

By Senator Bennett

21-1865-04

1                                   A bill to be entitled  
2           An act relating to the State Technology Office;  
3           amending s. 282.102, F.S.; providing that the  
4           Chief Information Officer be appointed by, and  
5           serve at the pleasure of, the Secretary of  
6           Management Services; deleting the provision  
7           that the office is a separate budget entity  
8           from the department; providing powers of the  
9           department with respect to adopting policies  
10          and procedures for the office; providing an  
11          effective date.

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

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15           Section 1. Section 282.102, Florida Statutes, is  
16 amended to read:  
17           282.102 Creation of the State Technology Office;  
18 powers and duties.--There is created ~~a State Technology Office~~  
19 within the Department of Management Services a State  
20 Technology Office. ~~The office shall be a separate budget~~  
21 ~~entity, and shall be headed by a Chief Information Officer who~~  
22 ~~is appointed by the Governor and is in the Senior Management~~  
23 ~~Service.~~ The Secretary of Management Services shall appoint a  
24 Chief Information Officer, who shall head the office and serve  
25 at the pleasure of the secretary shall be an agency head for  
26 all purposes. The Department of Management Services shall  
27 provide administrative support and service to the office to  
28 the extent requested by the Chief Information Officer. ~~The~~  
29 Department of Management Services office may adopt policies  
30 and procedures regarding personnel, procurement, and  
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1 transactions for State Technology Office personnel. The office  
2 shall have the following powers, duties, and functions:

3 (1) To publish electronically the portfolio of  
4 services available from the office, including pricing  
5 information; the policies and procedures of the office  
6 governing usage of available services; and a forecast of the  
7 priorities and initiatives for the state communications system  
8 for the ensuing 2 years.

9 (2) To adopt rules implementing policies and  
10 procedures providing best practices to be followed by agencies  
11 in acquiring, using, upgrading, modifying, replacing, or  
12 disposing of information technology.

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

15 (4) To advise and render aid to state agencies and  
16 political subdivisions of the state as to systems or methods  
17 to be used for organizing and meeting information technology  
18 requirements efficiently and effectively.

19 (5) To integrate the information technology systems  
20 and services of state agencies.

21 (6) To adopt technical standards for the state  
22 information technology system which will assure the  
23 interconnection of computer networks and information systems  
24 of agencies.

25 (7) To assume management responsibility for any  
26 integrated information technology system or service when  
27 determined by the office to be economically efficient or  
28 performance-effective.

29 (8) To enter into agreements related to information  
30 technology with state agencies and political subdivisions of  
31 the state.

1           (9) To use and acquire, with agency concurrence,  
2 information technology now owned or operated by any agency.

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

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

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

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

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

26           (15) To acquire ownership, possession, custody, and  
27 control of existing communications equipment and facilities,  
28 including all right, title, interest, and equity therein, as  
29 necessary, to carry out the purposes of this part. However,  
30 the provisions of this subsection shall in no way affect the  
31 rights, title, interest, or equity in any such equipment or

1 facilities owned by, or leased to, the state or any state  
2 agency by any telecommunications company.

3 (16) To adopt rules pursuant to ss. 120.536(1) and  
4 120.54 relating to information technology and to administer  
5 the provisions of this part.

6 (17) To provide a means whereby political subdivisions  
7 of the state may use state information technology systems upon  
8 such terms and under such conditions as the office may  
9 establish.

10 (18) To apply for and accept federal funds for any of  
11 the purposes of this part as well as gifts and donations from  
12 individuals, foundations, and private organizations.

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

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

22 (a) Establishing technical standards to physically  
23 interface with the SUNCOM Network.

24 (b) Specifying how communications are transmitted  
25 within the SUNCOM Network.

26 (c) Controlling the routing of communications within  
27 the SUNCOM Network.

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

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1           (e) Ensuring orderly and reliable communications  
2 services in accordance with the service level agreements  
3 executed with state agencies.

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

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

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

3 (23) To provide an integrated electronic system for  
4 deploying government products, services, and information to  
5 individuals and businesses.

6 (a) The integrated electronic system shall reflect  
7 cost-effective deployment strategies in keeping with industry  
8 standards and practices, including protections and security of  
9 private information as well as maintenance of public records.

10 (b) The office shall provide a method for assessing  
11 fiscal accountability for the integrated electronic system and  
12 shall establish the organizational structure required to  
13 implement this system.

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

17 (25) To facilitate state information technology  
18 education and training for senior management and other agency  
19 staff.

20 (26) To prepare, on behalf of the Executive Office of  
21 the Governor, memoranda on recommended guidelines and best  
22 practices for information resources management, when  
23 requested.

24 (27) To prepare, publish, and disseminate the State  
25 Annual Report on Enterprise Resource Planning and Management  
26 under s. 282.310.

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

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

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

5 Section 2. This act shall take effect July 1, 2004.  
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8 SENATE SUMMARY

9 Transfers authority for appointing the head of the State  
10 Technology Office from the Governor to the Secretary of  
11 Management Services. Provides powers of the department  
12 over the office.  
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