

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

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

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

1 and dispose of specified real, personal, and
 2 intellectual property; providing for deposit of
 3 specified fees in the Law Enforcement Radio
 4 Operating Trust Fund; providing for a State
 5 Chief Privacy Officer; amending s. 282.103,
 6 F.S., to conform; authorizing the State
 7 Technology Office to grant an agency exemption
 8 from required use of specified SUNCOM Network
 9 services; amending s. 282.104, F.S., to
 10 conform; amending s. 282.105, F.S., to conform;
 11 amending s. 282.106, F.S., to conform; amending
 12 s. 282.1095, F.S., relating to the state agency
 13 law enforcement radio system; providing
 14 conforming amendments; renaming the State
 15 Agency Law Enforcement Radio System Trust Fund
 16 as the Law Enforcement Radio Operating Trust
 17 Fund; requiring the office to establish
 18 policies, procedures, and standards for a
 19 comprehensive plan for a statewide radio
 20 communications system; eliminating provisions
 21 relating to establishment and funding of
 22 specified positions; amending s. 282.111, F.S.,
 23 to conform; amending s. 282.20, F.S., relating
 24 to the Technology Resource Center; providing
 25 conforming amendments; removing provisions
 26 relating to the acceptance of new customers by
 27 the center; authorizing the center to spend
 28 funds in the reserve account of the Technology
 29 Enterprise Operating Trust Fund; amending s.
 30 282.21, F.S., to conform; amending s. 282.22,
 31 F.S.; revising terminology; removing specified

1 restrictions on the office's authority to sell
 2 services; creating s. 282.23, F.S.; authorizing
 3 the State Technology Office, in consultation
 4 with the Department of Management Services, to
 5 establish a State Strategic Information
 6 Technology Alliance; providing purposes of the
 7 alliance; providing for the establishment of
 8 policies and procedures; repealing s. 282.3041,
 9 F.S., which provides that the head of each
 10 state agency is responsible and accountable for
 11 enterprise resource planning and management
 12 within the agency; amending s. 282.3055, F.S.;
 13 authorizing the Chief Information Officer to
 14 appoint or contract for Agency Chief
 15 Information Officers to assist in carrying out
 16 enterprise resource planning and management
 17 responsibilities; amending s. 282.3063, F.S.;
 18 requiring Agency Chief Information Officers to
 19 prepare and submit an Agency Annual Enterprise
 20 Resource Planning and Management Report;
 21 amending s. 282.315, F.S.; renaming the Chief
 22 Information Officers Council as the Agency
 23 Chief Information Officers Council; revising
 24 the voting membership of the council; amending
 25 amending s. 282.318, F.S., to conform; amending
 26 s. 282.322, F.S.; requiring the Enterprise
 27 Project Management Office of the State
 28 Technology Office to report on, monitor, and
 29 assess risk levels of specified high-risk
 30 technology projects; amending s. 216.163, F.S.;
 31 providing that the Governor's recommended

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

27
28 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Paragraph (b) of subsection (2) and
2 subsection (3) of section 20.22, Florida Statutes, are amended
3 to read:

4 20.22 Department of Management Services.--There is
5 created a Department of Management Services.

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

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

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

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

15 110.205 Career service; exemptions.--

16 (2) EXEMPT POSITIONS.--The exempt positions which are
17 not covered by this part include the following, provided that
18 no position, except for positions established for a limited
19 period of time pursuant to paragraph ~~(i)~~~~(h)~~, shall be
20 exempted if the position reports to a position in the career
21 service:

22 (a) All officers of the executive branch elected by
23 popular vote and persons appointed to fill vacancies in such
24 offices. Unless otherwise fixed by law, the salary and
25 benefits for any such officer who serves as the head of a
26 department shall be set by the department in accordance with
27 the rules of the Senior Management Service.

28 (b) All members, officers, and employees of the
29 legislative branch, except for the members, officers, and
30 employees of the Florida Public Service Commission.

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1 (c) All members, officers, and employees of the
2 judicial branch.

3 (d) All officers and employees of the State University
4 System and the Correctional Education Program within the
5 Department of Corrections, and the academic personnel and
6 academic administrative personnel of the Florida School for
7 the Deaf and the Blind. In accordance with the provisions of
8 chapter 242, the salaries for academic personnel and academic
9 administrative personnel of the Florida School for the Deaf
10 and the Blind shall be set by the board of trustees for the
11 school, subject only to the approval of the State Board of
12 Education. The salaries for all instructional personnel and
13 all administrative and noninstructional personnel of the
14 Correctional Education Program shall be set by the Department
15 of Corrections, subject to the approval of the Department of
16 Management Services.

17 (e) The Chief Information Officer, deputy chief
18 information officers, chief technology officers, and deputy
19 chief technology officers in the State Technology Office.
20 Unless otherwise fixed by law, the State Technology Office
21 shall set the salary and benefits of these positions in
22 accordance with the rules of the Senior Management Service.

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

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

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

30 ~~(i)~~ (h) All positions which are established for a
31 limited period of time for the purpose of conducting a special

1 study, project, or investigation and any person paid from an
 2 other-personal-services appropriation. Unless otherwise fixed
 3 by law, the salaries for such positions and persons shall be
 4 set in accordance with rules established by the employing
 5 agency for other-personal-services payments pursuant to s.
 6 110.131.

7 (j)~~(i)~~ The appointed secretaries, assistant
 8 secretaries, deputy secretaries, and deputy assistant
 9 secretaries of all departments; the executive directors,
 10 assistant executive directors, deputy executive directors, and
 11 deputy assistant executive directors of all departments; and
 12 the directors of all divisions and those positions determined
 13 by the department to have managerial responsibilities
 14 comparable to such positions, which positions include, but are
 15 not limited to, program directors, assistant program
 16 directors, district administrators, deputy district
 17 administrators, the Director of Central Operations Services of
 18 the Department of Children and Family Services, and the State
 19 Transportation Planner, State Highway Engineer, State Public
 20 Transportation Administrator, district secretaries, district
 21 directors of planning and programming, production, and
 22 operations, and the managers of the offices specified in s.
 23 20.23(3)(d)2., of the Department of Transportation. Unless
 24 otherwise fixed by law, the department shall set the salary
 25 and benefits of these positions in accordance with the rules
 26 of the Senior Management Service.

27 (k)~~(j)~~ The personal secretary to the incumbent of each
 28 position exempted in paragraphs ~~paragraph~~ (a), (e), and (j).
 29 ~~and to each appointed secretary, assistant secretary, deputy~~
 30 ~~secretary, executive director, assistant executive director,~~
 31 ~~and deputy executive director of each department under~~

1 ~~paragraph (i)~~. Unless otherwise fixed by law, the department
2 shall set the salary and benefits of these positions in
3 accordance with the rules of the Selected Exempt Service.

4 (1)~~(k)~~ All officers and employees in the office of the
5 Governor, including all employees at the Governor's mansion,
6 and employees within each separate budget entity, as defined
7 in chapter 216, assigned to the Governor. Unless otherwise
8 fixed by law, the salary and benefits of these positions shall
9 be set by the department as follows:

10 1. The chief of staff, the assistant or deputy chief
11 of staff, general counsel, Director of Legislative Affairs,
12 chief inspector general, Director of Cabinet Affairs, Director
13 of Press Relations, Director of Planning and Budgeting,
14 director of administration, director of state-federal
15 relations, Director of Appointments, Director of External
16 Affairs, Deputy General Counsel, Governor's Liaison for
17 Community Development, Chief of Staff for the Lieutenant
18 Governor, Deputy Director of Planning and Budgeting, policy
19 coordinators, and the director of each separate budget entity
20 shall have their salaries and benefits established by the
21 department in accordance with the rules of the Senior
22 Management Service.

23 2. The salaries and benefits of positions not
24 established in sub-subparagraph a. shall be set by the
25 employing agency. Salaries and benefits of employees whose
26 professional training is comparable to that of licensed
27 professionals under paragraph (r)~~(q)~~, or whose administrative
28 responsibility is comparable to a bureau chief shall be set by
29 the Selected Exempt Service. The department shall make the
30 comparability determinations. Other employees shall have
31 benefits set comparable to legislative staff, except leave

1 shall be comparable to career service as if career service
 2 employees.

3 (m)~~(l)~~ All assistant division director, deputy
 4 division director, and bureau chief positions in any
 5 department, and those positions determined by the department
 6 to have managerial responsibilities comparable to such
 7 positions, which positions include, but are not limited to,
 8 positions in the Department of Health, the Department of
 9 Children and Family Services, and the Department of
 10 Corrections that are assigned primary duties of serving as the
 11 superintendent or assistant superintendent, or warden or
 12 assistant warden, of an institution; positions in the
 13 Department of Corrections that are assigned primary duties of
 14 serving as the circuit administrator or deputy circuit
 15 administrator; positions in the Department of Transportation
 16 that are assigned primary duties of serving as regional toll
 17 managers and managers of offices as defined in s.
 18 20.23(3)(d)3. and (4)(d); positions in the Department of
 19 Environmental Protection that are assigned the duty of an
 20 Environmental Administrator or program administrator; those
 21 positions described in s. 20.171 as included in the Senior
 22 Management Service; and positions in the Department of Health
 23 that are assigned the duties of Environmental Administrator,
 24 Assistant County Health Department Director, and County Health
 25 Department Financial Administrator. Unless otherwise fixed by
 26 law, the department shall set the salary and benefits of these
 27 positions in accordance with the rules established for the
 28 Selected Exempt Service.

29 (n)~~(m)~~1.a. In addition to those positions exempted by
 30 other paragraphs of this subsection, each department head may
 31 designate a maximum of 20 policymaking or managerial

1 positions, as defined by the department and approved by the
 2 Administration Commission, as being exempt from the Career
 3 Service System. Career service employees who occupy a position
 4 designated as a position in the Selected Exempt Service under
 5 this paragraph shall have the right to remain in the Career
 6 Service System by opting to serve in a position not exempted
 7 by the employing agency. Unless otherwise fixed by law, the
 8 department shall set the salary and benefits of these
 9 positions in accordance with the rules of the Selected Exempt
 10 Service; provided, however, that if the agency head determines
 11 that the general counsel, chief Cabinet aide, public
 12 information administrator or comparable position for a Cabinet
 13 officer, inspector general, or legislative affairs director
 14 has both policymaking and managerial responsibilities and if
 15 the department determines that any such position has both
 16 policymaking and managerial responsibilities, the salary and
 17 benefits for each such position shall be established by the
 18 department in accordance with the rules of the Senior
 19 Management Service.

20 b. In addition, each department may designate one
 21 additional position in the Senior Management Service if that
 22 position reports directly to the agency head or to a position
 23 in the Senior Management Service and if any additional costs
 24 are absorbed from the existing budget of that department.

25 2. If otherwise exempt, employees of the Public
 26 Employees Relations Commission, the Commission on Human
 27 Relations, and the Unemployment Appeals Commission, upon the
 28 certification of their respective commission heads, may be
 29 provided for under this paragraph as members of the Senior
 30 Management Service, if otherwise qualified. However, the
 31 deputy general counsels of the Public Employees Relations

1 Commission shall be compensated as members of the Selected
2 Exempt Service.

3 (o)~~(n)~~ The executive director, deputy executive
4 director, general counsel, official reporters, and division
5 directors within the Public Service Commission and the
6 personal secretary and personal assistant to each member of
7 the Public Service Commission. Unless otherwise fixed by law,
8 the salary and benefits of the executive director, deputy
9 executive directors, general counsel, Director of
10 Administration, Director of Appeals, Director of Auditing and
11 Financial Analysis, Director of Communications, Director of
12 Consumer Affairs, Director of Electric and Gas, Director of
13 Information Processing, Director of Legal Services, Director
14 of Records and Reporting, Director of Research, and Director
15 of Water and Sewer shall be set by the department in
16 accordance with the rules of the Senior Management Service.
17 The salary and benefits of the personal secretary and the
18 personal assistant of each member of the commission and the
19 official reporters shall be set by the department in
20 accordance with the rules of the Selected Exempt Service,
21 notwithstanding any salary limitations imposed by law for the
22 official reporters.

23 (p)~~(o)~~1. All military personnel of the Department of
24 Military Affairs. Unless otherwise fixed by law, the salary
25 and benefits for such military personnel shall be set by the
26 Department of Military Affairs in accordance with the
27 appropriate military pay schedule.

28 2. The military police chiefs, military police
29 officers, firefighter trainers, firefighter-rescuers, and
30 electronic security system technicians shall have salary and
31 benefits the same as career service employees.

1 (q)~~(p)~~ The staff directors, assistant staff directors,
2 district program managers, district program coordinators,
3 district subdistrict administrators, district administrative
4 services directors, district attorneys, and the Deputy
5 Director of Central Operations Services of the Department of
6 Children and Family Services and the county health department
7 directors and county health department administrators of the
8 Department of Health. Unless otherwise fixed by law, the
9 department shall establish the salary range and benefits for
10 these positions in accordance with the rules of the Selected
11 Exempt Service.

12 (r)~~(q)~~ All positions not otherwise exempt under this
13 subsection which require as a prerequisite to employment:
14 licensure as a physician pursuant to chapter 458, licensure as
15 an osteopathic physician pursuant to chapter 459, licensure as
16 a chiropractic physician pursuant to chapter 460, including
17 those positions which are occupied by employees who are
18 exempted from licensure pursuant to s. 409.352; licensure as
19 an engineer pursuant to chapter 471, which are supervisory
20 positions except for such positions in the Department of
21 Transportation; or for 12 calendar months, which require as a
22 prerequisite to employment that the employee have received the
23 degree of Bachelor of Laws or Juris Doctor from a law school
24 accredited by the American Bar Association and thereafter
25 membership in The Florida Bar, except for any attorney who
26 serves as an administrative law judge pursuant to s. 120.65 or
27 for hearings conducted pursuant to s. 120.57(1)(a). Unless
28 otherwise fixed by law, the department shall set the salary
29 and benefits for these positions in accordance with the rules
30 established for the Selected Exempt Service.

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1 (s)~~(r)~~ The statewide prosecutor in charge of the
2 Office of Statewide Prosecution of the Department of Legal
3 Affairs and all employees in the office. The Department of
4 Legal Affairs shall set the salary of these positions.

5 (t)~~(s)~~ The executive director of each board or
6 commission established within the Department of Business and
7 Professional Regulation or the Department of Health. Unless
8 otherwise fixed by law, the department shall establish the
9 salary and benefits for these positions in accordance with the
10 rules established for the Selected Exempt Service.

11 (u)~~(t)~~ All officers and employees of the State Board
12 of Administration. The State Board of Administration shall set
13 the salaries and benefits of these positions.

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

17 (w) All managers, supervisors, and confidential
18 employees of the State Technology Office. The State Technology
19 Office shall set the salaries and benefits of these positions
20 in accordance with the rules established for the Selected
21 Exempt Service.

22 Section 3. Section 186.022, Florida Statutes, is
23 amended to read:

24 186.022 Information technology resource strategic
25 plans.--By June 1 of each year, ~~the Geographic Information~~
26 ~~Board~~, the Financial Management Information Board, the
27 Criminal and Juvenile Justice Information Systems Council, and
28 the Health Information Systems Council shall each develop and
29 submit to the State Technology Office an information
30 technology resource strategic plan ~~to the Executive Office of~~
31 ~~the Governor~~ in a form and manner prescribed in written

1 instructions ~~from prepared by~~ the State Technology Office
 2 ~~Executive Office of the Governor~~ in consultation with the
 3 Executive Office of the Governor and the legislative
 4 appropriations committees. The State Technology Office
 5 ~~Executive Office of the Governor~~ shall review each such the
 6 strategic plan and ~~may provide comments within 30 days.~~ In its
 7 review, ~~the Executive Office of the Governor~~ shall determine
 8 ~~consider all comments and findings of the Technology Review~~
 9 ~~Workgroup as to~~ whether each such the plan is consistent with
 10 the State Annual Report on Enterprise Resource Planning and
 11 Information Resources Management and statewide policies
 12 adopted by the State Technology Office, and by July 1 of each
 13 year shall develop and transmit to each such board and council
 14 a written expression of its findings, conclusions, and
 15 required changes, if any, with respect to each such strategic
 16 plan recommended by the State Technology Council. If any
 17 change to any such strategic plan is ~~revisions are~~ required,
 18 each affected board boards and council shall revise its
 19 strategic plan to the extent necessary to incorporate such
 20 required changes ~~councils have 30 days to incorporate those~~
 21 ~~revisions~~ and shall resubmit its strategic return the plan to
 22 the State Technology Office for final approval and acceptance
 23 ~~Executive Office of the Governor.~~

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

26 216.013 Long-range program plan.--

27 (4) The Executive Office of the Governor shall review
 28 the long-range program plans for executive agencies to ensure
 29 that they are consistent with the state's goals and objectives
 30 and other requirements as specified in the written
 31 instructions and that they provide the framework and context

1 for the agency's budget request. In its review, the Executive
 2 Office of the Governor shall consider the findings of the
 3 State Technology Office ~~Technology Review Workgroup~~ as to the
 4 consistency of the information technology portion of
 5 long-range program plans with the State Annual Report on
 6 Enterprise Resource Planning and Information Resources
 7 Management and statewide policies adopted ~~recommended~~ by the
 8 State Technology Office ~~Council~~ and the state's plan for
 9 facility needs pursuant to s. 216.0158. Based on the results
 10 of the review, the Executive Office of the Governor may
 11 require an agency to revise the plan.

12 Section 5. Section 216.0446, Florida Statutes, is
 13 amended to read:

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

16 (1) There is created within the Legislature the
 17 Technology Review Workgroup. The workgroup and the State
 18 Technology Office shall independently review and make
 19 recommendations with respect to the portion of agencies'
 20 long-range program plans which pertains to information
 21 resources management needs and with respect to agencies'
 22 legislative budget requests for information technology and
 23 related resources ~~management~~. The Technology Review Workgroup
 24 shall report such recommendations, together with the findings
 25 and conclusions on which such recommendations are based, be
 26 responsible to the Legislative Budget Commission ~~chairs of the~~
 27 ~~legislative appropriations committees~~. The State Technology
 28 Office shall report such recommendations, together with the
 29 findings and conclusions on which such recommendations are
 30 based, to the Executive Office of the Governor and to the
 31 chairs of the legislative appropriations committees.

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

5 (a) To evaluate the information resource management
6 needs identified in the agency long-range program plans for
7 consistency with the State Annual Report on Enterprise
8 Resource Planning and ~~Information Resources~~ Management and
9 statewide policies recommended by the State Technology Office
10 Council, and make recommendations to the Legislative Budget
11 Commission chairs of the legislative appropriations
12 committees.

13 (b) To review and make recommendations to the
14 Legislative Budget Commission chairs of the legislative
15 appropriations committees on proposed budget amendments and
16 agency transfers associated with information technology
17 resources management initiatives or projects that involve more
18 than one agency, that have an outcome that impacts another
19 agency, ~~or~~ that exceed \$500,000 in total cost over a 1-year
20 period, or that are requested by the Legislative Budget
21 Commission to be reviewed.

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

24 216.181 Approved budgets for operations and fixed
25 capital outlay.--

26 (5) An amendment to the original operating budget for
27 an information technology resources management project or
28 initiative that involves more than one agency, has an outcome
29 that impacts another agency, or exceeds \$500,000 in total cost
30 over a 1-year period, except for those projects that are a
31 continuation of hardware or software maintenance or software

1 licensing agreements, or that are for desktop replacement that
2 is similar to the technology currently in use must be reviewed
3 by the Technology Review Workgroup pursuant to s. 216.0466 and
4 approved by the Executive Office of the Governor for the
5 executive branch or by the Chief Justice for the judicial
6 branch, and shall be subject to the notice and review
7 procedures set forth in s. 216.177.

8 Section 7. Section 216.235, Florida Statutes, is
9 amended to read:

10 216.235 Innovation Investment Program; intent;
11 definitions; composition and responsibilities of State
12 Innovation Committee; responsibilities of the Office of
13 Tourism, Trade, and Economic Development ~~Department of~~
14 ~~Management Services, the Information Resource Commission,~~ and
15 the review board; procedures for innovative project
16 submission, review, evaluation, and approval; criteria to be
17 considered.--

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

20 (2) The Legislature finds that each state agency
21 should be encouraged to pursue innovative investment projects
22 which demonstrate a novel, creative, and entrepreneurial
23 approach to conducting the agency's normal business processes;
24 effectuate a significant change in the accomplishment of the
25 agency's activities; address an important problem of public
26 concern; and have the potential of being replicated by other
27 state agencies. The Legislature further finds that investment
28 in innovation can produce longer-term savings and that funds
29 for such investment should be available to assist agencies in
30 investing in innovations that produce a cost savings to the
31 state or improve the quality of services delivered. The

1 Legislature also finds that any eligible savings realized as a
2 result of investment in innovation should be available for
3 future investment in innovation.

4 (3) For purposes of this section:

5 (a) "Agency" means an official, officer, commission,
6 authority, council, committee, department, division, bureau,
7 board, section, or other unit or entity of the executive
8 branch.

9 (b) "Commission" means the Information Resource
10 Commission.

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

12 (d) "Office" means the Office of Tourism, Trade, and
13 Economic Development within the Executive Office of the
14 Governor. ~~"Department" means the Department of Management~~
15 ~~Services.~~

16 (e) "Review board" means a nonpartisan board composed
17 of private citizens and public employees who evaluate the
18 projects and make funding recommendations to the committee.

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

25 (a) The Lieutenant Governor.

26 (b) The director of the Governor's Office of Planning
27 and Budgeting.

28 (c) The Chief Information Officer in the State
29 Technology Office.

30 (d)~~(e)~~ The Comptroller.

31

1 ~~(d)~~ (e) One representative of the private sector
2 appointed by the Commission on Government Accountability to
3 the People.

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

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

8
9 ~~The Secretary of Management Services shall serve as an~~
10 ~~alternate in the event a member is unable to attend the~~
11 ~~committee meeting.~~

12 (5) Agencies shall submit proposed innovative
13 investment projects to the Office of Tourism, Trade, and
14 Economic Development ~~department~~ by a date established and in
15 the format prescribed by the office ~~department~~. Such
16 innovative investment project proposals shall include, but not
17 be limited to:

18 (a) The identification of a specific innovative
19 investment project.

20 (b) The name of the agency's innovative investment
21 project administrator.

22 (c) A cost/benefit analysis which is a financial
23 summary of how the innovative investment project will produce
24 a cost savings for the agency or improve the quality of the
25 public services delivered by the agency. The analysis shall
26 include a breakdown of each project cost category, including,
27 but not limited to: the costs associated with hiring of
28 other-personal-services staff, re-engineering efforts,
29 purchase of equipment, maintenance agreements, training,
30 consulting services, travel, acquisition of information
31 technology resources; any monetary or in-kind contributions

1 made by the agency, another public entity, or the private
2 sector; and available baseline data, performance measures, and
3 outcomes as defined in s. 216.011(1).

4 (d) The approval of the agency head, the agency's
5 budget director, the agency's inspector general or internal
6 auditor, and, if the innovative investment project involves
7 information technology resources, the information resource
8 manager.

9 (6) Any agency developing an innovative investment
10 project proposal that involves information technology
11 resources may consult with and seek technical assistance from
12 the commission. The office ~~department~~ shall consult with the
13 commission for any project proposal that involves information
14 resource technology. The commission is responsible for
15 evaluating these projects and for advising the committee and
16 review board of the technical feasibility and any transferable
17 benefits of the proposed technology. In addition to the
18 requirements of subsection (5), the agencies shall provide to
19 the commission any information requested by the commission to
20 aid in determining that the proposed technology is appropriate
21 for the project's success.

22 (7) The office ~~department~~ shall select a review board
23 composed of private and public members. Terms of review board
24 members shall be for 1 year beginning on a date established by
25 the office ~~department~~. Review board members may serve more
26 than one term. The board shall evaluate innovative investment
27 projects and shall make recommendations to the committee as to
28 which innovative projects should be considered for funding.

29 (8) When evaluating projects, the committee and the
30 review board shall consider whether the innovative investment
31 project meets the following criteria:

1 (a) Increases the quality of public services by the
2 agency.

3 (b) Reduces costs for the agency.

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

6 (d) Reduces the need for hiring additional employees
7 or avoids other operating costs incurred by the agency in the
8 future.

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

13 (10) The awarded agency shall monitor and evaluate the
14 projects to determine if the anticipated results were
15 achieved.

16 (11) Funds appropriated for the Innovation Investment
17 Program shall be distributed by the Executive Office of the
18 Governor subject to notice, review, and objection procedures
19 set forth in s. 216.177. The office ~~department~~ may transfer
20 funds from the annual appropriation as necessary to administer
21 the program.

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

24 216.292 Appropriations nontransferable; exceptions.--

25 (1)

26 (c) Notwithstanding any other provision of this
27 section or the provisions of s. 216.351, for fiscal year
28 2001-2002, state agencies may transfer positions and
29 appropriations as necessary to comply with any provision of
30 the General Appropriations Act, or any other provision of law,
31 that requires or specifically authorizes the transfer of

1 positions and appropriations in the consolidation of
2 information technology resources to the State Technology
3 Office.

4 Section 9. Section 282.005, Florida Statutes, is
5 amended to read:

6 282.005 Legislative findings and intent.--The
7 Legislature finds that:

8 (1) Information is a strategic asset of the state,
9 and, as such, it should be managed as a valuable state
10 resource.

11 (2) The state makes significant investments in
12 information technology ~~resources~~ in order to manage
13 information and to provide services to its citizens.

14 (3) An office must be created to provide support and
15 guidance to enhance the state's use and management of
16 information technology ~~resources~~ and to design, procure, and
17 deploy, on behalf of the state, information technology
18 ~~resources~~.

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

22 (5) ~~The head of each state agency, in consultation~~
23 ~~with~~ The State Technology Office, has primary responsibility
24 and accountability for the planning, budgeting, acquisition,
25 development, implementation, use, and management of
26 information technology ~~resources~~ within the state agency. The
27 State Technology Office shall use the state's information
28 technology in the best interest of the state as a whole and
29 shall contribute to and make use of shared data and related
30 resources whenever appropriate. Each agency head has primary
31 responsibility and accountability for setting agency

1 priorities, identifying business needs, and determining agency
 2 services and programs to be developed as provided by law. The
 3 State Technology Office, through service level agreements with
 4 each agency, shall provide the information technology needed
 5 for the agency to accomplish its mission.

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

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

18 (7)(8) The state, through the State Technology Office,
 19 shall provide, by whatever means is most cost-effective and
 20 efficient, the information technology, enterprise resource
 21 planning and management, and enterprise resource management
 22 infrastructure ~~the information resources management~~
 23 ~~infrastructure~~ needed to collect, store, and process the
 24 state's data and information, provide connectivity, and
 25 facilitate the exchange of data and information among both
 26 public and private parties.

27 (8)(9) A necessary part of the state's information
 28 technology resources management infrastructure is a statewide
 29 communications system for all types of signals, including, but
 30 not limited to, voice, data, video, radio, telephone,
 31 wireless, and image.

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

15 (10) The State Technology Office shall take no action
16 affecting the supervision, control, management or coordination
17 of information technology and information technology
18 personnel, that any cabinet officer listed in s. 4 Art. IV of
19 the State Constitution deems necessary for the exercise of his
20 or her statutory or constitutional duties.

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

28 ~~(12) Notwithstanding anything to the contrary~~
29 ~~contained in this act, the State Technology Office shall take~~
30 ~~no action affecting the supervision and control of the~~
31 ~~personnel or data processing equipment which the Attorney~~

1 ~~General deems necessary for the exercise of his or her~~
2 ~~official constitutional duties as set forth in s. 4(c), Art.~~
3 ~~IV of the State Constitution.~~

4 Section 10. Section 282.303, Florida Statutes, is
5 renumbered as section 282.0041, Florida Statutes, and amended
6 to read:

7 282.0041 ~~282.303~~ Definitions.--For the purposes of
8 this part ~~ss. 282.303-282.322~~, the term:

9 (1) "Agency" means those entities described in s.
10 216.011(1)(qq)~~(mm)~~.

11 (2)~~(8)~~ "Agency Annual Enterprise Resource Planning and
12 Management Report" means the report prepared by each Agency
13 ~~the~~ Chief Information Officer ~~of each agency~~ as required by s.
14 282.3063.

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

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

24 (5)~~(13)~~ "Enterprise resources management
25 infrastructure" means the hardware, software, networks, data,
26 human resources, policies, standards, and facilities,
27 maintenance, and related materials and services that are
28 required to support the business processes of an agency or
29 state enterprise.

30 ~~(5) "Information technology hardware" means equipment~~
31 ~~designed for the automated storage, manipulation, and~~

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

10 (6)(11) "Enterprise resource planning and management"
11 means the planning, budgeting, acquiring, developing,
12 organizing, directing, training, and control, and related
13 services associated with government information technology
14 resources. The term encompasses information and related
15 resources, as well as the controls associated with their
16 acquisition, development, dissemination, and use.

17 (7) "Information technology" means equipment,
18 hardware, software, firmware, programs, systems, networks,
19 infrastructure, media, and related material used to
20 automatically, electronically, and wirelessly collect,
21 receive, access, transmit, display, store, record, retrieve,
22 analyze, evaluate, process, classify, manipulate, manage,
23 assimilate, control, communicate, exchange, convert, converge,
24 interface, switch, or disseminate information of any kind or
25 form.

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

31

1 ~~(7) "Data processing software" means the programs and~~
2 ~~routines used to employ and control the capabilities of data~~
3 ~~processing hardware, including, but not limited to, operating~~
4 ~~systems, compilers, assemblers, utilities, library routines,~~
5 ~~maintenance routines, applications, and computer networking~~
6 ~~programs.~~

7 (8)~~(10)~~ "Project" means an undertaking directed at the
8 accomplishment of a strategic objective relating to enterprise
9 resources management or a specific appropriated program.

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

13 (10)~~(16)~~ "Standards" means the use of current, open,
14 nonproprietary, or non-vendor-specific technologies.

15 (11)~~(4)~~ "State Technology Office" or "office" means
16 the office created in s. 282.102 ~~to support and coordinate~~
17 ~~cost-effective deployment of technology and information~~
18 ~~resources and services across state government.~~

19 (12)~~(15)~~ "Total cost" means all costs associated with
20 information technology resources management projects or
21 initiatives, including, but not limited to, value of hardware,
22 software, service, maintenance, incremental personnel, and
23 facilities. Total cost of a loan or gift of information
24 technology resources to an agency includes the fair market
25 value of the resources, except that the total cost of loans or
26 gifts of information technology ~~resources~~ to state
27 universities to be used in instruction or research does not
28 include fair market value.

29 ~~(12) "Information technology resources" means data~~
30 ~~processing hardware and software and services, communications,~~
31

1 ~~supplies, personnel, facility resources, maintenance, and~~
2 ~~training.~~

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

7 Section 11. Section 282.102, Florida Statutes, is
8 amended to read:

9 282.102 Creation of the State Technology Office;
10 ~~powers and duties of the State Technology Office of the~~
11 ~~Department of Management Services.--There is created a State~~
12 ~~Technology Office, administratively placed within the~~
13 ~~Department of Management Services. The office shall be a~~
14 separate budget entity, and which shall be headed by a Chief
15 Information Officer who is appointed by the Governor and is in
16 the Senior Management Service. The Chief Information Officer
17 shall be an agency head for all purposes. The Department of
18 Management Services shall provide administrative support and
19 service to the office to the extent requested by the Chief
20 Information Officer. The office may adopt policies and
21 procedures regarding personnel, procurement, and transactions
22 for State Technology Office personnel. The office shall have
23 the following powers, duties, and functions:

24 (1) To publish electronically the portfolio of
25 services available from the office, including pricing
26 information; the policies and procedures of the office
27 governing usage of available services; and a forecast of the
28 priorities and initiatives for the state communications system
29 for the ensuing 2 years. ~~The office shall provide a hard copy~~
30 ~~of its portfolio of services upon request.~~

31

1 (2) To adopt rules implementing policies and
2 procedures providing best practices to be followed by agencies
3 in acquiring, using, upgrading, modifying, replacing, or
4 disposing of information technology.~~To coordinate the~~
5 ~~purchase, lease, and use of all information technology~~
6 ~~services for state agencies, including communications services~~
7 ~~provided as part of any other total system to be used by the~~
8 ~~state or any of its agencies.~~

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

11 ~~(4)~~(3) To advise and render aid to state agencies and
12 political subdivisions of the state as to systems or methods
13 to be used for organizing and meeting information technology
14 requirements efficiently and effectively.

15 ~~(5)~~(4) To integrate the information technology systems
16 and services of state agencies.

17 ~~(6)~~(5) To adopt technical standards for the state
18 information technology system which will assure the
19 interconnection of computer networks and information systems
20 of ~~state~~ agencies.

21 ~~(7)~~(6) To assume management responsibility for any
22 integrated information technology system or service when
23 determined by the office to be economically efficient or
24 performance-effective.

25 ~~(8)~~(7) To enter into agreements related to ~~for the~~
26 ~~support and use of the~~ information technology with ~~services of~~
27 state agencies and of political subdivisions of the state.

28 ~~(9)~~(8) To use and ~~or~~ acquire, with agency concurrence,
29 information technology ~~facilities~~ now owned or operated by any
30 ~~state~~ agency.

31

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

3 (10) To purchase from or contract with information
4 technology providers for information technology ~~facilities or~~
5 ~~services~~, including private line services.

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

11 (12) To purchase, lease, or otherwise acquire and to
12 hold, sell, transfer, license, or otherwise dispose of real,
13 personal estate, equipment, and intellectual other property,
14 including, but not limited to, patents, trademarks,
15 copyrights, and service marks.

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

19 (14) To delegate, as necessary, to state agencies the
20 authority to purchase, lease, or otherwise acquire and to use
21 ~~powers of acquisition and utilization of~~ information
22 technology ~~equipment, facilities, and services~~ or, as
23 necessary, to control and approve the purchase, lease, or
24 acquisition and the use of all information technology
25 ~~equipment, services, and facilities~~, including, but not
26 limited to, communications services provided as part of any
27 other total system to be used by the state or any of its
28 agencies.

29 (15) To acquire ~~take~~ ownership, possession, custody,
30 and control of existing communications equipment and
31 facilities, ~~with agency concurrence,~~ including all right,

1 title, interest, and equity therein, as necessary, to carry
2 out the purposes of this part ~~ss. 282.101-282.109~~. However,
3 the provisions of this subsection shall in no way affect the
4 rights, title, interest, or equity in any such equipment or
5 facilities owned by, or leased to, the state or any state
6 agency by any telecommunications company.

7 (16) To adopt rules pursuant to ss. 120.536(1) and
8 120.54 relating to information technology and to administer
9 the provisions of this part.

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

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

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

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

27 (a) Establishing technical standards to physically
28 interface with the SUNCOM Network.

29 (b) Specifying how communications are transmitted
30 within the SUNCOM Network.

31

1 (c) Controlling the routing of communications within
2 the SUNCOM Network.

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

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

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

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

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

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

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

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

22 (24) To provide administrative support to the Agency
23 Chief Information Officers Council and other workgroups
24 created by the Chief Information Officer.

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

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

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

4 (28) To study and make a recommendation to the
5 Governor and Legislature on the feasibility of implementing
6 online voting in this state.

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

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

13 Section 12. Section 282.103, Florida Statutes, is
14 amended to read:

15 282.103 SUNCOM Network; exemptions from the required
16 use.--

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

29 (2) The State Technology Office ~~of the Department of~~
30 ~~Management Services~~ shall design, engineer, implement, manage,
31 and operate through state ownership, commercial leasing, or

1 some combination thereof, the facilities and equipment
2 providing SUNCOM Network services, and shall develop a system
3 of equitable billings and charges for communication services.

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

17 Section 13. Section 282.104, Florida Statutes, is
18 amended to read:

19 282.104 Use of state SUNCOM Network by
20 municipalities.--Any municipality may request the State
21 Technology Office ~~of the Department of Management Services~~ to
22 provide any or all of the SUNCOM Network's portfolio of
23 communications services upon such terms and under such
24 conditions as the office ~~department~~ may establish. The
25 requesting municipality shall pay its share of installation
26 and recurring costs according to the published rates for
27 SUNCOM Network services and as invoiced by the office. Such
28 municipality shall also pay for any requested modifications to
29 existing SUNCOM Network services, if any charges apply.

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

1 282.105 Use of state SUNCOM Network by nonprofit
2 corporations.--

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

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

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

17 Section 15. Section 282.106, Florida Statutes, is
18 amended to read:

19 282.106 Use of SUNCOM Network by libraries.--The State
20 Technology Office ~~of the Department of Management Services~~ may
21 provide SUNCOM Network services to any library in the state,
22 including libraries in public schools, community colleges, the
23 State University System, and nonprofit private postsecondary
24 educational institutions, and libraries owned and operated by
25 municipalities and political subdivisions.

26 Section 16. Subsection (1), paragraphs (f) and (g) of
27 subsection (2), and subsections (3), (4), and (5) of section
28 282.1095, Florida Statutes, are amended to read:

29 282.1095 State agency law enforcement radio system.--

30 (1) The State Technology Office ~~of the Department of~~
31 ~~Management Services~~ may acquire and implement a statewide

1 radio communications system to serve law enforcement units of
 2 state agencies, and to serve local law enforcement agencies
 3 through a mutual aid channel. The Joint Task Force on State
 4 Agency Law Enforcement Communications is established in the
 5 State Technology Office ~~of the Department of Management~~
 6 ~~Services~~ to advise the office of member-agency needs for the
 7 planning, designing, and establishment of the joint system.
 8 The State Agency Law Enforcement Radio System Trust Fund is
 9 established in the State Technology Office ~~of the Department~~
 10 ~~of Management Services~~. The trust fund shall be funded from
 11 surcharges collected under ss. 320.0802 and 328.72.

12 (2)

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

26 (g) The State Technology Office ~~of the Department of~~
 27 ~~Management Services~~ is hereby authorized to rent, lease, or
 28 sublease ground space on lands acquired by the office for the
 29 construction of privately owned or publicly owned towers. The
 30 office may, as a part of such rental, lease, or sublease
 31 agreement, require space on said tower or towers for antennae

1 as may be necessary for the construction and operation of the
 2 state agency law enforcement radio system or any other state
 3 need. The positions necessary for the office to accomplish its
 4 duties under this paragraph and paragraph (f) shall be
 5 established in the General Appropriations Act and shall be
 6 funded by the ~~State Agency~~ Law Enforcement Radio Operating
 7 ~~System~~ Trust Fund.

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

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

29 (b) The joint task force, in consultation with the
 30 office, shall have the authority to permit other state
 31

1 agencies to use the communications system, under terms and
2 conditions established by the joint task force.

3 (5)(a) ~~The State Technology office of the Department~~
4 ~~of Management Services~~ shall provide technical support to the
5 joint task force and shall bear the overall responsibility for
6 the design, engineering, acquisition, and implementation of
7 the statewide radio communications system and for ensuring the
8 proper operation and maintenance of all system common
9 equipment.

10 **(b)** ~~The positions necessary for the office to~~
11 ~~accomplish its duties under this section shall be established~~
12 ~~through the budgetary process and shall be funded by the State~~
13 ~~Agency Law Enforcement Radio System Trust Fund.~~

14 Section 17. Section 282.111, Florida Statutes, is
15 amended to read:

16 282.111 Statewide system of regional law enforcement
17 communications.--

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

28 (2) The State Technology Office ~~of the Department of~~
29 ~~Management Services~~ is hereby authorized and directed to
30 develop and maintain a statewide system of regional law
31 enforcement communications. In formulating such a system, the

1 office shall divide the state into appropriate regions and
2 shall develop a program which shall include, but not be
3 limited to, the following provisions:

4 (a) The communications requirements for each county
5 and municipality comprising the region.

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

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

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

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

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

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

1 regional law enforcement communications proposed by this
2 section.

3 Section 18. Section 282.20, Florida Statutes, is
4 amended to read:

5 282.20 Technology Resource Center.--

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

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

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

12 1.2. "Information-system utility" means a full-service
13 information-processing facility offering hardware, software,
14 operations, integration, networking, and consulting services.

15 2.3. "Customer" means a state agency or other entity
16 which is authorized to utilize the SUNCOM Network pursuant to
17 this part.

18 (2) The Technology Resource Center shall:

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

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

24 (c) Cooperate with the Florida Legal Resource Center
25 of the Department of Legal Affairs and other state agencies to
26 develop and provide access to repositories of legal
27 information throughout the state.

28 (d) Cooperate with the office to facilitate
29 interdepartmental networking and integration of network
30 services for its customers.

31

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

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

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

13 (4)(5) The Technology Resource Center may plan,
14 design, establish pilot projects for, and conduct experiments
15 with information technology resources, and may implement
16 enhancements in services when such implementation is
17 cost-effective. Funding for experiments and pilot projects
18 shall be derived from service revenues and may not exceed 5
19 percent of the service revenues for the Technology Resource
20 Center for any single fiscal year. Any experiment, pilot
21 project, plan, or design must be approved by the Chief
22 Information Officer ~~of the State Technology Office.~~

23 (5)(6) Notwithstanding the provisions of s. 216.272,
24 the Technology Resource Center may spend ~~the~~ funds in the
25 reserve account of the Technology Enterprise Operating Trust
26 Fund ~~its working capital trust fund~~ for enhancements to center
27 operations or for information technology resources. Any
28 expenditure of reserve account funds must be approved by the
29 Chief Information Officer ~~of the State Technology Office.~~ Any
30 funds remaining in the reserve account at the end of the
31 fiscal year may be carried forward and spent as approved by

1 the Chief Information Officer ~~of the State Technology Office,~~
2 provided that such approval conforms to any applicable
3 provisions of chapter 216.

4 Section 19. Section 282.21, Florida Statutes, is
5 amended to read:

6 282.21 The State Technology Office's ~~Office of the~~
7 ~~Department of Management Services'~~electronic access
8 services.--The State Technology Office ~~of the Department of~~
9 ~~Management Services~~ may collect fees for providing remote
10 electronic access pursuant to s. 119.085. The fees may be
11 imposed on individual transactions or as a fixed subscription
12 for a designated period of time. All fees collected under
13 this section shall be deposited in the appropriate trust fund
14 of the program or activity that made the remote electronic
15 access available.

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

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

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

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

11 Section 21. Section 282.23, Florida Statutes, is
12 created to read:

13 282.23 State Strategic Information Technology
14 Alliance.--

15 (1) The State Technology Office, in consultation with
16 the Department of Management Services, may establish a State
17 Strategic Information Technology Alliance for the acquisition
18 and use of information technology and related material in
19 accordance with competitive procurement provisions of chapter
20 287.

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

27 Section 22. Section 282.3041, Florida Statutes, is
28 repealed:

29 ~~282.3041 State agency responsibilities.--The head of~~
30 ~~each state agency, in consultation with the State Technology~~
31 ~~Office, is responsible and accountable for enterprise resource~~

1 ~~planning and management within the agency in accordance with~~
2 ~~legislative intent and as defined in this part.~~

3 Section 23. Section 282.3055, Florida Statutes, is
4 amended to read:

5 282.3055 Agency Chief Information Officer;
6 appointment; duties.--

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

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

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

20 (a) Coordinating and facilitating agency enterprise
21 resource planning and management projects and initiatives.

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

24 (c) Developing and implementing agency enterprise
25 resource planning and management policies, procedures, and
26 standards, including specific policies and procedures for
27 review and approval of the agency's purchases of information
28 technology resources in accordance with the office's policies
29 and procedures.

30
31

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

4 (e) Assisting in the development and prioritization of
5 the enterprise resource planning and management schedule of
6 the agency's legislative budget request.

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

9 282.3063 Agency Annual Enterprise Resource Planning
10 and Management Report.--

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

22 Section 25. Subsections (1) and (2) of section
23 282.315, Florida Statutes, are amended to read:

24 282.315 Agency Chief Information Officers Council;
25 creation.--The Legislature finds that enhancing communication,
26 consensus building, coordination, and facilitation of
27 statewide enterprise resource planning and management issues
28 is essential to improving state management of such resources.

29 (1) There is created an Agency ~~a~~ Chief Information
30 Officers Council to:

31

1 (a) Enhance communication among the Agency Chief
2 Information Officers ~~of state agencies~~ by sharing enterprise
3 resource planning and management experiences and exchanging
4 ideas.

5 (b) Facilitate the sharing of best practices that are
6 characteristic of highly successful technology organizations,
7 as well as exemplary information technology applications of
8 state agencies.

9 (c) Identify efficiency opportunities among state
10 agencies.

11 (d) Serve as an educational forum for enterprise
12 resource planning and management issues.

13 (e) Assist the State Technology Office in identifying
14 critical statewide issues and, when appropriate, make
15 recommendations for solving enterprise resource planning and
16 management deficiencies.

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

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

1 282.318 Security of data and information technology
2 resources.--

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

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

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

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

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

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

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

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

19 Section 27. 282.322 Special monitoring process for
20 designated information resources management projects.--

21 (1)For each information resources management project
22 which is designated for special monitoring in the General
23 Appropriations Act, with a proviso requiring a contract with a
24 project monitor, the Technology Review Workgroup established
25 pursuant to s. 216.0446, in consultation with each affected
26 agency, shall be responsible for contracting with the project
27 monitor. Upon contract award, funds equal to the contract
28 amount shall be transferred to the Technology Review Workgroup
29 upon request and subsequent approval of a budget amendment
30 pursuant to s. 216.292. With the concurrence of the
31 Legislative Auditing Committee, the office of the Auditor

1 General shall be the project monitor for other projects
 2 designated for special monitoring. However, nothing in this
 3 section precludes the Auditor General from conducting such
 4 monitoring on any project designated for special monitoring.
 5 In addition to monitoring and reporting on significant
 6 communications between a contracting agency and the
 7 appropriate federal authorities, the project monitoring
 8 process shall consist of evaluating each major stage of the
 9 designated project to determine whether the deliverables have
 10 been satisfied and to assess the level of risks associated
 11 with proceeding to the next stage of the project. The major
 12 stages of each designated project shall be determined based on
 13 the agency's information systems development methodology.
 14 Within 20 days after an agency has completed a major stage of
 15 its designated project or at least 90 days, the project
 16 monitor shall issue a written report, including the findings
 17 and recommendations for correcting deficiencies, to the agency
 18 head, for review and comment. Within 20 days after receipt of
 19 the project monitor's report, the agency head shall submit a
 20 written statement of explanation or rebuttal concerning the
 21 findings and recommendations of the project monitor, including
 22 any corrective action to be taken by the agency. The project
 23 monitor shall include the agency's statement in its final
 24 report, which shall be forwarded, within 7 days after receipt
 25 of the agency's statement, to the agency head, the inspector
 26 general's office of the agency, the Executive Office of the
 27 Governor, the appropriations committees of the Legislature,
 28 the Joint Legislative Auditing Committee, the Technology
 29 Review Workgroup, the President of the Senate, the Speaker of
 30 the House of Representatives, and the Office of Program Policy
 31 Analysis and Government Accountability. The Auditor General

1 shall also receive a copy of the project monitor's report for
2 those projects in which the Auditor General is not the project
3 monitor.

4 (2) The Enterprise Project Management Office of the
5 State Technology Office shall report any information
6 technology projects the office identifies as high-risk to the
7 Executive Office of the Governor, the President of the Senate,
8 the Speaker of the House of Representatives, and the chairs of
9 the appropriations committees. Within the limits of current
10 appropriations, the Enterprise Project Management Office shall
11 monitor and report on such high-risk information technology
12 projects, and assess the levels of risks associated with
13 proceeding to the next stage of the project.

14 Section 28. Paragraph (f) of subsection (2) of section
15 216.163, Florida Statutes, is amended to read:

16 216.163 Governor's recommended budget; form and
17 content; declaration of collective bargaining impasses.--

18 (2) The Governor's recommended budget shall also
19 include:

20 (f) The Governor's recommendations for high-risk
21 ~~critical~~ information technology resource management projects
22 which should be subject to ~~special~~ monitoring under s.
23 282.322. These recommendations shall include proviso language
24 which specifies whether funds are specifically provided to
25 contract for project monitoring, or whether the Auditor
26 General will conduct such project monitoring. When funds are
27 recommended for contracting with a project monitor, such funds
28 may equal 1 percent to 5 percent of the project's estimated
29 total costs. These funds shall be specifically appropriated
30 and nonrecurring.

31

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

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

6 (1)

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

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

23 (3)

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

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

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

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

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

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

17 c. Control and direct access authorizations and
18 security measures for automated systems.

19 Section 30. Paragraph (b) of subsection (1) of section
20 119.083, Florida Statutes, is amended to read:

21 119.083 Definitions; copyright of data processing
22 software created by governmental agencies; fees; prohibited
23 contracts.--

24 (1) As used in this section:

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

27 Section 31. (1) Each state agency that entered into a
28 memorandum of agreement with the State Technology Office by
29 March 15, 2001, regarding consolidation of information
30 technology resources and staff, shall transfer the positions
31 identified in the memoranda and the associated rate and the

1 amount of approved budget to the State Technology Office on
2 October 1, 2001. The total number of positions transferred to
3 the State Technology Office shall not exceed 1,760 full-time
4 positions. Such transfers shall be subject to approval by the
5 Legislative Budget Commission pursuant to chapter 216, Florida
6 Statutes.

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

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

24 (4) The State Technology Office is authorized to
25 charge back to each participating agency an amount equal to
26 the total of all direct and indirect costs of administering
27 the agreement with the agency and the total of all direct and
28 indirect costs of rendering the performances required of the
29 State Technology Office under such agreements.

30 (5) Any resources transferred to the State Technology
31 Office which were dedicated to a federally funded system shall

1 remain allocated to that system until the appropriate federal
2 agency or authority confirms in writing that another plan for
3 supporting the system will not result in federal sanctions.

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

10 Section 32. Section 282.404, Florida Statutes, is
11 repealed.

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

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

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