

1 and intent concerning information technology;
2 creating s. 282.0055, F.S.; prohibiting the
3 Department of Management Services and the
4 Florida Technology Council from taking certain
5 actions with respect to the information
6 technology personnel of cabinet officers;
7 amending s. 282.102, F.S.; eliminating the
8 State Technology Office and transferring
9 responsibilities of the office to the
10 Department of Management Services; revising
11 various responsibilities relating to
12 information technology; amending ss. 282.103,
13 282.104, 282.105, 282.106, and 282.107, F.S.;
14 transferring responsibilities relating to the
15 SUNCOM Network from the State Technology Office
16 to the Department of Management Services;
17 amending ss. 282.1095 and 282.111, F.S.;
18 transferring responsibilities relating to
19 various law enforcement radio systems from the
20 office to the department; amending s. 282.20,
21 F.S.; revising the duties of the Technology
22 Resource Center; amending s. 282.21, F.S.;
23 transferring authorization to collect fees for
24 provision of remote electronic access services
25 from the office to the department; amending s.
26 282.22, F.S.; transferring responsibilities
27 relating to production, dissemination, and
28 ownership of various materials or products from
29 the office to the department; repealing s.
30 282.23, F.S., relating to the State Strategic
31 Information Technology Alliance; creating s.

1 282.3025, F.S.; creating the Florida Technology
2 Council within the Department of Management
3 Services; providing for the State Technology
4 Officer to head the council; requiring that the
5 council develop a statewide information
6 technology strategic plan, in consultation with
7 the Agency Chief Information Officers Council;
8 providing requirements for the plan; requiring
9 that the council assist state agencies in
10 implementing the information technology
11 portfolio management process; requiring the
12 council to provide status reports to the
13 Administration Commission; amending s.
14 282.3031, F.S.; deleting provisions assigning
15 responsibility for information resources
16 management to the State Technology Office;
17 repealing s. 282.3055, F.S., relating to
18 personnel of the State Technology Office;
19 repealing s. 282.3063, F.S., relating to the
20 Agency Annual Enterprise Resource Planning and
21 Management Report; repealing s. 282.310, F.S.,
22 relating to the State Annual Report on
23 Enterprise Resource Planning and Management;
24 amending s. 282.315, F.S.; revising certain
25 duties of the Agency Chief Information Officers
26 Council; specifying an additional
27 responsibility; amending s. 282.318, F.S.;
28 transferring various responsibilities relating
29 to security of data and information technology
30 resources from the State Technology Office to
31 each agency head or the Department of

1 Management Services; repealing s. 282.322(2),
2 F.S., relating to information technology
3 projects identified as high-risk; amending s.
4 287.042, F.S.; transferring responsibilities
5 from the State Technology Office to the
6 Department of Management Services; deleting
7 provisions requiring consultation between the
8 department and the office; repealing s.
9 287.057(24), F.S., relating to strategic
10 information technology alliances; amending s.
11 445.049, F.S.; transferring responsibilities
12 relating to the Digital Divide Council from the
13 State Technology Office to the Department of
14 Management Services or the secretary of the
15 department; providing an appropriation and
16 authorizing positions; requiring that certain
17 notice with respect to budget actions be given
18 to the Legislative Budget Commission; providing
19 an effective date.
20

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

22
23 Section 1. Information technology management.--
24 (1) LEGISLATIVE INTENT.--It is the intent of the
25 Legislature that each state agency use a governance process
26 and structure for the management of information technology in
27 order to plan, manage, and implement its information
28 technology operations and investments and to ensure that the
29 operations and investments are aligned with the business needs
30 and policy requirements of the agency.
31 (2) DEFINITIONS.--As used in this section, the term:

1 (a) "Agency information technology investment
2 management" means an analytical decisionmaking process that is
3 used to systematically select and manage information
4 technology investments for the agency. The process must ensure
5 that the agency information technology portfolio is
6 implemented in a manner that is consistent with fiscal and
7 substantive policies established by the Legislature.

8 (b) "Information technology investment" means the cost
9 associated with agency resources, hardware, software, or
10 contracted services that are required to provide information
11 technology services as identified in the agency information
12 technology service catalog and to initiate approved
13 information technology projects.

14 (c) "Information technology portfolio" means the
15 information technology services and the project management
16 methodology that is used to plan, manage, and implement
17 information technology projects in order to ensure alignment
18 of information technology investments with agency business
19 needs. The term includes the analysis and proper mitigation of
20 information technology investment risks.

21 (d) "Information technology services catalog" means a
22 written statement describing each information technology
23 service that an agency invests in, manages, and uses to enable
24 day-to-day business processes. The catalog is comprised of the
25 definitions and descriptions of strategic and nonstrategic
26 information technology services.

27 (e) "Nonstrategic information technology service"
28 means a utility-type information technology service, as
29 defined in the legislative budget request instructions
30 provided for in section 216.023, Florida Statutes, which is
31

1 common among several agencies and which facilitates the
2 day-to-day agency activities.

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

7 (g) "Service level agreement" means a written
8 agreement between a service provider and the agency which
9 describes each service to be provided and documents the
10 required service objectives and service levels for a service.
11 Service providers include external providers, internal
12 providers, and other agency providers.

13 (h) "Strategic information technology service" means a
14 service that directly helps the agency to fulfill its specific
15 statutory or constitutional responsibilities and policy
16 objectives and that is associated with the agency's primary or
17 core business functions. The process for identifying an
18 agency's strategic information technology services shall be
19 prescribed in the legislative budget request instructions
20 provided for in section 216.023, Florida Statutes.

21 (3) INFORMATION TECHNOLOGY GOVERNANCE PROCESS.--For
22 the purpose of establishing an information technology
23 management process that integrates the agency's fiscal and
24 programmatic activities, each agency shall implement
25 information technology portfolio management and project
26 management.

27 (a) The information technology portfolio management
28 process, as defined in this section, shall be used as the
29 primary tool to support the information technology investment
30 decisions of each agency. The project management requirements
31 for agencies may vary based on the size and nature of their

1 information technology projects. Projects that refresh desktop
2 units or infrastructure equipment with new technology that is
3 similar to the technology currently in use are exempt from the
4 project planning and reporting requirements in this section
5 unless otherwise specified in the General Appropriations Act.

6 1. For projects with a total cost ranging from
7 \$500,000 to \$1,999,999, agencies must appoint a dedicated
8 project manager to implement the agency's project management
9 methodology and ensure that needed project planning and
10 management requirements are fulfilled.

11 2. For projects with a total cost ranging from
12 \$500,000 to \$10 million which involve routine hardware or
13 software upgrades for a single agency, the agency must appoint
14 a project manager to implement the agency's project management
15 methodology and ensure that needed project planning and
16 management requirements are fulfilled.

17 3. For projects with a total cost ranging from \$2
18 million to \$10 million which will impact the general public or
19 which can change or affect an agency's organizational
20 structure, headcount, business processes, or service delivery
21 model, the agency must appoint a dedicated project manager and
22 project management team and ensure that all project management
23 provisions of this section are implemented.

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

28 (b) The purposes of information technology portfolio
29 management are to:

30 1. Link information technology investments in the
31 agency's approved information technology services catalog to

1 agency functions, plans, goals, and objectives that justify
2 information technology investments on the basis of validated
3 business cases.

4 2. Establish and implement formal risk assessment and
5 risk mitigation associated with the implementation of
6 information technology projects and investments.

7 3. Identify information technology projects that span
8 multiple programs or multiple agencies in order to leverage
9 resources.

10 4. Analyze the effect of proposed new information
11 technology investments on existing infrastructure and business
12 functions.

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

15 1. The agency's information technology services
16 catalog as defined in this section.

17 2. A summary statement of the agency's mission, goals,
18 and objectives for information technology which are supported
19 through the agency's information technology portfolio.

20 3. Identification of projects and resources required
21 to meet the objectives of the portfolio.

22 4. Estimated schedules and funding required to
23 implement approved information technology projects and to
24 provide information technology services identified in the
25 information technology services catalog.

26 (d) The agency shall submit its information technology
27 portfolio as part of its legislative budget request in the
28 manner and form prescribed in the legislative budget request
29 instructions as provided in section 216.023, Florida Statutes.

30 (e) The agency shall implement and administer a
31 project management methodology that:

- 1 1. Contains a narrative description of the project's
2 major business objectives to be obtained, major deliverables
3 to be produced, major milestones or activities to be
4 completed, and any significant project assumptions or
5 constraints.
- 6 2. Provides a summary-level description of all tasks
7 required to complete the project.
- 8 3. Describes the planned project schedule and
9 specifies major milestones, deliverables, tasks, and
10 activities.
- 11 4. Describes all estimated expenditures and baseline
12 costs expected to be incurred by the project during each
13 fiscal year.
- 14 5. Describes the project's organizational structure
15 and the major roles and responsibilities of project team
16 members, project sponsors, the project steering committee, and
17 user advisory groups. If the project involves multiple
18 agencies, the project organization shall include appropriate
19 representation from all affected agencies. These entities
20 together are accountable for the successful implementation of
21 the project. The roles and responsibilities for these entities
22 shall include identification and resolution of project issues
23 and assessment and mitigation of project risks.
- 24 6. Describes the process and procedures used to
25 identify and manage the project's risks.
- 26 7. Describes the processes and procedures used to
27 manage the change requirements of the project. When a project
28 exceeds its approved scope, schedule or budget by more than 25
29 percent, the agency shall prepare a project recovery plan.
- 30 8. Directs the project team to:
31

1 a. Develop a comprehensive list of issues and problems
2 requiring resolution;

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

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

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

18 (f) Prior to proceeding with any major information
19 technology project, an agency shall submit the required
20 feasibility study documentation or other required
21 documentation as prescribed in the legislative budget request
22 instructions provided for in section 216.023, Florida
23 Statutes.

24 (4) INFORMATION TECHNOLOGY MANAGEMENT PROCESS.--The
25 agency information technology investment management process
26 shall be administered by the agency head and include executive
27 managers from across the agency's program areas.

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

30 20.22 Department of Management Services.--There is
31 created a Department of Management Services.

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

- 3 (a) Facilities Program.
4 (b) ~~State Technology Program Office~~.
5 (c) Workforce Program.
6 (d)1. Support Program.
7 2. Federal Property Assistance Program.
8 (e) Administration Program.
9 (f) Division of Administrative Hearings.
10 (g) Division of Retirement.
11 (h) Division of State Group Insurance.

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

14 Section 3. Paragraphs (e) and (w) of subsection (2) of
15 section 110.205, Florida Statutes, are repealed.

16 Section 4. Section 186.022, Florida Statutes, is
17 repealed.

18 Section 5. Pursuant to section 216.351, Florida
19 Statutes, paragraph (c) of subsection (1) of section 216.292,
20 Florida Statutes, is repealed.

21 Section 6. Section 282.0041, Florida Statutes, is
22 amended to read:

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

25 (1) "Agency" means those entities described in s.
26 216.011(1)(qq).

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

30 ~~(3) "Agency Chief Information Officer" means the~~
31 ~~person appointed by the State Technology Office to coordinate~~

1 ~~and manage the information technology policies and activities~~
2 ~~applicable to that agency.~~

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

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

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

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

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

31

1 ~~(7)(8)~~ "Project" means an undertaking directed at the
2 accomplishment of a strategic objective relating to enterprise
3 resources management or a specific appropriated program.

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

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

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

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

20 Section 7. Section 282.005, Florida Statutes, is
21 repealed.

22 Section 8. Section 282.0055, Florida Statutes, is
23 created to read:

24 282.0055 Limitation with respect to cabinet
25 personnel.--The department and the Florida Technology Council
26 may not take any action affecting the supervision, control,
27 management, or coordination of information technology and
28 information technology personnel that any cabinet officer
29 listed in s. 4, Art. IV of the State Constitution deems
30 necessary for the exercise of his or her statutory or
31 constitutional duties.

1 Section 9. Section 282.102, Florida Statutes, is
2 amended to read:

3 282.102 ~~Creation of the State Technology Office;~~
4 Powers and duties of the department. ~~--There is created a State~~
5 ~~Technology Office within~~ The powers and duties of the
6 department include ~~of Management Services.~~ ~~The office shall be~~
7 ~~a separate budget entity, and shall be headed by a Chief~~
8 ~~Information Officer who is appointed by the Governor and is in~~
9 ~~the Senior Management Service. The Chief Information Officer~~
10 ~~shall be an agency head for all purposes. The Department of~~
11 ~~Management Services shall provide administrative support and~~
12 ~~service to the office to the extent requested by the Chief~~
13 ~~Information Officer. The office may adopt policies and~~
14 ~~procedures regarding personnel, procurement, and transactions~~
15 ~~for State Technology Office personnel. The office shall have~~
16 the following powers, duties, and functions:

17 (1) To publish electronically the portfolio of
18 services available from the office, including pricing
19 information; the policies and procedures of the office
20 governing usage of available services; and a forecast of the
21 priorities and initiatives for the state communications system
22 for the ensuing 2 years.

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

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

29 ~~(4) To advise and render aid to state agencies and~~
30 ~~political subdivisions of the state as to systems or methods~~
31

1 ~~to be used for organizing and meeting information technology~~
2 ~~requirements efficiently and effectively.~~

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

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

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

13 ~~(2)(8)~~ To enter into service-level agreements ~~related~~
14 ~~to information technology~~ with state agencies and political
15 subdivisions of the state for use of the Technology Resource
16 Center.

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

19 ~~(3)(10)~~ To purchase from or contract with information
20 technology providers for information technology, including
21 private line services.

22 ~~(4)(11)~~ To apply for, receive, and hold, and to assist
23 agencies in applying for, receiving, or holding, such
24 authorizations, patents, copyrights, trademarks, service
25 marks, licenses, and allocations or channels and frequencies
26 to carry out the purposes of this part.

27 ~~(5)(12)~~ To purchase, lease, or otherwise acquire and
28 to hold, sell, transfer, license, or otherwise dispose of
29 real, personal, and intellectual property, including, but not
30 limited to, patents, trademarks, copyrights, and service
31 marks.

1 ~~(6)~~~~(13)~~ To cooperate with any federal, state, or local
2 emergency management agency in providing for emergency
3 communications services.

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

11 ~~(8)~~~~(15)~~ To acquire ownership, possession, custody, and
12 control of existing communications equipment and facilities,
13 including all right, title, interest, and equity therein, as
14 necessary, to carry out the purposes of this part. However,
15 the provisions of this subsection shall in no way affect the
16 rights, title, interest, or equity in any such equipment or
17 facilities owned by, or leased to, the state or any state
18 agency by any telecommunications company.

19 ~~(9)~~~~(16)~~ To adopt rules pursuant to ss. 120.536(1) and
20 120.54 relating to information technology and to administer
21 the provisions of this part.

22 ~~(10)~~~~(17)~~ To provide a means whereby political
23 subdivisions of the state may use state information technology
24 systems upon such terms and under such conditions as the
25 department ~~office~~ may establish.

26 ~~(11)~~~~(18)~~ To apply for and accept federal funds for any
27 of the purposes of this part as well as gifts and donations
28 from individuals, foundations, and private organizations.

29 ~~(12)~~~~(19)~~ To monitor issues relating to communications
30 facilities and services before the Florida Public Service
31 Commission and, when necessary, prepare position papers,

1 | prepare testimony, appear as a witness, and retain witnesses
2 | on behalf of state agencies in proceedings before the
3 | commission.

4 | ~~(13)(20)~~ Unless delegated to the agencies by the
5 | department ~~Chief Information Officer~~, to manage and control,
6 | but not intercept or interpret, communications within the
7 | SUNCOM Network by:

8 | (a) Establishing technical standards to physically
9 | interface with the SUNCOM Network.

10 | (b) Specifying how communications are transmitted
11 | within the SUNCOM Network.

12 | (c) Controlling the routing of communications within
13 | the SUNCOM Network.

14 | (d) Establishing standards, policies, and procedures
15 | for access to the SUNCOM Network.

16 | (e) Ensuring orderly and reliable communications
17 | services in accordance with the service level agreements
18 | executed with state agencies.

19 | ~~(14)(21)~~ To plan, design, and conduct experiments for
20 | information technology services, equipment, and technologies,
21 | and to implement enhancements in the state information
22 | technology system when in the public interest and
23 | cost-effective. Funding for such experiments shall be derived
24 | from SUNCOM Network service revenues and shall not exceed 2
25 | percent of the annual budget for the SUNCOM Network for any
26 | fiscal year or as provided in the General Appropriations Act.
27 | New services offered as a result of this subsection shall not
28 | affect existing rates for facilities or services.

29 | ~~(15)(22)~~ To enter into contracts or agreements, with
30 | or without competitive bidding or procurement, to make
31 | available, on a fair, reasonable, and nondiscriminatory basis,

1 | property and other structures under office control for the
2 | placement of new facilities by any wireless provider of mobile
3 | service as defined in 47 U.S.C. s. 153(n) or s. 332(d) and any
4 | telecommunications company as defined in s. 364.02 when it is
5 | determined to be practical and feasible to make such property
6 | or other structures available. The department ~~office~~ may,
7 | without adopting a rule, charge a just, reasonable, and
8 | nondiscriminatory fee for the placement of the facilities,
9 | payable annually, based on the fair market value of space used
10 | by comparable communications facilities in the state. The
11 | department ~~office~~ and a wireless provider or
12 | telecommunications company may negotiate the reduction or
13 | elimination of a fee in consideration of services provided to
14 | the department ~~office~~ by the wireless provider or
15 | telecommunications company. All such fees collected by the
16 | department ~~office~~ shall be deposited directly into the Law
17 | Enforcement Radio Operating Trust Fund, and may be used by the
18 | department ~~office~~ to construct, maintain, or support the
19 | system.

20 | ~~(16)(23)~~ To provide an integrated electronic system
21 | for deploying government products, services, and information
22 | to individuals and businesses which reflects cost-effective
23 | deployment strategies in keeping with industry standards and
24 | practices and includes protections and security of private
25 | information, as well as maintenance of public records.

26 | ~~(a) The integrated electronic system shall reflect~~
27 | ~~cost effective deployment strategies in keeping with industry~~
28 | ~~standards and practices, including protections and security of~~
29 | ~~private information as well as maintenance of public records.~~

30 | ~~(b) The office shall provide a method for assessing~~
31 | ~~fiscal accountability for the integrated electronic system and~~

1 ~~shall establish the organizational structure required to~~
2 ~~implement this system.~~

3 ~~(24) To provide administrative support to the Agency~~
4 ~~Chief Information Officers Council and other workgroups~~
5 ~~created by the Chief Information Officer.~~

6 ~~(25) To facilitate state information technology~~
7 ~~education and training for senior management and other agency~~
8 ~~staff.~~

9 ~~(26) To prepare, on behalf of the Executive Office of~~
10 ~~the Governor, memoranda on recommended guidelines and best~~
11 ~~practices for information resources management, when~~
12 ~~requested.~~

13 ~~(27) To prepare, publish, and disseminate the State~~
14 ~~Annual Report on Enterprise Resource Planning and Management~~
15 ~~under s. 282.310.~~

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

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

21 ~~(17)(30)~~ To designate a State Chief Privacy Officer
22 who shall be responsible for the continual review of policies,
23 laws, rules, and practices of state agencies which may affect
24 the privacy concerns of state residents.

25 Section 10. Section 282.103, Florida Statutes, is
26 amended to read:

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

29 (1) There is created within the department State
30 ~~Technology Office~~ the SUNCOM Network, which shall be developed
31 to serve as the state communications system for providing

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

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

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

30 | Section 11. Section 282.104, Florida Statutes, is
31 | amended to read:

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

12 Section 12. Subsections (1) and (4) of section
13 282.105, Florida Statutes, are amended to read:

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

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

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

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

29 (4) Institutions qualified to participate in the
30 William L. Boyd, IV, Florida Resident Access Grant Program
31 pursuant to s. 1009.89 shall be eligible to use the state

1 | SUNCOM Network, subject to the terms and conditions of the
2 | department ~~office~~. Such entities shall not be required to
3 | satisfy the other criteria of this section.

4 | Section 13. Section 282.106, Florida Statutes, is
5 | amended to read:

6 | 282.106 Use of SUNCOM Network by libraries.--The
7 | department ~~State Technology Office~~ may provide SUNCOM Network
8 | services to any library in the state, including libraries in
9 | public schools, community colleges, state universities, and
10 | nonprofit private postsecondary educational institutions, and
11 | libraries owned and operated by municipalities and political
12 | subdivisions.

13 | Section 14. Subsections (1) and (2) of section
14 | 282.107, Florida Statutes, are amended to read:

15 | 282.107 SUNCOM Network; criteria for usage.--

16 | (1) The department ~~State Technology Office~~ shall
17 | periodically review the qualifications of subscribers using
18 | the state SUNCOM Network and shall terminate services provided
19 | to any facility not qualified pursuant to ss. 282.101-282.111
20 | or rules adopted hereunder. In the event of nonpayment of
21 | invoices by subscribers whose SUNCOM Network invoices are paid
22 | from sources other than legislative appropriations, such
23 | nonpayment represents good and sufficient reason to terminate
24 | service.

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

30 | Section 15. Subsections (1), (3), (4), (5), and (6) of
31 | section 282.1095, Florida Statutes, and paragraphs (f), (g),

1 and (h) of subsection (2) of that section, are amended to
2 read:

3 282.1095 State agency law enforcement radio system and
4 interoperability network.--

5 (1) The department ~~State Technology Office~~ may acquire
6 and implement a statewide radio communications system to serve
7 law enforcement units of state agencies, and to serve local
8 law enforcement agencies through mutual aid channels. The
9 Joint Task Force on State Agency Law Enforcement
10 Communications is established in the department ~~State~~
11 ~~Technology Office~~ to advise the department ~~office~~ of
12 member-agency needs for the planning, designing, and
13 establishment of the joint system. The State Agency Law
14 Enforcement Radio System Trust Fund is established in the
15 department ~~State Technology Office~~. The trust fund shall be
16 funded from surcharges collected under ss. 320.0802 and
17 328.72.

18 (2)

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

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

14 (h) The department ~~State Technology Office~~ may make
15 the mutual aid channels in the statewide radio communications
16 system available to federal agencies, state agencies, and
17 agencies of the political subdivisions of the state for the
18 purpose of public safety and domestic security. The department
19 ~~office~~ shall exercise its powers and duties, as specified in
20 this chapter, to plan, manage, and administer the mutual aid
21 channels. The department ~~office~~ shall, in implementing such
22 powers and duties, act in consultation and conjunction with
23 the Department of Law Enforcement and the Division of
24 Emergency Management of the Department of Community Affairs,
25 and shall manage and administer the mutual aid channels in a
26 manner that reasonably addresses the needs and concerns of the
27 involved law enforcement agencies and emergency response
28 agencies and entities.

29 (3) Upon appropriation, moneys in the trust fund may
30 be used by the department ~~office~~ to acquire by competitive
31 procurement the equipment; software; and engineering,

1 administrative, and maintenance services it needs to
2 construct, operate, and maintain the statewide radio system.
3 Moneys in the trust fund collected as a result of the
4 surcharges set forth in ss. 320.0802 and 328.72 shall be used
5 to help fund the costs of the system. Upon completion of the
6 system, moneys in the trust fund may also be used by the
7 department ~~office~~ to provide for payment of the recurring
8 maintenance costs of the system.

9 (4)(a) The department ~~office~~ shall, in conjunction
10 with the Department of Law Enforcement and the Division of
11 Emergency Management of the Department of Community Affairs,
12 establish policies, procedures, and standards which shall be
13 incorporated into a comprehensive management plan for the use
14 and operation of the statewide radio communications system.

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

19 (5) The department ~~office~~ shall provide technical
20 support to the joint task force and shall bear the overall
21 responsibility for the design, engineering, acquisition, and
22 implementation of the statewide radio communications system
23 and for ensuring the proper operation and maintenance of all
24 system common equipment.

25 (6)(a) The department ~~State Technology Office~~ may
26 create and implement an interoperability network to enable
27 interoperability between various radio communications
28 technologies and to serve federal agencies, state agencies,
29 and agencies of political subdivisions of the state for the
30 purpose of public safety and domestic security. The department
31 ~~office~~ shall, in conjunction with the Department of Law

1 Enforcement and the Division of Emergency Management of the
2 Department of Community Affairs, exercise its powers and
3 duties pursuant to this chapter to plan, manage, and
4 administer the interoperability network. The department ~~office~~
5 may:

6 1. Enter into mutual aid agreements among federal
7 agencies, state agencies, and political subdivisions of the
8 state for the use of the interoperability network.

9 2. Establish the cost of maintenance and operation of
10 the interoperability network and charge subscribing federal
11 and local law enforcement agencies for access and use of the
12 network. The department ~~State Technology Office~~ may not charge
13 state law enforcement agencies identified in paragraph (2)(a)
14 to use the network.

15 3. In consultation with the Department of Law
16 Enforcement and the Division of Emergency Management of the
17 Department of Community Affairs, amend and enhance the
18 statewide radio communications system as necessary to
19 implement the interoperability network.

20 (b) The department ~~State Technology Office~~, in
21 consultation with the Joint Task Force on State Agency Law
22 Enforcement Communications, and in conjunction with the
23 Department of Law Enforcement and the Division of Emergency
24 Management of the Department of Community Affairs, shall
25 establish policies, procedures, and standards to incorporate
26 into a comprehensive management plan for the use and operation
27 of the interoperability network.

28 Section 16. Section 282.111, Florida Statutes, is
29 amended to read:

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

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

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

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

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

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

28 (3) The department ~~office~~ shall adopt any necessary
29 rules and regulations for implementing and coordinating the
30 statewide system of regional law enforcement communications.
31

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

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

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

16 Section 17. Section 282.20, Florida Statutes, is
17 amended to read:

18 282.20 Technology Resource Center.--

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

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

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

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

28 (2) The Technology Resource Center shall:

29 (a) Serve ~~the office and other~~ customers as an
30 information-system utility.

31

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

4 (c) Cooperate with the Florida Legal Resource Center
5 of the Department of Legal Affairs and other state agencies to
6 develop and provide access to repositories of legal
7 information throughout the state.

8 ~~(d) Cooperate with the office to~~ Facilitate
9 interdepartmental networking and integration of network
10 services for its customers.

11 (e) Assist customers in testing and evaluating new and
12 emerging technologies that could be used to meet the needs of
13 the state.

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

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

27 ~~(5) Notwithstanding the provisions of s. 216.272, the~~
28 ~~Technology Resource Center may spend funds in the reserve~~
29 ~~account of the Technology Enterprise Operating Trust Fund for~~
30 ~~enhancements to center operations or for information~~
31 ~~technology resources. Any expenditure of reserve account funds~~

1 ~~must be approved by the Chief Information Officer. Any funds~~
2 ~~remaining in the reserve account at the end of the fiscal year~~
3 ~~may be carried forward and spent as approved by the Chief~~
4 ~~Information Officer, provided that such approval conforms to~~
5 ~~any applicable provisions of chapter 216.~~

6 Section 18. Section 282.21, Florida Statutes, is
7 amended to read:

8 282.21 ~~The State Technology Office's~~ Electronic access
9 services of the department.--~~The department State Technology~~
10 ~~Office~~ may collect fees for providing remote electronic access
11 pursuant to s. 119.07(2). The fees may be imposed on
12 individual transactions or as a fixed subscription for a
13 designated period of time. All fees collected under this
14 section shall be deposited in the appropriate trust fund of
15 the program or activity that made the remote electronic access
16 available.

17 Section 19. Section 282.22, Florida Statutes, is
18 amended to read:

19 282.22 ~~State Technology Office;~~ Production,
20 dissemination, and ownership of materials and products.--

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

30 (2) To accomplish this objective the department may
31 ~~office is authorized to~~ publish or partner with private sector

1 entities to produce or have produced materials and products
2 and to make them readily available for appropriate use. The
3 department may ~~office is authorized to~~ charge an amount or
4 receive value-added services adequate to cover the essential
5 cost of producing and disseminating such materials,
6 information, services, or products and may ~~is authorized to~~
7 sell services.

8 (3) ~~If in cases in which~~ the materials or products are
9 of such nature, or the circumstances are such, that it is not
10 practicable or feasible for the department ~~office~~ to produce
11 or have produced materials and products so developed, the
12 department may ~~it is authorized~~, after review and approval by
13 the Executive Office of the Governor, ~~to~~ license, lease,
14 assign, sell, or otherwise give written consent to any person,
15 firm, or corporation for the manufacture or use thereof, on a
16 royalty basis, or for such other consideration as the
17 department deems ~~office shall deem~~ proper and in the best
18 interest of the state; the department shall ~~office is~~
19 ~~authorized and directed to~~ protect same against improper or
20 unlawful use or infringement and ~~to~~ enforce the collection of
21 any sums due for the manufacture or use thereof by any other
22 party.

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

30 Section 20. Section 282.23, Florida Statutes, is
31 repealed.

1 Section 21. Section 282.3025, Florida Statutes, is
2 created to read:

3 282.3025 Florida Technology Council; duties and
4 functions.--

5 (1) There is created the Florida Technology Council
6 within the Department of Management Services. The council
7 shall be headed by the State Technology Officer who is
8 appointed by and reports to the Administration Commission. The
9 Department of Management Services shall provide administrative
10 support and services to the council.

11 (2) The council shall have the following duties and
12 functions:

13 (a) Develop and submit to the Administration
14 Commission by January 15, 2006, a Statewide Information
15 Technology Strategic Plan consistent with the provisions of
16 sections 216.023 and 282.3032, Florida Statutes, in
17 consultation with the Agency Chief Information Officers
18 Council. The plan must describe how the state should align its
19 information technology resources and assets to an enterprise
20 perspective that will allow the state to focus its investments
21 on those information technology initiatives that will enable
22 significant improvements in statewide service delivery and
23 business operations. The plan must include, but need not be
24 limited to, a description of how the state can deploy
25 information technology that will:

26 1. Make state governmental information and services
27 more accessible to residents and the state's clients;

28 2. Implement common business applications and systems
29 to improve governmental efficiency and cost-effectiveness; and
30
31

1 3. Lower costs and improve the security and
2 performance of the state's information technology
3 infrastructure.

4
5 The council shall identify actions required to implement the
6 plan and improve the application of information technology
7 across state government.

8 (b) Provide assistance to state agencies in
9 implementing the information technology portfolio management
10 process and the project planning and management requirements
11 as required by section 1 of this act. The council shall
12 provide quarterly status reports to the Administration
13 Commission detailing the status of each agency's compliance
14 with section 1 of this act.

15 Section 22. Section 282.3031, Florida Statutes, is
16 amended to read:

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

1 Section 23. Section 282.3055, Florida Statutes, is
2 repealed.

3 Section 24. Section 282.3063, Florida Statutes, is
4 repealed.

5 Section 25. Section 282.310, Florida Statutes, is
6 repealed.

7 Section 26. Subsections (1) and (3) of section
8 282.315, Florida Statutes, are amended to read:

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

14 (1) There is created an Agency Chief Information
15 Officers Council to:

16 (a) Enhance communication among the Agency Chief
17 Information Officers by sharing enterprise resource planning
18 and management experiences and exchanging ideas.

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

23 (c) Identify efficiency opportunities among state
24 agencies.

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

27 (e) Assist the Florida Technology Council ~~State~~
28 ~~Technology Office~~ in identifying critical statewide issues
29 and, when appropriate, make recommendations for solving
30 enterprise resource planning and management deficiencies which
31

1 would improve delivery of information technology services in
2 the state.

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

5 Section 27. Subsection (2) of section 282.318, Florida
6 Statutes, is amended to read:

7 282.318 Security of data and information technology
8 resources.--

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

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

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

25 3. Develop, and periodically update, written internal
26 policies and procedures to assure the security of the data and
27 information technology resources of each agency. The internal
28 policies and procedures which, if disclosed, could facilitate
29 the unauthorized modification, disclosure, or destruction of
30 data or information technology resources are confidential
31 information and exempt from ~~the provisions of~~ s. 119.07(1),

1 except that such information shall be available to the Auditor
2 General in performing his or her postauditing duties.

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

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

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

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

25 Section 28. Subsection (2) of section 282.322, Florida
26 Statutes, is repealed.

27 Section 29. Paragraph (b) of subsection (4), paragraph
28 (a) of subsection (15), and subsection (16) of section
29 287.042, Florida Statutes, are amended to read:

30 287.042 Powers, duties, and functions.--The department
31 shall have the following powers, duties, and functions:

1 (4)

2 (b) To prescribe, ~~in consultation with the State~~

3 ~~Technology Office~~, procedures for procuring information

4 technology and information technology consultant services

5 which provide for public announcement and qualification,

6 competitive solicitations, contract award, and prohibition

7 against contingent fees. Such procedures must ~~shall~~ be limited

8 to information technology consultant contracts for which the

9 total project costs, or planning or study activities, are

10 estimated to exceed the threshold amount provided for in s.

11 287.017, for CATEGORY TWO.

12 (15)(a) To enter into joint agreements with

13 governmental agencies, as defined in s. 163.3164(10), for the

14 purpose of pooling funds for the purchase of commodities or

15 information technology that can be used by multiple agencies.

16 ~~However, the department shall consult with the State~~

17 ~~Technology Office on joint agreements that involve the~~

18 ~~purchase of information technology.~~ Agencies entering into

19 joint purchasing agreements with the department ~~or the State~~

20 ~~Technology Office~~ shall authorize the department ~~or the State~~

21 ~~Technology Office~~ to contract for such purchases on their

22 behalf.

23 (16)~~(a)~~ To evaluate contracts let by the Federal

24 Government, another state, or a political subdivision for the

25 provision of commodities and contract services, and, when it

26 is determined in writing to be cost-effective and in the best

27 interest of the state, to enter into a written agreement

28 authorizing an agency to make purchases under a contract

29 approved by the department and let by the Federal Government,

30 another state, or a political subdivision.

31

1 ~~(b) For contracts pertaining to the provision of~~
2 ~~information technology, the State Technology Office, in~~
3 ~~consultation with the department, shall assess the~~
4 ~~technological needs of a particular agency, evaluate the~~
5 ~~contracts, and determine whether to enter into a written~~
6 ~~agreement with the letting federal, state, or political~~
7 ~~subdivision body to provide information technology for a~~
8 ~~particular agency.~~

9 Section 30. Subsection (24) of section 287.057,
10 Florida Statutes, is repealed.

11 Section 31. Subsections (2), (5), (6), and (9) of
12 section 445.049, Florida Statutes, are amended to read:

13 445.049 Digital Divide Council.--

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

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

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

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

23 (d) The director of the Agency for Workforce
24 Innovation.

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

26 (f) The Commissioner of Education.

27 (g) The chair of the Network Access Point of the
28 Americas.

29 (h) A representative of the information technology
30 industry in this state appointed by the Speaker of the House
31 of Representatives.

1 (i) A representative of the information technology
2 industry in this state appointed by the President of the
3 Senate.

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

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

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

25 (6) POWERS AND DUTIES OF COUNCIL.--The council,
26 through the Department of Management Services State ~~Technology~~
27 ~~Office~~, is authorized and empowered to facilitate the design
28 and implementation of programs that are aimed at achieving the
29 objectives and goals stated in this section. The Department of
30 Management Services State ~~Technology Office~~ shall present and
31 demonstrate to the council the design characteristics and

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

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

28 Section 32. For the 2005-2006 fiscal year, the sum of
29 \$1.2 million in recurring funds is appropriated from the
30 General Revenue Fund and ten positions are authorized to the
31 Florida Technology Council to provide for personnel and other

1 expenses necessary to implement the council's responsibilities
2 pursuant to this act. Budget actions taken pursuant to this
3 section are subject to section 216.177, Florida Statutes, and
4 at least 14 days' notice shall be given to the chair and vice
5 chair of the Legislative Budget Commission.

6 Section 33. This act shall take effect July 1, 2005.

7
8 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
9 COMMITTEE SUBSTITUTE FOR
10 CS for SB 1494

- 11 1. Creates the Florida Technology Council within the
12 Department of Management Services.
13 2. Provides that the council is headed by a State Technology
14 Officer who is appointed by and reports to the
15 Administration Commission.
16 3. Establishes duties and functions of the council for the
17 development of a statewide strategic technology policy.
18 Appropriates \$1.2 million and authorizes 10 positions for
19 the council.
20 4. Repeals s. 282.005, F.S., providing legislative intent
21 and replaces with a series of policy goals and objectives
22 for the successor entity.
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