to determine if the anticipated results were  
28 achieved.

29 (11) Funds appropriated for the Innovation Investment  
30 Program shall be distributed by the Executive Office of the  
31 Governor subject to notice, review, and objection procedures

Amendment No. 1 (for drafter's use only)

1 set forth in s. 216.177. The office ~~department~~ may transfer  
2 funds from the annual appropriation as necessary to administer  
3 the program.

4 Section 8. Paragraph (c) is added to subsection (1) of  
5 section 216.292, Florida Statutes, to read:

6 216.292 Appropriations nontransferable; exceptions.--  
7 (1)

8 (c) Notwithstanding any other provision of this  
9 section or the provisions of s. 216.351, for fiscal year  
10 2001-2002, state agencies may transfer positions and  
11 appropriations as necessary to comply with any provision of  
12 the General Appropriations Act, or any other provision of law,  
13 that requires or specifically authorizes the transfer of  
14 positions and appropriations in the consolidation of  
15 information technology resources to the State Technology  
16 Office.

17 Section 9. Section 282.005, Florida Statutes, is  
18 amended to read:

19 282.005 Legislative findings and intent.--The  
20 Legislature finds that:

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

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

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

Amendment No. 1 (for drafter's use only)

1           (4) The cost-effective deployment of information  
2 technology ~~and information resources~~ by state agencies can  
3 best be managed by a Chief Information Officer.

4           (5) ~~The head of each state agency, in consultation~~  
5 ~~with~~ The State Technology Office, has primary responsibility  
6 and accountability for the planning, budgeting, acquisition,  
7 development, implementation, use, and management of  
8 information technology ~~resources~~ within the state agency. The  
9 State Technology Office shall use the state's information  
10 technology in the best interest of the state as a whole and  
11 shall contribute to and make use of shared data and related  
12 resources whenever appropriate. Each agency head has primary  
13 responsibility and accountability for setting agency  
14 priorities, identifying business needs, and determining agency  
15 services and programs to be developed as provided by law. The  
16 State Technology Office, through service level agreements with  
17 each agency, shall provide the information technology needed  
18 for the agency to accomplish its mission.

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

23           ~~(7) The agency head, in consultation with the State~~  
24 ~~Technology Office, has primary responsibility for the agency's~~  
25 ~~information technology resources and for their use in~~  
26 ~~accomplishing the agency's mission. However, each agency~~  
27 ~~shall also use its information technology resources in the~~  
28 ~~best interests of the state as a whole and thus contribute to~~  
29 ~~and make use of shared data and related resources whenever~~  
30 ~~appropriate.~~

31           (7)(8) The state, through the State Technology Office,

Amendment No. 1 (for drafter's use only)

1 shall provide, by whatever means is most cost-effective and  
2 efficient, the information technology, enterprise resource  
3 planning and management, and enterprise resource management  
4 infrastructure ~~the information resources management~~  
5 ~~infrastructure~~ needed to collect, store, and process the  
6 state's data and information, provide connectivity, and  
7 facilitate the exchange of data and information among both  
8 public and private parties.

9 (8)(9) A necessary part of the state's information  
10 technology resources management infrastructure is a statewide  
11 communications system for all types of signals, including, but  
12 not limited to, voice, data, video, radio, telephone,  
13 wireless, and image.

14 (9)(10) To ensure the best management of the state's  
15 information technology ~~resources~~, and notwithstanding other  
16 provisions of law to the contrary, the functions of  
17 information technology resources management are hereby  
18 assigned to the Board of Regents as the agency responsible for  
19 the development and implementation of policy, planning,  
20 management, rulemaking, standards, and guidelines for the  
21 State University System; to the State Board of Community  
22 Colleges as the agency responsible for establishing and  
23 developing rules and policies for the Florida Community  
24 College System; to the Supreme Court, for the judicial branch;  
25 to each state attorney and public defender; and to the State  
26 Technology Office for the executive branch of state  
27 government.

28 (10) The State Technology Office shall take no action  
29 affecting the supervision, control, management or coordination  
30 of information technology and information technology  
31 personnel, that any cabinet officer listed in s. 4 Art. IV of

Amendment No. 1 (for drafter's use only)

1 the State Constitution deems necessary for the exercise of his  
2 or her statutory or constitutional duties.

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

10 ~~(12) Notwithstanding anything to the contrary~~  
11 ~~contained in this act, the State Technology Office shall take~~  
12 ~~no action affecting the supervision and control of the~~  
13 ~~personnel or data processing equipment which the Attorney~~  
14 ~~General deems necessary for the exercise of his or her~~  
15 ~~official constitutional duties as set forth in s. 4(c), Art.~~  
16 ~~IV of the State Constitution.~~

17 Section 10. Section 282.303, Florida Statutes, is  
18 renumbered as section 282.0041, Florida Statutes, and amended  
19 to read:

20 282.0041 ~~282.303~~ Definitions.--For the purposes of  
21 this part ~~ss. 282.303-282.322~~, the term:

22 (1) "Agency" means those entities described in s.  
23 216.011(1)(qq)~~(mm)~~.

24 (2)~~(8)~~ "Agency Annual Enterprise Resource Planning and  
25 Management Report" means the report prepared by each Agency  
26 ~~the~~ Chief Information Officer ~~of each agency~~ as required by s.  
27 282.3063.

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

Amendment No. 1 (for drafter's use only)

1 activities applicable to ~~within~~ that agency.

2 ~~(4)(3)~~ "Agency Chief Information Officers Council"  
3 means the council created in s. 282.315 to facilitate the  
4 sharing and coordination of information technology resources  
5 ~~management~~ issues and initiatives among the agencies.

6 ~~(5)(13)~~ "Enterprise resources management  
7 infrastructure" means the hardware, software, networks, data,  
8 human resources, policies, standards, and facilities,  
9 maintenance, and related materials and services that are  
10 required to support the business processes of an agency or  
11 state enterprise.

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

23 ~~(6)(11)~~ "Enterprise resource planning and management"  
24 means the planning, budgeting, acquiring, developing,  
25 organizing, directing, training, ~~and control,~~ and related  
26 services associated with government information technology  
27 ~~resources~~. The term encompasses information and related  
28 resources, as well as the controls associated with their  
29 acquisition, development, dissemination, and use.

30 (7) "Information technology" means equipment,  
31 hardware, software, firmware, programs, systems, networks,

Amendment No. 1 (for drafter's use only)

1 infrastructure, media, and related material used to  
2 automatically, electronically, and wirelessly collect,  
3 receive, access, transmit, display, store, record, retrieve,  
4 analyze, evaluate, process, classify, manipulate, manage,  
5 assimilate, control, communicate, exchange, convert, converge,  
6 interface, switch, or disseminate information of any kind or  
7 form.

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

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

19 ~~(8)(10) "Project" means an undertaking directed at the~~  
20 ~~accomplishment of a strategic objective relating to enterprise~~  
21 ~~resources management or a specific appropriated program.~~

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

25 ~~(10)(16) "Standards" means the use of current, open,~~  
26 ~~nonproprietary, or non-vendor-specific technologies.~~

27 ~~(11)(4) "State Technology Office" or "office" means~~  
28 ~~the office created in s. 282.102 to support and coordinate~~  
29 ~~cost-effective deployment of technology and information~~  
30 ~~resources and services across state government.~~

31 ~~(12)(15) "Total cost" means all costs associated with~~

Amendment No. 1 (for drafter's use only)

1 information technology resources management projects or  
2 initiatives, including, but not limited to, value of hardware,  
3 software, service, maintenance, incremental personnel, and  
4 facilities. Total cost of a loan or gift of information  
5 technology resources to an agency includes the fair market  
6 value of the resources, except that the total cost of loans or  
7 gifts of information technology ~~resources~~ to state  
8 universities to be used in instruction or research does not  
9 include fair market value.

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

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

18 Section 11. Section 282.102, Florida Statutes, is  
19 amended to read:

20 282.102 Creation of the State Technology Office;  
21 ~~powers and duties of the State Technology Office of the~~  
22 ~~Department of Management Services.--There is created a State~~  
23 ~~Technology Office, administratively placed within the~~  
24 ~~Department of Management Services. The office shall be a~~  
25 separate budget entity, and which shall be headed by a Chief  
26 Information Officer who is appointed by the Governor and is in  
27 the Senior Management Service. The Chief Information Officer  
28 shall be an agency head for all purposes. The Department of  
29 Management Services shall provide administrative support and  
30 service to the office to the extent requested by the Chief  
31 Information Officer. The office may adopt policies and



Amendment No. 1 (for drafter's use only)

1 procedures regarding personnel, procurement, and transactions  
2 for State Technology Office personnel. The office shall have  
3 the following powers, duties, and functions:

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

11 (2) To adopt rules implementing policies and  
12 procedures providing best practices to be followed by agencies  
13 in acquiring, using, upgrading, modifying, replacing, or  
14 disposing of information technology. ~~To coordinate the~~  
15 ~~purchase, lease, and use of all information technology~~  
16 ~~services for state agencies, including communications services~~  
17 ~~provided as part of any other total system to be used by the~~  
18 ~~state or any of its agencies.~~

19 (3) To perform, in consultation with an agency, the  
20 enterprise resource planning and management for the agency.

21 ~~(4)~~(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 requirements efficiently and effectively.

25 ~~(5)~~(4) To integrate the information technology systems  
26 and services of state agencies.

27 ~~(6)~~(5) To adopt technical standards for the state  
28 information technology system which will assure the  
29 interconnection of computer networks and information systems  
30 of ~~state~~ agencies.

31 ~~(7)~~(6) To assume management responsibility for any

Amendment No. 1 (for drafter's use only)

1 integrated information technology system or service when  
2 determined by the office to be economically efficient or  
3 performance-effective.

4 ~~(8)(7)~~ To enter into agreements related to ~~for the~~  
5 ~~support and use of the~~ information technology with ~~services of~~  
6 state agencies and of political subdivisions of the state.

7 ~~(9)(8)~~ To use and ~~or~~ acquire, with agency concurrence,  
8 information technology ~~facilities~~ now owned or operated by any  
9 state agency.

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

12 (10) To purchase from or contract with information  
13 technology providers for information technology ~~facilities or~~  
14 ~~services~~, including private line services.

15 (11) To apply for, receive, and hold, and to ~~or~~ assist  
16 agencies in applying for, receiving, or holding, such  
17 authorizations, patents, copyrights, trademarks, service  
18 marks, licenses, and allocations or channels and frequencies  
19 to carry out the purposes of this part ss. 282.101-282.109.

20 (12) To purchase, lease, or otherwise acquire and to  
21 hold, sell, transfer, license, or otherwise dispose of real,  
22 personal estate, equipment, and intellectual ~~other~~ property,  
23 including, but not limited to, patents, trademarks,  
24 copyrights, and service marks.

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, as necessary, to state agencies the  
29 authority to purchase, lease, or otherwise acquire and to use  
30 ~~powers of acquisition and utilization of~~ information  
31 technology ~~equipment, facilities, and services~~ or, as

Amendment No. 1 (for drafter's use only)

1 necessary, to control and approve the purchase, lease, or  
2 acquisition and the use of all information technology  
3 ~~equipment, services, and facilities~~, including, but not  
4 limited to, communications services provided as part of any  
5 other total system to be used by the state or any of its  
6 agencies.

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

16 (16) To adopt rules pursuant to ss. 120.536(1) and  
17 120.54 relating to information technology and to administer  
18 the provisions of this part.

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

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

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

Amendment No. 1 (for drafter's use only)

1 commission.

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

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

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

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

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

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

17 (21) To plan, design, and conduct experiments for  
18 information technology services, equipment, and technologies,  
19 and to implement enhancements in the state information  
20 technology system when in the public interest and  
21 cost-effective. Funding for such experiments shall be derived  
22 from SUNCOM Network service revenues and shall not exceed 2  
23 percent of the annual budget for the SUNCOM Network for any  
24 fiscal year or as provided in the General Appropriations Act  
25 ~~for fiscal year 2000-2001~~. New services offered as a result  
26 of this subsection shall not affect existing rates for  
27 facilities or services.

28 (22) To enter into contracts or agreements, with or  
29 without competitive bidding or procurement, to make available,  
30 on a fair, reasonable, and nondiscriminatory basis, property  
31 and other structures under office control for the placement of

Amendment No. 1 (for drafter's use only)

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

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

30 (24) To provide administrative support to the Agency  
31 Chief Information Officers Council and other workgroups

Amendment No. 1 (for drafter's use only)

1 created by the Chief Information Officer.

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

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

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

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

15 (29) To facilitate the development of a network access  
16 point in this state, as needed.

17 (30) To designate a State Chief Privacy Officer who  
18 shall be responsible for the continual review of policies,  
19 laws, rules, and practices of state agencies which may affect  
20 the privacy concerns of state residents.

21 Section 12. Section 282.103, Florida Statutes, is  
22 amended to read:

23 282.103 SUNCOM Network; exemptions from the required  
24 use.--

25 (1) There is created within the State Technology  
26 ~~Office of the Department of Management Services~~ the SUNCOM  
27 Network which shall be developed to serve as the state  
28 communications system for providing local and long-distance  
29 communications services to state agencies, political  
30 subdivisions of the state, municipalities, and nonprofit  
31 corporations pursuant to ss. 282.101-282.111. The SUNCOM

Amendment No. 1 (for drafter's use only)

1 Network shall be developed to transmit all types of  
2 communications signals, including, but not limited to, voice,  
3 data, video, image, and radio. State agencies shall cooperate  
4 and assist in the development and joint use of communications  
5 systems and services.

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

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

25 Section 13. Section 282.104, Florida Statutes, is  
26 amended to read:

27 282.104 Use of state SUNCOM Network by  
28 municipalities.--Any municipality may request the State  
29 Technology Office ~~of the Department of Management Services~~ to  
30 provide any or all of the SUNCOM Network's portfolio of  
31 communications services upon such terms and under such

Amendment No. 1 (for drafter's use only)

1 conditions as the office ~~department~~ may establish. The  
2 requesting municipality shall pay its share of installation  
3 and recurring costs according to the published rates for  
4 SUNCOM Network services and as invoiced by the office. Such  
5 municipality shall also pay for any requested modifications to  
6 existing SUNCOM Network services, if any charges apply.

7 Section 14. Subsection (1) of section 282.105, Florida  
8 Statutes, is amended to read:

9 282.105 Use of state SUNCOM Network by nonprofit  
10 corporations.--

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

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

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

25 Section 15. Section 282.106, Florida Statutes, is  
26 amended to read:

27 282.106 Use of SUNCOM Network by libraries.--The State  
28 Technology Office ~~of the Department of Management Services~~ may  
29 provide SUNCOM Network services to any library in the state,  
30 including libraries in public schools, community colleges, the  
31 State University System, and nonprofit private postsecondary



Amendment No. 1 (for drafter's use only)

1 educational institutions, and libraries owned and operated by  
2 municipalities and political subdivisions.

3 Section 16. Subsection (1), paragraphs (f) and (g) of  
4 subsection (2), and subsections (3), (4), and (5) of section  
5 282.1095, Florida Statutes, are amended to read:

6 282.1095 State agency law enforcement radio system.--

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

20 (2)

21 (f) The State Technology Office ~~of the Department of~~  
22 ~~Management Services~~ is hereby authorized to rent or lease  
23 space on any tower under its control. The office may also  
24 rent, lease, or sublease ground space as necessary to locate  
25 equipment to support antennae on the towers. The costs for  
26 use of such space shall be established by the office for each  
27 site, when it is determined to be practicable and feasible to  
28 make space available. The office may refuse to lease space on  
29 any tower at any site. All moneys collected by the office for  
30 such rents, leases, and subleases shall be deposited directly  
31 into the ~~State Agency~~ Law Enforcement Radio Operating System

Amendment No. 1 (for drafter's use only)

1 Trust Fund and may be used by the office to construct,  
2 maintain, or support the system.

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

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

Amendment No. 1 (for drafter's use only)

1 ~~implementation of the statewide radio communications system.~~

2 (4)(a) The office ~~joint task force~~ shall establish  
3 policies, procedures, and standards which shall be  
4 incorporated into a comprehensive management plan for the use  
5 and operation of the statewide radio communications system.

6 (b) The joint task force, in consultation with the  
7 office, shall have the authority to permit other state  
8 agencies to use the communications system, under terms and  
9 conditions established by the joint task force.

10 (5)(a) ~~The State Technology office of the Department~~  
11 ~~of Management Services~~ shall provide technical support to the  
12 joint task force and shall bear the overall responsibility for  
13 the design, engineering, acquisition, and implementation of  
14 the statewide radio communications system and for ensuring the  
15 proper operation and maintenance of all system common  
16 equipment.

17 ~~(b) The positions necessary for the office to~~  
18 ~~accomplish its duties under this section shall be established~~  
19 ~~through the budgetary process and shall be funded by the State~~  
20 ~~Agency Law Enforcement Radio System Trust Fund.~~

21 Section 17. Section 282.111, Florida Statutes, is  
22 amended to read:

23 282.111 Statewide system of regional law enforcement  
24 communications.--

25 (1) It is the intent and purpose of the Legislature  
26 that a statewide system of regional law enforcement  
27 communications be developed whereby maximum efficiency in the  
28 use of existing radio channels is achieved in order to deal  
29 more effectively with the apprehension of criminals and the  
30 prevention of crime generally. To this end, all law  
31 enforcement agencies within the state are directed to provide

Amendment No. 1 (for drafter's use only)

1 the State Technology Office ~~of the Department of Management~~  
2 ~~Services~~ with any information the office requests for the  
3 purpose of implementing the provisions of subsection (2).  
4 (2) The State Technology Office ~~of the Department of~~  
5 ~~Management Services~~ is hereby authorized and directed to  
6 develop and maintain a statewide system of regional law  
7 enforcement communications. In formulating such a system, the  
8 office shall divide the state into appropriate regions and  
9 shall develop a program which shall include, but not be  
10 limited to, the following provisions:  
11 (a) The communications requirements for each county  
12 and municipality comprising the region.  
13 (b) An interagency communications provision which  
14 shall depict the communication interfaces between municipal,  
15 county, and state law enforcement entities which operate  
16 within the region.  
17 (c) Frequency allocation and use provision which shall  
18 include, on an entity basis, each assigned and planned radio  
19 channel and the type of operation, simplex, duplex, or  
20 half-duplex, on each channel.  
21 (3) The office shall adopt any necessary rules and  
22 regulations for implementing and coordinating the statewide  
23 system of regional law enforcement communications.  
24 (4) The Chief Information Officer of the State  
25 Technology Office or his or her designee is designated as the  
26 director of the statewide system of regional law enforcement  
27 communications and, for the purpose of carrying out the  
28 provisions of this section, is authorized to coordinate the  
29 activities of the system with other interested state agencies  
30 and local law enforcement agencies.  
31 (5) No law enforcement communications system shall be

Amendment No. 1 (for drafter's use only)

1 established or present system expanded without the prior  
2 approval of the State Technology Office ~~of the Department of~~  
3 ~~Management Services.~~

4 (6) Within the limits of its capability, the  
5 Department of Law Enforcement is encouraged to lend assistance  
6 to the State Technology Office ~~of the Department of Management~~  
7 ~~Services~~ in the development of the statewide system of  
8 regional law enforcement communications proposed by this  
9 section.

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

12 282.20 Technology Resource Center.--

13 (1)(a) The State Technology Office ~~of the Department~~  
14 ~~of Management Services~~ shall operate and manage the Technology  
15 Resource Center.

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

17 ~~1. "Office" means the State Technology Office of the~~  
18 ~~Department of Management Services.~~

19 ~~1.2.~~ "Information-system utility" means a full-service  
20 information-processing facility offering hardware, software,  
21 operations, integration, networking, and consulting services.

22 ~~2.3.~~ "Customer" means a state agency or other entity  
23 which is authorized to utilize the SUNCOM Network pursuant to  
24 this part.

25 (2) The Technology Resource Center shall:

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

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

31 (c) Cooperate with the Florida Legal Resource Center

Amendment No. 1 (for drafter's use only)

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

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

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

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

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

19 (4)~~(5)~~ The Technology Resource Center may plan,  
20 design, establish pilot projects for, and conduct experiments  
21 with information technology resources, and may implement  
22 enhancements in services when such implementation is  
23 cost-effective. Funding for experiments and pilot projects  
24 shall be derived from service revenues and may not exceed 5  
25 percent of the service revenues for the Technology Resource  
26 Center for any single fiscal year. Any experiment, pilot  
27 project, plan, or design must be approved by the Chief  
28 Information Officer ~~of the State Technology Office.~~

29 (5)~~(6)~~ Notwithstanding the provisions of s. 216.272,  
30 the Technology Resource Center may spend ~~the~~ funds in the  
31 reserve account of the Technology Enterprise Operating Trust

Amendment No. 1 (for drafter's use only)

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

10 Section 19. Section 282.21, Florida Statutes, is  
11 amended to read:

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

22 Section 20. Subsections (1) and (2) of section 282.22,  
23 Florida Statutes, are amended to read:

24 282.22 ~~The State Technology Office; of the Department~~  
25 ~~of Management Services~~ production, and dissemination, and  
26 ownership of materials and products.--

27 (1) It is the intent of the Legislature that when  
28 materials, products, information, and services are acquired  
29 ~~collected~~ or developed by or under the direction of the State  
30 Technology Office ~~of the Department of Management Services~~,  
31 through research and development or other efforts, including

Amendment No. 1 (for drafter's use only)

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

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

16 Section 21. Section 282.23, Florida Statutes, is  
17 created to read:

18 282.23 State Strategic Information Technology  
19 Alliance.--

20 (1) The State Technology Office, in consultation with  
21 the Department of Management Services, may establish a State  
22 Strategic Information Technology Alliance for the acquisition  
23 and use of information technology and related material in  
24 accordance with competitive procurement provisions of chapter  
25 287.

26 (2) The State Technology Office, in consultation with  
27 the Department of Management Services, shall adopt rules  
28 implementing policies and procedures applicable to  
29 establishing the strategic alliances with prequalified  
30 contractors or partners to provide the state with efficient,  
31 cost-effective, and advanced information technology.



Amendment No. 1 (for drafter's use only)

1           Section 22. Section 282.3041, Florida Statutes, is  
2 repealed:

3           ~~282.3041 State agency responsibilities. The head of~~  
4 ~~each state agency, in consultation with the State Technology~~  
5 ~~Office, is responsible and accountable for enterprise resource~~  
6 ~~planning and management within the agency in accordance with~~  
7 ~~legislative intent and as defined in this part.~~

8           Section 23. Section 282.3055, Florida Statutes, is  
9 amended to read:

10           282.3055 Agency Chief Information Officer;  
11 appointment; duties.--

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

20           (b) The Agency Chief Information Officer must, at a  
21 minimum, have knowledge and experience in both management and  
22 information technology resources.

23           (2) The duties of the Agency Chief Information Officer  
24 include, but are not limited to:

25           (a) Coordinating and facilitating agency enterprise  
26 resource planning and management projects and initiatives.

27           (b) Preparing an agency annual report on enterprise  
28 resource planning and management pursuant to s. 282.3063.

29           (c) Developing and implementing agency enterprise  
30 resource planning and management policies, procedures, and  
31 standards, including specific policies and procedures for

Amendment No. 1 (for drafter's use only)

1 review and approval of the agency's purchases of information  
2 technology resources in accordance with the office's policies  
3 and procedures.

4 (d) Advising agency senior management as to the  
5 enterprise resource planning and management needs of the  
6 agency for inclusion in planning documents required by law.

7 (e) Assisting in the development and prioritization of  
8 the enterprise resource planning and management schedule of  
9 the agency's legislative budget request.

10 Section 24. Subsection (1) of section 282.3063,  
11 Florida Statutes, is amended to read:

12 282.3063 Agency Annual Enterprise Resource Planning  
13 and Management Report.--

14 (1) By September 1 of each year, and for the State  
15 University System within 90 days after completion of the  
16 expenditure analysis developed pursuant to s. 240.271(4), each  
17 Agency Chief Information Officer shall prepare and submit to  
18 the State Technology Office an Agency Annual Enterprise  
19 Resource Planning and Management Report. Following  
20 consultation with the State Technology Office and the Agency  
21 Chief Information Officers Council, the Executive Office of  
22 the Governor and the fiscal committees of the Legislature  
23 shall jointly develop and issue instructions for the format  
24 and contents of the report.

25 Section 25. Subsections (1) and (2) of section  
26 282.315, Florida Statutes, are amended to read:

27 282.315 Agency Chief Information Officers Council;  
28 creation.--The Legislature finds that enhancing communication,  
29 consensus building, coordination, and facilitation of  
30 statewide enterprise resource planning and management issues  
31 is essential to improving state management of such resources.

Amendment No. 1 (for drafter's use only)

- 1           (1) There is created an Agency a Chief Information  
2 Officers Council to:
- 3           (a) Enhance communication among the Agency Chief  
4 Information Officers ~~of state agencies~~ by sharing enterprise  
5 resource planning and management experiences and exchanging  
6 ideas.
- 7           (b) Facilitate the sharing of best practices that are  
8 characteristic of highly successful technology organizations,  
9 as well as exemplary information technology applications of  
10 state agencies.
- 11           (c) Identify efficiency opportunities among state  
12 agencies.
- 13           (d) Serve as an educational forum for enterprise  
14 resource planning and management issues.
- 15           (e) Assist the State Technology Office in identifying  
16 critical statewide issues and, when appropriate, make  
17 recommendations for solving enterprise resource planning and  
18 management deficiencies.
- 19           (2) Members of the council shall include the Agency  
20 Chief Information Officers ~~of all state agencies~~, including  
21 the Chief Information Officers of the agencies and  
22 governmental entities enumerated in s. 282.3031, except that  
23 there shall be one Chief Information Officer selected by the  
24 state attorneys and one Chief Information Officer selected by  
25 the public defenders. The chairs, or their designees, of ~~the~~  
26 ~~Geographic Information Board~~, the Florida Financial Management  
27 Information System Coordinating Council, the Criminal and  
28 Juvenile Justice Information Systems Council, and the Health  
29 Information Systems Council shall represent their respective  
30 organizations on the Chief Information Officers Council as  
31 voting members.

Amendment No. 1 (for drafter's use only)

1           Section 26. Subsection (2) of section 282.318, Florida  
2 Statutes, is amended to read:

3           282.318 Security of data and information technology  
4 resources.--

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

11           1. Designate an information security manager who shall  
12 administer the security program of each ~~the~~ agency for its  
13 data and information technology resources.

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

21           3. Develop, and periodically update, written internal  
22 policies and procedures to assure the security of the data and  
23 information technology resources of each ~~the~~ agency. The  
24 internal policies and procedures which, if disclosed, could  
25 facilitate the unauthorized modification, disclosure, or  
26 destruction of data or information technology resources are  
27 confidential information and exempt from the provisions of s.  
28 119.07(1), except that such information shall be available to  
29 the Auditor General in performing his or her postauditing  
30 duties.

31           4. Implement appropriate cost-effective safeguards to

Amendment No. 1 (for drafter's use only)

1 reduce, eliminate, or recover from the identified risks to the  
2 data and information technology resources of each ~~the~~ agency.

3           5. Ensure that periodic internal audits and  
4 evaluations of each ~~the~~ security program for the data and  
5 information technology resources of the agency are conducted.  
6 The results of such internal audits and evaluations are  
7 confidential information and exempt from the provisions of s.  
8 119.07(1), except that such information shall be available to  
9 the Auditor General in performing his or her postauditing  
10 duties.

11           6. Include appropriate security requirements, as  
12 determined by the State Technology Office, in consultation  
13 with each agency head, in the written specifications for the  
14 solicitation of information technology resources.

15           (b) In those instances in which the State Technology  
16 Office ~~of the Department of Management Services~~ develops state  
17 contracts for use by state agencies, the office ~~department~~  
18 shall include appropriate security requirements in the  
19 specifications for the solicitation for state contracts for  
20 procuring information technology resources.

21           Section 27. Section 282.322, Florida Statutes, is  
22 amended to read:

23           282.322 High-risk information technology projects;  
24 reporting, monitoring, and assessment ~~Special monitoring~~  
25 ~~process for designated information resources management~~  
26 ~~projects.--The Enterprise Project Management Office of the~~  
27 State Technology Office shall report any information  
28 technology projects the office identifies as high-risk to the  
29 Executive Office of the Governor, the President of the Senate,  
30 the Speaker of the House of Representatives, and the  
31 appropriations committee chairs of the Senate and the House of

Amendment No. 1 (for drafter's use only)

1 Representatives. In addition to monitoring and reporting on  
2 such high-risk information technology projects, the Enterprise  
3 Project Management Office shall assess the levels of risks  
4 associated with proceeding to the next stage of the project.  
5 ~~For each information resources management project which is~~  
6 ~~designated for special monitoring in the General~~  
7 ~~Appropriations Act, with a proviso requiring a contract with a~~  
8 ~~project monitor, the Technology Review Workgroup established~~  
9 ~~pursuant to s. 216.0446, in consultation with each affected~~  
10 ~~agency, shall be responsible for contracting with the project~~  
11 ~~monitor. Upon contract award, funds equal to the contract~~  
12 ~~amount shall be transferred to the Technology Review Workgroup~~  
13 ~~upon request and subsequent approval of a budget amendment~~  
14 ~~pursuant to s. 216.292. With the concurrence of the~~  
15 ~~Legislative Auditing Committee, the office of the Auditor~~  
16 ~~General shall be the project monitor for other projects~~  
17 ~~designated for special monitoring. However, nothing in this~~  
18 ~~section precludes the Auditor General from conducting such~~  
19 ~~monitoring on any project designated for special monitoring.~~  
20 ~~In addition to monitoring and reporting on significant~~  
21 ~~communications between a contracting agency and the~~  
22 ~~appropriate federal authorities, the project monitoring~~  
23 ~~process shall consist of evaluating each major stage of the~~  
24 ~~designated project to determine whether the deliverables have~~  
25 ~~been satisfied and to assess the level of risks associated~~  
26 ~~with proceeding to the next stage of the project. The major~~  
27 ~~stages of each designated project shall be determined based on~~  
28 ~~the agency's information systems development methodology.~~  
29 ~~Within 20 days after an agency has completed a major stage of~~  
30 ~~its designated project or at least 90 days, the project~~  
31 ~~monitor shall issue a written report, including the findings~~

Amendment No. 1 (for drafter's use only)

1 ~~and recommendations for correcting deficiencies, to the agency~~  
2 ~~head, for review and comment. Within 20 days after receipt of~~  
3 ~~the project monitor's report, the agency head shall submit a~~  
4 ~~written statement of explanation or rebuttal concerning the~~  
5 ~~findings and recommendations of the project monitor, including~~  
6 ~~any corrective action to be taken by the agency. The project~~  
7 ~~monitor shall include the agency's statement in its final~~  
8 ~~report, which shall be forwarded, within 7 days after receipt~~  
9 ~~of the agency's statement, to the agency head, the inspector~~  
10 ~~general's office of the agency, the Executive Office of the~~  
11 ~~Governor, the appropriations committees of the Legislature,~~  
12 ~~the Joint Legislative Auditing Committee, the Technology~~  
13 ~~Review Workgroup, the President of the Senate, the Speaker of~~  
14 ~~the House of Representatives, and the Office of Program Policy~~  
15 ~~Analysis and Government Accountability. The Auditor General~~  
16 ~~shall also receive a copy of the project monitor's report for~~  
17 ~~those projects in which the Auditor General is not the project~~  
18 ~~monitor.~~

19 Section 28. Paragraph (f) of subsection (2) of section  
20 216.163, Florida Statutes, is amended to read:

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

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

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

Amendment No. 1 (for drafter's use only)

1 recommended for contracting with a project monitor, such funds  
2 may equal 1 percent to 5 percent of the project's estimated  
3 total costs. These funds shall be specifically appropriated  
4 and nonrecurring.

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

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

10 (1)

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

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

27 (3)

28 (o) Data processing software obtained by an agency  
29 under a licensing agreement which prohibits its disclosure and  
30 which software is a trade secret, as defined in s. 812.081,  
31 and agency-produced data processing software which is



Amendment No. 1 (for drafter's use only)

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

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

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 30. Paragraph (b) of subsection (1) of section  
23 119.083, Florida Statutes, is amended to read:

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

27 (1) As used in this section:

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

30 Section 31. (1) Each state agency that entered into a  
31 memorandum of agreement with the State Technology Office by

Amendment No. 1 (for drafter's use only)

1 March 15, 2001, regarding consolidation of information  
2 technology resources and staff, shall transfer the positions  
3 identified in the memoranda and the associated rate and the  
4 amount of approved budget to the State Technology Office on  
5 October 1, 2001. The total number of positions transferred to  
6 the State Technology Office shall not exceed 1,760 full-time  
7 positions. Such transfers shall be subject to approval by the  
8 Legislative Budget Commission pursuant to chapter 216, Florida  
9 Statutes.

10 (2) Each state agency required to transfer positions  
11 pursuant to subsection (1) shall also transfer administrative  
12 support personnel and associated rate and the amount of  
13 approved budget to the State Technology Office. The number of  
14 administrative support positions transferred by each agency  
15 shall not exceed 5 percent of the number of positions  
16 transferred pursuant to subsection (1). Such transfers shall  
17 take effect July 15, 2001. Such transfers shall be subject to  
18 approval by the Legislative Budget Commission pursuant to  
19 chapter 216, Florida Statutes.

20 (3) The State Technology Office and the individual  
21 agencies may request subsequent transfers of full-time  
22 positions and associated rate and funds during the fiscal year  
23 to meet the levels of service agreed to between the State  
24 Technology Office and the agencies. Such transfers shall be  
25 subject to approval by the Legislative Budget Commission  
26 pursuant to chapter 216, Florida Statutes.

27 (4) The State Technology Office is authorized to  
28 charge back to each participating agency an amount equal to  
29 the total of all direct and indirect costs of administering  
30 the agreement with the agency and the total of all direct and  
31 indirect costs of rendering the performances required of the

Amendment No. 1 (for drafter's use only)

1 State Technology Office under such agreements.

2 (5) Any resources transferred to the State Technology  
3 Office which were dedicated to a federally funded system shall  
4 remain allocated to that system until the appropriate federal  
5 agency or authority confirms in writing that another plan for  
6 supporting the system will not result in federal sanctions.

7 (6) The corresponding amounts necessary to execute  
8 subsections (1)-(3) are appropriated to the state agencies for  
9 transfer to the State Technology Office. Such amounts and  
10 specific funds shall be equivalent to the amount of approved  
11 budget reduced from state agencies in subsections (1)-(3),  
12 subject to approval by the Legislative Budget Commission.

13 Section 32. Section 282.404, Florida Statutes, is  
14 repealed.

15 Section 33. Subsection (6) of Section 11.90, Florida  
16 Statutes, is created to read:

17 (6) The Commission shall review information resources  
18 management needs identified in agency long-range program plans  
19 for consistency with the State Annual Report on Enterprise  
20 Resource Planning and Management and statewide policies  
21 adopted by the State Technology Office. The Commission shall  
22 also review proposed budget amendments associated with  
23 information technology that involve more than one agency, that  
24 have an outcome that impacts another agency, or that exceed  
25 \$500,000 in total cost over 1-year period.

26 Section 34. This act shall take effect July 1, 2001.

27  
28

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

30 And the title is amended as follows:

31 On page 1, line 2, through page 6, line 11,

Amendment No. 1 (for drafter's use only)

1 remove from the title of the bill: all of said lines  
2  
3 and insert in lieu thereof:  
4       An act relating to information technology;  
5       amending s. 20.22, F.S.; creating the State  
6       Technology Office within the Department of  
7       Management Services; requiring the office to  
8       operate and manage the Technology Resource  
9       Center; amending s. 110.205, F.S.; providing  
10       that specified officers within the State  
11       Technology Office are exempt from career  
12       service; providing that the office shall set  
13       the salaries and benefits for such officers in  
14       accordance with the rules of the Senior  
15       Management Service; providing for the personal  
16       secretary to specified officers within the  
17       State Technology Office to be exempt from  
18       career service; providing for all managers,  
19       supervisors, and confidential employees of the  
20       State Technology Office to be exempt from  
21       career service; providing that the office shall  
22       set the salaries and benefits for those  
23       positions in accordance with the rules of the  
24       Selected Exempt Service; amending s. 186.022,  
25       F.S.; revising the entities required to  
26       annually develop and submit an information  
27       technology strategic plan; providing for the  
28       State Technology Office to administer and  
29       approve development of information technology  
30       strategic plans; amending s. 216.013, F.S.;  
31       revising provisions relating to the review of

Amendment No. 1 (for drafter's use only)

1 long-range program plans for executive agencies  
2 by the Executive Office of the Governor;  
3 providing that the Executive Office of the  
4 Governor shall consider the findings of the  
5 State Technology Office with respect to the  
6 State Annual Report on Enterprise Resource  
7 Planning and Management and statewide policies  
8 adopted by the State Technology Office;  
9 amending s. 216.0446, F.S., relating to review  
10 of agency information resources management  
11 needs; eliminating the Technology Review  
12 Workgroup; providing for assumption of the  
13 duties of the Technology Review Workgroup by  
14 the State Technology Office; requiring the  
15 reporting of specified information to the  
16 Executive Office of the Governor; providing  
17 powers and duties of the State Technology  
18 Office; amending s. 216.181, F.S., relating to  
19 approved budgets for operations and fixed  
20 capital outlay; providing requirements with  
21 respect to an amendment to the original  
22 approved operating budget for specified  
23 information technology projects or initiatives;  
24 amending s. 216.235, F.S.; transferring  
25 specified responsibilities with respect to the  
26 Innovation Investment Program Act from the  
27 Department of Management Services to the Office  
28 of Tourism, Trade, and Economic Development  
29 within the Executive Office of the Governor;  
30 revising the membership of the State Innovation  
31 Committee; amending s. 216.292, F.S.;

Amendment No. 1 (for drafter's use only)

1 authorizing state agencies to transfer  
2 positions and appropriations for fiscal year  
3 2001-2002 for the purpose of consolidating  
4 information technology resources to the State  
5 Technology Office; amending s. 282.005, F.S.;  
6 revising legislative findings and intent with  
7 respect to the Information Resources Management  
8 Act of 1997; providing that the State  
9 Technology Office has primary responsibility  
10 and accountability for information technology  
11 matters within the state except as to  
12 information technology or information  
13 technology personnel that a constitutional  
14 officer under s. 4 Art. 4 deems necessary for  
15 the performance of his or her constitutional or  
16 statutory duties; amending and renumbering s.  
17 282.303, F.S.; revising definitions; defining  
18 "information technology"; amending s. 282.102,  
19 F.S.; revising powers and duties of the State  
20 Technology Office; providing that the office  
21 shall be a separate budget entity within the  
22 Department of Management Services; providing  
23 that the Chief Information Officer shall be  
24 considered an agency head; providing for  
25 administrative support and service from  
26 Department of Management Services; authorizing  
27 the office to perform, in consultation with a  
28 state agency, the enterprise resource planning  
29 and management for the agency; authorizing the  
30 office to apply for, receive, and hold  
31 specified patents, copyrights, trademarks, and

Amendment No. 1 (for drafter's use only)

1 service marks; authorizing the office to  
2 purchase, lease, hold, sell, transfer, license,  
3 and dispose of specified real, personal, and  
4 intellectual property; providing for deposit of  
5 specified fees in the Law Enforcement Radio  
6 Operating Trust Fund; providing for a State  
7 Chief Privacy Officer; amending s. 282.103,  
8 F.S., to conform; authorizing the State  
9 Technology Office to grant an agency exemption  
10 from required use of specified SUNCOM Network  
11 services; amending s. 282.104, F.S., to  
12 conform; amending s. 282.105, F.S., to conform;  
13 amending s. 282.106, F.S., to conform; amending  
14 s. 282.1095, F.S., relating to the state agency  
15 law enforcement radio system; providing  
16 conforming amendments; renaming the State  
17 Agency Law Enforcement Radio System Trust Fund  
18 as the Law Enforcement Radio Operating Trust  
19 Fund; requiring the office to establish  
20 policies, procedures, and standards for a  
21 comprehensive plan for a statewide radio  
22 communications system; eliminating provisions  
23 relating to establishment and funding of  
24 specified positions; amending s. 282.111, F.S.,  
25 to conform; amending s. 282.20, F.S., relating  
26 to the Technology Resource Center; providing  
27 conforming amendments; removing provisions  
28 relating to the acceptance of new customers by  
29 the center; authorizing the center to spend  
30 funds in the reserve account of the Technology  
31 Enterprise Operating Trust Fund; amending s.

Amendment No. 1 (for drafter's use only)

1 282.21, F.S., to conform; amending s. 282.22,  
2 F.S.; revising terminology; removing specified  
3 restrictions on the office's authority to sell  
4 services; creating s. 282.23, F.S.; authorizing  
5 the State Technology Office, in consultation  
6 with the Department of Management Services, to  
7 establish a State Strategic Information  
8 Technology Alliance; providing purposes of the  
9 alliance; providing for the establishment of  
10 policies and procedures; repealing s. 282.3041,  
11 F.S., which provides that the head of each  
12 state agency is responsible and accountable for  
13 enterprise resource planning and management  
14 within the agency; amending s. 282.3055, F.S.;  
15 authorizing the Chief Information Officer to  
16 appoint or contract for Agency Chief  
17 Information Officers to assist in carrying out  
18 enterprise resource planning and management  
19 responsibilities; amending s. 282.3063, F.S.;  
20 requiring Agency Chief Information Officers to  
21 prepare and submit an Agency Annual Enterprise  
22 Resource Planning and Management Report;  
23 amending s. 282.315, F.S.; renaming the Chief  
24 Information Officers Council as the Agency  
25 Chief Information Officers Council; revising  
26 the voting membership of the council; amending  
27 amending s. 282.318, F.S., to conform; amending  
28 s. 282.322, F.S.; eliminating provisions  
29 relating to the special monitoring process for  
30 designated information resources management  
31 projects; requiring the Enterprise Project



Amendment No. 1 (for drafter's use only)

1 Management Office of the State Technology  
2 Office to report on, monitor, and assess risk  
3 levels of specified high-risk technology  
4 projects; amending s. 216.163, F.S.; providing  
5 that the Governor's recommended budget shall  
6 include recommendations for specified high-risk  
7 information technology projects; amending s.  
8 119.07, F.S.; defining "information technology  
9 resources" and "data processing software";  
10 amending ss. 119.083, F.S.; correcting cross  
11 references; requiring certain state agencies to  
12 transfer described positions and administrative  
13 support personnel to the State Technology  
14 Office by specified dates; providing limits on  
15 the number of positions and administrative  
16 support personnel transferred; providing that  
17 the State Technology Office and the relevant  
18 agencies are authorized to request subsequent  
19 transfers of positions, subject to approval by  
20 the Legislative Budget Commission; providing  
21 requirements with respect to transferred  
22 resources which were dedicated to a federally  
23 funded system; providing appropriations;  
24 repealing s. 282.404, F.S.; abolishing the  
25 Florida Geographic Information Board within the  
26 State Technology Office; provides for  
27 Legislative Budgeting Commission review of  
28 certain agency plans, State Technology Office  
29 policies, and certain budget amendments;  
30 providing an effective date.  
31