

Bill No. SB 1494

Barcode 693854

CHAMBER ACTION

Senate

House

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The Committee on Governmental Oversight and Productivity
(Argenziano) recommended the following amendment:

Senate Amendment (with title amendment)

On page 9, between lines 20 and 21,

insert:

Section 2. Subsections (2) and (3) of section 20.22,
Florida Statutes, are amended to read:

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

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

- (a) Facilities Program.
- (b) ~~State~~ Technology Program Office.
- (c) Workforce Program.
- (d)1. Support Program.
- 2. Federal Property Assistance Program.
- (e) Administration Program.
- (f) Division of Administrative Hearings.
- (g) Division of Retirement.

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1 (h) Division of State Group Insurance.

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

4 Section 3. Subsection (5) of section 20.23, Florida
5 Statutes, is amended to read:

6 20.23 Department of Transportation.--There is created
7 a Department of Transportation which shall be a decentralized
8 agency.

9 (5) Notwithstanding the provisions of s. 110.205, the
10 Department of Management Services is authorized to exempt
11 positions within the Department of Transportation which are
12 comparable to positions within the Senior Management Service
13 pursuant to s. 110.205(2)(i) ~~s. 110.205(2)(j)~~ or positions
14 which are comparable to positions in the Selected Exempt
15 Service under s. 110.205(2)(k) ~~s. 110.205(2)(m)~~.

16 Section 4. Subsection (2) of section 20.255, Florida
17 Statutes, is amended to read:

18 20.255 Department of Environmental Protection.--There
19 is created a Department of Environmental Protection.

20 (2)(a) There shall be three deputy secretaries who are
21 to be appointed by and shall serve at the pleasure of the
22 secretary. The secretary may assign any deputy secretary the
23 responsibility to supervise, coordinate, and formulate policy
24 for any division, office, or district. The following special
25 offices are established and headed by managers, each of whom
26 is to be appointed by and serve at the pleasure of the
27 secretary:

- 28 1. Office of Chief of Staff,
- 29 2. Office of General Counsel,
- 30 3. Office of Inspector General,
- 31 4. Office of External Affairs,

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- 1 5. Office of Legislative and Government Affairs, and
- 2 6. Office of Greenways and Trails.

3 (b) There shall be six administrative districts
 4 involved in regulatory matters of waste management, water
 5 resource management, wetlands, and air resources, which shall
 6 be headed by managers, each of whom is to be appointed by and
 7 serve at the pleasure of the secretary. Divisions of the
 8 department may have one assistant or two deputy division
 9 directors, as required to facilitate effective operation.

10
 11 The managers of all divisions and offices specifically named
 12 in this section and the directors of the six administrative
 13 districts are exempt from part II of chapter 110 and are
 14 included in the Senior Management Service in accordance with
 15 s. 110.205(2)(i) ~~s. 110.205(2)(j)~~.

16 Section 5. Subsection (2) of section 110.191, Florida
 17 Statutes, is amended to read:

18 110.191 State employee leasing.--

19 (2) Positions that ~~which~~ are in the Senior Management
 20 Service System or the Selected Exempt Service System on the
 21 day before the state employee lease agreement takes effect
 22 shall remain in the respective system if the duties performed
 23 by the position during the assignment of the state employee
 24 lease agreement are comparable as determined by the
 25 department. Those Senior Management Service System or
 26 Selected Exempt Service System positions which are not
 27 determined comparable by the department and positions which
 28 are in other pay plans on the day before the lease agreement
 29 takes effect shall have the same salaries and benefits
 30 provided to employees of the Office of the Governor pursuant
 31 to s. 110.205(2)(j)2 ~~s. 110.205(2)(l)2~~.

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1 Section 6. Paragraphs (e) and (w) of subsection (2) of
2 section 110.205, Florida Statutes, are repealed.

3 Section 7. Section 186.022, Florida Statutes, is
4 amended to read:

5 186.022 Information technology strategic plans.--By
6 June 1 of each year, the Financial Management Information
7 Board, the Criminal and Juvenile Justice Information Systems
8 Council, and the Health Information Systems Council shall each
9 develop and submit ~~to the State Technology Office~~ an
10 information technology strategic plan to the Executive Office
11 of the Governor in a form and manner prescribed in written
12 instructions prepared by ~~from the State Technology Office in~~
13 ~~consultation with~~ the Executive Office of the Governor in
14 consultation with ~~and~~ the legislative appropriations
15 committees. The Executive Office of the Governor ~~State~~
16 ~~Technology Office~~ shall review each ~~such~~ strategic plan and
17 may provide comments within 30 days ~~shall determine whether~~
18 ~~each such plan is consistent with the State Annual Report on~~
19 ~~Enterprise Resource Planning and Management and statewide~~
20 ~~policies adopted by the State Technology Office, and by July 1~~
21 ~~of each year shall develop and transmit to each such board and~~
22 ~~council a written expression of its findings, conclusions, and~~
23 ~~required changes, if any, with respect to each such strategic~~
24 ~~plan. If~~ revisions are ~~any change to any such strategic plan~~
25 ~~is~~ required, each ~~affected~~ board and council has 30 days ~~shall~~
26 ~~revise its strategic plan to the extent necessary to~~
27 incorporate the revisions ~~such required changes~~ and shall
28 resubmit its strategic plan to the Executive Office of the
29 Governor ~~State Technology Office for final approval and~~
30 ~~acceptance.~~

31 Section 8. Subsection (4) of section 216.013, Florida

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1 Statutes, is amended to read:

2 216.013 Long-range program plan.--

3 (4) The Executive Office of the Governor shall review
4 the long-range program plans for executive agencies to ensure
5 that they are consistent with the state's goals and objectives
6 and other requirements as specified in the written
7 instructions and that they provide the framework and context
8 for the agency's budget request. In its review, the Executive
9 Office of the Governor shall consider statewide policies and
10 the state's plan for facility needs pursuant to s. 216.0158.
11 Based on the results of the review, the Executive Office of
12 the Governor may require an agency to revise the plan. The
13 ~~Executive Office of the Governor shall review the long-range~~
14 ~~program plans for executive agencies to ensure that they are~~
15 ~~consistent with the state's goals and objectives and other~~
16 ~~requirements as specified in the written instructions and that~~
17 ~~they provide the framework and context for the agency's budget~~
18 ~~request.~~

19 Section 9. Subsection (1) and paragraph (a) of
20 subsection (2) of section 216.0446, Florida Statutes, are
21 amended to read:

22 216.0446 Review of information resources management
23 needs.--

24 (1) There is created within the Legislature the
25 Technology Review Workgroup. The workgroup ~~and the State~~
26 ~~Technology Office~~ shall ~~independently~~ review and make
27 recommendations with respect to the portion of agencies'
28 long-range program plans which pertains to information
29 resources management needs and with respect to agencies'
30 legislative budget requests for information technology and
31 related resources. The Technology Review Workgroup shall

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1 report such recommendations, together with the findings and
 2 conclusions on which such recommendations are based, to the
 3 Legislative Budget Commission. ~~The State Technology Office~~
 4 ~~shall report such recommendations, together with the findings~~
 5 ~~and conclusions on which such recommendations are based, to~~
 6 ~~the Executive Office of the Governor and to the chairs of the~~
 7 ~~legislative appropriations committees.~~

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

12 (a) To evaluate the information resource management
 13 needs identified in the agency long-range program plans for
 14 consistency ~~with the State Annual Report on Enterprise~~
 15 ~~Resource Planning and Management and statewide policies~~
 16 ~~recommended by the State Technology Office~~, and make
 17 recommendations to the Legislative Budget Commission.

18 Section 10. Paragraph (c) of subsection (1) of section
 19 216.292, Florida Statutes, is repealed.

20 Section 11. Section 282.0041, Florida Statutes, is
 21 amended to read:

22 282.0041 Definitions.--For the purposes of this part,
 23 the term:

24 (1) "Agency" means those entities described in s.
 25 216.011(1)(qq).

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

29 (3) ~~"Agency Chief Information Officer" means the~~
 30 ~~person appointed by the State Technology Office to coordinate~~
 31 ~~and manage the information technology policies and activities~~

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1 ~~applicable to that agency.~~

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

6 ~~(3)~~ "Department" means the Department of Management
7 Services.

8 ~~(4)(5)~~ "Enterprise resources management
9 infrastructure" means the hardware, software, networks, data,
10 human resources, policies, standards, facilities, maintenance,
11 and related materials and services that are required to
12 support the business processes of an agency or state
13 enterprise.

14 ~~(5)(6)~~ "Enterprise resource planning and management"
15 means the planning, budgeting, acquiring, developing,
16 organizing, directing, training, control, and related services
17 associated with government information technology. The term
18 encompasses information and related resources, as well as the
19 controls associated with their acquisition, development,
20 dissemination, and use.

21 ~~(6)(7)~~ "Information technology" means equipment,
22 hardware, software, firmware, programs, systems, networks,
23 infrastructure, media, and related material used to
24 automatically, electronically, and wirelessly collect,
25 receive, access, transmit, display, store, record, retrieve,
26 analyze, evaluate, process, classify, manipulate, manage,
27 assimilate, control, communicate, exchange, convert, converge,
28 interface, switch, or disseminate information of any kind or
29 form.

30 ~~(7)(8)~~ "Project" means an undertaking directed at the
31 accomplishment of a strategic objective relating to enterprise

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1 resources management or a specific appropriated program.

2 ~~(9) "State Annual Report on Enterprise Resource~~
3 ~~Planning and Management" means the report prepared by the~~
4 ~~State Technology Office as defined in s. 282.102.~~

5 ~~(8)(10)~~ "Standards" means the use of current, open,
6 nonproprietary, or non-vendor-specific technologies.

7 ~~(11) "State Technology Office" or "office" means the~~
8 ~~office created in s. 282.102.~~

9 ~~(9)(12)~~ "Total cost" means all costs associated with
10 information technology projects or initiatives, including, but
11 not limited to, value of hardware, software, service,
12 maintenance, incremental personnel, and facilities. Total
13 cost of a loan or gift of information technology resources to
14 an agency includes the fair market value of the resources,
15 except that the total cost of loans or gifts of information
16 technology to state universities to be used in instruction or
17 research does not include fair market value.

18 Section 12. Section 282.005, Florida Statutes, is
19 amended to read:

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

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

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

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

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

4 (3)(5) The head of each agency, in consultation with
 5 the department, State Technology Office has primary
 6 responsibility and accountability for the planning, budgeting,
 7 acquisition, development, implementation, use, and management
 8 of information technology within the agency state. ~~The State~~
 9 ~~Technology Office shall use the state's information technology~~
 10 ~~in the best interest of the state as a whole and shall~~
 11 ~~contribute to and make use of shared data and related~~
 12 ~~resources whenever appropriate.~~ Each agency head has primary
 13 responsibility and accountability for setting agency
 14 priorities, identifying business needs, and determining agency
 15 services and programs to be developed as provided by law. The
 16 department State Technology Office, through service level
 17 agreements with each agency, shall provide the information
 18 technology needed for the agency to accomplish its mission.

19 ~~(4)(6) The expanding need for, use of, and dependence~~
 20 ~~on information technology requires focused management~~
 21 ~~attention and managerial accountability by state agencies and~~
 22 ~~the state as a whole.~~

23 (5)(7) The state, through the State Technology Office,
 24 shall provide, by whatever means is most cost-effective and
 25 efficient, the information technology, enterprise resource
 26 planning and management, and enterprise resource management
 27 infrastructure needed to collect, store, and process the
 28 state's data and information, provide connectivity, and
 29 facilitate the exchange of data and information among both
 30 public and private parties.

31 (6)(8) A necessary part of the state's information

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1 technology infrastructure is a statewide communications system
 2 for all types of signals, including, but not limited to,
 3 voice, data, video, radio, telephone, wireless, and image.

4 ~~(7)(9)~~ To ensure the best management of the state's
 5 information technology and notwithstanding other provisions of
 6 law to the contrary, the functions of information technology
 7 are assigned to the university boards of trustees for the
 8 development and implementation of planning, management,
 9 rulemaking, standards, and guidelines for the state
 10 universities; to the community college boards of trustees for
 11 establishing and developing rules for the community colleges;
 12 to the Supreme Court, for the judicial branch; to each state
 13 attorney and public defender; and to the State Technology
 14 Office for the executive branch of state government.

15 ~~(8)(10)~~ The department ~~State Technology Office~~ shall
 16 take no action affecting the supervision, control, management,
 17 or coordination of information technology and information
 18 technology personnel that any cabinet officer listed in s. 4,
 19 Art. IV of the State Constitution deems necessary for the
 20 exercise of his or her statutory or constitutional duties.

21 Section 13. Section 282.102, Florida Statutes, is
 22 amended to read:

23 282.102 ~~Creation of the State Technology Office;~~
 24 Powers and duties of the department.--~~There is created a State~~
 25 ~~Technology Office within~~ The powers and duties of the
 26 department include ~~of Management Services~~. The office shall be
 27 a ~~separate budget entity, and shall be headed by a Chief~~
 28 ~~Information Officer who is appointed by the Governor and is in~~
 29 ~~the Senior Management Service. The Chief Information Officer~~
 30 ~~shall be an agency head for all purposes. The Department of~~
 31 ~~Management Services shall provide administrative support and~~

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1 ~~service to the office to the extent requested by the Chief~~
 2 ~~Information Officer. The office may adopt policies and~~
 3 ~~procedures regarding personnel, procurement, and transactions~~
 4 ~~for State Technology Office personnel. The office shall have~~
 5 ~~the following powers, duties, and functions:~~

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

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

16 ~~(3) To perform, in consultation with an agency, the~~
 17 ~~enterprise resource planning and management for the agency.~~

18 (2)(4) To advise and render aid to state agencies and
 19 political subdivisions of the state as to systems or methods
 20 to be used for organizing and meeting information technology
 21 requirements efficiently and effectively.

22 ~~(5) To integrate the information technology systems~~
 23 ~~and services of state agencies.~~

24 (3)(6) To adopt technical standards for the state
 25 information technology system which will assure the
 26 interconnection of computer networks and information systems
 27 of agencies and allow for their integration.

28 (4)(7) To assume management responsibility for any
 29 integrated information technology system or service when
 30 determined by the department and recommended by the
 31 Legislature office to be economically efficient or

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1 performance-effective.

2 ~~(5)(8)~~ To enter into agreements related to information
3 technology with state agencies and political subdivisions of
4 the state.

5 ~~(6)(9)~~ To use and acquire, with agency concurrence,
6 information technology now owned or operated by any agency.

7 ~~(7)(10)~~ To purchase from or contract with information
8 technology providers for information technology, including
9 private line services.

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

15 ~~(9)(12)~~ To purchase, lease, or otherwise acquire and
16 to hold, sell, transfer, license, or otherwise dispose of
17 real, personal, and intellectual property, including, but not
18 limited to, patents, trademarks, copyrights, and service
19 marks.

20 ~~(10)(13)~~ To cooperate with any federal, state, or
21 local emergency management agency in providing for emergency
22 communications services.

23 ~~(11)(14)~~ To delegate, as necessary, to state agencies
24 the authority to purchase, lease, or otherwise acquire and to
25 use information technology or, as necessary, to control and
26 approve the purchase, lease, or acquisition and the use of all
27 information technology, including, but not limited to,
28 communications services provided as part of any other total
29 system to be used by the state or any of its agencies.

30 ~~(12)(15)~~ To acquire ownership, possession, custody,
31 and control of existing communications equipment and

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

7 ~~(13)(16)~~ To adopt rules pursuant to ss. 120.536(1) and
 8 120.54 relating to information technology and to administer
 9 the provisions of this part.

10 ~~(14)(17)~~ To provide a means whereby political
 11 subdivisions of the state may use state information technology
 12 systems upon such terms and under such conditions as the
 13 office may establish.

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

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

23 ~~(17)(20)~~ Unless delegated to the agencies by the
 24 department ~~Chief Information Officer~~, to manage and control,
 25 but not intercept or interpret, communications within the
 26 SUNCOM Network by:

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

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

31 (c) Controlling the routing of communications within

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1 the SUNCOM Network.

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

4 (e) Ensuring orderly and reliable communications
5 services in accordance with the service level agreements
6 executed with state agencies.

7 ~~(18)(21)~~ To plan, design, and conduct experiments for
8 information technology services, equipment, and technologies,
9 and to implement enhancements in the state information
10 technology system when in the public interest and
11 cost-effective. Funding for such experiments shall be derived
12 from SUNCOM Network service revenues and shall not exceed 2
13 percent of the annual budget for the SUNCOM Network for any
14 fiscal year or as provided in the General Appropriations Act.
15 New services offered as a result of this subsection shall not
16 affect existing rates for facilities or services.

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

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1 elimination of a fee in consideration of services provided to
2 the department office by the wireless provider or
3 telecommunications company. All such fees collected by the
4 department office shall be deposited directly into the Law
5 Enforcement Radio Operating Trust Fund, and may be used by the
6 department office to construct, maintain, or support the
7 system.

8 ~~(20)(23)~~ To provide an integrated electronic system
9 for deploying government products, services, and information
10 to individuals and businesses which reflects cost-effective
11 deployment strategies in keeping with industry standards and
12 practices and includes protections and security of private
13 information, as well as maintenance of public records.

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

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

22 ~~(21)(24)~~ To provide administrative support to the
23 Agency Chief Information Officers Council ~~and other workgroups~~
24 ~~created by the Chief Information Officer.~~

25 ~~(22)(25)~~ To facilitate state information technology
26 education and training for senior management and other agency
27 staff.

28 ~~(23)(26)~~ To prepare, on behalf of the Executive Office
29 of the Governor, memoranda on recommended guidelines and best
30 practices for information resources management, when
31 requested.

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

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

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

9 (24)~~(30)~~ To designate a State Chief Privacy Officer
10 who shall be responsible for the continual review of policies,
11 laws, rules, and practices of state agencies which may affect
12 the privacy concerns of state residents.

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

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

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

28 (2) The department State ~~Technology Office~~ shall
29 design, engineer, implement, manage, and operate through state
30 ownership, commercial leasing, or some combination thereof,
31 the facilities and equipment providing SUNCOM Network

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1 services, and shall develop a system of equitable billings and
2 charges for communication services.

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

18 Section 15. Section 282.104, Florida Statutes, is
19 amended to read:

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

31 Section 16. Subsections (1) and (4) of section

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1 282.105, Florida Statutes, are amended to read:

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

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

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

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

17 (4) Institutions qualified to participate in the
18 William L. Boyd, IV, Florida Resident Access Grant Program
19 pursuant to s. 1009.89 shall be eligible to use the state
20 SUNCOM Network, subject to the terms and conditions of the
21 department ~~office~~. Such entities shall not be required to
22 satisfy the other criteria of this section.

23 Section 17. Section 282.106, Florida Statutes, is
24 amended to read:

25 282.106 Use of SUNCOM Network by libraries.--The
26 department ~~State Technology Office~~ may provide SUNCOM Network
27 services to any library in the state, including libraries in
28 public schools, community colleges, state universities, and
29 nonprofit private postsecondary educational institutions, and
30 libraries owned and operated by municipalities and political
31 subdivisions.

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1 Section 18. Subsections (1) and (2) of section
2 282.107, Florida Statutes, are amended to read:

3 282.107 SUNCOM Network; criteria for usage.--

4 (1) The department ~~State Technology Office~~ shall
5 periodically review the qualifications of subscribers using
6 the state SUNCOM Network and shall terminate services provided
7 to any facility not qualified pursuant to ss. 282.101-282.111
8 or rules adopted hereunder. In the event of nonpayment of
9 invoices by subscribers whose SUNCOM Network invoices are paid
10 from sources other than legislative appropriations, such
11 nonpayment represents good and sufficient reason to terminate
12 service.

13 (2) The department ~~State Technology Office~~ shall adopt
14 rules setting forth its procedures for withdrawing and
15 restoring authorization to use the state SUNCOM Network. Such
16 rules shall provide a minimum of 30 days' notice to affected
17 parties prior to termination of voice communications service.

18 Section 19. Subsections (1), (3), (4), (5), and (6) of
19 section 282.1095, Florida Statutes, and paragraphs (f), (g),
20 and (h) of subsection (2) of that section, are amended to
21 read:

22 282.1095 State agency law enforcement radio system and
23 interoperability network.--

24 (1) The department ~~State Technology Office~~ may acquire
25 and implement a statewide radio communications system to serve
26 law enforcement units of state agencies, and to serve local
27 law enforcement agencies through mutual aid channels. The
28 Joint Task Force on State Agency Law Enforcement
29 Communications is established in the department ~~State~~
30 ~~Technology Office~~ to advise the department ~~office~~ of
31 member-agency needs for the planning, designing, and

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1 establishment of the joint system. The State Agency Law
 2 Enforcement Radio System Trust Fund is established in the
 3 ~~department State Technology Office~~. The trust fund shall be
 4 funded from surcharges collected under ss. 320.0802 and
 5 328.72.

6 (2)

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

20 (g) The ~~department State Technology Office~~ is hereby
 21 authorized to rent, lease, or sublease ground space on lands
 22 acquired by the ~~department office~~ for the construction of
 23 privately owned or publicly owned towers. The ~~department~~
 24 ~~office~~ may, as a part of such rental, lease, or sublease
 25 agreement, require space on said tower or towers for antennae
 26 as may be necessary for the construction and operation of the
 27 state agency law enforcement radio system or any other state
 28 need. The positions necessary for the ~~department office~~ to
 29 accomplish its duties under this paragraph and paragraph (f)
 30 shall be established in the General Appropriations Act and
 31 shall be funded by the Law Enforcement Radio Operating Trust

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1 Fund or other revenue sources.

2 (h) The department ~~State Technology Office~~ may make
3 the mutual aid channels in the statewide radio communications
4 system available to federal agencies, state agencies, and
5 agencies of the political subdivisions of the state for the
6 purpose of public safety and domestic security. The department
7 ~~office~~ shall exercise its powers and duties, as specified in
8 this chapter, to plan, manage, and administer the mutual aid
9 channels. The department ~~office~~ shall, in implementing such
10 powers and duties, act in consultation and conjunction with
11 the Department of Law Enforcement and the Division of
12 Emergency Management of the Department of Community Affairs,
13 and shall manage and administer the mutual aid channels in a
14 manner that reasonably addresses the needs and concerns of the
15 involved law enforcement agencies and emergency response
16 agencies and entities.

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

28 (4)(a) The department ~~office~~ shall, in conjunction
29 with the Department of Law Enforcement and the Division of
30 Emergency Management of the Department of Community Affairs,
31 establish policies, procedures, and standards which shall be

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1 incorporated into a comprehensive management plan for the use
2 and operation of the statewide radio communications system.

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

7 (5) The department office shall provide technical
8 support to the joint task force and shall bear the overall
9 responsibility for the design, engineering, acquisition, and
10 implementation of the statewide radio communications system
11 and for ensuring the proper operation and maintenance of all
12 system common equipment.

13 (6)(a) The department ~~State Technology Office~~ may
14 create and implement an interoperability network to enable
15 interoperability between various radio communications
16 technologies and to serve federal agencies, state agencies,
17 and agencies of political subdivisions of the state for the
18 purpose of public safety and domestic security. The department
19 ~~office~~ shall, in conjunction with the Department of Law
20 Enforcement and the Division of Emergency Management of the
21 Department of Community Affairs, exercise its powers and
22 duties pursuant to this chapter to plan, manage, and
23 administer the interoperability network. The department office
24 may:

25 1. Enter into mutual aid agreements among federal
26 agencies, state agencies, and political subdivisions of the
27 state for the use of the interoperability network.

28 2. Establish the cost of maintenance and operation of
29 the interoperability network and charge subscribing federal
30 and local law enforcement agencies for access and use of the
31 network. The department ~~State Technology Office~~ may not charge

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1 state law enforcement agencies identified in paragraph (2)(a)
2 to use the network.

3 3. In consultation with the Department of Law
4 Enforcement and the Division of Emergency Management of the
5 Department of Community Affairs, amend and enhance the
6 statewide radio communications system as necessary to
7 implement the interoperability network.

8 (b) The department ~~State Technology Office~~, in
9 consultation with the Joint Task Force on State Agency Law
10 Enforcement Communications, and in conjunction with the
11 Department of Law Enforcement and the Division of Emergency
12 Management of the Department of Community Affairs, shall
13 establish policies, procedures, and standards to incorporate
14 into a comprehensive management plan for the use and operation
15 of the interoperability network.

16 Section 20. Section 282.111, Florida Statutes, is
17 amended to read:

18 282.111 Statewide system of regional law enforcement
19 communications.--

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

30 (2) The department ~~State Technology Office~~ is hereby
31 authorized and directed to develop and maintain a statewide

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1 system of regional law enforcement communications. In
2 formulating such a system, the department ~~office~~ shall divide
3 the state into appropriate regions and shall develop a program
4 which shall include, but not be limited to, the following
5 ~~provisions:~~

6 (a) The communications requirements for each county
7 and municipality comprising the region.

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

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

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

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

26 (5) No law enforcement communications system shall be
27 established or present system expanded without the prior
28 approval of the department ~~State Technology Office~~.

29 (6) Within the limits of its capability, the
30 Department of Law Enforcement is encouraged to assist ~~lend~~
31 ~~assistance to the~~ department ~~State Technology Office~~ in the

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1 development of the statewide system of regional law
2 enforcement communications proposed by this section.

3 Section 21. Section 282.20, Florida Statutes, is
4 amended to read:

5 282.20 Technology Resource Center.--

6 (1)(a) The department ~~State Technology Office~~ shall
7 operate and manage the Technology Resource Center.

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

9 1. "Information-system utility" means a full-service
10 information-processing facility offering hardware, software,
11 operations, integration, networking, and consulting services.

12 2. "Customer" means a state agency or other entity
13 which is authorized to use ~~utilize~~ the SUNCOM Network pursuant
14 to this part.

15 (2) The Technology Resource Center shall:

16 (a) Serve the department ~~office~~ and other customers as
17 an information-system utility.

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

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

25 (d) Cooperate with the department ~~office~~ to facilitate
26 interdepartmental networking and integration of network
27 services for its customers.

28 (e) Assist customers in testing and evaluating new and
29 emerging technologies that could be used to meet the needs of
30 the state.

31 (3) The department ~~office~~ may contract with customers

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1 to provide any combination of services necessary for agencies
2 to fulfill their responsibilities and to serve their users.

3 (4) The Technology Resource Center may plan, design,
4 establish pilot projects for, and conduct experiments with
5 information technology resources, and may implement
6 enhancements in services when such implementation is
7 cost-effective. Funding for experiments and pilot projects
8 shall be derived from service revenues and may not exceed 5
9 percent of the service revenues for the Technology Resource
10 Center for any single fiscal year. ~~Any experiment, pilot
11 project, plan, or design must be approved by the Chief
12 Information Officer.~~

13 (5) Notwithstanding ~~the provisions of s. 216.272~~, the
14 Technology Resource Center may spend funds in the reserve
15 account of the Working Capital ~~Technology Enterprise Operating~~
16 Trust Fund for enhancements to center operations or for
17 information technology resources. Any expenditure of reserve
18 account funds must be approved by the secretary of the
19 department ~~Chief Information Officer~~. Any funds remaining in
20 the reserve account at the end of the fiscal year may be
21 carried forward and spent as approved by the secretary of the
22 department ~~Chief Information Officer~~, provided that such
23 approval conforms to any applicable provisions of chapter 216.

24 Section 22. Section 282.21, Florida Statutes, is
25 amended to read:

26 282.21 ~~The State Technology Office's~~ Electronic access
27 services of the department.--~~The department State Technology~~
28 ~~Office~~ may collect fees for providing remote electronic access
29 pursuant to s. 119.07(2). The fees may be imposed on
30 individual transactions or as a fixed subscription for a
31 designated period of time. All fees collected under this

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1 section shall be deposited in the appropriate trust fund of
2 the program or activity that made the remote electronic access
3 available.

4 Section 23. Section 282.22, Florida Statutes, is
5 amended to read:

6 282.22 ~~State Technology Office~~ Production,
7 dissemination, and ownership of materials and products.--

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

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

26 (3) If ~~In cases in which~~ the materials or products are
27 of such nature, or the circumstances are such, that it is not
28 practicable or feasible for the department ~~office~~ to produce
29 or have produced materials and products so developed, the
30 department may ~~it is authorized~~, after review and approval by
31 the Executive Office of the Governor, ~~to~~ license, lease,

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1 assign, sell, or otherwise give written consent to any person,
 2 firm, or corporation for the manufacture or use thereof, on a
 3 royalty basis, or for such other consideration as the
 4 department deems ~~office shall deem~~ proper and in the best
 5 interest of the state; the department shall ~~office is~~
 6 ~~authorized and directed to~~ protect same against improper or
 7 unlawful use or infringement and ~~to~~ enforce the collection of
 8 any sums due for the manufacture or use thereof by any other
 9 party.

10 (4) All proceeds from the sale of such materials and
 11 products or other money collected pursuant to this section
 12 shall be deposited into the Grants and Donations Trust Fund of
 13 the department ~~office~~ and, when properly budgeted as approved
 14 by the Legislature and the Executive Office of the Governor,
 15 used to pay the cost of producing and disseminating materials
 16 and products to carry out the intent of this section.

17 Section 24. Section 282.23, Florida Statutes, is
 18 repealed.

19 Section 25. Section 282.3031, Florida Statutes, is
 20 amended to read:

21 282.3031 Assignment of information resources
 22 management responsibilities.--For purposes of ss.
 23 282.303-282.322, to ensure the best management of state
 24 information technology resources, and notwithstanding other
 25 provisions of law to the contrary, the functions of
 26 information resources management are assigned to the
 27 university boards of trustees for the development and
 28 implementation of planning, management, rulemaking, standards,
 29 and guidelines for the state universities; to the community
 30 college boards of trustees for establishing and developing
 31 rules for the community colleges; to the Supreme Court for the

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1 judicial branch; and to each state attorney and public
2 defender; ~~and to the State Technology Office for the agencies~~
3 ~~within the executive branch of state government.~~

4 Section 26. Section 282.3055, Florida Statutes, is
5 repealed.

6 Section 27. Section 282.3063, Florida Statutes, is
7 repealed.

8 Section 28. Section 282.310, Florida Statutes, is
9 repealed.

10 Section 29. Subsections (1) and (3) of section
11 282.315, Florida Statutes, are amended to read:

12 282.315 Agency Chief Information Officers Council;
13 creation.--The Legislature finds that enhancing communication,
14 consensus building, coordination, and facilitation of
15 statewide enterprise resource planning and management issues
16 is essential to improving state management of such resources.

17 (1) There is created an Agency Chief Information
18 Officers Council to:

19 (a) Enhance communication among the Agency Chief
20 Information Officers by sharing enterprise resource planning
21 and management experiences and exchanging ideas.

22 (b) Facilitate the sharing of best practices that are
23 characteristic of highly successful technology organizations,
24 as well as exemplary information technology applications of
25 state agencies.

26 (c) Identify efficiency opportunities among state
27 agencies.

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

30 (e) Assist the department ~~State Technology Office~~ in
31 identifying critical statewide issues and, when appropriate,

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1 make recommendations for solving enterprise resource planning
2 and management deficiencies which would improve delivery of
3 information technology services in the state.

4 (3) The department ~~State Technology Office~~ shall
5 provide administrative support to the council.

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

8 282.318 Security of data and information technology
9 resources.--

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

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

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

26 3. Develop, and periodically update, written internal
27 policies and procedures to assure the security of the data and
28 information technology resources of each agency. The internal
29 policies and procedures which, if disclosed, could facilitate
30 the unauthorized modification, disclosure, or destruction of
31 data or information technology resources are confidential

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1 information and exempt from ~~the provisions of~~ s. 119.07(1),
2 except that such information shall be available to the Auditor
3 General in performing his or her postauditing duties.

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

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

15 6. Include appropriate security requirements, as
16 determined by the agency ~~State Technology Office~~, in
17 consultation with the Department of Law Enforcement ~~each~~
18 ~~agency head~~, in the written specifications for the
19 solicitation of information technology resources.

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

26 Section 31. Subsection (1) of section 282.322, Florida
27 Statutes, is amended to read:

28 282.322 Special monitoring process for designated
29 information resources management projects.--

30 (1) For each information resources management project
31 ~~that which~~ is designated for special monitoring in the General

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1 Appropriations Act, with a proviso requiring a contract with a
2 project monitor, the Technology Review Workgroup established
3 pursuant to s. 216.0446, in consultation with each affected
4 agency, ~~is shall be~~ responsible for contracting with the
5 project monitor. Upon contract award, funds equal to the
6 contract amount shall be transferred to the Technology Review
7 Workgroup upon request and subsequent approval of a budget
8 amendment pursuant to s. 216.292. With the concurrence of the
9 Legislative Auditing Committee, the office of the Auditor
10 General shall be the project monitor for other projects
11 designated for special monitoring. However, ~~nothing in~~ this
12 section does not preclude ~~precludes~~ the Auditor General from
13 conducting such monitoring on any project designated for
14 special monitoring. In addition to monitoring and reporting on
15 significant communications between a contracting agency and
16 the appropriate federal authorities, the project monitoring
17 process shall consist of evaluating each major stage of the
18 designated project to determine whether the deliverables have
19 been satisfied and to assess the level of risks associated
20 with proceeding to the next stage of the project. The major
21 stages of each designated project shall be determined based on
22 the agency's information systems development methodology.
23 Within 20 days after an agency has completed a major stage of
24 its designated project or at least 90 days, the project
25 monitor shall issue a written report, including the findings
26 and recommendations for correcting deficiencies, to the agency
27 head, for review and comment. Within 20 days after receipt of
28 the project monitor's report, the agency head shall submit a
29 written statement of explanation or rebuttal concerning the
30 findings and recommendations of the project monitor, including
31 any corrective action to be taken by the agency. The project

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1 monitor shall include the agency's statement in its final
 2 report, which shall be forwarded, within 7 days after receipt
 3 of the agency's statement, to the agency head, the inspector
 4 general's office of the agency, the Executive Office of the
 5 Governor, the appropriations committees of the Legislature,
 6 the Joint Legislative Auditing Committee, the Technology
 7 Review Workgroup, the President of the Senate, the Speaker of
 8 the House of Representatives, and the Office of Program Policy
 9 Analysis and Government Accountability. The Auditor General
 10 shall also receive a copy of the project monitor's report for
 11 those projects in which the Auditor General is not the project
 12 monitor.

13 ~~(2) The Enterprise Project Management Office of the~~
 14 ~~State Technology Office shall report any information~~
 15 ~~technology projects the office identifies as high-risk to the~~
 16 ~~Executive Office of the Governor, the President of the Senate,~~
 17 ~~the Speaker of the House of Representatives, and the chairs of~~
 18 ~~the appropriations committees. Within the limits of current~~
 19 ~~appropriations, the Enterprise Project Management Office shall~~
 20 ~~monitor and report on such high-risk information technology~~
 21 ~~projects, and assess the levels of risks associated with~~
 22 ~~proceeding to the next stage of the project.~~

23 Section 32. Paragraph (b) of subsection (4), paragraph
 24 (a) of subsection (15), and paragraph (b) of subsection (16)
 25 of section 287.042, Florida Statutes, are amended to read:

26 287.042 Powers, duties, and functions.--The department
 27 shall have the following powers, duties, and functions:

28 (4)

29 (b) ~~To prescribe, in consultation with the State~~
 30 ~~Technology Office,~~ procedures for procuring information
 31 technology and information technology consultant services

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1 | which provide for public announcement and qualification,
 2 | competitive solicitations, contract award, and prohibition
 3 | against contingent fees. Such procedures ~~shall~~ must be limited
 4 | to information technology consultant contracts for which the
 5 | total project costs, or planning or study activities, are
 6 | estimated to exceed the threshold amount provided for in s.
 7 | 287.017, for CATEGORY TWO.

8 | (15)(a) To enter into joint agreements with
 9 | governmental agencies, as defined in s. 163.3164(10), for the
 10 | purpose of pooling funds for the purchase of commodities or
 11 | information technology that can be used by multiple agencies.
 12 | ~~However, the department shall consult with the State~~
 13 | ~~Technology Office on joint agreements that involve the~~
 14 | ~~purchase of information technology.~~ Agencies entering into
 15 | joint purchasing agreements with the department ~~or the State~~
 16 | ~~Technology Office~~ shall authorize the department ~~or the State~~
 17 | ~~Technology Office~~ to contract for such purchases on their
 18 | behalf.

19 | (16)

20 | (b) For contracts pertaining to the provision of
 21 | information technology, the ~~State Technology Office, in~~
 22 | ~~consultation with the~~ department, shall assess the
 23 | technological needs of a particular agency, evaluate the
 24 | contracts, and determine whether to enter into a written
 25 | agreement with the letting federal, state, or political
 26 | subdivision body to provide information technology for a
 27 | particular agency.

28 | Section 33. Subsection (24) of section 287.057,
 29 | Florida Statutes, is repealed.

30 | Section 34. Subsection (2) of section 402.731, Florida
 31 | Statutes, is amended to read:

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1 402.731 Department of Children and Family Services
 2 certification programs for employees and service providers;
 3 employment provisions for transition to community-based
 4 care.--

5 (2) The department shall develop and implement
 6 employment programs to attract and retain competent staff to
 7 support and facilitate the transition to privatized
 8 community-based care. Such employment programs shall include
 9 lump-sum bonuses, salary incentives, relocation allowances, or
 10 severance pay. The department shall also contract for the
 11 delivery or administration of outplacement services. The
 12 department shall establish time-limited exempt positions as
 13 provided in s. 110.205(2)(h) ~~s. 110.205(2)(i)~~, in accordance
 14 with the authority provided in s. 216.262(1)(c)1. Employees
 15 appointed to fill such exempt positions shall have the same
 16 salaries and benefits as career service employees.

17 Section 35. Subsections (2), (5), (6), and (9) of
 18 section 445.049, Florida Statutes, are amended to read:

19 445.049 Digital Divide Council.--

20 (2) DIGITAL DIVIDE COUNCIL.--The Digital Divide
 21 Council is created in the Department of Management Services
 22 ~~State Technology Office~~. The council shall consist of:

23 (a) The Secretary of Management Services or his or her
 24 ~~designee chief information officer in the State Technology~~
 25 ~~Office~~.

26 (5) ADMINISTRATIVE AND TECHNICAL SUPPORT; PAYMENT OF
 27 SUPPORT COSTS.--The Department of Management Services ~~State~~
 28 ~~Technology Office~~ shall provide such administrative and
 29 technical support to the council as is reasonably necessary
 30 for the council to effectively and timely carry out its duties
 31 and responsibilities. All direct and indirect costs of

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1 providing such support and performing the other duties
 2 assigned to the Department of Management Services State
 3 ~~Technology Office~~ related to design and implementation of the
 4 programs authorized by this section may be paid from
 5 appropriations authorized to be used for such purposes.

6 (6) POWERS AND DUTIES OF COUNCIL.--The council,
 7 through the Department of Management Services State Technology
 8 ~~Office~~, is authorized and empowered to facilitate the design
 9 and implementation of programs that are aimed at achieving the
 10 objectives and goals stated in this section. The Department of
 11 Management Services State Technology Office shall present and
 12 demonstrate to the council the design characteristics and
 13 functional elements of each program proposed to be implemented
 14 to achieve the objectives and goals stated in this section and
 15 each such program shall be reviewed and approved by the
 16 council before being implemented. Such programs shall
 17 initially be implemented as pilot programs in a minimum of six
 18 different areas of the state to develop model programs that
 19 are likely to be successful if implemented throughout the
 20 state. The areas of the state where the pilot programs are
 21 implemented shall be selected by the council with the
 22 objectives of testing the merits of the programs in each
 23 geographic region of the state and providing equal exposure of
 24 the programs to urban and rural communities alike.
 25 Implementation of all such pilot and model programs shall be
 26 administered by and through the local workforce development
 27 boards and each such board shall coordinate and confirm the
 28 ready availability and timely delivery of all elements of such
 29 programs to ensure the highest probability of such programs
 30 achieving their intended results.

31 (9) ANNUAL REPORT.--By March 1 each year, 2002, the

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1 council, through the Department of Management Services State
 2 ~~Technology Office~~, shall report to the Executive Office of the
 3 Governor, the Speaker of the House of Representatives, and the
 4 President of the Senate the results of the council's
 5 monitoring, reviewing, and evaluating such programs since
 6 their inception and the council's recommendations as to
 7 whether such programs should be continued and expanded to
 8 achieve the objectives and goals stated in this section.

9
 10 (Redesignate subsequent sections.)
 11
 12

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

14 And the title is amended as follows:

15 On page 2, line 3, after the semicolon,

16

17 insert:

18 amending s. 20.22, F.S.; renaming an office
 19 within the Department of Management Services;
 20 amending ss. 20.23, 20.255, and 110.191, F.S.;
 21 conforming cross-references; repealing s.
 22 110.205(2)(e) and (w), F.S., relating to
 23 personnel of the State Technology Office;
 24 amending s. 186.022, F.S.; providing for review
 25 of information technology plans of the
 26 Financial Management Information Board, the
 27 Criminal Juvenile Justice Information Systems
 28 Council, and the Health Information Systems
 29 Council by the Executive Office of the Governor
 30 rather than the State Technology Office;
 31 amending s. 216.013, F.S.; revising provisions

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1 governing review of agency program plans by the
2 Executive Office of the Governor; amending s.
3 216.0446, F.S.; revising the responsibilities
4 of the Legislature's Technology Review
5 Workgroup; repealing s. 216.292(1)(c), F.S.,
6 relating to transfer of positions or
7 appropriations for fiscal year 2001-2002;
8 amending s. 282.0041, F.S.; revising
9 definitions; amending s. 282.005, F.S.;
10 transferring responsibilities relating to
11 information technology from the State
12 Technology Office to each agency head or to the
13 Department of Management Services; amending s.
14 282.102, F.S.; eliminating the State Technology
15 Office and transferring responsibilities of the
16 office to the Department of Management
17 Services; revising various responsibilities
18 relating to information technology; amending
19 ss. 282.103, 282.104, 282.105, 282.106, and
20 282.107, F.S.; transferring responsibilities
21 relating to the SUNCOM Network from the State
22 Technology Office to the Department of
23 Management Services; amending ss. 282.1095 and
24 282.111, F.S.; transferring responsibilities
25 relating to various law enforcement radio
26 systems from the office to the department;
27 amending s. 282.20, F.S.; transferring
28 responsibilities relating to the Technology
29 Resource Center from the office to the
30 department; amending s. 282.21, F.S.;

31 transferring authorization to collect fees for

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1 provision of remote electronic access services
2 from the office to the department; amending s.
3 282.22, F.S.; transferring responsibilities
4 relating to production, dissemination, and
5 ownership of various materials or products from
6 the office to the department; repealing s.
7 282.23, F.S., relating to the State Strategic
8 Information Technology Alliance; amending s.
9 282.3031, F.S.; deleting provisions assigning
10 responsibility for information resources
11 management to the State Technology Office;
12 repealing s. 282.3055, F.S., relating to
13 personnel of the State Technology Office;
14 repealing s. 282.3063, F.S., relating to the
15 Agency Annual Enterprise Resource Planning and
16 Management Report; repealing s. 282.310, F.S.,
17 relating to the State Annual Report on
18 Enterprise Resource Planning and Management;
19 amending s. 282.315, F.S.; transferring
20 responsibilities relating to the Agency Chief
21 Information Officers Council from the State
22 Technology Office to the Department of
23 Management Services; specifying an additional
24 responsibility; amending s. 282.318, F.S.;
25 transferring various responsibilities relating
26 to security of data and information technology
27 resources from the State Technology Office to
28 each agency head or the Department of
29 Management Services; amending s. 282.322, F.S.;
30 deleting provisions relating to information
31 technology projects identified as high-risk;

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1 amending s. 287.042, F.S.; transferring
2 responsibilities from the State Technology
3 Office to the Department of Management
4 Services; deleting provisions requiring
5 consultation between the department and the
6 office; repealing s. 287.057(24), F.S.,
7 relating to strategic information technology
8 alliances; amending s. 402.731, F.S.;
9 conforming a cross-reference; amending s.
10 445.049, F.S.; transferring responsibilities
11 relating to the Digital Divide Council from the
12 State Technology Office to the Department of
13 Management Services or the secretary of the
14 department;

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