

1 amending s. 20.22, F.S.; renaming an office
2 within the Department of Management Services;
3 amending ss. 20.23, 20.255, and 110.191, F.S.;
4 conforming cross-references; repealing s.
5 110.205(2)(e) and (w), F.S., relating to
6 personnel of the State Technology Office;
7 amending s. 186.022, F.S.; providing for review
8 of information technology plans of the
9 Financial Management Information Board, the
10 Criminal Juvenile Justice Information Systems
11 Council, and the Health Information Systems
12 Council by the Executive Office of the Governor
13 rather than the State Technology Office;
14 amending s. 216.013, F.S.; revising provisions
15 governing review of agency program plans by the
16 Executive Office of the Governor; amending s.
17 216.0446, F.S.; revising the responsibilities
18 of the Legislature's Technology Review
19 Workgroup; repealing s. 216.292(1)(c), F.S.,
20 relating to transfer of positions or
21 appropriations for fiscal year 2001-2002;
22 amending s. 282.0041, F.S.; revising
23 definitions; amending s. 282.005, F.S.;
24 transferring responsibilities relating to
25 information technology from the State
26 Technology Office to each agency head or to the
27 Department of Management Services; amending s.
28 282.102, F.S.; eliminating the State Technology
29 Office and transferring responsibilities of the
30 office to the Department of Management
31 Services; revising various responsibilities

1 relating to information technology; amending
2 ss. 282.103, 282.104, 282.105, 282.106, and
3 282.107, F.S.; transferring responsibilities
4 relating to the SUNCOM Network from the State
5 Technology Office to the Department of
6 Management Services; amending ss. 282.1095 and
7 282.111, F.S.; transferring responsibilities
8 relating to various law enforcement radio
9 systems from the office to the department;
10 amending s. 282.20, F.S.; transferring
11 responsibilities relating to the Technology
12 Resource Center from the office to the
13 department; amending s. 282.21, F.S.;
14 transferring authorization to collect fees for
15 provision of remote electronic access services
16 from the office to the department; amending s.
17 282.22, F.S.; transferring responsibilities
18 relating to production, dissemination, and
19 ownership of various materials or products from
20 the office to the department; repealing s.
21 282.23, F.S., relating to the State Strategic
22 Information Technology Alliance; amending s.
23 282.3031, F.S.; deleting provisions assigning
24 responsibility for information resources
25 management to the State Technology Office;
26 repealing s. 282.3055, F.S., relating to
27 personnel of the State Technology Office;
28 repealing s. 282.3063, F.S., relating to the
29 Agency Annual Enterprise Resource Planning and
30 Management Report; repealing s. 282.310, F.S.,
31 relating to the State Annual Report on

1 Enterprise Resource Planning and Management;
2 amending s. 282.315, F.S.; transferring
3 responsibilities relating to the Agency Chief
4 Information Officers Council from the State
5 Technology Office to the Department of
6 Management Services; specifying an additional
7 responsibility; amending s. 282.318, F.S.;
8 transferring various responsibilities relating
9 to security of data and information technology
10 resources from the State Technology Office to
11 each agency head or the Department of
12 Management Services; amending s. 282.322, F.S.;
13 deleting provisions relating to information
14 technology projects identified as high-risk;
15 amending s. 287.042, F.S.; transferring
16 responsibilities from the State Technology
17 Office to the Department of Management
18 Services; deleting provisions requiring
19 consultation between the department and the
20 office; repealing s. 287.057(24), F.S.,
21 relating to strategic information technology
22 alliances; amending s. 402.731, F.S.;
23 conforming a cross-reference; amending s.
24 445.049, F.S.; transferring responsibilities
25 relating to the Digital Divide Council from the
26 State Technology Office to the Department of
27 Management Services or the secretary of the
28 department; providing an effective date.

29
30 Be It Enacted by the Legislature of the State of Florida:
31

1 Section 1. Information technology management.--

2 (1) LEGISLATIVE INTENT.--It is the intent of the
3 Legislature that each state agency use a governance process
4 and structure for the management of information technology in
5 order to plan, manage, and implement its information
6 technology operations and investments and to ensure that the
7 operations and investments are aligned with the business needs
8 and policy requirements of the agency.

9 (2) DEFINITIONS.--As used in this section, the term:

10 (a) "Agency information technology investment
11 management board" or "board" means a group of agency executive
12 managers which recommends to an agency head a systematic,
13 data-driven means for selecting and managing information
14 technology investments for the agency. The board also is
15 accountable for ensuring that the agency information
16 technology portfolio is implemented in a manner consistent
17 with fiscal and substantive policies established by the
18 Legislature.

19 (b) "Information technology investment" means the cost
20 associated with agency resources, hardware, software, or
21 contracted services that are required to provide information
22 technology services as identified in the agency information
23 technology service catalog and to initiate approved
24 information technology projects.

25 (c) "Information technology portfolio" means the
26 information technology services and the project management
27 methodology that is used to plan, manage, and implement
28 information technology projects in order to ensure alignment
29 of information technology investments with agency business
30 needs. The term includes the analysis and proper mitigation of
31 information technology investment risks.

1 (d) "Information technology services catalog" means a
2 written statement describing each information technology
3 service that an agency invests in, manages, and uses to enable
4 day-to-day business processes. The catalog is comprised of the
5 definitions and descriptions of strategic and nonstrategic
6 information technology services.

7 (e) "Nonstrategic information technology service"
8 means a utility-type information technology service, as
9 defined in the legislative budget request instructions
10 provided for in section 216.023, Florida Statutes, which is
11 common among several agencies and which facilitates the
12 day-to-day agency activities.

13 (f) "Project management" means a set of disciplines
14 required for planning, organizing, managing, implementing, and
15 controlling organizational and fiscal resources in order to
16 complete specific project goals and objectives.

17 (g) "Service level agreement" means a written
18 agreement between a service provider and the agency which
19 describes each service to be provided and documents the
20 required service objectives and service levels for a service.
21 Service providers include external providers, internal
22 providers, and other agency providers.

23 (h) "Strategic information technology service" means a
24 service that directly helps the agency to fulfill its specific
25 statutory or constitutional responsibilities and policy
26 objectives and that is associated with the agency's primary or
27 core business functions. The process for identifying an
28 agency's strategic information technology services shall be
29 prescribed in the legislative budget request instructions
30 provided for in section 216.023, Florida Statutes.

31

1 (3) INFORMATION TECHNOLOGY GOVERNANCE PROCESS.--For
2 the purpose of establishing an information technology
3 management process that integrates the agency's fiscal and
4 programmatic activities, each agency shall implement
5 information technology portfolio management and project
6 management.

7 (a) The information technology portfolio management
8 process, as defined in this section, shall be used as the
9 primary tool to support the information technology investment
10 decisions of each agency. The project management requirements
11 for agencies may vary based on the size and nature of their
12 information technology projects. Projects that refresh desktop
13 units or infrastructure equipment with new technology that is
14 similar to the technology currently in use are exempt from the
15 project planning and reporting requirements in this section
16 unless otherwise specified in the General Appropriations Act.

17 1. For projects with a total cost ranging from
18 \$500,000 to \$1,999,999, agencies must appoint a dedicated
19 project manager to implement the agency's project management
20 methodology and ensure that needed project planning and
21 management requirements are fulfilled.

22 2. For projects with a total cost ranging from
23 \$500,000 to \$10 million which involve routine hardware or
24 software upgrades for a single agency, the agency must appoint
25 a project manager to implement the agency's project management
26 methodology and ensure that needed project planning and
27 management requirements are fulfilled.

28 3. For projects with a total cost ranging from \$2
29 million to \$10 million which will impact the general public or
30 which can change or affect an agency's organizational
31 structure, headcount, business processes, or service delivery

1 model, the agency must appoint a dedicated project manager and
2 project management team and ensure that all project management
3 provisions of this section are implemented.

4 4. For any project with a total cost greater than \$10
5 million, the agency must appoint a dedicated project manager
6 and project management team and ensure that all project
7 management provisions of this section are implemented.

8 (b) The purposes of information technology portfolio
9 management are to:

10 1. Link information technology investments in the
11 agency's approved information technology services catalog to
12 agency functions, plans, goals, and objectives that justify
13 information technology investments on the basis of validated
14 business cases.

15 2. Establish and implement formal risk assessment and
16 risk mitigation associated with the implementation of
17 information technology projects and investments.

18 3. Identify information technology projects that span
19 multiple programs or multiple agencies in order to leverage
20 resources.

21 4. Analyze the effect of proposed new information
22 technology investments on existing infrastructure and business
23 functions.

24 (c) The information technology portfolio shall
25 include, but need not be limited to:

26 1. The agency's information technology services
27 catalog as defined in this section.

28 2. A summary statement of the agency's mission, goals,
29 and objectives for information technology which are supported
30 through the agency's information technology portfolio.

31

1 3. Identification of projects and resources required
2 to meet the objectives of the portfolio.

3 4. Estimated schedules and funding required to
4 implement approved information technology projects and to
5 provide information technology services identified in the
6 information technology services catalog.

7 (d) The agency shall submit its approved information
8 technology portfolio as part of its final legislative budget
9 request in the manner and form prescribed in the legislative
10 budget request instructions as provided in section 216.023,
11 Florida Statutes.

12 (e) The agency shall implement and administer a
13 project management methodology that complies with project
14 management rules adopted by the State Technology Office and
15 that prescribes the day-to-day planning, organizing, managing,
16 implementing, and controlling of information technology
17 project activities, resources, and finances to ensure that the
18 agency's information technology project is completed on time
19 and within its approved budget and project scope. At a
20 minimum, each project plan that is developed for approved
21 information technology projects must include the following
22 components:

23 1. A project charter that contains a narrative
24 description of the project's major business objectives to be
25 obtained, major deliverables to be produced, major milestones
26 or activities to be completed, and any significant project
27 assumptions or constraints.

28 2. A project work breakdown structure that provides a
29 summary-level description of all tasks required to complete
30 the project.

31

1 3. A project schedule that describes the planned
2 project schedule and specifies major milestones, deliverables,
3 tasks, and activities.

4 4. A project spending plan that describes all
5 estimated expenditures and baseline costs expected to be
6 incurred by the project during each fiscal year.

7 5. A project organization that describes the project's
8 organizational structure and the major roles and
9 responsibilities of project team members, project sponsors,
10 the project steering committee, and user advisory groups. If
11 the project involves multiple agencies, the project
12 organization shall include appropriate representation from all
13 affected agencies. These entities together are accountable for
14 the successful implementation of the project. The roles and
15 responsibilities for these entities shall include
16 identification and resolution of project issues and assessment
17 and mitigation of project risks.

18 6. A project risk-management plan that describes the
19 process and procedures used to identify and manage the
20 project's risks.

21 7. A project change-management plan that describes the
22 processes and procedures used to manage the change
23 requirements of the project. When a project exceeds its
24 approved scope, schedule or budget by more than 25 percent,
25 the agency shall prepare a project recovery plan.

26 8. A project recovery plan that, at a minimum, directs
27 the project team to:

28 a. Develop a comprehensive list of issues and problems
29 requiring resolution;

30
31

1 b. Prepare a list that identifies all required
2 corrective actions necessary to successfully recover the
3 project; and

4 c. Prepare a fully resourced schedule that identifies
5 major milestones and deliverables needed to complete the
6 project's recovery and successfully complete the project.

7
8 Based upon analysis of the project recovery plan as provided
9 for in this subsection and all relevant project status
10 reports, if the State Technology Office and the Technology
11 Review Workgroup jointly determine that an information
12 technology project cannot be recovered, the agency shall
13 implement steps needed to terminate the project. Written
14 notice of the agency's intent to terminate shall be provided
15 to the Director of the Office of Policy and Budget and the
16 chairs of the legislative appropriations committees.

17 (f) The agency's project planning and management
18 methodology shall incorporate the use of operational work
19 plans and project status reports based upon the standards
20 jointly published by the State Technology Office and the
21 Technology Review Workgroup on an annual basis. The agency
22 shall submit operational work plans and project status reports
23 to the chairs of the legislative appropriations committees and
24 the Director of the Office of Policy and Budget as required in
25 the General Appropriations Act.

26 (g) Prior to proceeding with any major information
27 technology project, an agency shall submit the required
28 feasibility study documentation or other required
29 documentation as prescribed in the legislative budget request
30 instructions provided for in section 216.023, Florida
31 Statutes.

1 (4) INFORMATION TECHNOLOGY GOVERNANCE STRUCTURE.--For
2 the purpose of planning, managing, and implementing
3 information technology investments and operations, each agency
4 shall implement an operational governance structure that
5 establishes an agency information technology investment
6 management board as defined in paragraph (2)(a).

7 (a) The agency information technology investment
8 management board shall be comprised of executive managers with
9 board representation from across the agency's program areas
10 who shall be appointed by the agency head. The board shall
11 meet at least quarterly and shall be staffed by the
12 information technology office of the agency with the agency
13 chief information officer serving as a nonvoting member of the
14 board.

15 (b) The board shall have the following
16 responsibilities:

17 1. Adopt and implement an organizational charter that
18 clearly defines and describes major objectives and activities
19 that set the operational procedures of the board as well as
20 responsibilities of the members of the board.

21 2. Develop, define, manage, and implement the
22 information technology services catalog as defined in
23 paragraph (2)(d) and as required pursuant to section 216.023,
24 Florida Statutes.

25 3. Identify and define all required components for
26 service level agreements, which must include, but need not be
27 limited to:

28 a. A description of all services to be provided under
29 the terms of the agreement.

1 b. A clear and unambiguous description of the agency
2 service requirements and performance objectives for each
3 service described within the service level agreement.

4 c. A description of the process for resolving any
5 performance problems or situations in which service
6 requirements are not being met, including procedures for
7 escalating unresolved issues.

8 d. A listing of specific responsibilities of the
9 agency and the service provider.

10 e. A detailed payment schedule that specifies the
11 amount and timing of required payments for all services to be
12 rendered by the service provider under the terms and
13 conditions of the agreement.

14 4. Develop and implement standards and processes for
15 information technology investments, resource prioritization,
16 and allocation decisions through the implementation of
17 approved processes established by the agency information
18 technology investment management board. These processes, to
19 the greatest extent possible, should make use of the
20 information technology planning artifacts required in the
21 legislative budget request instructions as defined in section
22 216.023, Florida Statutes.

23 5. Approve and submit the department's information
24 technology portfolio to the chairs of the legislative
25 appropriations committees.

26 6. Approve or disapprove information technology
27 project initiation requests.

28 7. Develop and implement standards for regular reports
29 describing project status, progress made to date, major issues
30 requiring resolution, and significant risks that must be
31 mitigated.

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

3 20.22 Department of Management Services.--There is
4 created a Department of Management Services.

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

7 (a) Facilities Program.

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

9 (c) Workforce Program.

10 (d)1. Support Program.

11 2. Federal Property Assistance Program.

12 (e) Administration Program.

13 (f) Division of Administrative Hearings.

14 (g) Division of Retirement.

15 (h) Division of State Group Insurance.

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

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

20 20.23 Department of Transportation.--There is created
21 a Department of Transportation which shall be a decentralized
22 agency.

23 (5) Notwithstanding the provisions of s. 110.205, the
24 Department of Management Services is authorized to exempt
25 positions within the Department of Transportation which are
26 comparable to positions within the Senior Management Service
27 pursuant to s. 110.205(2)(i) ~~s. 110.205(2)(j)~~ or positions
28 which are comparable to positions in the Selected Exempt
29 Service under s. 110.205(2)(k) ~~s. 110.205(2)(m)~~.

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

1 20.255 Department of Environmental Protection.--There
2 is created a Department of Environmental Protection.

3 (2)(a) There shall be three deputy secretaries who are
4 to be appointed by and shall serve at the pleasure of the
5 secretary. The secretary may assign any deputy secretary the
6 responsibility to supervise, coordinate, and formulate policy
7 for any division, office, or district. The following special
8 offices are established and headed by managers, each of whom
9 is to be appointed by and serve at the pleasure of the
10 secretary:

- 11 1. Office of Chief of Staff,
- 12 2. Office of General Counsel,
- 13 3. Office of Inspector General,
- 14 4. Office of External Affairs,
- 15 5. Office of Legislative and Government Affairs, and
- 16 6. Office of Greenways and Trails.

17 (b) There shall be six administrative districts
18 involved in regulatory matters of waste management, water
19 resource management, wetlands, and air resources, which shall
20 be headed by managers, each of whom is to be appointed by and
21 serve at the pleasure of the secretary. Divisions of the
22 department may have one assistant or two deputy division
23 directors, as required to facilitate effective operation.

24
25 The managers of all divisions and offices specifically named
26 in this section and the directors of the six administrative
27 districts are exempt from part II of chapter 110 and are
28 included in the Senior Management Service in accordance with
29 s. 110.205(2)(i) ~~s. 110.205(2)(j)~~.

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

1 110.191 State employee leasing.--

2 (2) Positions ~~that which~~ are in the Senior Management
3 Service System or the Selected Exempt Service System on the
4 day before the state employee lease agreement takes effect
5 shall remain in the respective system if the duties performed
6 by the position during the assignment of the state employee
7 lease agreement are comparable as determined by the
8 department. Those Senior Management Service System or
9 Selected Exempt Service System positions which are not
10 determined comparable by the department and positions which
11 are in other pay plans on the day before the lease agreement
12 takes effect shall have the same salaries and benefits
13 provided to employees of the Office of the Governor pursuant
14 to s. 110.205(2)(j)2 ~~s. 110.205(2)(l)2~~.

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

17 Section 7. Section 186.022, Florida Statutes, is
18 amended to read:

19 186.022 Information technology strategic plans.--By
20 June 1 of each year, the Financial Management Information
21 Board, the Criminal and Juvenile Justice Information Systems
22 Council, and the Health Information Systems Council shall each
23 develop and submit ~~to the State Technology Office~~ an
24 information technology strategic plan to the Executive Office
25 of the Governor in a form and manner prescribed in written
26 instructions ~~prepared by from the State Technology Office in~~
27 ~~consultation with~~ the Executive Office of the Governor in
28 consultation with ~~and~~ the legislative appropriations
29 committees. The Executive Office of the Governor State
30 ~~Technology Office~~ shall review each ~~such~~ strategic plan and
31 may provide comments within 30 days ~~shall determine whether~~

1 ~~each such plan is consistent with the State Annual Report on~~
2 ~~Enterprise Resource Planning and Management and statewide~~
3 ~~policies adopted by the State Technology Office, and by July 1~~
4 ~~of each year shall develop and transmit to each such board and~~
5 ~~council a written expression of its findings, conclusions, and~~
6 ~~required changes, if any, with respect to each such strategic~~
7 ~~plan. If revisions are any change to any such strategic plan~~
8 ~~is required, each affected board and council has 30 days shall~~
9 ~~revise its strategic plan to the extent necessary to~~
10 ~~incorporate the revisions such required changes and shall~~
11 ~~resubmit its strategic plan to the Executive Office of the~~
12 ~~Governor State Technology Office for final approval and~~
13 ~~acceptance.~~

14 Section 8. Pursuant to section 216.351, Florida
15 Statutes, subsection (4) of section 216.013, Florida Statutes,
16 is amended to read:

17 216.013 Long-range program plan.--

18 (4) The Executive Office of the Governor shall review
19 the long-range program plans for executive agencies to ensure
20 that they are consistent with the state's goals and objectives
21 and other requirements as specified in the written
22 instructions and that they provide the framework and context
23 for the agency's budget request. In its review, the Executive
24 Office of the Governor shall consider statewide policies and
25 the state's plan for facility needs pursuant to s. 216.0158.
26 Based on the results of the review, the Executive Office of
27 the Governor may require an agency to revise the plan. The
28 ~~Executive Office of the Governor shall review the long range~~
29 ~~program plans for executive agencies to ensure that they are~~
30 ~~consistent with the state's goals and objectives and other~~
31 ~~requirements as specified in the written instructions and that~~

1 ~~they provide the framework and context for the agency's budget~~
2 ~~request.~~

3 Section 9. Pursuant to section 216.351, Florida
4 Statutes, subsection (1) and paragraph (a) of subsection (2)
5 of section 216.0446, Florida Statutes, are amended to read:

6 216.0446 Review of information resources management
7 needs.--

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

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

27 (a) To evaluate the information resource management
28 needs identified in the agency long-range program plans for
29 consistency ~~with the State Annual Report on Enterprise~~
30 ~~Resource Planning and Management and statewide policies~~

31

1 ~~recommended by the State Technology Office, and make~~
2 recommendations to the Legislative Budget Commission.

3 Section 10. Pursuant to section 216.351, Florida
4 Statutes, paragraph (c) of subsection (1) of section 216.292,
5 Florida Statutes, is repealed.

6 Section 11. Section 282.0041, Florida Statutes, is
7 amended to read:

8 282.0041 Definitions.--For the purposes of this part,
9 the term:

10 (1) "Agency" means those entities described in s.
11 216.011(1)(qq).

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

15 ~~(3) "Agency Chief Information Officer" means the~~
16 ~~person appointed by the State Technology Office to coordinate~~
17 ~~and manage the information technology policies and activities~~
18 ~~applicable to that agency.~~

19 (2)(4) "Agency Chief Information Officers Council"
20 means the council created in s. 282.315 to facilitate the
21 sharing and coordination of information technology issues and
22 initiatives among the agencies.

23 (3) "Department" means the Department of Management
24 Services.

25 (4)(5) "Enterprise resources management
26 infrastructure" means the hardware, software, networks, data,
27 human resources, policies, standards, facilities, maintenance,
28 and related materials and services that are required to
29 support the business processes of an agency or state
30 enterprise.

31

1 (5)~~(6)~~ "Enterprise resource planning and management"
2 means the planning, budgeting, acquiring, developing,
3 organizing, directing, training, control, and related services
4 associated with government information technology. The term
5 encompasses information and related resources, as well as the
6 controls associated with their acquisition, development,
7 dissemination, and use.

8 (6)~~(7)~~ "Information technology" means equipment,
9 hardware, software, firmware, programs, systems, networks,
10 infrastructure, media, and related material used to
11 automatically, electronically, and wirelessly collect,
12 receive, access, transmit, display, store, record, retrieve,
13 analyze, evaluate, process, classify, manipulate, manage,
14 assimilate, control, communicate, exchange, convert, converge,
15 interface, switch, or disseminate information of any kind or
16 form.

17 (7)~~(8)~~ "Project" means an undertaking directed at the
18 accomplishment of a strategic objective relating to enterprise
19 resources management or a specific appropriated program.

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

23 (8)~~(10)~~ "Standards" means the use of current, open,
24 nonproprietary, or non-vendor-specific technologies.

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

27 (9)~~(12)~~ "Total cost" means all costs associated with
28 information technology projects or initiatives, including, but
29 not limited to, value of hardware, software, service,
30 maintenance, incremental personnel, and facilities. Total
31 cost of a loan or gift of information technology resources to

1 | an agency includes the fair market value of the resources,
2 | except that the total cost of loans or gifts of information
3 | technology to state universities to be used in instruction or
4 | research does not include fair market value.

5 | Section 12. Section 282.005, Florida Statutes, is
6 | amended to read:

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

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

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

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

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

22 | (3)(5) The head of each agency, in consultation with
23 | the department, State Technology Office has primary
24 | responsibility and accountability for the planning, budgeting,
25 | acquisition, development, implementation, use, and management
26 | of information technology within the agency state. ~~The State~~
27 | ~~Technology Office shall use the state's information technology~~
28 | ~~in the best interest of the state as a whole and shall~~
29 | ~~contribute to and make use of shared data and related~~
30 | ~~resources whenever appropriate.~~ Each agency head has primary
31 | responsibility and accountability for setting agency

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

6 | ~~(4)(6)~~ The expanding need for, use of, and dependence
7 | on information technology requires focused management
8 | attention and managerial accountability by state agencies and
9 | the state as a whole.

10 | ~~(5)(7)~~ The state, ~~through the State Technology Office~~,
11 | shall provide, by whatever means is most cost-effective and
12 | efficient, the information technology, enterprise resource
13 | planning and management, and enterprise resource management
14 | infrastructure needed to collect, store, and process the
15 | state's data and information, provide connectivity, and
16 | facilitate the exchange of data and information among both
17 | public and private parties.

18 | ~~(6)(8)~~ A necessary part of the state's information
19 | technology infrastructure is a statewide communications system
20 | for all types of signals, including, but not limited to,
21 | voice, data, video, radio, telephone, wireless, and image.

22 | ~~(7)(9)~~ To ensure the best management of the state's
23 | information technology and notwithstanding other provisions of
24 | law to the contrary, the functions of information technology
25 | are assigned to the university boards of trustees for the
26 | development and implementation of planning, management,
27 | rulemaking, standards, and guidelines for the state
28 | universities; to the community college boards of trustees for
29 | establishing and developing rules for the community colleges;
30 | to the Supreme Court, for the judicial branch; to each state
31 |

1 attorney and public defender; and to the State Technology
2 Office for the executive branch of state government.

3 ~~(8)(10)~~ The department ~~State Technology Office~~ shall
4 take no action affecting the supervision, control, management,
5 or coordination of information technology and information
6 technology personnel that any cabinet officer listed in s. 4,
7 Art. IV of the State Constitution deems necessary for the
8 exercise of his or her statutory or constitutional duties.

9 Section 13. Section 282.102, Florida Statutes, is
10 amended to read:

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

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

31

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

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

7 (2)(4) To advise and render aid to state agencies and
8 political subdivisions of the state as to systems or methods
9 to be used for organizing and meeting information technology
10 requirements efficiently and effectively.

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

13 (3)(6) To adopt technical standards for the state
14 information technology system which will assure the
15 interconnection of computer networks and information systems
16 of agencies and allow for their integration.

17 (4)(7) To assume management responsibility for any
18 integrated information technology system or service when
19 determined by the department and recommended by the
20 Legislature office to be economically efficient or
21 performance-effective.

22 (5)(8) To enter into agreements related to information
23 technology with state agencies and political subdivisions of
24 the state.

25 (6)(9) To use and acquire, with agency concurrence,
26 information technology now owned or operated by any agency.

27 (7)(10) To purchase from or contract with information
28 technology providers for information technology, including
29 private line services.

30 (8)(11) To apply for, receive, and hold, and to assist
31 agencies in applying for, receiving, or holding, such

1 | authorizations, patents, copyrights, trademarks, service
2 | marks, licenses, and allocations or channels and frequencies
3 | to carry out the purposes of this part.

4 | ~~(9)(12)~~ To purchase, lease, or otherwise acquire and
5 | to hold, sell, transfer, license, or otherwise dispose of
6 | real, personal, and intellectual property, including, but not
7 | limited to, patents, trademarks, copyrights, and service
8 | marks.

9 | ~~(10)(13)~~ To cooperate with any federal, state, or
10 | local emergency management agency in providing for emergency
11 | communications services.

12 | ~~(11)(14)~~ To delegate, as necessary, to state agencies
13 | the authority to purchase, lease, or otherwise acquire and to
14 | use information technology or, as necessary, to control and
15 | approve the purchase, lease, or acquisition and the use of all
16 | information technology, including, but not limited to,
17 | communications services provided as part of any other total
18 | system to be used by the state or any of its agencies.

19 | ~~(12)(15)~~ To acquire ownership, possession, custody,
20 | and control of existing communications equipment and
21 | facilities, including all right, title, interest, and equity
22 | therein, as necessary, to carry out the purposes of this part.
23 | However, the provisions of this subsection shall in no way
24 | affect the rights, title, interest, or equity in any such
25 | equipment or facilities owned by, or leased to, the state or
26 | any state agency by any telecommunications company.

27 | ~~(13)(16)~~ To adopt rules pursuant to ss. 120.536(1) and
28 | 120.54 relating to information technology and to administer
29 | the provisions of this part.

30 | ~~(14)(17)~~ To provide a means whereby political
31 | subdivisions of the state may use state information technology

1 systems upon such terms and under such conditions as the
2 office may establish.

3 ~~(15)(18)~~ To apply for and accept federal funds for any
4 of the purposes of this part as well as gifts and donations
5 from individuals, foundations, and private organizations.

6 ~~(16)(19)~~ To monitor issues relating to communications
7 facilities and services before the Florida Public Service
8 Commission and, when necessary, prepare position papers,
9 prepare testimony, appear as a witness, and retain witnesses
10 on behalf of state agencies in proceedings before the
11 commission.

12 ~~(17)(20)~~ Unless delegated to the agencies by the
13 department ~~Chief Information Officer~~, to manage and control,
14 but not intercept or interpret, communications within the
15 SUNCOM Network by:

16 (a) Establishing technical standards to physically
17 interface with the SUNCOM Network.

18 (b) Specifying how communications are transmitted
19 within the SUNCOM Network.

20 (c) Controlling the routing of communications within
21 the SUNCOM Network.

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

24 (e) Ensuring orderly and reliable communications
25 services in accordance with the service level agreements
26 executed with state agencies.

27 ~~(18)(21)~~ To plan, design, and conduct experiments for
28 information technology services, equipment, and technologies,
29 and to implement enhancements in the state information
30 technology system when in the public interest and
31 cost-effective. Funding for such experiments shall be derived

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

6 ~~(19)(22)~~ To enter into contracts or agreements, with
7 or without competitive bidding or procurement, to make
8 available, on a fair, reasonable, and nondiscriminatory basis,
9 property and other structures under office control for the
10 placement of new facilities by any wireless provider of mobile
11 service as 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 department ~~office~~ may,
15 without 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 department ~~office~~ and a wireless provider or
20 telecommunications company may negotiate the reduction or
21 elimination of a fee in consideration of services provided to
22 the department ~~office~~ by the wireless provider or
23 telecommunications company. All such fees collected by the
24 department ~~office~~ shall be deposited directly into the Law
25 Enforcement Radio Operating Trust Fund, and may be used by the
26 department ~~office~~ to construct, maintain, or support the
27 system.

28 ~~(20)(23)~~ To provide an integrated electronic system
29 for deploying government products, services, and information
30 to individuals and businesses which reflects cost-effective
31 deployment strategies in keeping with industry standards and

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

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

7 ~~(b) The office shall provide a method for assessing~~
8 ~~fiscal accountability for the integrated electronic system and~~
9 ~~shall establish the organizational structure required to~~
10 ~~implement this system.~~

11 ~~(21)(24)~~ To provide administrative support to the
12 Agency Chief Information Officers Council ~~and other workgroups~~
13 ~~created by the Chief Information Officer.~~

14 ~~(22)(25)~~ To facilitate state information technology
15 education and training for senior management and other agency
16 staff.

17 ~~(23)(26)~~ To prepare, on behalf of the Executive Office
18 of the Governor, memoranda on recommended guidelines and best
19 practices for information resources management, when
20 requested.

21 ~~(27) To prepare, publish, and disseminate the State~~
22 ~~Annual Report on Enterprise Resource Planning and Management~~
23 ~~under s. 282.310.~~

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

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

29 ~~(24)(30)~~ To designate a State Chief Privacy Officer
30 who shall be responsible for the continual review of policies,
31

1 | laws, rules, and practices of state agencies which may affect
2 | the privacy concerns of state residents.

3 | Section 14. Section 282.103, Florida Statutes, is
4 | amended to read:

5 | 282.103 SUNCOM Network; exemptions from the required
6 | use.--

7 | (1) There is created within the department ~~State~~
8 | ~~Technology Office~~ the SUNCOM Network, which shall be developed
9 | to serve as the state communications system for providing
10 | local and long-distance communications services to state
11 | agencies, political subdivisions of the state, municipalities,
12 | state universities, and nonprofit corporations pursuant to ss.
13 | 282.101-282.111. The SUNCOM Network shall be developed to
14 | transmit all types of communications signals, including, but
15 | not limited to, voice, data, video, image, and radio. State
16 | agencies shall cooperate and assist in the development and
17 | joint use of communications systems and services.

18 | (2) The department ~~State Technology Office~~ shall
19 | design, engineer, implement, manage, and operate through state
20 | ownership, commercial leasing, or some combination thereof,
21 | the facilities and equipment providing SUNCOM Network
22 | services, and shall develop a system of equitable billings and
23 | charges for communication services.

24 | (3) All state agencies and state universities are
25 | required to use the SUNCOM Network for agency and state
26 | university communications services as the services become
27 | available; however, no agency or university is relieved of
28 | responsibility for maintaining communications services
29 | necessary for effective management of its programs and
30 | functions. If a SUNCOM Network service does not meet the
31 | communications requirements of an agency or university, the

1 agency or university shall notify the department ~~State~~
2 ~~Technology Office~~ in writing and detail the requirements for
3 that communications service. If the department ~~office~~ is
4 unable to meet an agency's or university's requirements by
5 enhancing SUNCOM Network service, the department ~~office~~ may
6 grant the agency or university an exemption from the required
7 use of specified SUNCOM Network services.

8 Section 15. Section 282.104, Florida Statutes, is
9 amended to read:

10 282.104 Use of state SUNCOM Network by
11 municipalities.--Any municipality may request the department
12 ~~State Technology Office~~ to provide any or all of the SUNCOM
13 Network's portfolio of communications services upon such terms
14 and under such conditions as the department ~~office~~ may
15 establish. The requesting municipality shall pay its share of
16 installation and recurring costs according to the published
17 rates for SUNCOM Network services and as invoiced by the
18 department ~~office~~. Such municipality shall also pay for any
19 requested modifications to existing SUNCOM Network services,
20 if any charges apply.

21 Section 16. Subsections (1) and (4) of section
22 282.105, Florida Statutes, are amended to read:

23 282.105 Use of state SUNCOM Network by nonprofit
24 corporations.--

25 (1) The department ~~State Technology Office~~ shall
26 provide a means whereby private nonprofit corporations under
27 contract with state agencies or political subdivisions of the
28 state may use the state SUNCOM Network, subject to the
29 limitations in this section. In order to qualify to use the
30 state SUNCOM Network, a nonprofit corporation shall:
31

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

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

8 (4) Institutions qualified to participate in the
9 William L. Boyd, IV, Florida Resident Access Grant Program
10 pursuant to s. 1009.89 shall be eligible to use the state
11 SUNCOM Network, subject to the terms and conditions of the
12 department ~~office~~. Such entities shall not be required to
13 satisfy the other criteria of this section.

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

16 282.106 Use of SUNCOM Network by libraries.--The
17 department ~~State Technology Office~~ may provide SUNCOM Network
18 services to any library in the state, including libraries in
19 public schools, community colleges, state universities, and
20 nonprofit private postsecondary educational institutions, and
21 libraries owned and operated by municipalities and political
22 subdivisions.

23 Section 18. Subsections (1) and (2) of section
24 282.107, Florida Statutes, are amended to read:

25 282.107 SUNCOM Network; criteria for usage.--

26 (1) The department ~~State Technology Office~~ shall
27 periodically review the qualifications of subscribers using
28 the state SUNCOM Network and shall terminate services provided
29 to any facility not qualified pursuant to ss. 282.101-282.111
30 or rules adopted hereunder. In the event of nonpayment of
31 invoices by subscribers whose SUNCOM Network invoices are paid

1 from sources other than legislative appropriations, such
2 nonpayment represents good and sufficient reason to terminate
3 service.

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

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

13 282.1095 State agency law enforcement radio system and
14 interoperability network.--

15 (1) The department ~~State Technology Office~~ may acquire
16 and implement a statewide radio communications system to serve
17 law enforcement units of state agencies, and to serve local
18 law enforcement agencies through mutual aid channels. The
19 Joint Task Force on State Agency Law Enforcement
20 Communications is established in the department ~~State~~
21 ~~Technology Office~~ to advise the department ~~office~~ of
22 member-agency needs for the planning, designing, and
23 establishment of the joint system. The State Agency Law
24 Enforcement Radio System Trust Fund is established in the
25 department ~~State Technology Office~~. The trust fund shall be
26 funded from surcharges collected under ss. 320.0802 and
27 328.72.

28 (2)

29 (f) The department ~~State Technology Office~~ is hereby
30 authorized to rent or lease space on any tower under its
31 control. The department ~~office~~ may also rent, lease, or

1 sublease ground space as necessary to locate equipment to
2 support antennae on the towers. The costs for use of such
3 space shall be established by the office for each site, when
4 it is determined to be practicable and feasible to make space
5 available. The department ~~office~~ may refuse to lease space on
6 any tower at any site. All moneys collected by the department
7 ~~office~~ for such rents, leases, and subleases shall be
8 deposited directly into the Law Enforcement Radio Operating
9 Trust Fund and may be used by the department ~~office~~ to
10 construct, maintain, or support the system.

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

24 (h) The department ~~State Technology Office~~ may make
25 the mutual aid channels in the statewide radio communications
26 system available to federal agencies, state agencies, and
27 agencies of the political subdivisions of the state for the
28 purpose of public safety and domestic security. The department
29 ~~office~~ shall exercise its powers and duties, as specified in
30 this chapter, to plan, manage, and administer the mutual aid
31 channels. The department ~~office~~ shall, in implementing such

1 powers and duties, act in consultation and conjunction with
2 the Department of Law Enforcement and the Division of
3 Emergency Management of the Department of Community Affairs,
4 and shall manage and administer the mutual aid channels in a
5 manner that reasonably addresses the needs and concerns of the
6 involved law enforcement agencies and emergency response
7 agencies and entities.

8 (3) Upon appropriation, moneys in the trust fund may
9 be used by the department ~~office~~ to acquire by competitive
10 procurement the equipment; software; and engineering,
11 administrative, and maintenance services it needs to
12 construct, operate, and maintain the statewide radio system.
13 Moneys in the trust fund collected as a result of the
14 surcharges set forth in ss. 320.0802 and 328.72 shall be used
15 to help fund the costs of the system. Upon completion of the
16 system, moneys in the trust fund may also be used by the
17 department ~~office~~ to provide for payment of the recurring
18 maintenance costs of the system.

19 (4)(a) The department ~~office~~ shall, in conjunction
20 with the Department of Law Enforcement and the Division of
21 Emergency Management of the Department of Community Affairs,
22 establish policies, procedures, and standards which shall be
23 incorporated into a comprehensive management plan for the use
24 and operation of the statewide radio communications system.

25 (b) The joint task force, in consultation with the
26 department ~~office~~, shall have the authority to permit other
27 state agencies to use the communications system, under terms
28 and conditions established by the joint task force.

29 (5) The department ~~office~~ shall provide technical
30 support to the joint task force and shall bear the overall
31 responsibility for the design, engineering, acquisition, and

1 implementation of the statewide radio communications system
2 and for ensuring the proper operation and maintenance of all
3 system common equipment.

4 (6)(a) The department ~~State Technology Office~~ may
5 create and implement an interoperability network to enable
6 interoperability between various radio communications
7 technologies and to serve federal agencies, state agencies,
8 and agencies of political subdivisions of the state for the
9 purpose of public safety and domestic security. The department
10 ~~office~~ shall, in conjunction with the Department of Law
11 Enforcement and the Division of Emergency Management of the
12 Department of Community Affairs, exercise its powers and
13 duties pursuant to this chapter to plan, manage, and
14 administer the interoperability network. The department ~~office~~
15 may:

16 1. Enter into mutual aid agreements among federal
17 agencies, state agencies, and political subdivisions of the
18 state for the use of the interoperability network.

19 2. Establish the cost of maintenance and operation of
20 the interoperability network and charge subscribing federal
21 and local law enforcement agencies for access and use of the
22 network. The department ~~State Technology Office~~ may not charge
23 state law enforcement agencies identified in paragraph (2)(a)
24 to use the network.

25 3. In consultation with the Department of Law
26 Enforcement and the Division of Emergency Management of the
27 Department of Community Affairs, amend and enhance the
28 statewide radio communications system as necessary to
29 implement the interoperability network.

30 (b) The department ~~State Technology Office~~, in
31 consultation with the Joint Task Force on State Agency Law

1 Enforcement Communications, and in conjunction with the
2 Department of Law Enforcement and the Division of Emergency
3 Management of the Department of Community Affairs, shall
4 establish policies, procedures, and standards to incorporate
5 into a comprehensive management plan for the use and operation
6 of the interoperability network.

7 Section 20. Section 282.111, Florida Statutes, is
8 amended to read:

9 282.111 Statewide system of regional law enforcement
10 communications.--

11 (1) It is the intent and purpose of the Legislature
12 that a statewide system of regional law enforcement
13 communications be developed whereby maximum efficiency in the
14 use of existing radio channels is achieved in order to deal
15 more effectively with the apprehension of criminals and the
16 prevention of crime generally. To this end, all law
17 enforcement agencies within the state are directed to provide
18 the department ~~State Technology Office~~ with any information
19 the department ~~office~~ requests for the purpose of implementing
20 ~~the provisions of~~ subsection (2).

21 (2) The department ~~State Technology Office~~ is hereby
22 authorized and directed to develop and maintain a statewide
23 system of regional law enforcement communications. In
24 formulating such a system, the department ~~office~~ shall divide
25 the state into appropriate regions and shall develop a program
26 which shall include, but not be limited to, the following
27 ~~provisions:~~

28 (a) The communications requirements for each county
29 and municipality comprising the region.

30 (b) An interagency communications provision which
31 shall depict the communication interfaces between municipal,

1 county, and state law enforcement entities which operate
2 within the region.

3 (c) Frequency allocation and use provision which shall
4 include, on an entity basis, each assigned and planned radio
5 channel and the type of operation, simplex, duplex, or
6 half-duplex, on each channel.

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

10 (4) The secretary ~~Chief Information Officer~~ of the
11 department ~~State Technology Office~~ or his or her designee is
12 designated as the director of the statewide system of regional
13 law enforcement communications and, for the purpose of
14 carrying out ~~the provisions of~~ this section, is authorized to
15 coordinate the activities of the system with other interested
16 state agencies and local law enforcement agencies.

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

20 (6) Within the limits of its capability, the
21 Department of Law Enforcement is encouraged to assist ~~lend~~
22 ~~assistance to the~~ department ~~State Technology Office~~ in the
23 development of the statewide system of regional law
24 enforcement communications proposed by this section.

25 Section 21. Section 282.20, Florida Statutes, is
26 amended to read:

27 282.20 Technology Resource Center.--

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

30 (b) For the purposes of this section, the term:
31

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

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

7 (2) The Technology Resource Center shall:

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

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

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

17 (d) Cooperate with the department ~~office~~ to facilitate
18 interdepartmental networking and integration of network
19 services for its customers.

20 (e) Assist customers in testing and evaluating new and
21 emerging technologies that could be used to meet the needs of
22 the state.

23 (3) The department ~~office~~ may contract with customers
24 to provide any combination of services necessary for agencies
25 to fulfill their responsibilities and to serve their users.

26 (4) The Technology Resource Center may plan, design,
27 establish pilot projects for, and conduct experiments with
28 information technology resources, and may implement
29 enhancements in services when such implementation is
30 cost-effective. Funding for experiments and pilot projects
31 shall be derived from service revenues and may not exceed 5

1 percent of the service revenues for the Technology Resource
2 Center for any single fiscal year. ~~Any experiment, pilot~~
3 ~~project, plan, or design must be approved by the Chief~~
4 ~~Information Officer.~~

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

16 Section 22. Section 282.21, Florida Statutes, is
17 amended to read:

18 282.21 ~~The State Technology Office's~~ Electronic access
19 services of the department.--The department State Technology
20 ~~Office~~ may collect fees for providing remote electronic access
21 pursuant to s. 119.07(2). The fees may be imposed on
22 individual transactions or as a fixed subscription for a
23 designated period of time. All fees collected under this
24 section shall be deposited in the appropriate trust fund of
25 the program or activity that made the remote electronic access
26 available.

27 Section 23. Section 282.22, Florida Statutes, is
28 amended to read:

29 282.22 ~~State Technology Office;~~ Production,
30 dissemination, and ownership of materials and products.--
31

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

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

19 (3) ~~If in cases in which~~ the materials or products are
20 of such nature, or the circumstances are such, that it is not
21 practicable or feasible for the department ~~office~~ to produce
22 or have produced materials and products so developed, the
23 department may ~~it is authorized~~, after review and approval by
24 the Executive Office of the Governor, ~~to~~ license, lease,
25 assign, sell, or otherwise give written consent to any person,
26 firm, or corporation for the manufacture or use thereof, on a
27 royalty basis, or for such other consideration as the
28 department deems ~~office shall deem~~ proper and in the best
29 interest of the state; the department shall ~~office is~~
30 ~~authorized and directed to~~ protect same against improper or
31 unlawful use or infringement and ~~to~~ enforce the collection of

1 any sums due for the manufacture or use thereof by any other
2 party.

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

10 Section 24. Section 282.23, Florida Statutes, is
11 repealed.

12 Section 25. Section 282.3031, Florida Statutes, is
13 amended to read:

14 282.3031 Assignment of information resources
15 management responsibilities.--For purposes of ss.
16 282.303-282.322, to ensure the best management of state
17 information technology resources, and notwithstanding other
18 provisions of law to the contrary, the functions of
19 information resources management are assigned to the
20 university boards of trustees for the development and
21 implementation of planning, management, rulemaking, standards,
22 and guidelines for the state universities; to the community
23 college boards of trustees for establishing and developing
24 rules for the community colleges; to the Supreme Court for the
25 judicial branch; and to each state attorney and public
26 defender; ~~and to the State Technology Office for the agencies~~
27 ~~within the executive branch of state government.~~

28 Section 26. Section 282.3055, Florida Statutes, is
29 repealed.

30 Section 27. Section 282.3063, Florida Statutes, is
31 repealed.

1 Section 28. Section 282.310, Florida Statutes, is
2 repealed.

3 Section 29. Subsections (1) and (3) of section
4 282.315, Florida Statutes, are amended to read:

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

10 (1) There is created an Agency Chief Information
11 Officers Council to:

12 (a) Enhance communication among the Agency Chief
13 Information Officers by sharing enterprise resource planning
14 and management experiences and exchanging ideas.

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

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

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

23 (e) Assist the department ~~State Technology Office~~ in
24 identifying critical statewide issues and, when appropriate,
25 make recommendations for solving enterprise resource planning
26 and management deficiencies which would improve delivery of
27 information technology services in the state.

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

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

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

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

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

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

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

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

31

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

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

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

20 Section 31. Section 282.322, Florida Statutes, is
21 amended to read:

22 282.322 Special monitoring process for designated
23 information resources management projects.--

24 ~~(1)~~ For each information resources management project
25 that ~~which~~ is designated for special monitoring in the General
26 Appropriations Act, with a proviso requiring a contract with a
27 project monitor, the Technology Review Workgroup established
28 pursuant to s. 216.0446, in consultation with each affected
29 agency, ~~is shall be~~ responsible for contracting with the
30 project monitor. Upon contract award, funds equal to the
31 contract amount shall be transferred to the Technology Review

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

1 Review Workgroup, the President of the Senate, the Speaker of
2 the House of Representatives, and the Office of Program Policy
3 Analysis and Government Accountability. The Auditor General
4 shall also receive a copy of the project monitor's report for
5 those projects in which the Auditor General is not the project
6 monitor.

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

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

20 287.042 Powers, duties, and functions.--The department
21 shall have the following powers, duties, and functions:

22 (4)

23 (b) To prescribe, ~~in consultation with the State~~
24 ~~Technology Office,~~ procedures for procuring information
25 technology and information technology consultant services
26 which provide for public announcement and qualification,
27 competitive solicitations, contract award, and prohibition
28 against contingent fees. Such procedures must ~~shall~~ be limited
29 to information technology consultant contracts for which the
30 total project costs, or planning or study activities, are
31

1 estimated to exceed the threshold amount provided for in s.
2 287.017, for CATEGORY TWO.

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

14 (16)

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

23 Section 33. Subsection (24) of section 287.057,
24 Florida Statutes, is repealed.

25 Section 34. Subsection (2) of section 402.731, Florida
26 Statutes, is amended to read:

27 402.731 Department of Children and Family Services
28 certification programs for employees and service providers;
29 employment provisions for transition to community-based
30 care.--
31

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

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

15 445.049 Digital Divide Council.--

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

19 (a) The Secretary of Management Services or his or her
20 designee ~~chief information officer in the State Technology~~
21 ~~Office~~.

22 (b) The director of the Office of Tourism, Trade, and
23 Economic Development in the Executive Office of the Governor.

24 (c) The president of Workforce Florida, Inc.

25 (d) The director of the Agency for Workforce
26 Innovation.

27 (e) The chair of itflorida.com, Inc.

28 (f) The Commissioner of Education.

29 (g) The chair of the Network Access Point of the
30 Americas.

31

1 (h) A representative of the information technology
2 industry in this state appointed by the Speaker of the House
3 of Representatives.

4 (i) A representative of the information technology
5 industry in this state appointed by the President of the
6 Senate.

7 (j) Two members of the House of Representatives, who
8 shall be ex officio, nonvoting members of the council,
9 appointed by the Speaker of the House of Representatives, one
10 of whom shall be a member of the Republican Caucus and the
11 other of whom shall be a member of the Democratic Caucus.

12 (k) Two members of the Senate, who shall be ex
13 officio, nonvoting members of the council, appointed by the
14 President of the Senate, one of whom shall be a member of the
15 Republican Caucus and the other of whom shall be a member of
16 the Democratic Caucus.

17 (5) ADMINISTRATIVE AND TECHNICAL SUPPORT; PAYMENT OF
18 SUPPORT COSTS.--The Department of Management Services State
19 ~~Technology Office~~ shall provide such administrative and
20 technical support to the council as is reasonably necessary
21 for the council to effectively and timely carry out its duties
22 and responsibilities. All direct and indirect costs of
23 providing such support and performing the other duties
24 assigned to the Department of Management Services State
25 ~~Technology Office~~ related to design and implementation of the
26 programs authorized by this section may be paid from
27 appropriations authorized to be used for such purposes.

28 (6) POWERS AND DUTIES OF COUNCIL.--The council,
29 through the Department of Management Services State Technology
30 ~~Office~~, is authorized and empowered to facilitate the design
31 and implementation of programs that are aimed at achieving the

1 objectives and goals stated in this section. The Department of
2 Management Services ~~State Technology Office~~ shall present and
3 demonstrate to the council the design characteristics and
4 functional elements of each program proposed to be implemented
5 to achieve the objectives and goals stated in this section and
6 each such program shall be reviewed and approved by the
7 council before being implemented. Such programs shall
8 initially be implemented as pilot programs in a minimum of six
9 different areas of the state to develop model programs that
10 are likely to be successful if implemented throughout the
11 state. The areas of the state where the pilot programs are
12 implemented shall be selected by the council with the
13 objectives of testing the merits of the programs in each
14 geographic region of the state and providing equal exposure of
15 the programs to urban and rural communities alike.
16 Implementation of all such pilot and model programs shall be
17 administered by and through the local workforce development
18 boards and each such board shall coordinate and confirm the
19 ready availability and timely delivery of all elements of such
20 programs to ensure the highest probability of such programs
21 achieving their intended results.

22 (9) ANNUAL REPORT.--By March 1 each year, ~~2002~~, the
23 council, through the Department of Management Services ~~State~~
24 ~~Technology Office~~, shall report to the Executive Office of the
25 Governor, the Speaker of the House of Representatives, and the
26 President of the Senate the results of the council's
27 monitoring, reviewing, and evaluating such programs since
28 their inception and the council's recommendations as to
29 whether such programs should be continued and expanded to
30 achieve the objectives and goals stated in this section.

31 Section 36. This act shall take effect July 1, 2005.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1494

The Committee Substitute transfers the information technology responsibilities of the State Technology Office back to the Department of Management Services and eliminates reference to that office in the Florida Statutes. The CS makes other conforming changes to the various references to the State Technology Office and reinstates the exempt positions assigned the office to the Career Service System. The CS revises the responsibilities of state agencies in information technology so that they are consistent with the instructions issued as part of the legislative budget request process specified in ch. 216, F.S.