

By the Committee on Governmental Oversight and Productivity;
and Senator Garcia

302-1763-01

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; transferring,
10 renumbering, and amending s. 282.303, F.S.;
11 revising definitions; defining "information
12 technology"; amending s. 282.102, F.S.;
13 revising powers and duties of the State
14 Technology Office; providing that the office
15 shall be a separate budget entity within the
16 Department of Management Services; providing
17 that the Chief Information Officer shall be an
18 agency head; authorizing the office to perform,
19 in consultation with a state agency, the
20 enterprise resource planning and management for
21 the agency; authorizing the office to apply
22 for, receive, and hold specified patents,
23 copyrights, trademarks, and service marks;
24 authorizing the office to purchase, lease,
25 hold, sell, transfer, license, and dispose of
26 specified real, personal, and intellectual
27 property; providing for deposit of specified
28 fees in the Law Enforcement Radio Operating
29 Trust Fund; amending s. 282.103, F.S., to
30 conform; authorizing the State Technology
31 Office to grant an agency exemption from

1 required use of specified SUNCOM Network
2 services; amending ss. 282.104, 282.105,
3 282.106, F.S., to conform; amending s.
4 282.1095, F.S., relating to the state agency
5 law enforcement radio system; providing
6 conforming amendments; renaming the State
7 Agency Law Enforcement Radio System Trust Fund
8 as the Law Enforcement Radio Operating Trust
9 Fund; requiring the office to establish
10 policies, procedures, and standards for a
11 comprehensive plan for a statewide radio
12 communications system; eliminating provisions
13 relating to establishment and funding of
14 specified positions; amending s. 282.111, F.S.,
15 to conform; amending s. 282.20, F.S., relating
16 to the Technology Resource Center; providing
17 conforming amendments; removing provisions
18 relating to the acceptance of new customers by
19 the center; authorizing the center to spend
20 funds in the reserve account of the Technology
21 Enterprise Operating Trust Fund; amending s.
22 282.21, F.S., to conform; amending s. 282.22,
23 F.S.; revising terminology; removing specified
24 restrictions on the office's authority to sell
25 services; creating s. 282.23, F.S.; authorizing
26 the State Technology Office, in consultation
27 with the Department of Management Services, to
28 establish a State Strategic Information
29 Technology Alliance; providing purposes of the
30 alliance; providing for the establishment of
31 policies and procedures; repealing s. 282.3041,

1 F.S., which provides that the head of each
2 state agency is responsible and accountable for
3 enterprise resource planning and management
4 within the agency; amending s. 282.3055, F.S.;
5 authorizing the Chief Information Officer to
6 appoint or contract for Agency Chief
7 Information Officers to assist in carrying out
8 enterprise resource planning and management
9 responsibilities; amending s. 282.3063, F.S.;
10 requiring Agency Chief Information Officers to
11 prepare and submit an Agency Annual Enterprise
12 Resource Planning and Management Report;
13 amending s. 282.315, F.S.; renaming the Chief
14 Information Officers Council as the Agency
15 Chief Information Officers Council; revising
16 the voting membership of the council; amending
17 s. 282.318, F.S., to conform; amending s.
18 282.322, F.S.; eliminating provisions relating
19 to the special monitoring process for
20 designated information resources management
21 projects; requiring the Enterprise Project
22 Management Office of the State Technology
23 Office to report on, monitor, and assess risk
24 levels of specified high-risk technology
25 projects; establishing a pilot project for a
26 statewide eLibrary system; requiring certain
27 state agencies to transfer described positions
28 and administrative support personnel to the
29 State Technology Office by specified dates;
30 providing limits on the number of positions and
31 administrative support personnel transferred;

1 providing that the State Technology Office and
2 the relevant agencies are authorized to request
3 subsequent transfers of positions, subject to
4 approval by the Legislative Budget Commission;
5 providing requirements with respect to
6 transferred resources that were dedicated to a
7 federally funded system; providing
8 appropriations; repealing s. 282.404, F.S.;
9 abolishing the Florida Geographic Information
10 Board within the State Technology Office;
11 providing an effective date.
12

13 Be It Enacted by the Legislature of the State of Florida:
14

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

18 20.22 Department of Management Services.--There is
19 created a Department of Management Services.

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

- 22 (a) Facilities Program.
23 (b) State Information Technology Office Program.
24 (c) Workforce Program.
25 (d)1. Support Program.
26 2. Federal Property Assistance Program.
27 (e) Administration Program.
28 (f) Division of Administrative Hearings.
29 (g) Division of Retirement.
30 (h) Division of State Group Insurance.
31

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

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

5 110.205 Career service; exemptions.--

6 (2) EXEMPT POSITIONS.--The exempt positions which are
7 not covered by this part include the following, provided that
8 no position, except for positions established for a limited
9 period of time pursuant to paragraph(i)(h), shall be
10 exempted if the position reports to a position in the career
11 service:

12 (a) All officers of the executive branch elected by
13 popular vote and persons appointed to fill vacancies in such
14 offices. Unless otherwise fixed by law, the salary and
15 benefits for any such officer who serves as the head of a
16 department shall be set by the department in accordance with
17 the rules of the Senior Management Service.

18 (b) All members, officers, and employees of the
19 legislative branch, except for the members, officers, and
20 employees of the Florida Public Service Commission.

21 (c) All members, officers, and employees of the
22 judicial branch.

23 (d) All officers and employees of the State University
24 System and the Correctional Education Program within the
25 Department of Corrections, and the academic personnel and
26 academic administrative personnel of the Florida School for
27 the Deaf and the Blind. In accordance with the provisions of
28 chapter 242, the salaries for academic personnel and academic
29 administrative personnel of the Florida School for the Deaf
30 and the Blind shall be set by the board of trustees for the
31 school, subject only to the approval of the State Board of

1 Education. The salaries for all instructional personnel and
2 all administrative and noninstructional personnel of the
3 Correctional Education Program shall be set by the Department
4 of Corrections, subject to the approval of the Department of
5 Management Services.

6 (e) The Chief Information Officer, deputy chief
7 information officers, chief technology officers, and deputy
8 chief technology officers in the State Technology Office.
9 Unless otherwise fixed by law, the State Technology Office
10 shall set the salary and benefits of these positions in
11 accordance with the rules of the Senior Management Service.

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

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

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

19 (i)~~(h)~~ All positions which are established for a
20 limited period of time for the purpose of conducting a special
21 study, project, or investigation and any person paid from an
22 other-personal-services appropriation. Unless otherwise fixed
23 by law, the salaries for such positions and persons shall be
24 set in accordance with rules established by the employing
25 agency for other-personal-services payments pursuant to s.
26 110.131.

27 (j)~~(i)~~ The appointed secretaries, assistant
28 secretaries, deputy secretaries, and deputy assistant
29 secretaries of all departments; the executive directors,
30 assistant executive directors, deputy executive directors, and
31 deputy assistant executive directors of all departments; and

1 the directors of all divisions and those positions determined
2 by the department to have managerial responsibilities
3 comparable to such positions, which positions include, but are
4 not limited to, program directors, assistant program
5 directors, district administrators, deputy district
6 administrators, the Director of Central Operations Services of
7 the Department of Children and Family Services, and the State
8 Transportation Planner, State Highway Engineer, State Public
9 Transportation Administrator, district secretaries, district
10 directors of planning and programming, production, and
11 operations, and the managers of the offices specified in s.
12 20.23(3)(d)2., of the Department of Transportation. Unless
13 otherwise fixed by law, the department shall set the salary
14 and benefits of these positions in accordance with the rules
15 of the Senior Management Service.

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

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

30 1. The chief of staff, the assistant or deputy chief
31 of staff, general counsel, Director of Legislative Affairs,

1 chief inspector general, Director of Cabinet Affairs, Director
2 of Press Relations, Director of Planning and Budgeting,
3 director of administration, director of state-federal
4 relations, Director of Appointments, Director of External
5 Affairs, Deputy General Counsel, Governor's Liaison for
6 Community Development, Chief of Staff for the Lieutenant
7 Governor, Deputy Director of Planning and Budgeting, policy
8 coordinators, and the director of each separate budget entity
9 shall have their salaries and benefits established by the
10 department in accordance with the rules of the Senior
11 Management Service.

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

23 (m)~~(i)~~ All assistant division director, deputy
24 division director, and bureau chief positions in any
25 department, and those positions determined by the department
26 to have managerial responsibilities comparable to such
27 positions, which positions include, but are not limited to,
28 positions in the Department of Health, the Department of
29 Children and Family Services, and the Department of
30 Corrections that are assigned primary duties of serving as the
31 superintendent or assistant superintendent, or warden or

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

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

1 information administrator or comparable position for a Cabinet
2 officer, inspector general, or legislative affairs director
3 has both policymaking and managerial responsibilities and if
4 the department determines that any such position has both
5 policymaking and managerial responsibilities, the salary and
6 benefits for each such position shall be established by the
7 department in accordance with the rules of the Senior
8 Management Service.

9 b. In addition, each department may designate one
10 additional position in the Senior Management Service if that
11 position reports directly to the agency head or to a position
12 in the Senior Management Service and if any additional costs
13 are absorbed from the existing budget of that department.

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

23 (o)~~(n)~~ The executive director, deputy executive
24 director, general counsel, official reporters, and division
25 directors within the Public Service Commission and the
26 personal secretary and personal assistant to each member of
27 the Public Service Commission. Unless otherwise fixed by law,
28 the salary and benefits of the executive director, deputy
29 executive directors, general counsel, Director of
30 Administration, Director of Appeals, Director of Auditing and
31 Financial Analysis, Director of Communications, Director of

1 Consumer Affairs, Director of Electric and Gas, Director of
2 Information Processing, Director of Legal Services, Director
3 of Records and Reporting, Director of Research, and Director
4 of Water and Sewer shall be set by the department in
5 accordance with the rules of the Senior Management Service.
6 The salary and benefits of the personal secretary and the
7 personal assistant of each member of the commission and the
8 official reporters shall be set by the department in
9 accordance with the rules of the Selected Exempt Service,
10 notwithstanding any salary limitations imposed by law for the
11 official reporters.

12 (p)~~(o)~~1. All military personnel of the Department of
13 Military Affairs. Unless otherwise fixed by law, the salary
14 and benefits for such military personnel shall be set by the
15 Department of Military Affairs in accordance with the
16 appropriate military pay schedule.

17 2. The military police chiefs, military police
18 officers, firefighter trainers, firefighter-rescuers, and
19 electronic security system technicians shall have salary and
20 benefits the same as career service employees.

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

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

20 (s)~~(r)~~ The statewide prosecutor in charge of the
21 Office of Statewide Prosecution of the Department of Legal
22 Affairs and all employees in the office. The Department of
23 Legal Affairs shall set the salary of these positions.

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

30
31

1 (u)~~(t)~~ All officers and employees of the State Board
2 of Administration. The State Board of Administration shall set
3 the salaries and benefits of these positions.

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

7 (w) All managers, supervisors, and confidential
8 employees of the State Technology Office. The State Technology
9 Office shall set the salaries and benefits of these positions
10 in accordance with the rules established for the Selected
11 Exempt Service.

12 Section 3. Section 186.022, Florida Statutes, is
13 amended to read:

14 186.022 Information resource strategic plans.--By June
15 1 of each year, ~~the Geographic Information Board, the~~
16 Financial Management Information Board, the Criminal and
17 Juvenile Justice Information Systems Council, and the Health
18 Information Systems Council shall each develop and submit to
19 the State Technology Office an information technology resource
20 strategic plan ~~to the Executive Office of the Governor~~ in a
21 form and manner prescribed in written instructions from
22 ~~prepared by the State Technology Office~~ Executive Office of
23 ~~the Governor~~ in consultation with the Executive Office of the
24 Governor and the legislative appropriations committees. The
25 State Technology Office ~~Executive Office of the Governor~~ shall
26 review each such ~~the~~ strategic plan and ~~may provide comments~~
27 ~~within 30 days. In its review, the Executive Office of the~~
28 Governor shall determine ~~consider all comments and findings of~~
29 ~~the Technology Review Workgroup as to whether~~ each such ~~the~~
30 plan is consistent with the State Annual Report on Enterprise
31 Resource Planning and Information Resources Management and

1 statewide policies adopted by the State Technology Office, and
2 by July 1 of each year shall develop and transmit to each such
3 board and council a written expression of its findings,
4 conclusions, and required changes, if any, with respect to
5 each strategic plan recommended by the State Technology
6 Council. If any change to any strategic plan is ~~revisions are~~
7 required, each affected board and council shall revise its
8 strategic plan to the extent necessary to incorporate such
9 required changes ~~boards and councils have 30 days to~~
10 ~~incorporate those revisions~~ and shall resubmit its strategic
11 ~~return the plan to the~~ State Technology Office ~~Executive~~
12 ~~Office of the Governor.~~

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

15 216.013 Long-range program plan.--

16 (4) The Executive Office of the Governor shall review
17 the long-range program plans for executive agencies to ensure
18 that they are consistent with the state's goals and objectives
19 and other requirements as specified in the written
20 instructions and that they provide the framework and context
21 for the agency's budget request. In its review, the Executive
22 Office of the Governor shall consider the findings of the
23 State Technology Office Review Workgroup as to the consistency
24 of the information technology portion of long-range program
25 plans with the State Annual Report on Enterprise Resource
26 Planning and Information Resources Management and statewide
27 policies adopted ~~recommended~~ by the State Technology Office
28 ~~Council~~ and the state's plan for facility needs pursuant to s.
29 216.0158. Based on the results of the review, the Executive
30 Office of the Governor may require an agency to revise the
31 plan.

1 Section 5. Section 216.0446, Florida Statutes, is
2 amended to read:

3 216.0446 Review of information resources management
4 needs.--

5 (1) ~~There is created within the Legislature the~~
6 ~~Technology Review Workgroup.~~ The State Technology Office
7 ~~workgroup~~ shall review and make recommendations with respect
8 to the portion of agencies' long-range program plans which
9 pertains to information resources management needs and with
10 respect to agencies' legislative budget requests for
11 information technology and related resources management. The
12 State Technology Office Review Workgroup shall report such
13 recommendations, together with the findings and conclusions on
14 which such recommendations are based, be responsible to the
15 Executive Office of the Governor and the chairs of the
16 legislative appropriations committees.

17 (2) In addition to the powers and duties otherwise
18 provided by law, the State Technology Office its primary duty
19 ~~specified in subsection (1), the Technology Review Workgroup~~
20 shall have powers and duties that include, but are not limited
21 to, the following:

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

30 (b) To review and make recommendations to the
31 Executive Office of the Governor and ~~to~~ the chairs of the

1 legislative appropriations committees on proposed budget
2 amendments ~~and agency transfers~~ associated with information
3 technology resources management initiatives or projects that
4 ~~involve more than one agency, that have an outcome that~~
5 ~~impacts another agency, or that exceed \$500,000 in total cost~~
6 ~~over a 1-year period.~~

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

9 216.181 Approved budgets for operations and fixed
10 capital outlay.--

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

28 Section 7. Section 216.235, Florida Statutes, is
29 amended to read:

30 216.235 Innovation Investment Program; intent;
31 definitions; composition and responsibilities of State

1 Innovation Committee; responsibilities of the Office of
2 Tourism, Trade, and Economics Development ~~Department of~~
3 ~~Management Services, the Information Resource Commission, and~~
4 the review board; procedures for innovative project
5 submission, review, evaluation, and approval; criteria to be
6 considered.--

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

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

24 (3) For purposes of this section:

25 (a) "Agency" means an official, officer, commission,
26 authority, council, committee, department, division, bureau,
27 board, section, or other unit or entity of the executive
28 branch.

29 (b) "Commission" means the Information Resource
30 Commission.

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

1 (d) "Office" means the Office of Tourism, Trade, and
2 Economic Development within the Executive Office of the
3 Governor.

4 ~~(d) "Department" means the Department of Management~~
5 ~~Services.~~

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

9 (4) There is hereby created the State Innovation
10 Committee, which shall have final approval authority as to
11 which innovative investment projects submitted under this
12 section shall be funded. Such committee shall be comprised of
13 five members. Appointed members shall serve terms of 1 year
14 and may be reappointed. The committee shall include:

15 (a) The Lieutenant Governor.

16 (b) The director of the Governor's Office of Planning
17 and Budgeting.

18 (c) The Chief Information Officer in the State
19 Technology Office.

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

21 ~~(e)(d)~~ One representative of the private sector
22 appointed by the Commission on Government Accountability to
23 the People.

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

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

28
29 ~~The Secretary of Management Services shall serve as an~~
30 ~~alternate in the event a member is unable to attend the~~
31 ~~committee meeting.~~

1 (5) Agencies shall submit proposed innovative
2 investment projects to the Office of Tourism, Trade, and
3 Economic Development ~~department~~ by a date established and in
4 the format prescribed by the office ~~department~~. Such
5 innovative investment project proposals shall include, but not
6 be limited to:

7 (a) The identification of a specific innovative
8 investment project.

9 (b) The name of the agency's innovative investment
10 project administrator.

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

24 (d) The approval of the agency head, the agency's
25 budget director, the agency's inspector general or internal
26 auditor, and, if the innovative investment project involves
27 information technology resources, the information resource
28 manager.

29 (6) Any agency developing an innovative investment
30 project proposal that involves information technology
31 resources may consult with and seek technical assistance from

1 the commission. The office ~~department~~ shall consult with the
2 commission for any project proposal that involves information
3 resource technology. The commission is responsible for
4 evaluating these projects and for advising the committee and
5 review board of the technical feasibility and any transferable
6 benefits of the proposed technology. In addition to the
7 requirements of subsection (5), the agencies shall provide to
8 the commission any information requested by the commission to
9 aid in determining that the proposed technology is appropriate
10 for the project's success.

11 (7) The office ~~department~~ shall select a review board
12 composed of private and public members. Terms of review board
13 members shall be for 1 year beginning on a date established by
14 the office ~~department~~. Review board members may serve more
15 than one term. The board shall evaluate innovative investment
16 projects and shall make recommendations to the committee as to
17 which innovative projects should be considered for funding.

18 (8) When evaluating projects, the committee and the
19 review board shall consider whether the innovative investment
20 project meets the following criteria:

21 (a) Increases the quality of public services by the
22 agency.

23 (b) Reduces costs for the agency.

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

26 (d) Reduces the need for hiring additional employees
27 or avoids other operating costs incurred by the agency in the
28 future.

29 (9) The committee shall allocate funds based on a
30 competitive evaluation process and award funds to agencies for
31

1 innovative investment projects demonstrating quantifiable
2 savings to the state, or improved customer service delivery.

3 (10) The awarded agency shall monitor and evaluate the
4 projects to determine if the anticipated results were
5 achieved.

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

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

14 216.292 Appropriations nontransferable; exceptions.--

15 (1)

16 (c) Notwithstanding any other provision of this
17 section or the provisions of s. 216.351, for fiscal year
18 2001-2002, state agencies may transfer positions and
19 appropriations as necessary to comply with any provision of
20 the General Appropriations Act or any other provision of law
21 which requires or specifically authorizes the transfer of
22 positions and appropriations in the consolidation of
23 information technology resources to the State Technology
24 Office.

25 Section 9. Section 282.005, Florida Statutes, is
26 amended to read:

27 282.005 Legislative findings and intent.--The
28 Legislature finds that:

29 (1) Information is a strategic asset of the state,
30 and, as such, it should be managed as a valuable state
31 resource.

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

4 (3) An office must be created to provide support and
5 guidance to enhance the state's use and management of
6 information technology ~~resources~~ and to design, procure, and
7 deploy, on behalf of the state, information technology
8 ~~resources~~.

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

12 (5) ~~The head of each state agency, in consultation~~
13 ~~with the State Technology Office,~~has primary responsibility
14 and accountability for the planning, budgeting, acquisition,
15 development, implementation, use, and management of
16 information technology ~~resources~~ within the state agency. The
17 State Technology Office shall use the state's information
18 technology in the best interest of the state as a whole in
19 compliance with the requirements of s. 24 of Art. I of the
20 State Constitution and chapter 119, and shall contribute to
21 and make use of shared data and related resources whenever
22 appropriate. Each agency head has primary responsibility and
23 accountability for setting agency priorities, identifying
24 business needs, and determining agency services and programs
25 to be developed as provided by law. The State Technology
26 Office, through service-level agreements with each agency,
27 shall provide the information technology needed for the agency
28 to accomplish its mission.

29 (6) The expanding need for, use of, and dependence on
30 information technology ~~resources~~ requires focused management
31

1 attention and managerial accountability by state agencies and
2 the state as a whole.

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

11 (7)(8) The state, through the State Technology Office,
12 shall provide, by whatever means is most cost-effective and
13 efficient, the information resource technology, enterprise
14 resource planning and management, and resources management
15 infrastructure needed to collect, store, and process the
16 state's data and information, provide connectivity, and
17 facilitate the exchange of data and information among both
18 public and private parties.

19 (8)(9) A necessary part of the state's information
20 technology resources management infrastructure is a statewide
21 communications system for all types of signals, including, but
22 not limited to, voice, data, video, radio, telephone,
23 wireless, and image.

24 (9)(10) To ensure the best management of the state's
25 information technology ~~resources~~, and notwithstanding other
26 provisions of law to the contrary, the functions of
27 information technology resources management are hereby
28 assigned to the Board of Regents as the agency responsible for
29 the development and implementation of policy, planning,
30 management, rulemaking, standards, and guidelines for the
31 State University System; to the State Board of Community

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

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

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

21 Section 10. Section 282.303, Florida Statutes, is
22 transferred and renumbered as section 282.0041, Florida
23 Statutes, and amended to read:

24 282.0041 ~~282.303~~ Definitions.--For the purposes of
25 this part ~~ss. 282.303-282.322~~, the term:

26 (1) "Agency" means those entities described in s.
27 216.011(1)(qq) ~~s. 216.011(1)(mm)~~.

28 (2) "Agency Annual Enterprise Resource Planning and
29 Management Report" means the report prepared by each agency
30 Chief Information Officer as required by s. 282.3063.

31

1 ~~(3)(2)~~ "Agency Chief Information Officer" means the
2 person appointed by ~~the agency head, in consultation with the~~
3 State Technology Office, ~~to coordinate and manage the~~
4 information technology resources management policies and
5 activities applicable to within that agency.

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

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

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

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

30
31

1 (8) "Project" means an undertaking directed at the
2 accomplishment of a strategic objective relating to enterprise
3 resources management or a specific appropriated program.

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

7 (10) "Standards" means the use of current, open,
8 nonproprietary, or non-vendor-specific technologies.

9 (11) "State Technology Office" or "office" means the
10 office created in s. 282.102.

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

20 ~~(4) "State Technology Office" means the office created~~
21 ~~in s. 282.102 to support and coordinate cost-effective~~
22 ~~deployment of technology and information resources and~~
23 ~~services across state government.~~

24 ~~(5) "Information technology hardware" means equipment~~
25 ~~designed for the automated storage, manipulation, and~~
26 ~~retrieval of data, voice or video, by electronic or mechanical~~
27 ~~means, or both, and includes, but is not limited to, central~~
28 ~~processing units, front-end processing units, including~~
29 ~~miniprocessors and microprocessors, and related peripheral~~
30 ~~equipment such as data storage devices, document scanners,~~
31 ~~data entry, terminal controllers and data terminal equipment,~~

1 ~~word processing systems, equipment and systems for computer~~
2 ~~networks, personal communication devices, and wireless~~
3 ~~equipment.~~

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

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

15 ~~(8) "Agency Annual Enterprise Resource Planning and~~
16 ~~Management Report" means the report prepared by the Chief~~
17 ~~Information Officer of each agency as required by s. 282.3063.~~

18 ~~(9) "State Annual Report on Enterprise Resource~~
19 ~~Planning and Management" means the report prepared by the~~
20 ~~State Technology Office as defined in s. 282.3093.~~

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

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

31

1 ~~(12) "Information technology resources" means data~~
2 ~~processing hardware and software and services, communications,~~
3 ~~supplies, personnel, facility resources, maintenance, and~~
4 ~~training.~~

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

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

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

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

26 Section 11. Section 282.102, Florida Statutes, is
27 amended to read:

28 282.102 Creation of the State Technology Office;
29 ~~powers and duties of the State Technology Office of the~~
30 ~~Department of Management Services.--There is created a State~~
31 ~~Technology Office, administratively placed within the~~

1 Department of Management Services. The office shall be a
2 separate budget entity, and, which shall be headed by a Chief
3 Information Officer who is appointed by the Governor and is in
4 the Senior Management Service. The Chief Information Officer
5 shall be agency head for all purposes. The office shall not be
6 subject to control, supervision, or direction by the
7 Department of Management Services in any manner, including,
8 but not limited to, personnel, procurement, transactions
9 involving real or personal property, and planning and budget
10 matters.The office shall have the following powers, duties,
11 and functions:

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

19 (2) To adopt policies and procedures implementing best
20 practices to be followed by agencies in acquiring, using,
21 upgrading, modifying, replacing, or disposing of information
22 technology.~~coordinate the purchase, lease, and use of all~~
23 ~~information technology services for state agencies, including~~
24 ~~communications services provided as part of any other total~~
25 ~~system to be used by the state or any of its agencies.~~

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

28 (4)~~(3)~~ To advise and render aid to state agencies and
29 political subdivisions of the state as to systems or methods
30 to be used for organizing and meeting information technology
31 requirements efficiently and effectively.

1 (5)~~(4)~~ To integrate the information technology systems
2 and services of state agencies.

3 (6)~~(5)~~ To adopt technical standards for the state
4 information technology system which will assure the
5 interconnection of computer networks and information systems
6 of state agencies.

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

11 (8)~~(7)~~ To enter into agreements related to ~~for the~~
12 ~~support and use of the~~ information technology with ~~services of~~
13 state agencies and of political subdivisions of the state.

14 (9)~~(8)~~ To use and ~~or~~ acquire, with agency concurrence,
15 information technology ~~facilities~~ now owned or operated by any
16 ~~state~~ agency.

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

19 (10) To purchase from or contract with information
20 technology providers for information technology ~~facilities or~~
21 ~~services~~, including private line services.

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

27 (12) To purchase, lease, or otherwise acquire and to
28 hold, sell, transfer, license, or otherwise dispose of real
29 estate, personal equipment, and intellectual ~~other~~ property,
30 including, but not limited to, patents, trademarks,
31 copyrights, and service marks.

1 (13) To cooperate with any federal, state, or local
2 emergency management agency in providing for emergency
3 communications services.

4 (14) To delegate, as necessary, to state agencies the
5 authority to purchase, lease, or otherwise acquire and to use
6 ~~powers of acquisition and utilization of information~~
7 ~~technology equipment, facilities, and services~~ or, as
8 necessary, to control and approve the purchase, lease, or
9 acquisition and the use of all information technology
10 ~~equipment, services, and facilities~~, including, but not
11 limited to, communications services provided as part of any
12 other total system to be used by the state or any of its
13 agencies.

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

23 (16) To adopt rules pursuant to ss. 120.536(1) and
24 120.54 relating to information technology and to administer
25 the provisions of this part and ss. 186.022, 216.013, and
26 216.0446.

27 (17) To provide a means whereby political subdivisions
28 of the state may use ~~the~~ state information technology systems
29 ~~system~~ upon such terms and under such conditions as the office
30 may establish.

31

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

5 (19) To monitor issues relating to communications
6 facilities and services before the Florida Public Service
7 Commission and, when necessary, prepare position papers,
8 prepare testimony, appear as a witness, and retain witnesses
9 on behalf of state agencies in proceedings before the
10 commission.

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

14 (a) Establishing technical standards to physically
15 interface with the SUNCOM Network.

16 (b) Specifying how communications are transmitted
17 within the SUNCOM Network.

18 (c) Controlling the routing of communications within
19 the SUNCOM Network.

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

22 (e) Ensuring orderly and reliable communications
23 services in accordance with ~~the standards and policies of all~~
24 ~~state agencies and~~ the service level agreements executed with
25 state agencies.

26 (21) To plan, design, and conduct experiments for
27 information technology services, equipment, and technologies,
28 and to implement enhancements in the state information
29 technology system when in the public interest and
30 cost-effective. Funding for such experiments shall be derived
31 from SUNCOM Network service revenues and shall not exceed 2

1 percent of the annual budget for the SUNCOM Network for any
2 fiscal year or as provided in the General Appropriations Act
3 ~~for fiscal year 2000-2001~~. New services offered as a result
4 of this subsection shall not affect existing rates for
5 facilities or services.

6 (22) To enter into contracts or agreements, with or
7 without competitive bidding or procurement, to make available,
8 on a fair, reasonable, and nondiscriminatory basis, property
9 and other structures under office control for the placement of
10 new facilities by any wireless provider of mobile service as
11 defined in 47 U.S.C. s. 153(n) or s. 332(d) and any
12 telecommunications company as defined in s. 364.02 when it is
13 determined to be practical and feasible to make such property
14 or other structures available. The office may, without
15 adopting a rule, charge a just, reasonable, and
16 nondiscriminatory fee for the placement of the facilities,
17 payable annually, based on the fair market value of space used
18 by comparable communications facilities in the state. The
19 office and a wireless provider or telecommunications company
20 may negotiate the reduction or elimination of a fee in
21 consideration of services provided to the office by the
22 wireless provider or telecommunications company. All such fees
23 collected by the office shall be deposited directly into the
24 State Agency Law Enforcement Radio System Trust Fund, and may
25 be used by the office to construct, maintain, or support the
26 system.

27 (23) To provide an integrated electronic system for
28 deploying government products, services, and information to
29 individuals and businesses.

30 (a) The integrated electronic system shall reflect
31 cost-effective deployment strategies in keeping with industry

1 standards and practices, including protections of security of
2 private information as well as maintenance of public records.

3 (b) The office shall provide a method for assessing
4 fiscal accountability for the integrated electronic system and
5 shall establish the organizational structure required to
6 implement this system.

7 (24) To provide administrative support to the Chief
8 Information Officers Council and other workgroups created by
9 the Chief Information Officer.

10 (25) To facilitate state information technology
11 education and training for senior management and other agency
12 staff.

13 (26) To prepare, on behalf of the Executive Office of
14 the Governor, memoranda on recommended guidelines and best
15 practices for information resources management, when
16 requested.

17 (27) To prepare, publish, and disseminate the State
18 Annual Report on Enterprise Resource Planning and Management
19 under s. 282.310.

20 (28) To study and make a recommendation to the
21 Governor and Legislature on the feasibility of implementing
22 online voting in this state.

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

25 Section 12. Section 282.103, Florida Statutes, is
26 amended to read:

27 282.103 SUNCOM Network; exemptions from the required
28 use.--

29 (1) There is created within the State Technology
30 Office of the ~~Department of Management Services~~ the SUNCOM
31 Network which shall be developed to serve as the state

1 communications system for providing local and long-distance
2 communications services to state agencies, political
3 subdivisions of the state, municipalities, and nonprofit
4 corporations pursuant to ss. 282.101-282.111. The SUNCOM
5 Network shall be developed to transmit all types of
6 communications signals, including, but not limited to, voice,
7 data, video, image, and radio. State agencies shall cooperate
8 and assist in the development and joint use of communications
9 systems and services.

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

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

29 Section 13. Section 282.104, Florida Statutes, is
30 amended to read:

31

1 282.104 Use of state SUNCOM Network by
2 municipalities.--Any municipality may request the State
3 Technology Office ~~of the Department of Management Services~~ to
4 provide any or all of the SUNCOM Network's portfolio of
5 communications services upon such terms and under such
6 conditions as the office ~~department~~ may establish. The
7 requesting municipality shall pay its share of installation
8 and recurring costs according to the published rates for
9 SUNCOM Network services and as invoiced by the office. Such
10 municipality shall also pay for any requested modifications to
11 existing SUNCOM Network services, if any charges apply.

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

14 282.105 Use of state SUNCOM Network by nonprofit
15 corporations.--

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

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

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

30 Section 15. Section 282.106, Florida Statutes, is
31 amended to read:

1 282.106 Use of SUNCOM Network by libraries.--The State
2 Technology Office ~~of the Department of Management Services~~ may
3 provide SUNCOM Network services to any library in the state,
4 including libraries in public schools, community colleges, the
5 State University System, and nonprofit private postsecondary
6 educational institutions, and libraries owned and operated by
7 municipalities and political subdivisions.

8 Section 16. Subsection (1), paragraphs (f) and (g) of
9 subsection (2), and subsections (3), (4), and (5) of section
10 282.1095, Florida Statutes, are amended to read:

11 282.1095 State agency law enforcement radio system.--

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

25 (2)

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

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

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

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

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

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

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

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

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

27 Section 17. Section 282.111, Florida Statutes, is
28 amended to read:

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

31

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

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

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

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

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

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

31

1 (4) The Chief Information Officer of the State
2 Technology Office or his or her designee is designated as the
3 director of the statewide system of regional law enforcement
4 communications and, for the purpose of carrying out the
5 provisions of this section, is authorized to coordinate the
6 activities of the system with other interested state agencies
7 and local law enforcement agencies.

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

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

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

20 282.20 Technology Resource Center.--

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

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

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

27 1.2. "Information-system utility" means a full-service
28 information-processing facility offering hardware, software,
29 operations, integration, networking, and consulting services.
30

31

1 2.3. "Customer" means a state agency or other entity
2 which is authorized to utilize the SUNCOM Network pursuant to
3 this part.

4 (2) The Technology Resource Center shall:

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

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

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

14 (d) Cooperate with the office to facilitate
15 interdepartmental networking and integration of network
16 services for its customers.

17 (e) Assist customers in testing and evaluating new and
18 emerging technologies that could be used to meet the needs of
19 the state.

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

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

29 (4)(5) The Technology Resource Center may plan,
30 design, establish pilot projects for, and conduct experiments
31 with information technology resources, and may implement

1 enhancements in services when such implementation is
2 cost-effective. Funding for experiments and pilot projects
3 shall be derived from service revenues and may not exceed 5
4 percent of the service revenues for the Technology Resource
5 Center for any single fiscal year. Any experiment, pilot
6 project, plan, or design must be approved by the Chief
7 Information Officer of the State Technology Office.

8 (5)~~(6)~~ Notwithstanding the provisions of s. 216.272,
9 the Technology Resource Center may spend the funds in the
10 reserve account of the Technology Enterprise Operating Trust
11 Fund ~~its working capital trust fund~~ for enhancements to center
12 operations or for information technology resources. Any
13 expenditure of reserve account funds must be approved by the
14 Chief Information Officer ~~of the State Technology Office~~. Any
15 funds remaining in the reserve account at the end of the
16 fiscal year may be carried forward and spent as approved by
17 the Chief Information Officer ~~of the State Technology Office~~,
18 provided that such approval conforms to any applicable
19 provisions of chapter 216.

20 Section 19. Section 282.21, Florida Statutes, is
21 amended to read:

22 282.21 The State Technology Office's ~~Office of the~~
23 ~~Department of Management Services'~~electronic access
24 services.--The State Technology Office ~~of the Department of~~
25 ~~Management Services~~ may collect fees for providing remote
26 electronic access pursuant to s. 119.085. The fees may be
27 imposed on individual transactions or as a fixed subscription
28 for a designated period of time. All fees collected under
29 this section shall be deposited in the appropriate trust fund
30 of the program or activity that made the remote electronic
31 access available.

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

3 282.22 ~~The State Technology Office; of the Department~~
4 ~~of Management Services~~ production, and dissemination, and
5 ownership of materials and products.--

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

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

26 Section 21. Section 282.23, Florida Statutes, is
27 created to read:

28 282.23 State Strategic Information Technology
29 Alliance.--

30 (1) The State Technology Office, in consultation with
31 the Department of Management Services, may establish a State

1 Strategic Information Technology Alliance for the acquisition
2 and use of information technology and related material in
3 accordance with the competitive practices pursuant to the
4 purchasing provisions of chapter 287.

5 (2) The State Technology Office, in consultation with
6 the Department of Management Services, shall establish
7 policies and procedures applicable to establishing the
8 strategic alliances with prequalified contractors or partners
9 to provide the state with efficient, cost-effective, and
10 advanced information technology.

11 Section 22. Section 282.3041, Florida Statutes, is
12 repealed.

13 Section 23. Section 282.3055, Florida Statutes, is
14 amended to read:

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

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

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

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

31

1 (a) Coordinating and facilitating agency enterprise
2 resource planning and management projects and initiatives.

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

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

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

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

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

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

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

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

3 282.315 Agency Chief Information Officers Council;
4 creation.--The Legislature finds that enhancing communication,
5 consensus building, coordination, and facilitation of
6 statewide enterprise resource planning and management issues
7 is essential to improving state management of such resources.

8 (1) There is created an Agency a Chief Information
9 Officers Council to:

10 (a) Enhance communication among the Agency Chief
11 Information Officers ~~of state agencies~~ by sharing enterprise
12 resource planning and management experiences and exchanging
13 ideas.

14 (b) Facilitate the sharing of best practices that are
15 characteristic of highly successful technology organizations,
16 as well as exemplary information technology applications of
17 state agencies.

18 (c) Identify efficiency opportunities among state
19 agencies.

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

22 (e) Assist the State Technology Office in identifying
23 critical statewide issues and, when appropriate, make
24 recommendations for solving enterprise resource planning and
25 management deficiencies.

26 (2) Members of the council shall include the Agency
27 Chief Information Officers ~~of all state agencies~~, including
28 the Chief Information Officers of the agencies and
29 governmental entities enumerated in s. 282.3031, except that
30 there shall be one Chief Information Officer selected by the
31 state attorneys and one Chief Information Officer selected by

1 the public defenders. The chairs, or their designees, of ~~the~~
2 ~~Geographic Information Board~~, the Florida Financial Management
3 Information System Coordinating Council, the Criminal and
4 Juvenile Justice Information Systems Council, and the Health
5 Information Systems Council shall represent their respective
6 organizations on the Chief Information Officers Council as
7 voting members.

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

10 282.318 Security of data and information technology
11 resources.--

12 (2)(a) ~~Each agency head, in consultation with The~~
13 ~~State Technology Office, in consultation with each agency~~
14 head, is responsible and accountable for assuring an adequate
15 level of security for all data and information technology
16 resources of each ~~the~~ agency and, to carry out this
17 responsibility, shall, at a minimum:

18 1. Designate an information security manager who shall
19 administer the security program of each ~~the~~ agency for its
20 data and information technology resources.

21 2. Conduct, and periodically update, a comprehensive
22 risk analysis to determine the security threats to the data
23 and information technology resources of each ~~the~~ agency. The
24 risk analysis information is confidential and exempt from the
25 provisions of s. 119.07(1), except that such information shall
26 be available to the Auditor General in performing his or her
27 postauditing duties.

28 3. Develop, and periodically update, written internal
29 policies and procedures to assure the security of the data and
30 information technology resources of each ~~the~~ agency. The
31 internal policies and procedures which, if disclosed, could

1 facilitate the unauthorized modification, disclosure, or
2 destruction of data or information technology resources are
3 confidential information and exempt from the provisions of s.
4 119.07(1), except that such information shall be available to
5 the Auditor General in performing his or her postauditing
6 duties.

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

10 5. Ensure that periodic internal audits and
11 evaluations of the security program for the data and
12 information technology resources of each ~~the~~ agency are
13 conducted. The results of such internal audits and evaluations
14 are confidential information and exempt from the provisions of
15 s. 119.07(1), except that such information shall be available
16 to the Auditor General in performing his or her postauditing
17 duties.

18 6. Include appropriate security requirements, as
19 determined by the State Technology Office, in consultation
20 with each agency head, in the written specifications for the
21 solicitation of information technology resources.

22 (b) In those instances in which the State Technology
23 ~~Office of the Department of Management Services~~ develops state
24 contracts for use by state agencies, the office ~~department~~
25 shall include appropriate security requirements in the
26 specifications for the solicitation for state contracts for
27 procuring information technology resources.

28 Section 27. Section 282.322, Florida Statutes, is
29 amended to read:

30 282.322 High-risk information technology Special
31 ~~monitoring process for designated information resources~~

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

1 ~~with proceeding to the next stage of the project. The major~~
2 ~~stages of each designated project shall be determined based on~~
3 ~~the agency's information systems development methodology.~~
4 ~~Within 20 days after an agency has completed a major stage of~~
5 ~~its designated project or at least 90 days, the project~~
6 ~~monitor shall issue a written report, including the findings~~
7 ~~and recommendations for correcting deficiencies, to the agency~~
8 ~~head, for review and comment. Within 20 days after receipt of~~
9 ~~the project monitor's report, the agency head shall submit a~~
10 ~~written statement of explanation or rebuttal concerning the~~
11 ~~findings and recommendations of the project monitor, including~~
12 ~~any corrective action to be taken by the agency. The project~~
13 ~~monitor shall include the agency's statement in its final~~
14 ~~report, which shall be forwarded, within 7 days after receipt~~
15 ~~of the agency's statement, to the agency head, the inspector~~
16 ~~general's office of the agency, the Executive Office of the~~
17 ~~Governor, the appropriations committees of the Legislature,~~
18 ~~the Joint Legislative Auditing Committee, the Technology~~
19 ~~Review Workgroup, the President of the Senate, the Speaker of~~
20 ~~the House of Representatives, and the Office of Program Policy~~
21 ~~Analysis and Government Accountability. The Auditor General~~
22 ~~shall also receive a copy of the project monitor's report for~~
23 ~~those projects in which the Auditor General is not the project~~
24 ~~monitor.~~

25 Section 28. The State Technology Office, in
26 coordination with the Division of Library and Information
27 Services of the Department of State, may select a municipality
28 for the purpose of creating a pilot project to establish an
29 eLibrary by no later than August 1, 2001. The purpose of this
30 pilot project is to begin the development of an integrated,
31 statewide eLibrary system. The State Technology Office and the

1 Division of Library and Information Services shall report to
2 the Legislature by no later than January 15, 2002, regarding
3 the progress made toward establishing a municipal eLibrary and
4 make recommendations regarding the establishment of an
5 integrated, statewide eLibrary system.

6 Section 29. (1) Each state agency that entered into a
7 memorandum of agreement with the State Technology Office by
8 March 15, 2001, regarding consolidation of information
9 technology resources and staff, shall transfer the positions
10 identified in the memoranda and the associated rate and the
11 amount of approved budget to the State Technology Office on
12 October 1, 2001. The total number of positions transferred to
13 the State Technology Office shall not exceed 1,760 full-time
14 positions. Such transfers shall be subject to approval by the
15 Legislative Budget Commission pursuant to chapter 216, Florida
16 Statutes.

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

27 (3) The State Technology Office and the individual
28 agencies may request subsequent transfers of full-time
29 positions and associated rate and funds during the fiscal year
30 to meet the levels of service agreed to between the State
31 Technology Office and the agencies. Such transfers shall be

1 subject to approval by the Legislative Budget Commission
2 pursuant to chapter 216, Florida Statutes.

3 (4) The State Technology Office is authorized to
4 charge back to each participating agency an amount equal to
5 the total of all direct and indirect costs of administering
6 the agreement with the agency and the total of all direct and
7 indirect costs of rendering the performances required of the
8 State Technology Office under such agreements.

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

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

20 Section 30. Section 282.404, Florida Statutes, is
21 repealed.

22 Section 31. The amendments to this act are effective
23 notwithstanding the provisions of section 216.351, Florida
24 Statutes.

25 Section 32. This act shall take effect July 1, 2001.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB 874
4 Establishes the State Technology Office as a separate budget
5 entity.
6 Reclassifies some State Technology Office employees as select
7 exempt.
8 Tasks the State Technology Office with revitalizing and
9 approving developments of information technology resource
10 strategic plans.
11 Authorizes the transfer of technology positions and
12 appropriations from state agencies to the State Technology
13 Office.
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