

1 A bill to be entitled
2 An act relating to information technology
3 management; creating s. 282.0051, F.S.;
4 providing legislative findings and intent;
5 providing definitions; providing each agency
6 use an information technology investment
7 management process to support investment
8 decisions; requiring each agency to submit its
9 information technology portfolio as part of its
10 legislative budget request; requiring that
11 agencies implement and administer a project
12 management methodology; providing requirements
13 for project administration; amending s. 20.22,
14 F.S.; establishing the Technology Program in
15 the Department of Management Services; creating
16 the Florida Technology Council; removing duty
17 of the State Technology Office to operate and
18 manage the Technology Resource Center;
19 repealing s. 186.022, F.S., relating to
20 Information technology strategic plans;
21 amending s. 216.0446, F.S.; revising duties of
22 the legislative Technology Review Workgroup to
23 remove participation of the State Technology
24 Office; conforming reference to a report;
25 repealing s. 216.292(1)(c), F.S., relating to
26 provisions authorizing transfer of positions
27 and appropriations in fiscal year 2001-2002 for
28 the purpose of consolidating information
29 technology resources; amending s. 282.0041,
30 F.S.; revising definitions for purposes of
31 information resources management; defining the

1 terms "department" and "Florida Technology
2 Council"; deleting the Agency Annual Enterprise
3 Resource Planning and Management Report;
4 deleting the State Annual Report on Enterprise
5 Resource Planning and Management; providing for
6 appointment of an agency chief information
7 officer by the agency head; repealing s.
8 282.005, F.S., relating to Legislative findings
9 and intent; creating s. 282.0055, F.S.;
10 limiting actions by the Florida Technology
11 Council and the department which affect a
12 Cabinet officer; amending s. 282.102, F.S.;
13 removing provisions for the creation, powers,
14 and duties of the State Technology Office;
15 removing provisions for a Chief Information
16 Officer and a State Chief Privacy Officer;
17 removing provisions relating to information
18 technology and enterprise resource management;
19 providing powers, duties, and functions of the
20 Department of Management Services for operating
21 the statewide communications system;
22 transferring powers and duties relating to
23 communications systems from the State
24 Technology Office to the Department of
25 Management Services; authorizing the department
26 to adopt rules; authorizing the department to
27 set a fee for placement of certain
28 telecommunications facilities on state
29 property; creating s. 282.1065, F.S.;
30 authorizing the department to provide SUNCOM
31 services to hospitals or other facilities

1 licensed under ch. 395, F.S.; amending ss.
2 282.103, 282.104, 282.105, 282.106, 282.107,
3 282.1095, and 282.111, F.S., relating to the
4 SUNCOM Network, the state agency law
5 enforcement radio system and interoperability
6 network, and the statewide system of regional
7 law enforcement communications to conform
8 references to changes made by the act; amending
9 s. 282.20, F.S.; providing for operation and
10 management of the Technology Resource Center by
11 the Department of Management Services; amending
12 s. 282.21, F.S.; authorizing the department to
13 collect fees for providing remote electronic
14 access; removing provisions for collection of
15 such fees by the State Technology Office;
16 amending s. 282.22, F.S.; providing for
17 dissemination of materials, products,
18 information, and services acquired or developed
19 by or under the direction of the department;
20 removing reference to the State Technology
21 Office with respect to such materials,
22 products, information, and services; repealing
23 s. 282.23, F.S., relating to establishment of a
24 State Strategic Information Technology Alliance
25 for the acquisition and use of information
26 technology and related material; creating s.
27 282.3025, F.S.; providing for creation, powers,
28 and duties of the Florida Technology Council
29 within the Department of Management Services;
30 providing for a State Chief Information Officer
31 appointed by the Governor; providing for

1 development of a Statewide Information
2 Technology Strategic Plan, enterprise
3 information technology policies, standards,
4 guidelines, and procedures, a model agency
5 information technology investment management
6 process and an information technology
7 investment portfolio, and memoranda on
8 recommended guidelines and best practices for
9 information technology; providing for review
10 and recommendations to the Governor and the
11 Legislature regarding agency information
12 technology projects and plans; providing for
13 preparation of state reports and memoranda;
14 providing rulemaking authority; amending s.
15 282.3031, F.S.; deleting assignment of certain
16 information technology functions to the State
17 Technology Office; conforming terminology;
18 repealing s. 282.3032, F.S., relating to
19 guiding principles for development and
20 implementation of information systems; amending
21 s. 282.3055, F.S.; providing for appointment of
22 the agency chief information officer by the
23 agency head; providing for staffing and
24 supporting of an agency information technology
25 investment board; conforming terminology;
26 repealing s. 282.3063, F.S., relating to the
27 Agency Annual Enterprise Resource Planning and
28 Management Report; repealing s. 282.310, F.S.,
29 relating to the State Annual Report on
30 Enterprise Resource Planning and Management;
31 amending s. 282.315, F.S.; revising duties of

1 the Agency Chief Information Officers Council;
2 providing for the council to assist the Florida
3 Technology Council for certain purposes,
4 identify opportunities to meet specified
5 information technology guidelines, and make
6 certain recommendations to the Florida
7 Technology Council; providing for the
8 appointment and terms of officers; amending s.
9 282.318, F.S.; changing the popular name;
10 removing responsibility of the State Technology
11 Office; providing that each agency head is
12 responsible and accountable for ensuring an
13 adequate level of security for data and
14 information; providing for certain security
15 requirements to be determined by the
16 department; conforming terminology; amending s.
17 282.322, F.S., removing a procedure to monitor
18 certain information resources management
19 projects; amending ss. 365.171 and 365.172,
20 F.S., relating to statewide emergency telephone
21 number systems; designating duties of the State
22 Technology Office as duties of the Department
23 of Management Services; conforming requirements
24 with respect thereto; amending s. 445.049,
25 F.S., relating to the Digital Divide Council;
26 designating duties of the State Technology
27 Office as duties of the Department of
28 Management Services; providing an appropriation
29 and authorizing positions; requiring certain
30 notice with respect to budget actions;
31 providing an effective date.

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

2
3 Section 1. Section 282.0051, Florida Statutes, is
4 created to read:

5 282.0051 Information technology management.--

6 (1) LEGISLATIVE FINDINGS AND INTENT.--The Legislature
7 finds that the state needs an information technology
8 architecture to support the business needs of individual
9 agencies while optimizing the state's collective use of
10 information technology through integration, coordination,
11 consolidation, and sharing. It is the intent of the
12 Legislature that:

13 (a) The state shall make governmental information and
14 services more accessible to citizens by developing a statewide
15 internet portal presence, a state e-mail system, and state
16 security protocols.

17 (b) Each state agency shall develop and implement
18 information technology in the best interest of the state by
19 whatever means are cost effective and efficient, are nonvendor
20 specific systems, and maximize use of shared data and
21 resources.

22 (c) Agency information technology investments must be
23 governed responsibly, consistent with fiscal and substantive
24 policies established by the Legislature, and aligned with
25 business needs.

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

27 (a) "Agency information technology investment
28 management" means an analytical decisionmaking process that is
29 used to systematically prioritize, select, and manage
30 information technology investments for the agency.

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1 (b) "Information technology investment" means the cost
2 associated with agency resources, hardware, software, or
3 contracted services that are required to provide information
4 technology services and to initiate approved information
5 technology projects.

6 (c) "Information technology portfolio" means the
7 aggregate list of information technology investments aligned
8 with agency business needs.

9 (d) "Information technology services" means the
10 strategic and nonstrategic information technology services
11 used to enable agency business processes and as further
12 defined in the legislative budget instructions developed
13 pursuant to s. 216.023.

14 (e) "Information technology services catalog" means a
15 report defining and describing each information technology
16 service.

17 (f) "Project management" means a set of disciplines
18 required for planning, organizing, managing, implementing, and
19 controlling organizational and fiscal resources in order to
20 complete information technology projects.

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

27 (3) AGENCY INFORMATION TECHNOLOGY INVESTMENT
28 MANAGEMENT PROCESS.--The agency information technology
29 investment management process shall be used as the primary
30 tool to support the information technology investment
31 decisions of each agency. The agency shall adopt the model

1 portfolio management process developed pursuant to s.
2 282.3025(2)(d) and may adjust the model to meet
3 agency-specific organizational needs subject to the approval
4 of the Agency Chief Information Officers Council.

5 (a) The investment management process shall:

6 1. Be administered by the agency head and include
7 executive managers from across the agency's program areas.

8 2. Define initiatives using a comprehensive, uniform
9 format.

10 3. Evaluate initiatives using an objective framework.

11 4. Prioritize initiatives and match initiatives to
12 resources.

13 5. Manage the portfolio and the process proactively.

14 (b) Agency-approved initiatives which become
15 information technology projects are subject to the
16 requirements of subsection (4). New initiatives requiring
17 funding shall be submitted in the agency's legislative budget
18 request pursuant to s. 216.023.

19 (c) The agency shall prepare an information technology
20 portfolio in a format prescribed in the legislative budget
21 instructions pursuant to s. 216.023. The portfolio shall
22 include, but need not be limited to:

23 1. A summary statement of the agency's mission, goals,
24 and objectives for information technology which are supported
25 through the agency's information technology portfolio.

26 2. Identification of projects and resources required
27 to meet the objectives of the portfolio.

28 3. The agency information technology services catalog
29 with services linked to business processes or business needs.

30 4. Implementation schedules estimating the time and
31 funding required to implement information technology projects.

1 5. Funding needed to implement information technology
2 services identified in the information technology services
3 catalog.

4 (d) The agency shall submit its information technology
5 portfolio as part of its legislative budget request in the
6 manner and form prescribed in the legislative budget request
7 instructions as provided in s. 216.023.

8 (4) INFORMATION TECHNOLOGY PROJECT MANAGEMENT.--

9 (a) Each agency shall implement the project management
10 methodology developed pursuant to s. 282.3025(2)(c). The
11 agency may make adjustment based on their specific
12 organizational needs and subject to the approval of the Agency
13 Chief Information Officers Council.

14 (b) Information technology projects shall be
15 administered according to the following requirements:

16 1. Projects that refresh desktop units or
17 infrastructure equipment with new technology that is similar
18 to the technology currently in use are exempt from the project
19 planning and reporting requirements in this section unless
20 otherwise specified in the General Appropriations Act.

21 2. For projects with a total cost ranging from
22 \$500,000 to \$1,999,999, the agency must appoint a project
23 manager to ensure that needed project planning and management
24 requirements are fulfilled.

25 3. For projects with a total cost ranging from
26 \$500,000 to \$2 million which involve routine hardware or
27 software upgrades for a single agency, the agency must appoint
28 a project manager to timely deploy and implement the upgrade.
29 Should the project be considered high-risk, the project
30 manager shall ensure that needed project planning and
31 management requirements are fulfilled.

1 4. For projects with a total cost ranging from \$2
2 million to \$10 million, the agency must appoint a project
3 manager to ensure that needed project planning and management
4 requirements are fulfilled. For projects in this range which
5 are determined to impact the general public or which affect an
6 agency's organizational structure, business processes, or
7 service delivery model, the agency must appoint a dedicated
8 project manager and project management team to ensure that all
9 project planning and management requirements are fulfilled.

10 5. For any project with a total cost greater than \$10
11 million, the agency must appoint a dedicated project manager
12 and project management team to ensure that all project
13 planning and management requirements are fulfilled.

14 Section 2. Section 20.22, Florida Statutes, is amended
15 to read:

16 20.22 Department of Management Services.--There is
17 created a Department of Management Services.

18 (1) The head of the Department of Management Services
19 is the Secretary of Management Services, who shall be
20 appointed by the Governor, subject to confirmation by the
21 Senate, and shall serve at the pleasure of the Governor.

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

24 (a) Facilities Program.

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

26 (c) Workforce Program.

27 (d)1. Support Program.

28 2. Federal Property Assistance Program.

29 (e) Administration Program.

30 (f) Division of Administrative Hearings.

31 (g) Division of Retirement.

1 (h) Division of State Group Insurance.

2 (i) Florida Technology Council.

3 ~~(3) The State Technology Office shall operate and~~

4 ~~manage the Technology Resource Center.~~

5 ~~(3)(4)~~ The duties of the Chief Labor Negotiator shall

6 be determined by the Secretary of Management Services, and

7 must include, but need not be limited to, the representation

8 of the Governor as the public employer in collective

9 bargaining negotiations pursuant to the provisions of chapter

10 447.

11 Section 3. Section 186.022, Florida Statutes, is

12 repealed.

13 Section 4. Section 216.0446, Florida Statutes, is

14 amended to read:

15 216.0446 Review of information resources management

16 needs.--

17 (1) There is created within the Legislature the

18 Technology Review Workgroup. The workgroup ~~and the State~~

19 ~~Technology Office~~ shall ~~independently~~ review and make

20 recommendations with respect to the portion of agencies'

21 long-range program plans which pertains to information

22 technology resources management needs and with respect to

23 agencies' legislative budget requests for information

24 technology and related resources. The Technology Review

25 Workgroup shall report such recommendations, together with the

26 findings and conclusions on which such recommendations are

27 based, to the Legislative Budget Commission. ~~The State~~

28 ~~Technology Office shall report such recommendations, together~~

29 ~~with the findings and conclusions on which such~~

30 ~~recommendations are based, to the Executive Office of the~~

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1 ~~Governor and to the chairs of the legislative appropriations~~
2 ~~committees.~~

3 (2) In addition to its primary duty specified in
4 subsection (1), the Technology Review Workgroup shall have
5 powers and duties that include, but are not limited to, the
6 following:

7 (a) To evaluate the information resource management
8 needs identified in the agency long-range program plans for
9 consistency with the Statewide Information Technology
10 Strategic Plan ~~State Annual Report on Enterprise Resource~~
11 ~~Planning and Management~~ and statewide policies recommended by
12 the State Technology Office, and make recommendations to the
13 Legislative Budget Commission.

14 (b) To review and make recommendations to the
15 Legislative Budget Commission on proposed budget amendments
16 and agency transfers associated with information technology
17 initiatives or projects that involve more than one agency,
18 that have an outcome that impacts another agency, that exceed
19 \$500,000 in total cost over a 1-year period, or that are
20 requested by the Legislative Budget Commission to be reviewed.

21 Section 5. Pursuant to section 216.351, Florida
22 Statutes, paragraph (c) of subsection (1) of section 216.292,
23 Florida Statutes, is repealed.

24 Section 6. Section 282.0041, Florida Statutes, is
25 amended to read:

26 282.0041 Definitions.--For the purposes of this part,
27 the term:

28 (1) "Agency" means those entities described in s.
29 216.011(1)(qq).

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31

1 ~~(2)~~ "Agency Annual Enterprise Resource Planning and
2 Management Report" means the report prepared by each agency
3 chief information officer as required by s. 282.3063.

4 ~~(2)~~~~(3)~~ "Agency chief information officer" means the
5 person appointed by the agency head ~~State Technology Office~~ to
6 coordinate and manage the information technology policies and
7 activities applicable to that agency.

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

12 ~~(4)~~ "Department" means the Department of Management
13 Services.

14 ~~(5)~~ "Florida Technology Council" or "council" means
15 the organization created in s. 282.3025.

16 ~~(6)~~~~(7)~~ "Information technology" means equipment,
17 hardware, software, firmware, programs, systems, networks,
18 infrastructure, media, and related material used to
19 automatically, electronically, and wirelessly collect,
20 receive, access, transmit, display, store, record, retrieve,
21 analyze, evaluate, process, classify, manipulate, manage,
22 assimilate, control, communicate, exchange, convert, converge,
23 interface, switch, or disseminate information of any kind or
24 form.

25 ~~(7)~~~~(5)~~ "Information technology Enterprise resources
26 management infrastructure" means the hardware, software,
27 networks, data, human resources, policies, standards,
28 facilities, maintenance, and related materials and services
29 that are required to support the business processes of an
30 agency or state enterprise.

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1 ~~(8)(6)~~ "Information technology Enterprise resource
2 planning and management" means the planning, budgeting,
3 acquiring, developing, organizing, directing, training,
4 control, and related services associated with government
5 information technology. The term encompasses information and
6 related resources, as well as the controls associated with
7 their acquisition, development, dissemination, and use.

8 ~~(9)(8)~~ "Project" means an undertaking directed at the
9 implementation accomplishment of information technology to
10 achieve a strategic objective ~~relating to enterprise resources~~
11 ~~management~~ or a specific appropriated program.

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

15 (10) "Standards" means the generally accepted
16 definitions for information technology which promotes the use
17 of current and, open, nonproprietary, or non-vendor-specific
18 technologies.

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

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

30 Section 7. Section 282.005, Florida Statutes, is
31 repealed.

1 Section 8. Section 282.0055, Florida Statutes, is
2 created to read:

3 282.0055 Limitation with respect to cabinet
4 personnel.--The Florida Technology Council and the department
5 may not take action affecting the supervision, control,
6 management, or coordination of information technology and
7 information technology personnel that any cabinet officer
8 listed in s. 4, Art. IV of the State Constitution deems
9 necessary for the exercise of his or her statutory or
10 constitutional duties.

11 Section 9. Section 282.102, Florida Statutes, is
12 amended to read:

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

28 (1) To publish electronically the portfolio of
29 services available from the department office, including
30 pricing information; the policies and procedures of the
31 department office governing usage of available services; and a

1 forecast of the priorities and initiatives for the state
2 communications system for the ensuing 2 years.

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

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

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

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

16 (3)(6) To adopt technical standards for the state
17 communications information technology system which will assure
18 the interconnection of computer networks and information
19 systems of agencies.

20 (4)(7) To assume management responsibility for any
21 consolidated communications system ~~integrated information~~
22 ~~technology system~~ or service when determined jointly by the
23 department and the agency ~~office~~ to be economically efficient
24 or performance-effective.

25 (5)(8) To enter into agreements ~~related to information~~
26 ~~technology~~ with state agencies and political subdivisions of
27 the state for services provided herein.

28 (6)(9) To use and acquire, with agency concurrence,
29 communications facilities ~~information technology~~ now owned or
30 operated by any agency.

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1 ~~(7)(10)~~ To purchase from or contract with information
2 technology providers for communications facilities and
3 services information technology, including private line
4 services.

5 ~~(8)(11)~~ To apply for, receive, and hold, and to assist
6 agencies in applying for, receiving, or holding, such
7 authorizations, patents, copyrights, trademarks, service
8 marks, licenses, and allocations or channels and frequencies
9 to carry out the purposes of this part.

10 ~~(9)(12)~~ To purchase, lease, or otherwise acquire and
11 to hold, sell, transfer, license, or otherwise dispose of
12 real, personal, and intellectual property, including, but not
13 limited to, patents, trademarks, copyrights, and service
14 marks.

15 ~~(10)(13)~~ To cooperate with any federal, state, or
16 local emergency management agency in providing for emergency
17 communications services.

18 ~~(11)(14)~~ To delegate, as necessary, to state agencies
19 the authority to purchase, lease, or otherwise acquire and to
20 use communications equipment, facilities, and services
21 ~~information technology~~ or, as necessary, to control and
22 approve the purchase, lease, or acquisition and the use of all
23 communications equipment, services, and facilities information
24 ~~technology~~, including, but not limited to, communications
25 services provided as part of any other total system to be used
26 by the state or any of its agencies.

27 ~~(12)(15)~~ To acquire ownership, possession, custody,
28 and control of existing communications equipment and
29 facilities, including all right, title, interest, and equity
30 therein, as necessary, to carry out the purposes of this part.
31 However, the provisions of this subsection shall in no way

1 affect the rights, title, interest, or equity in any such
2 equipment or facilities owned by, or leased to, the state or
3 any state agency by any telecommunications company.

4 ~~(13)(16)~~ To adopt rules pursuant to ss. 120.536(1) and
5 120.54 relating to information technology ~~and~~ to administer
6 the provisions of this part.

7 ~~(14)(17)~~ To provide a means whereby political
8 subdivisions of the state may use state information technology
9 systems upon such terms and under such conditions as the
10 department ~~office~~ may establish.

11 ~~(15)(18)~~ To apply for and accept federal funds for any
12 of the purposes of this part as well as gifts and donations
13 from individuals, foundations, and private organizations.

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

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

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

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

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

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

31

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

4 ~~(18)(21)~~ To plan, design, and conduct experiments for
5 information technology services, equipment, and technologies,
6 and to implement enhancements in the state information
7 technology system when in the public interest and
8 cost-effective. Funding for such experiments shall be derived
9 from SUNCOM Network service revenues and shall not exceed 2
10 percent of the annual budget for the SUNCOM Network for any
11 fiscal year or as provided in the General Appropriations Act.
12 New services offered as a result of this subsection shall not
13 affect existing rates for facilities or services.

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

1 ~~department office~~ shall be deposited directly into the Law
2 Enforcement Radio Operating Trust Fund, and may be used by the
3 ~~department office~~ to construct, maintain, or support the
4 system.

5 ~~(20)(23)~~ To provide an integrated electronic system
6 for deploying government products, services, and information
7 to individuals and businesses which reflects cost-effective
8 deployment strategies in keeping with industry standards and
9 practices and includes protections and security of private
10 information as well as maintenance of public records.

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

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

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

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

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

29 ~~(27) To prepare, publish, and disseminate the State~~
30 ~~Annual Report on Enterprise Resource Planning and Management~~
31 ~~under s. 282.310.~~

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

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

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

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

12 282.103 SUNCOM Network; exemptions from the required
13 use.--

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

26 (2) The department State Technology Office shall
27 design, engineer, implement, manage, and operate through state
28 ownership, commercial leasing, or some combination thereof,
29 the facilities and equipment providing SUNCOM Network
30 services, and shall develop a system of equitable billings and
31 charges for communication services.

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

16 Section 11. Section 282.104, Florida Statutes, is
17 amended to read:

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

29 Section 12. Section 282.105, Florida Statutes, is
30 amended to read:

31

1 282.105 Use of state SUNCOM Network by nonprofit
2 corporations.--

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

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

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

16 (2) Each nonprofit corporation seeking authorization
17 to use the state SUNCOM Network pursuant to this section shall
18 provide to the department ~~office~~, upon request, proof of
19 compliance with subsection (1).

20 (3) Nonprofit corporations established pursuant to
21 general law and an association of municipal governments which
22 is wholly owned by the municipalities shall be eligible to use
23 the state SUNCOM Network, subject to the terms and conditions
24 of the department ~~office~~.

25 (4) Institutions qualified to participate in the
26 William L. Boyd, IV, Florida Resident Access Grant Program
27 pursuant to s. 1009.89 shall be eligible to use the state
28 SUNCOM Network, subject to the terms and conditions of the
29 department ~~office~~. Such entities shall not be required to
30 satisfy the other criteria of this section.

31

1 (5) Private, nonprofit elementary and secondary
2 schools shall be eligible for rates and services on the same
3 basis as public schools, providing these nonpublic schools do
4 not have an endowment in excess of \$50 million.

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

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

14 Section 14. Section 282.1065, Florida Statutes, is
15 created to read:

16 282.1065 Use of SUNCOM Network by hospitals.--The
17 department may provide SUNCOM Network services to hospitals or
18 other facilities licensed under chapter 395 and their state
19 associations who currently contract with or provide services
20 on behalf of state or local governments.

21 Section 15. Section 282.107, Florida Statutes, is
22 amended to read:

23 282.107 SUNCOM Network; criteria for usage.--

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

1 nonpayment represents good and sufficient reason to terminate
2 service.

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

8 (3) Nothing in this section shall be construed to
9 limit or restrict the ability of the Florida Public Service
10 Commission to set jurisdictional tariffs of telecommunications
11 companies.

12 Section 16. Section 282.1095, Florida Statutes, is
13 amended to read:

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

16 (1) The department ~~State Technology Office~~ may acquire
17 and implement a statewide radio communications system to serve
18 law enforcement units of state agencies, and to serve local
19 law enforcement agencies through mutual aid channels. The
20 Joint Task Force on State Agency Law Enforcement
21 Communications is established in the department ~~State~~
22 ~~Technology Office~~ to advise the department ~~office~~ of
23 member-agency needs for the planning, designing, and
24 establishment of the joint system. The State Agency Law
25 Enforcement Radio System Trust Fund is established in the
26 department ~~State Technology Office~~. The trust fund shall be
27 funded from surcharges collected under ss. 320.0802 and
28 328.72.

29 (2)(a) The Joint Task Force on State Agency Law
30 Enforcement Communications shall consist of eight members, as
31 follows:

1 1. A representative of the Division of Alcoholic
2 Beverages and Tobacco of the Department of Business and
3 Professional Regulation who shall be appointed by the
4 secretary of the department.

5 2. A representative of the Division of Florida Highway
6 Patrol of the Department of Highway Safety and Motor Vehicles
7 who shall be appointed by the executive director of the
8 department.

9 3. A representative of the Department of Law
10 Enforcement who shall be appointed by the executive director
11 of the department.

12 4. A representative of the Fish and Wildlife
13 Conservation Commission who shall be appointed by the
14 executive director of the commission.

15 5. A representative of the Division of Law Enforcement
16 of the Department of Environmental Protection who shall be
17 appointed by the secretary of the department.

18 6. A representative of the Department of Corrections
19 who shall be appointed by the secretary of the department.

20 7. A representative of the Division of State Fire
21 Marshal of the Department of Financial Services who shall be
22 appointed by the State Fire Marshal.

23 8. A representative of the Department of
24 Transportation who shall be appointed by the secretary of the
25 department.

26 (b) Each appointed member of the joint task force
27 shall serve at the pleasure of the appointing official. Any
28 vacancy on the joint task force shall be filled in the same
29 manner as the original appointment. Any joint task force
30 member may, upon notification to the chair prior to the
31 beginning of any scheduled meeting, appoint an alternative to

1 represent the member on the task force and vote on task force
2 business in his or her absence.

3 (c) The joint task force shall elect a chair from
4 among its members to serve a 1-year term. A vacancy in the
5 chair of the joint task force must be filled for the remainder
6 of the unexpired term by an election of the joint task force
7 members.

8 (d) The joint task force shall meet as necessary, but
9 at least quarterly, at the call of the chair and at the time
10 and place designated by him or her.

11 (e) The per diem and travel expenses incurred by a
12 member of the joint task force in attending its meetings and
13 in attending to its affairs shall be paid pursuant to s.
14 112.061, from funds budgeted to the state agency that the
15 member represents.

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

29 (g) The department ~~State Technology Office~~ is hereby
30 authorized to rent, lease, or sublease ground space on lands
31 acquired by the department ~~office~~ for the construction of

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

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

26 (3) Upon appropriation, moneys in the trust fund may
27 be used by the department ~~office~~ to acquire by competitive
28 procurement the equipment; software; and engineering,
29 administrative, and maintenance services it needs to
30 construct, operate, and maintain the statewide radio system.
31 Moneys in the trust fund collected as a result of the

1 | surcharges set forth in ss. 320.0802 and 328.72 shall be used
2 | to help fund the costs of the system. Upon completion of the
3 | system, moneys in the trust fund may also be used by the
4 | department ~~office~~ to provide for payment of the recurring
5 | maintenance costs of the system.

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

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

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

22 | (6)(a) The department ~~State Technology Office~~ may
23 | create and implement an interoperability network to enable
24 | interoperability between various radio communications
25 | technologies and to serve federal agencies, state agencies,
26 | and agencies of political subdivisions of the state for the
27 | purpose of public safety and domestic security. The department
28 | ~~office~~ shall, in conjunction with the Department of Law
29 | Enforcement and the Division of Emergency Management of the
30 | Department of Community Affairs, exercise its powers and
31 | duties pursuant to this chapter to plan, manage, and

1 administer the interoperability network. The department ~~office~~
2 may:

3 1. Enter into mutual aid agreements among federal
4 agencies, state agencies, and political subdivisions of the
5 state for the use of the interoperability network.

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

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

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

25 Section 17. Section 282.111, Florida Statutes, is
26 amended to read:

27 282.111 Statewide system of regional law enforcement
28 communications.--

29 (1) It is the intent and purpose of the Legislature
30 that a statewide system of regional law enforcement
31 communications be developed whereby maximum efficiency in the

1 use of existing radio channels is achieved in order to deal
2 more effectively with the apprehension of criminals and the
3 prevention of crime generally. To this end, all law
4 enforcement agencies within the state are directed to provide
5 the department ~~State Technology Office~~ with any information
6 the department ~~office~~ requests for the purpose of implementing
7 the provisions of subsection (2).

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

15 (a) The communications requirements for each county
16 and municipality comprising the region.

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

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

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

28 (4) The secretary of the Department of Management
29 Services ~~Chief Information Officer of the State Technology~~
30 ~~Office~~ or his or her designee is designated as the director of
31 the statewide system of regional law enforcement

1 | communications and, for the purpose of carrying out the
2 | provisions of this section, is authorized to coordinate the
3 | activities of the system with other interested state agencies
4 | and local law enforcement agencies.

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

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

13 | Section 18. Section 282.20, Florida Statutes, is
14 | amended to read:

15 | 282.20 Technology Resource Center.--

16 | (1)(a) The Department of Management Services ~~State~~
17 | ~~Technology Office~~ shall operate and manage the Technology
18 | Resource Center.

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

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

23 | 2. "Customer" means a state agency or other entity
24 | which is authorized to utilize the SUNCOM Network pursuant to
25 | this part.

26 | (2) The Technology Resource Center shall:

27 | (a) Serve the department ~~office~~ and other customers as
28 | an information-system utility.

29 | (b) Cooperate with customers to offer, develop, and
30 | support a wide range of services and applications needed by
31 | users of the Technology Resource Center.

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

5 (d) Cooperate with the department ~~office~~ to facilitate
6 interdepartmental networking and integration of network
7 services for its customers.

8 (e) Assist customers in testing and evaluating new and
9 emerging technologies that could be used to meet the needs of
10 the state.

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

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

24 (5) Notwithstanding the provisions of s. 216.272, the
25 Technology Resource Center may spend funds in the reserve
26 account of the Technology Enterprise Operating Trust Fund for
27 enhancements to center operations or for information
28 technology resources. Any expenditure of reserve account funds
29 must be approved by the secretary of the department ~~Chief~~
30 ~~Information Officer~~. Any funds remaining in the reserve
31 account at the end of the fiscal year may be carried forward

1 and spent as approved by the secretary ~~Chief Information~~
2 ~~Officer~~, provided that such approval conforms to any
3 applicable provisions of chapter 216.

4 Section 19. Section 282.21, Florida Statutes, is
5 amended to read:

6 282.21 ~~The State Technology Office's~~ Electronic access
7 services of the department.--The department ~~State Technology~~
8 ~~Office~~ may collect fees for providing remote electronic access
9 pursuant to s. 119.07(2). The fees may be imposed on
10 individual transactions or as a fixed subscription for a
11 designated period of time. All fees collected under this
12 section shall be deposited in the appropriate trust fund of
13 the program or activity that made the remote electronic access
14 available.

15 Section 20. Section 282.22, Florida Statutes, is
16 amended to read:

17 282.22 ~~State Technology Office;~~ Production,
18 dissemination, and ownership of materials and products.--

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

28 (2) To accomplish this objective the department may
29 ~~office is authorized to~~ publish or partner with private sector
30 entities to produce or have produced materials and products
31 and to make them readily available for appropriate use. The

1 ~~department may~~ ~~office is authorized to~~ charge an amount or
2 receive value-added services adequate to cover the essential
3 cost of producing and disseminating such materials,
4 information, services, or products and is authorized to sell
5 services.

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

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

27 Section 21. Section 282.23, Florida Statutes, is
28 repealed.

29 Section 22. Section 282.3025, Florida Statutes, is
30 created to read:

31

1 282.3025 Florida Technology Council; powers and
2 duties.--

3 (1) There is created a Florida Technology Council
4 within the Department of Management Services. The council
5 shall be headed by a State Chief Information Officer who is
6 appointed by the Governor. The Department of Management
7 Services shall provide administrative support and services to
8 the council.

9 (2) The council shall have the following powers,
10 duties, and functions:

11 (a) Develop and submit by January 15, 2006, a
12 Statewide Information Technology Strategic Plan consistent
13 with the provisions of s. 282.0051(1), and in consultation
14 with the Agency Chief Information Officers Council. The plan
15 must include, but need not be limited to, a description and
16 recommendations as to how the state can deploy information
17 technology that:

18 1. Aligns state information technology resources and
19 assets to achieve an enterprise perspective and focus state
20 investments on initiatives that provide significant
21 improvements in statewide service delivery and business
22 operations.

23 2. Makes state governmental information and services
24 more accessible to residents and the state's clients.

25 3. Improves governmental efficiency and
26 cost-effectiveness.

27 4. Improves security and performance of the state's
28 information technology infrastructure.

29 5. Makes recommendations for changes to the statutes
30 which promote the findings of the report.

31

1 (b) Develop enterprise information technology
2 policies, standards, guidelines, and procedures in
3 consultation with and subject to the approval of the Agency
4 Chief Information Officers Council and the department, and in
5 consultation with the Technology Review Workgroup, relating to
6 enterprise architecture, enterprise Internet portal, business
7 continuity and disaster recovery, security, computing,
8 networks, desktop equipment, and communications.

9 (c) Recommend, in consultation with the Agency Chief
10 Information Officers Council and the Technology Review
11 Workgroup, and subject to the approval of the Agency Chief
12 Information Officers Council, a project management methodology
13 for use by the agencies to meet the provisions of s. 282.0051.
14 The methodology shall be adopted by September 30, 2005, for
15 distribution to the agencies.

16 (d) Develop, in consultation with the Agency Chief
17 Information Officers Council and the Technology Review
18 Workgroup, and subject to the approval of the Agency Chief
19 Information Officers Council, a model agency information
20 technology investment management process and an information
21 technology investment portfolio. The model process shall be
22 adopted by September 30, 2005, for distribution to the
23 agencies.

24 (e) Review recommendations made by the Agency Chief
25 Information Officers Council for improving information
26 technology in agencies or the state and make recommendations
27 to the Governor and the Legislature for consideration during
28 legislative session.

29 (f) Review each agency information technology
30 investment portfolio and make recommendations to the Governor
31

1 and the Legislature regarding opportunities consistent with s.
 2 282.0051(1).

3 (g) Prepare, on behalf of the Executive Office of the
 4 Governor, memoranda on recommended guidelines and best
 5 practices for information technology, when requested.

6 (3) The Florida Technology Council may adopt rules
 7 pursuant to ss. 120.536(1) and 120.54 to administer the
 8 provisions of this section.

9 Section 23. Section 282.3031, Florida Statutes, is
 10 amended to read:

11 282.3031 Assignment of information technology planning
 12 and resources management responsibilities.--For purposes of
 13 ss. 282.3032-282.322 ~~282.303-282.322~~, to ensure the best
 14 management of state information technology resources, and
 15 notwithstanding other provisions of law to the contrary, the
 16 functions of information technology planning and resources
 17 management are assigned to the university boards of trustees
 18 for the development and implementation of planning,
 19 management, rulemaking, standards, and guidelines for the
 20 state universities; to the community college boards of
 21 trustees for establishing and developing rules for the
 22 community colleges; to the Supreme Court for the judicial
 23 branch; to each state attorney and public defender; and to the
 24 agency head State Technology Office for the agencies within
 25 the executive branch of state government.

26 Section 24. Section 282.3032, Florida Statutes, is
 27 repealed.

28 Section 25. Section 282.3055, Florida Statutes, is
 29 amended to read:

30 282.3055 Agency chief information officer;
 31 appointment; duties.--

1 (1)(a) To assist the agency head ~~State Technology~~
2 ~~Officer~~ in carrying out information technology ~~the enterprise~~
3 ~~resource~~ planning and management responsibilities, the agency
4 head ~~Chief Information Officer~~ may appoint or contract for an
5 agency chief information officer. This position may be full
6 time or part time.

7 (b) The agency chief information officer must, at a
8 minimum, have knowledge and experience in both management and
9 information technology resources.

10 (2) The duties of the agency chief information officer
11 include, but are not limited to:

12 (a) Coordinating and facilitating agency information
13 technology ~~enterprise resource~~ planning and management
14 projects and initiatives.

15 (b) Preparing the ~~an~~ agency ~~annual~~ information
16 technology investment portfolio report on enterprise resource
17 ~~planning and management~~ pursuant to the provisions of s.
18 282.0051 ~~s. 282.3063~~.

19 (c) Developing and implementing agency information
20 technology ~~enterprise resource~~ planning and management
21 policies, procedures, guidelines, and standards consistent
22 with statewide policies, procedures, guidelines, and
23 ~~standards, including specific policies and procedures for~~
24 ~~review and approval of the agency's purchases of information~~
25 ~~technology resources in accordance with the office's policies~~
26 ~~and procedures~~.

27 (d) Advising agency senior management as to the
28 information technology ~~enterprise resource~~ planning and
29 management and the information technology investment needs of
30 the agency ~~for inclusion in planning documents required by~~
31 ~~law~~.

1 (e) Staffing and supporting an agency information
2 technology investment management process.

3 ~~(e) Assisting in the development and prioritization of~~
4 ~~the enterprise resource planning and management schedule of~~
5 ~~the agency's legislative budget request.~~

6 Section 26. Section 282.3063, Florida Statutes, is
7 repealed.

8 Section 27. Section 282.310, Florida Statutes, is
9 repealed.

10 Section 28. Section 282.315, Florida Statutes, is
11 amended to read:

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

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

20 (a) Enhance communication among the agency chief
21 information officers and the Florida Technology Council ~~by~~
22 ~~sharing enterprise resource planning and management~~
23 ~~experiences and exchanging ideas.~~

24 (b) Identify and recommend ~~Facilitate the sharing of~~
25 best practices that are characteristic of highly successful
26 technology organizations, as well as exemplary information
27 technology applications of state agencies, and assist the
28 Florida Technology Council in the development of policies,
29 standards, guidelines, and procedures for use by all state
30 agencies.

31

1 (c) Identify efficiency opportunities among state
2 agencies to fulfill the guidelines in s. 282.3032 and make
3 recommendations for action to the Florida Technology Council.

4 (d) Serve as an educational forum for enterprise
5 information technology resource planning and management
6 issues.

7 (e) ~~Identify Assist the State Technology Office in~~
8 ~~identifying~~ critical statewide issues and, when appropriate,
9 make recommendations to the Florida Technology Council for
10 solving information technology enterprise resource planning
11 ~~and management~~ deficiencies.

12 (2) Members of the council shall include the agency
13 chief information officers, including the chief information
14 officers of the agencies and governmental entities enumerated
15 in s. 282.3031, except that there shall be one chief
16 information officer selected by the state attorneys and one
17 chief information officer selected by the public defenders.
18 The chairs, or their designees, of the Florida Financial
19 Management Information System Coordinating Council, the
20 Criminal and Juvenile Justice Information Systems Council, and
21 the Health Information Systems Council shall represent their
22 respective organizations on the Agency Chief Information
23 Officers Council as voting members. The council shall appoint
24 a chair, a vice chair, and a secretary from its members to
25 serve a 1-year term each. The council shall establish
26 procedures to govern council business.

27 (3) The Florida Technology Council ~~State Technology~~
28 ~~Office~~ shall provide administrative support to the council.

29 Section 29. Section 282.318, Florida Statutes, is
30 amended to read:

31

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

3 (1) This section may be cited as the "Security of Data
4 and Information Technology Infrastructure Resources Act."

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

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

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

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

30 4. Implement appropriate cost-effective safeguards to
31 reduce, eliminate, or recover from the identified risks to the

1 data and information technology infrastructure ~~resources~~ of
2 each agency.

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

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

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

22 Section 30. Section 282.322, Florida Statutes, is
23 amended to read:

24 282.322 Special monitoring process for designated
25 information resources management projects.--

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

1 monitor. Upon contract award, funds equal to the contract
2 amount shall be transferred to the Technology Review Workgroup
3 upon request and subsequent approval of a budget amendment
4 pursuant to s. 216.292. With the concurrence of the
5 Legislative Auditing Committee, the office of the Auditor
6 General shall be the project monitor for other projects
7 designated for special monitoring. However, nothing in this
8 section precludes the Auditor General from conducting such
9 monitoring on any project designated for special monitoring.
10 In addition to monitoring and reporting on significant
11 communications between a contracting agency and the
12 appropriate federal authorities, the project monitoring
13 process shall consist of evaluating each major stage of the
14 designated project to determine whether the deliverables have
15 been satisfied and to assess the level of risks associated
16 with proceeding to the next stage of the project. The major
17 stages of each designated project shall be determined based on
18 the agency's information systems development methodology.
19 Within 20 days after an agency has completed a major stage of
20 its designated project or at least 90 days, the project
21 monitor shall issue a written report, including the findings
22 and recommendations for correcting deficiencies, to the agency
23 head, for review and comment. Within 20 days after receipt of
24 the project monitor's report, the agency head shall submit a
25 written statement of explanation or rebuttal concerning the
26 findings and recommendations of the project monitor, including
27 any corrective action to be taken by the agency. The project
28 monitor shall include the agency's statement in its final
29 report, which shall be forwarded, within 7 days after receipt
30 of the agency's statement, to the agency head, the inspector
31 general's office of the agency, the Executive Office of the

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

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

19 Section 31. Paragraph (a) of subsection (3),
20 subsections (4), (5), (7), (9), (10), and (12), and paragraph
21 (a) of subsection (13) of section 365.171, Florida Statutes,
22 are amended to read:

23 365.171 Emergency telephone number#911.---

24 (3) DEFINITIONS.--As used in this section:

25 (a) "Department Office" means the Department of
26 Management Services State Technology Office.

27 (4) STATE PLAN.--The department office shall develop a
28 statewide emergency telephone number "911" system plan. The
29 plan shall provide for:

30
31

1 (a) The establishment of the public agency emergency
2 telephone communications requirements for each entity of local
3 government in the state.

4 (b) A system to meet specific local government
5 requirements. Such system shall include law enforcement,
6 firefighting, and emergency medical services and may include
7 other emergency services such as poison control, suicide
8 prevention, and emergency management services.

9 (c) Identification of the mutual aid agreements
10 necessary to obtain an effective "911" system.

11 (d) A funding provision which shall identify the cost
12 necessary to implement the "911" system.

13 (e) A firm implementation schedule which shall include
14 the installation of the "911" system in a local community
15 within 24 months after the designated agency of the local
16 government gives a firm order to the telephone utility for a
17 "911" system.

18
19 The department ~~office~~ shall be responsible for the
20 implementation and coordination of such plan. The department
21 ~~office~~ shall adopt any necessary rules and schedules related
22 to public agencies for implementing and coordinating such
23 plan, pursuant to chapter 120. The public agency designated in
24 the plan shall order such system within 6 months after
25 publication date of the plan if the public agency is in
26 receipt of funds appropriated by the Legislature for the
27 implementation and maintenance of the "911" system. Any
28 jurisdiction which has utilized local funding as of July 1,
29 1976, to begin the implementation of the state plan as set
30 forth in this section shall be eligible for at least a partial
31

1 reimbursement of its direct cost when, and if, state funds are
2 available for such reimbursement.

3 (5) SYSTEM DIRECTOR.--The secretary ~~director~~ of the
4 department ~~office~~ or his or her designee is designated as the
5 director of the statewide emergency telephone number "911"
6 system and, for the purpose of carrying out the provisions of
7 this section, is authorized to coordinate the activities of
8 the system with state, county, local, and private agencies.
9 The secretary ~~director~~ is authorized to employ not less than
10 five persons, three of whom will be at the professional level,
11 one at the secretarial level, and one to fill a fiscal
12 position, for the purpose of carrying out the provisions of
13 this section. The secretary ~~director~~ in implementing the
14 system shall consult, cooperate, and coordinate with local law
15 enforcement agencies.

16 (7) TELEPHONE INDUSTRY COORDINATION.--The department
17 ~~office~~ shall coordinate with the Florida Public Service
18 Commission which shall encourage the Florida telephone
19 industry to activate facility modification plans for a timely
20 "911" implementation.

21 (9) SYSTEM APPROVAL.--No emergency telephone number
22 "911" system shall be established and no present system shall
23 be expanded without prior approval of the department ~~office~~.

24 (10) COMPLIANCE.--All public agencies shall assist the
25 department ~~office~~ in their efforts to carry out the intent of
26 this section, and such agencies shall comply with the
27 developed plan.

28 (12) FEDERAL ASSISTANCE.--The secretary of the
29 department ~~office~~ or his or her designee may apply for and
30 accept federal funding assistance in the development and
31

1 implementation of a statewide emergency telephone number "911"
2 system.

3 (13) "911" FEE.--

4 (a) Following approval by referendum as set forth in
5 paragraph (b), or following approval by a majority vote of its
6 board of county commissioners, a county may impose a "911" fee
7 to be paid by the local exchange subscribers within its
8 boundaries served by the "911" service. Proceeds from the
9 "911" fee shall be used only for "911" expenditures as set
10 forth in subparagraph 6. The manner of imposing and collecting
11 said payment shall be as follows:

12 1. At the request of the county subscribing to "911"
13 service, the telephone company shall, insofar as is
14 practicable, bill the "911" fee to the local exchange
15 subscribers served by the "911" service, on an individual
16 access line basis, at a rate not to exceed 50 cents per month
17 per line (up to a maximum of 25 access lines per account bill
18 rendered). However, the fee may not be assessed on any pay
19 telephone in this state. A county collecting the fee for the
20 first time may collect the fee for no longer than 36 months
21 without initiating the acquisition of its "911" equipment.

22 2. Fees collected by the telephone company pursuant to
23 subparagraph 1. shall be returned to the county, less the
24 costs of administration retained pursuant to paragraph (c).
25 The county shall provide a minimum of 90 days' written notice
26 to the telephone company prior to the collection of any "911"
27 fees.

28 3. Any county that currently has an operational "911"
29 system or that is actively pursuing the implementation of a
30 "911" system shall establish a fund to be used exclusively for
31 receipt and expenditure of "911" fee revenues collected

1 pursuant to this section. All fees placed in said fund, and
2 any interest accrued thereupon, shall be used solely for "911"
3 costs described in subparagraph 6. The money collected and
4 interest earned in this fund shall be appropriated for "911"
5 purposes by the county commissioners and incorporated into the
6 annual county budget. Such fund shall be included within the
7 financial audit performed in accordance with s. 218.39. A
8 report of the audit shall be forwarded to the department
9 ~~office~~ within 60 days of its completion. A county may carry
10 forward on an annual basis unspent moneys in the fund for
11 expenditures allowed by this section, or it may reduce its
12 fee. However, in no event shall a county carry forward more
13 than 10 percent of the "911" fee billed for the prior year.
14 The amount of moneys carried forward each year may be
15 accumulated in order to allow for capital improvements
16 described in this subsection. The carryover shall be
17 documented by resolution of the board of county commissioners
18 expressing the purpose of the carryover or by an adopted
19 capital improvement program identifying projected expansion or
20 replacement expenditures for "911" equipment and service
21 features, or both. In no event shall the "911" fee carryover
22 surplus moneys be used for any purpose other than for the
23 "911" equipment, service features, and installation charges
24 authorized in subparagraph 6. Nothing in this section shall
25 prohibit a county from using other sources of revenue for
26 improvements, replacements, or expansions of its "911" system.
27 A county may increase its fee for purposes authorized in this
28 section. However, in no case shall the fee exceed 50 cents per
29 month per line. All current "911" fees shall be reported to
30 the department ~~office~~ within 30 days of the start of each
31 county's fiscal period. Any fee adjustment made by a county

1 shall be reported to the department ~~office~~. A county shall
2 give the telephone company a 90-day written notice of such fee
3 adjustment.

4 4. The telephone company shall have no obligation to
5 take any legal action to enforce collection of the "911" fee.
6 The telephone company shall provide quarterly to the county a
7 list of the names, addresses, and telephone numbers of any and
8 all subscribers who have identified to the telephone company
9 their refusal to pay the "911" fee.

10 5. The county subscribing to "911" service shall
11 remain liable to the telephone company for any "911" service,
12 equipment, operation, or maintenance charge owed by the county
13 to the telephone company.

14

15 ~~As used in this paragraph, "telephone company" means an~~
16 ~~exchange telephone service provider of "911" service or~~
17 ~~equipment to any county within its certificated area.~~

18 6. It is the intent of the Legislature that the "911"
19 fee authorized by this section to be imposed by counties will
20 not necessarily provide the total funding required for
21 establishing or providing the "911" service. For purposes of
22 this section, "911" service includes the functions of database
23 management, call taking, location verification, and call
24 transfer. The following costs directly attributable to the
25 establishment and/or provision of "911" service are eligible
26 for expenditure of moneys derived from imposition of the "911"
27 fee authorized by this section: the acquisition,
28 implementation, and maintenance of Public Safety Answering
29 Point (PSAP) equipment and "911" service features, as defined
30 in the Florida Public Service Commission's lawfully approved
31 "911" and related tariffs and/or the acquisition,

1 installation, and maintenance of other "911" equipment,
2 including call answering equipment, call transfer equipment,
3 ANI controllers, ALI controllers, ANI displays, ALI displays,
4 station instruments, "911" telecommunications systems,
5 teleprinters, logging recorders, instant playback recorders,
6 telephone devices for the deaf (TDD) used in the "911" system,
7 PSAP backup power systems, consoles, automatic call
8 distributors, and interfaces (hardware and software) for
9 computer-aided dispatch (CAD) systems; salary and associated
10 expenses for "911" call takers for that portion of their time
11 spent taking and transferring "911" calls; salary and
12 associated expenses for a county to employ a full-time
13 equivalent "911" coordinator position and a full-time
14 equivalent staff assistant position per county for the portion
15 of their time spent administrating the "911" system; training
16 costs for PSAP call takers in the proper methods and
17 techniques used in taking and transferring "911" calls;
18 expenses required to develop and maintain all information (ALI
19 and ANI databases and other information source repositories)
20 necessary to properly inform call takers as to location
21 address, type of emergency, and other information directly
22 relevant to the "911" call-taking and transferring function;
23 and, in a county defined in s. 125.011(1), such expenses
24 related to a nonemergency "311" system, or similar
25 nonemergency system, which improves the overall efficiency of
26 an existing "911" system or reduces "911" emergency response
27 time for a 2-year pilot project that ends June 30, 2003.
28 However, no wireless telephone service provider shall be
29 required to participate in this pilot project or to otherwise
30 implement a nonemergency "311" system or similar nonemergency
31 system. The "911" fee revenues shall not be used to pay for

1 any item not listed, including, but not limited to, any
2 capital or operational costs for emergency responses which
3 occur after the call transfer to the responding public safety
4 entity and the costs for constructing buildings, leasing
5 buildings, maintaining buildings, or renovating buildings,
6 except for those building modifications necessary to maintain
7 the security and environmental integrity of the PSAP and "911"
8 equipment rooms.

9 7. It is the goal of the Legislature that enhanced
10 "911" service be available throughout the state. Expenditure
11 by counties of the "911" fees authorized by this section
12 should support this goal to the greatest extent feasible
13 within the context of local service needs and fiscal
14 capability. Nothing in this section shall be construed to
15 prohibit two or more counties from establishing a combined
16 emergency "911" telephone service by interlocal agreement and
17 utilizing the "911" fees authorized by this section for such
18 combined "911" service.

19
20 As used in this paragraph, "telephone company" means an
21 exchange telephone service provider of "911" service or
22 equipment to any county within its certificated area.

23 Section 32. Paragraph (d) of subsection (2), paragraph
24 (f) of subsection (3), subsection (4), paragraph (a) of
25 subsection (5), and paragraphs (c) and (d) of subsection (6)
26 of section 365.172, Florida Statutes, are amended to read:

27 365.172 Wireless emergency telephone number "E911."--

28 (2) FINDINGS, PURPOSE, AND LEGISLATIVE INTENT.--The
29 Legislature finds and declares that:

30 (d) The revenues generated by the E911 fee imposed
31 under this section are required to fund the efforts of the

1 | counties, the Wireless 911 Board under the Department of
2 | Management Services State Technology Office, and commercial
3 | mobile radio service providers to improve the public health,
4 | safety, and welfare and serve a public purpose by providing
5 | emergency telephone assistance through wireless
6 | communications.

7 | (3) DEFINITIONS.--As used in this section and ss.
8 | 365.173 and 365.174, the term:

9 | (f) "Department Office" means the Department of
10 | Management Services State Technology Office.

11 | (4) POWERS AND DUTIES OF THE DEPARTMENT OFFICE.--The
12 | department office shall oversee the administration of the fee
13 | imposed on subscribers of statewide E911 service under
14 | subsection (8).

15 | (5) THE WIRELESS 911 BOARD.--

16 | (a) The Wireless 911 Board is established to
17 | administer, with oversight by the department office, the fee
18 | imposed under subsection (8), including receiving revenues
19 | derived from the fee; distributing portions of such revenues
20 | to providers, counties, and the department office; accounting
21 | for receipts, distributions, and income derived by the funds
22 | maintained in the fund; and providing annual reports to the
23 | Governor and the Legislature for submission by the department
24 | office on amounts collected and expended, the purposes for
25 | which expenditures have been made, and the status of wireless
26 | E911 service in this state. In order to advise and assist the
27 | department office in carrying out the purposes of this
28 | section, the board, which shall have the power of a body
29 | corporate, shall have the powers enumerated in subsection (6).

30 | (6) AUTHORITY OF THE BOARD; ANNUAL REPORT.--

31 |

1 (c) By February 28 of each year, the board shall
2 prepare a report for submission by the department ~~office~~ to
3 the Governor, the President of the Senate, and the Speaker of
4 the House of Representatives which reflects, for the
5 immediately preceding calendar year, the quarterly and annual
6 receipts and disbursements of moneys in the fund, the purposes
7 for which disbursements of moneys from the fund have been
8 made, and the availability and status of implementation of
9 E911 service in this state.

10 (d) By February 28, 2001, the board shall undertake
11 and complete a study for submission by the department ~~office~~
12 to the Governor, the President of the Senate, and the Speaker
13 of the House of Representatives which addresses:

14 1. The total amount of E911 fee revenues collected by
15 each provider, the total amount of expenses incurred by each
16 provider to comply with the order, and the amount of moneys on
17 deposit in the fund, all as of December 1, 2000.

18 2. Whether the amount of the E911 fee and the
19 allocation percentages set forth in s. 365.173 should be
20 adjusted to comply with the requirements of the order, and, if
21 so, a recommended adjustment to the E911 fee.

22 3. Any other issues related to providing wireless E911
23 services.

24 Section 33. Subsections (2), (5), (6), and (9) of
25 section 445.049, Florida Statutes, are amended to read:

26 445.049 Digital Divide Council.--

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

- 1 (a) The Secretary of Management Services or his or her
2 designee ~~chief information officer in the State Technology~~
3 ~~Office.~~
- 4 (b) The director of the Office of Tourism, Trade, and
5 Economic Development in the Executive Office of the Governor.
- 6 (c) The president of Workforce Florida, Inc.
- 7 (d) The director of the Agency for Workforce
8 Innovation.
- 9 (e) The chair of itflorida.com, Inc.
- 10 (f) The Commissioner of Education.
- 11 (g) The chair of the Network Access Point of the
12 Americas.
- 13 (h) A representative of the information technology
14 industry in this state appointed by the Speaker of the House
15 of Representatives.
- 16 (i) A representative of the information technology
17 industry in this state appointed by the President of the
18 Senate.
- 19 (j) Two members of the House of Representatives, who
20 shall be ex officio, nonvoting members of the council,
21 appointed by the Speaker of the House of Representatives, one
22 of whom shall be a member of the Republican Caucus and the
23 other of whom shall be a member of the Democratic Caucus.
- 24 (k) Two members of the Senate, who shall be ex
25 officio, nonvoting members of the council, appointed by the
26 President of the Senate, one of whom shall be a member of the
27 Republican Caucus and the other of whom shall be a member of
28 the Democratic Caucus.
- 29 (5) ADMINISTRATIVE AND TECHNICAL SUPPORT; PAYMENT OF
30 SUPPORT COSTS.--The Department of Management Services State
31 ~~Technology Office~~ shall provide such administrative and

1 technical support to the council as is reasonably necessary
2 for the council to effectively and timely carry out its duties
3 and responsibilities. All direct and indirect costs of
4 providing such support and performing the other duties
5 assigned to the Department of Management Services State
6 ~~Technology Office~~ related to design and implementation of the
7 programs authorized by this section may be paid from
8 appropriations authorized to be used for such purposes.

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

1 programs to ensure the highest probability of such programs
2 achieving their intended results.

3 (9) ANNUAL REPORT.--By March 1 each year, 2002, the
4 council, through the Department of Management Services State
5 ~~Technology Office~~, shall report to the Executive Office of the
6 Governor, the Speaker of the House of Representatives, and the
7 President of the Senate the results of the council's
8 monitoring, reviewing, and evaluating such programs since
9 their inception and the council's recommendations as to
10 whether such programs should be continued and expanded to
11 achieve the objectives and goals stated in this section.

12 Section 34. For fiscal year 2005-2006, 16 positions
13 are authorized and \$2.0 million are appropriated from
14 recurring General Revenue to the Florida Technology Council in
15 the Department of Management Services to provide for personnel
16 and other expenses necessary to implement the provisions of
17 this act. The Executive Office of the Governor shall place
18 these positions and funds in reserve until such time as the
19 Department of Management Services submits an expenditure plan
20 for approval to the Executive Office of the Governor, the
21 House Fiscal Council, and the Senate Ways and Means Committee,
22 pursuant to the provisions of s. 216.177, Florida Statutes.

23 Section 35. This act shall take effect July 1, 2005.
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