

1 A bill to be entitled
2 An act relating to information and technology management;
3 amending s. 11.90, F.S.; revising duties of the
4 Legislative Budget Commission to remove review of agency
5 plans for consistency with the State Annual Report on
6 Enterprise Resource Planning and Management and policies
7 adopted by the State Technology Office; amending s. 20.22,
8 F.S.; establishing the Technology Program in the
9 Department of Management Services; removing the State
10 Technology Office and its duty to operate and manage the
11 Technology Resource Center; creating s. 68.066, F.S.;
12 providing requirements for actions based upon use of a
13 creation that is not protected under federal copyright
14 law; repealing s. 186.022, F.S., relating to information
15 technology strategic plans; amending s. 216.0446, F.S.;
16 revising duties of the legislative Technology Review
17 Workgroup to remove participation of the State Technology
18 Office; conforming reference to a report; amending s.
19 282.0041, F.S.; revising definitions for purposes of
20 provisions for information resources management; deleting
21 the Agency Annual Enterprise Resource Planning and
22 Management Report; deleting the State Annual Report on
23 Enterprise Resource Planning and Management; providing for
24 appointment of an agency chief information officer by the
25 agency head; amending s. 282.005, F.S.; revising
26 legislative findings and intent; revising state agency
27 responsibilities with respect to information technology
28 infrastructure; providing the agency heads with primary

29 responsibility for information technology management;
30 removing functions of the State Technology Office from
31 certain information technology provisions; providing the
32 department shall take no action affecting the supervision,
33 control, management, or coordination by any Cabinet
34 officer of information technology and information
35 technology personnel; repealing s. 282.101, F.S., relating
36 to construction of the terms "information technology" and
37 "information technology system"; amending s. 282.102,
38 F.S.; removing provisions for the creation, powers, and
39 duties of the State Technology Office; removing provisions
40 for a Chief Information Officer and a State Chief Privacy
41 Officer; removing provisions relating to information
42 technology and enterprise resource management; providing
43 powers, duties, and functions of the Department of
44 Management Services for operating the statewide
45 communications system; transferring powers and duties
46 relating to communications systems from the State
47 Technology Office to the Department of Management
48 Services; authorizing the department to adopt rules;
49 authorizing the department to set a fee for placement of
50 certain telecommunications facilities on state property;
51 amending ss. 282.103, 282.104, 282.105, 282.106, 282.107,
52 282.1095, and 282.111, F.S., relating to the SUNCOM
53 Network, the state agency law enforcement radio system and
54 interoperability network, and the statewide system of
55 regional law enforcement communications to conform
56 references to changes made by the act; amending s. 282.20,

57 F.S.; providing for operation and management of the
58 Technology Resource Center by the Department of Management
59 Services; requiring certain reserve account fund
60 expenditures to be approved by the secretary of the
61 department; amending s. 282.21, F.S.; authorizing the
62 department to collect fees for providing remote electronic
63 access; removing provisions for collection of such fees by
64 the State Technology Office; amending s. 282.22, F.S.;
65 providing for dissemination of materials, products,
66 information, and services acquired or developed by or
67 under the direction of the department; removing reference
68 to the State Technology Office with respect to such
69 materials, products, information, and services; repealing
70 s. 282.23, F.S., relating to establishment of a State
71 Strategic Information Technology Alliance for the
72 acquisition and use of information technology and related
73 material; amending s. 282.3031, F.S.; deleting assignment
74 of certain information technology functions to the State
75 Technology Office; correcting references; conforming
76 terminology; amending s. 282.3032, F.S.; revising
77 principles for guiding management of information
78 technology resources; creating s. 282.3033, F.S.; creating
79 the position of State Chief Information Officer in the
80 Department of Management Services; providing duties of the
81 State Chief Information Officer; providing that the State
82 Chief Information Officer is a member of the Agency Chief
83 Information Officers Council; amending s. 282.3055, F.S.;
84 providing for appointment of the agency chief information

85 officer by the agency head; revising duties of the agency
86 chief information officer; conforming terminology;
87 repealing s. 282.3063, F.S., relating to the Agency Annual
88 Enterprise Resource Planning and Management Report;
89 repealing s. 282.310, F.S., relating to the State Annual
90 Report on Enterprise Resource Planning and Management;
91 amending s. 282.315, F.S.; revising duties of the Agency
92 Chief Information Officers Council; providing for the
93 appointment and terms of officers; providing for
94 administrative support by the department; amending s.
95 282.318, F.S.; changing the citation of the section;
96 removing responsibility of the State Technology Office;
97 requiring the Department of Management Services to set
98 minimum standard operating procedures for the security of
99 data and information technology resources; directing the
100 department to require each agency to conduct certain
101 procedures to ensure the security of data, information,
102 and information technology resources; requiring that the
103 results of certain internal audits and evaluations be
104 available to the Office of Information Security; requiring
105 the department to establish the Office of Information
106 Security and to designate a Chief Information Security
107 Officer; providing that the office is responsible for
108 certain procedures and standards; authorizing the
109 department to adopt rules; amending s. 282.322, F.S.;
110 removing a requirement that the Enterprise Project
111 Management Office monitor and report on certain
112 information technology projects; repealing ss. 282.5001,

113 282.5002, 282.5003, 282.5004, 282.5005, 282.5006,
 114 282.5007, and 282.5008, F.S., relating to the Commerce
 115 Protection Act, definitions, remedies and damages for
 116 failure to be year 2000 compliant, immunity from
 117 liability, antitrust exemption, alternative dispute
 118 resolution procedures, and construction of provisions;
 119 amending ss. 365.171 and 365.172, F.S., relating to
 120 statewide emergency telephone number systems; designating
 121 duties of the State Technology Office as duties of the
 122 Department of Management Services; redesignating duties to
 123 the secretary of the department; conforming requirements
 124 with respect thereto; amending s. 445.049, F.S., relating
 125 to the Digital Divide Council; designating duties of the
 126 State Technology Office as duties of the Department of
 127 Management Services; redesignating duties to the secretary
 128 of the department; requesting interim assistance of the
 129 Division of Statutory Revision to prepare conforming
 130 legislation for the 2007 legislative session; authorizing
 131 positions and providing an appropriation; providing an
 132 effective date.

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

136 Section 1. Subsection (7) of section 11.90, Florida
 137 Statutes, is amended to read:

138 11.90 Legislative Budget Commission.--

139 (7) The commission shall review information resources
 140 management needs identified in agency long-range program plans

141 | for consistency with ~~the State Annual Report on Enterprise~~
 142 | ~~Resource Planning and Management~~ and statewide policies adopted
 143 | ~~by the State Technology Office~~. The commission shall also review
 144 | proposed budget amendments associated with information
 145 | technology that involve more than one agency, that have an
 146 | outcome that impacts another agency, or that exceed \$500,000 in
 147 | total cost over a 1-year period.

148 | Section 2. Section 20.22, Florida Statutes, is amended to
 149 | read:

150 | 20.22 Department of Management Services.--There is created
 151 | a Department of Management Services.

152 | (1) The head of the Department of Management Services is
 153 | the Secretary of Management Services, who shall be appointed by
 154 | the Governor, subject to confirmation by the Senate, and shall
 155 | serve at the pleasure of the Governor.

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

- 158 | (a) Facilities Program.
- 159 | (b) ~~State Technology Program Office~~.
- 160 | (c) Workforce Program.
- 161 | (d)1. Support Program.
- 162 | 2. Federal Property Assistance Program.
- 163 | (e) Administration Program.
- 164 | (f) Division of Administrative Hearings.
- 165 | (g) Division of Retirement.
- 166 | (h) Division of State Group Insurance.

167 | ~~(3) The State Technology Office shall operate and manage~~
 168 | ~~the Technology Resource Center.~~

169 (3)~~(4)~~ The duties of the Chief Labor Negotiator shall be
 170 determined by the Secretary of Management Services, and must
 171 include, but need not be limited to, the representation of the
 172 Governor as the public employer in collective bargaining
 173 negotiations pursuant to the provisions of chapter 447.

174 Section 3. Section 68.066, Florida Statutes, is created to
 175 read:

176 68.066 Actions based upon use of a creation that is not
 177 protected under federal copyright law.--

178 (1) Except as provided in subsection (2), no use of an
 179 idea, procedure, process, system, method of operation, concept,
 180 principle, discovery, thought, or other creation that is not a
 181 work of authorship protected under federal copyright law may
 182 give rise to a claim or cause of action, in law or in equity,
 183 unless the parties to the claim or cause of action have executed
 184 a writing sufficient to indicate that a contract has been made
 185 between them governing such use.

186 (2) Nothing in subsection (1) shall affect or limit:

187 (a) Any cause of action based in copyright, trademark,
 188 patent, or trade secret; or

189 (b) Any defense raised in connection with a cause of
 190 action described in paragraph (a).

191 Section 4. Section 186.022, Florida Statutes, is repealed.

192 Section 5. Section 216.0446, Florida Statutes, is amended
 193 to read:

194 216.0446 Review of information technology resources
 195 ~~management~~ needs.--

196 (1) There is created within the Legislature the Technology

197 | Review Workgroup. The workgroup ~~and the State Technology Office~~
 198 | shall ~~independently~~ review and make recommendations with respect
 199 | to the portion of agencies' long-range program plans which
 200 | pertains to information technology ~~resources management~~ needs
 201 | and with respect to agencies' legislative budget requests for
 202 | information technology and related resources. The Technology
 203 | Review Workgroup shall report such recommendations, together
 204 | with the findings and conclusions on which such recommendations
 205 | are based, to the Legislative Budget Commission. ~~The State~~
 206 | ~~Technology Office shall report such recommendations, together~~
 207 | ~~with the findings and conclusions on which such recommendations~~
 208 | ~~are based, to the Executive Office of the Governor and to the~~
 209 | ~~chairs of the legislative appropriations committees.~~

210 | (2) In addition to its primary duty specified in
 211 | subsection (1), the Technology Review Workgroup shall have
 212 | powers and duties that include, but are not limited to, the
 213 | following:

214 | (a) To evaluate the information technology ~~resource~~
 215 | ~~management~~ needs identified in the agency long-range program
 216 | plans for consistency with the Statewide Information Technology
 217 | Strategic Plan ~~State Annual Report on Enterprise Resource~~
 218 | ~~Planning and Management~~ and statewide policies ~~recommended by~~
 219 | ~~the State Technology Office,~~ and make recommendations to the
 220 | Legislative Budget Commission.

221 | (b) To review and make recommendations to the Legislative
 222 | Budget Commission on proposed budget amendments and agency
 223 | transfers associated with information technology initiatives or
 224 | projects that involve more than one agency, that have an outcome

225 that impacts another agency, that exceed \$500,000 in total cost
 226 over a 1-year period, or that are requested by the Legislative
 227 Budget Commission to be reviewed.

228 Section 6. Section 282.0041, Florida Statutes, is amended
 229 to read:

230 282.0041 Definitions.--For the purposes of this part, the
 231 term:

232 (1) "Agency" means those entities described in s.
 233 216.011(1)(qq).

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

237 (2)~~(3)~~ "Agency chief information officer" means the person
 238 appointed by the agency head ~~State Technology Office~~ to
 239 coordinate and manage the information technology policies and
 240 activities applicable to that agency.

241 (3)~~(4)~~ "Agency Chief Information Officers Council" means
 242 the council created in s. 282.315 to facilitate the sharing and
 243 coordination of information technology issues and initiatives
 244 among the agencies.

245 (4) "Department" means the Department of Management
 246 Services.

247 (5)~~(7)~~ "Information technology" means equipment, hardware,
 248 software, firmware, programs, systems, networks, infrastructure,
 249 media, and related material used to automatically,
 250 electronically, and wirelessly collect, receive, access,
 251 transmit, display, store, record, retrieve, analyze, evaluate,
 252 process, classify, manipulate, manage, assimilate, control,

253 communicate, exchange, convert, converge, interface, switch, or
 254 disseminate information of any kind or form.

255 (6)~~(5)~~ "Information technology Enterprise resources
 256 ~~management~~ infrastructure" means the hardware, software,
 257 networks, data, human resources, policies, standards,
 258 facilities, maintenance, and related materials and services that
 259 are required to support the business processes of an agency or
 260 state enterprise.

261 (7)~~(6)~~ "Information technology Enterprise resource
 262 planning and management" means the planning, budgeting,
 263 acquiring, developing, organizing, directing, training, control,
 264 and related services associated with government information
 265 technology. The term encompasses information and related
 266 resources, as well as the controls associated with their
 267 acquisition, development, dissemination, and use.

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

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

275 (9)~~(10)~~ "Standards" means the generally accepted
 276 definitions for information technology that promote the use of
 277 current and, open, nonproprietary, or non-vendor-specific
 278 technologies.

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

281 ~~(12) "Total cost" means all costs associated with~~
282 ~~information technology projects or initiatives, including, but~~
283 ~~not limited to, value of hardware, software, service,~~
284 ~~maintenance, incremental personnel, and facilities. Total cost~~
285 ~~of a loan or gift of information technology resources to an~~
286 ~~agency includes the fair market value of the resources, except~~
287 ~~that the total cost of loans or gifts of information technology~~
288 ~~to state universities to be used in instruction or research does~~
289 ~~not include fair market value.~~

290 Section 7. Section 282.005, Florida Statutes, is amended
291 to read:

292 282.005 Legislative findings and intent.--The Legislature
293 finds that:

294 (1) Information technology is a strategic asset of the
295 state, and, as such, it should be managed as a valuable state
296 resource.

297 (2) The state's ~~state~~ makes significant investments in
298 information technology must be governed responsibly, consistent
299 with fiscal and substantive policies, and aligned with business
300 needs in order to manage information and to provide services to
301 its citizens.

302 ~~(3) An office must be created to provide support and~~
303 ~~guidance to enhance the state's use and management of~~
304 ~~information technology and to design, procure, and deploy, on~~
305 ~~behalf of the state, information technology.~~

306 ~~(4) The cost effective deployment of information~~
307 ~~technology by state agencies can best be managed by a Chief~~
308 ~~Information Officer.~~

309 ~~(3)-(5)~~ The agency head ~~State Technology Office~~ has primary
310 responsibility and accountability for the planning, budgeting,
311 acquisition, development, implementation, use, and management of
312 information technology within the agency ~~state~~. ~~The State~~
313 ~~Technology Office shall use the state's information technology~~
314 ~~in the best interest of the state as a whole and shall~~
315 ~~contribute to and make use of shared data and related resources~~
316 ~~whenever appropriate. Each agency head has primary~~
317 ~~responsibility and accountability for setting agency priorities,~~
318 ~~identifying business needs, and determining agency services and~~
319 ~~programs to be developed as provided by law. The State~~
320 ~~Technology Office, through service level agreements with each~~
321 ~~agency, shall provide the information technology needed for the~~
322 ~~agency to accomplish its mission.~~

323 ~~(6)~~ ~~The expanding need for, use of, and dependence on~~
324 ~~information technology requires focused management attention and~~
325 ~~managerial accountability by state agencies and the state as a~~
326 ~~whole.~~

327 ~~(7)~~ ~~The state, through the State Technology Office, shall~~
328 ~~provide, by whatever means is most cost effective and efficient,~~
329 ~~the information technology, enterprise resource planning and~~
330 ~~management, and enterprise resource management infrastructure~~
331 ~~needed to collect, store, and process the state's data and~~
332 ~~information, provide connectivity, and facilitate the exchange~~
333 ~~of data and information among both public and private parties.~~

334 ~~(4)-(8)~~ A necessary part of the state's information
335 technology infrastructure is a statewide communications network,
336 a standard architecture, a statewide email system, a statewide

337 internet portal presence, statewide security protocols, and
 338 integrated systems when found to be cost-effective and efficient
 339 ~~system for all types of signals, including, but not limited to,~~
 340 ~~voice, data, video, radio, telephone, wireless, and image.~~

341 (5)~~(9)~~ To ensure the best management of the state's
 342 information technology and notwithstanding other provisions of
 343 law to the contrary, the functions of information technology are
 344 assigned to the university boards of trustees for the
 345 development and implementation of planning, management,
 346 rulemaking, standards, and guidelines for the state
 347 universities; to the community college boards of trustees for
 348 establishing and developing rules for the community colleges; to
 349 the Supreme Court, for the judicial branch; to each state
 350 attorney and public defender; ~~and to the State Technology Office~~
 351 ~~for the executive branch of state government.~~

352 (6)~~(10)~~ The department ~~State Technology Office~~ shall take
 353 no action affecting the supervision, control, management, or
 354 coordination of information technology and information
 355 technology personnel that any Cabinet officer listed in s. 4,
 356 Art. IV of the State Constitution deems necessary for the
 357 exercise of his or her statutory or constitutional duties.

358 Section 8. Section 282.101, Florida Statutes, is repealed.

359 Section 9. Section 282.102, Florida Statutes, is amended
 360 to read:

361 282.102 ~~Creation of the State Technology Office; Powers~~
 362 ~~and duties of the department. --There is created a State~~
 363 ~~Technology Office within~~ The powers and duties of the department
 364 include ~~Department of Management Services. The office shall be a~~

365 ~~separate budget entity, and shall be headed by a Chief~~
366 ~~Information Officer who is appointed by the Governor and is in~~
367 ~~the Senior Management Service. The Chief Information Officer~~
368 ~~shall be an agency head for all purposes. The Department of~~
369 ~~Management Services shall provide administrative support and~~
370 ~~service to the office to the extent requested by the Chief~~
371 ~~Information Officer. The office may adopt policies and~~
372 ~~procedures regarding personnel, procurement, and transactions~~
373 ~~for State Technology Office personnel. The office shall have the~~
374 ~~following powers, duties, and functions:~~

375 (1) To publish electronically the portfolio of services
376 available from the department ~~office~~, including pricing
377 information; the policies and procedures of the department
378 ~~office~~ governing usage of available services; and a forecast of
379 the priorities and initiatives for the state communications
380 system for the ensuing 2 years.

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

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

387 ~~(2)-(4)~~ To advise and render aid to state agencies and
388 political subdivisions of the state as to systems or methods to
389 be used for organizing and meeting communications ~~information~~
390 ~~technology~~ requirements efficiently and effectively.

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

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393 (3)~~(6)~~ To adopt technical standards for the state
394 communications information technology system which will assure
395 the interconnection of computer networks and information systems
396 of agencies.

397 (4)~~(7)~~ To assume management responsibility for any
398 consolidated communications system ~~integrated information~~
399 ~~technology system~~ or service when determined jointly by the
400 department and the agency ~~office~~ to be economically efficient or
401 performance-effective.

402 (5)~~(8)~~ To enter into agreements ~~related to information~~
403 ~~technology~~ with state agencies and political subdivisions of the
404 state for services provided herein.

405 (6)~~(9)~~ To use and acquire, with agency concurrence,
406 communications facilities ~~information technology~~ now owned or
407 operated by any agency.

408 (7)~~(10)~~ To purchase from or contract with information
409 technology providers for communications facilities and services
410 ~~information technology~~, including private line services.

411 (8)~~(11)~~ To apply for, receive, and hold, and to assist
412 agencies in applying for, receiving, or holding, such
413 authorizations, patents, copyrights, trademarks, service marks,
414 licenses, and allocations or channels and frequencies to carry
415 out the purposes of this part.

416 (9)~~(12)~~ To purchase, lease, or otherwise acquire and to
417 hold, sell, transfer, license, or otherwise dispose of real,
418 personal, and intellectual property, including, but not limited
419 to, patents, trademarks, copyrights, and service marks.

420 (10)~~(13)~~ To cooperate with any federal, state, or local

421 emergency management agency in providing for emergency
422 communications services.

423 ~~(11)-(14)~~ To delegate, as necessary, to state agencies the
424 authority to purchase, lease, or otherwise acquire and to use
425 communications equipment, facilities, and services ~~information~~
426 ~~technology~~ or, as necessary, to control and approve the
427 purchase, lease, or acquisition and the use of all
428 communications equipment, services, and facilities ~~information~~
429 ~~technology~~, including, but not limited to, communications
430 services provided as part of any other total system to be used
431 by the state or any of its agencies.

432 ~~(12)-(15)~~ To acquire ownership, possession, custody, and
433 control of existing communications equipment and facilities,
434 including all right, title, interest, and equity therein, as
435 necessary, to carry out the purposes of this part. However, the
436 provisions of this subsection shall in no way affect the rights,
437 title, interest, or equity in any such equipment or facilities
438 owned by, or leased to, the state or any state agency by any
439 telecommunications company.

440 ~~(13)-(16)~~ To adopt rules pursuant to ss. 120.536(1) and
441 120.54 relating to information technology ~~and~~ to administer the
442 provisions of this part.

443 ~~(14)-(17)~~ To provide a means whereby political subdivisions
444 of the state may use state information technology systems upon
445 such terms and under such conditions as the department ~~office~~
446 may establish.

447 ~~(15)-(18)~~ To apply for and accept federal funds for any of
448 the purposes of this part as well as gifts and donations from

449 individuals, foundations, and private organizations.

450 (16)~~(19)~~ To monitor issues relating to communications
451 facilities and services before the Florida Public Service
452 Commission and, when necessary, prepare position papers, prepare
453 testimony, appear as a witness, and retain witnesses on behalf
454 of state agencies in proceedings before the commission.

455 (17)~~(20)~~ Unless delegated to the agencies ~~by the Chief~~
456 ~~Information Officer~~, to manage and control, but not intercept or
457 interpret, communications within the SUNCOM Network by:

458 (a) Establishing technical standards to physically
459 interface with the SUNCOM Network.

460 (b) Specifying how communications are transmitted within
461 the SUNCOM Network.

462 (c) Controlling the routing of communications within the
463 SUNCOM Network.

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

466 (e) Ensuring orderly and reliable communications services
467 in accordance with the service level agreements executed with
468 state agencies.

469 (18)~~(21)~~ To plan, design, and conduct experiments for
470 information technology services, equipment, and technologies,
471 and to implement enhancements in the state information
472 technology system when in the public interest and cost-
473 effective. Funding for such experiments shall be derived from
474 SUNCOM Network service revenues and shall not exceed 2 percent
475 of the annual budget for the SUNCOM Network for any fiscal year
476 or as provided in the General Appropriations Act. New services

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477 offered as a result of this subsection shall not affect existing
478 rates for facilities or services.

479 ~~(19)-(22)~~ To enter into contracts or agreements, with or
480 without competitive bidding or procurement, to make available,
481 on a fair, reasonable, and nondiscriminatory basis, property and
482 other structures under department ~~office~~ control for the
483 placement of new facilities by any wireless provider of mobile
484 service as defined in 47 U.S.C. s. 153(n) or s. 332(d) and any
485 telecommunications company as defined in s. 364.02 when it is
486 determined to be practical and feasible to make such property or
487 other structures available. The department ~~office~~ may, without
488 adopting a rule, charge a just, reasonable, and
489 nondiscriminatory fee for the placement of the facilities,
490 payable annually, based on the fair market value of space used
491 by comparable communications facilities in the state. The
492 department ~~office~~ and a wireless provider or telecommunications
493 company may negotiate the reduction or elimination of a fee in
494 consideration of services provided to the department ~~office~~ by
495 the wireless provider or telecommunications company. All such
496 fees collected by the department ~~office~~ shall be deposited
497 directly into the Law Enforcement Radio Operating Trust Fund,
498 and may be used by the department ~~office~~ to construct, maintain,
499 or support the system.

500 ~~(20)-(23)~~ To provide an integrated electronic system for
501 deploying government products, services, and information to
502 individuals and businesses that reflects cost-effective
503 deployment strategies in keeping with industry standards and
504 practices and includes protections and security of private

505 information as well as maintenance of public records.

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

510 ~~(b) The office shall provide a method for assessing fiscal~~
511 ~~accountability for the integrated electronic system and shall~~
512 ~~establish the organizational structure required to implement~~
513 ~~this system.~~

514 ~~(24) To provide administrative support to the Agency Chief~~
515 ~~Information Officers Council and other workgroups created by the~~
516 ~~Chief Information Officer.~~

517 ~~(25) To facilitate state information technology education~~
518 ~~and training for senior management and other agency staff.~~

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

522 ~~(27) To prepare, publish, and disseminate the State Annual~~
523 ~~Report on Enterprise Resource Planning and Management under s.~~
524 ~~282.310.~~

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

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

530 ~~(30) To designate a State Chief Privacy Officer who shall~~
531 ~~be responsible for the continual review of policies, laws,~~
532 ~~rules, and practices of state agencies which may affect the~~

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533 ~~privacy concerns of state residents.~~

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

536 282.103 SUNCOM Network; exemptions from the required
537 use.--

538 (1) There is created within the department ~~State~~
539 ~~Technology Office~~ the SUNCOM Network which shall be developed to
540 serve as the state communications system for providing local and
541 long-distance communications services to state agencies,
542 political subdivisions of the state, municipalities, state
543 universities, and nonprofit corporations pursuant to ss.
544 282.102-282.111 ~~282.101-282.111~~. The SUNCOM Network shall be
545 developed to transmit all types of communications signals,
546 including, but not limited to, voice, data, video, image, and
547 radio. State agencies shall cooperate and assist in the
548 development and joint use of communications systems and
549 services.

550 (2) The department ~~State Technology Office~~ shall design,
551 engineer, implement, manage, and operate through state
552 ownership, commercial leasing, or some combination thereof, the
553 facilities and equipment providing SUNCOM Network services, and
554 shall develop a system of equitable billings and charges for
555 communication services.

556 (3) All state agencies and state universities are required
557 to use the SUNCOM Network for agency and state university
558 communications services ~~as the services become available;~~
559 however, no agency or university is relieved of responsibility
560 for maintaining communications services necessary for effective

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561 management of its programs and functions. If a SUNCOM Network
562 service does not meet the communications requirements of an
563 agency or university, the agency or university shall notify the
564 department ~~State Technology Office~~ in writing and detail the
565 requirements for that communications service. If the department
566 ~~office~~ is unable to meet an agency's or university's
567 requirements by enhancing SUNCOM Network service, the department
568 ~~office~~ may grant the agency or university an exemption from the
569 required use of specified SUNCOM Network services.

570 Section 11. Section 282.104, Florida Statutes, is amended
571 to read:

572 282.104 Use of state SUNCOM Network by
573 municipalities.--Any municipality may request the department
574 ~~State Technology Office~~ to provide any or all of the SUNCOM
575 Network's portfolio of communications services upon such terms
576 and under such conditions as the department ~~office~~ may
577 establish. The requesting municipality shall pay its share of
578 installation and recurring costs according to the published
579 rates for SUNCOM Network services and as invoiced by the
580 department ~~office~~. Such municipality shall also pay for any
581 requested modifications to existing SUNCOM Network services, if
582 any charges apply.

583 Section 12. Subsections (1), (2), (3), and (4) of section
584 282.105, Florida Statutes, are amended to read:

585 282.105 Use of state SUNCOM Network by nonprofit
586 corporations.--

587 (1) The department ~~State Technology Office~~ shall provide a
588 means whereby private nonprofit corporations under contract with

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589 state agencies or political subdivisions of the state may use
 590 the state SUNCOM Network, subject to the limitations in this
 591 section. In order to qualify to use the state SUNCOM Network, a
 592 nonprofit corporation shall:

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

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

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

604 (3) Nonprofit corporations established pursuant to general
 605 law and an association of municipal governments which is wholly
 606 owned by the municipalities shall be eligible to use the state
 607 SUNCOM Network, subject to the terms and conditions of the
 608 department ~~office~~.

609 (4) Institutions qualified to participate in the William
 610 L. Boyd, IV, Florida Resident Access Grant Program pursuant to
 611 s. 1009.89 shall be eligible to use the state SUNCOM Network,
 612 subject to the terms and conditions of the department ~~office~~.
 613 Such entities shall not be required to satisfy the other
 614 criteria of this section.

615 Section 13. Section 282.106, Florida Statutes, is amended
 616 to read:

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617 282.106 Use of SUNCOM Network by libraries.--The
618 department ~~State Technology Office~~ may provide SUNCOM Network
619 services to any library in the state, including libraries in
620 public schools, community colleges, state universities, and
621 nonprofit private postsecondary educational institutions, and
622 libraries owned and operated by municipalities and political
623 subdivisions.

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

626 282.107 SUNCOM Network; criteria for usage.--

627 (1) The department ~~State Technology Office~~ shall
628 periodically review the qualifications of subscribers using the
629 state SUNCOM Network and shall terminate services provided to
630 any facility not qualified pursuant to ss. 282.102-282.111
631 ~~282.101-282.111~~ or rules adopted hereunder. In the event of
632 nonpayment of invoices by subscribers whose SUNCOM Network
633 invoices are paid from sources other than legislative
634 appropriations, such nonpayment represents good and sufficient
635 reason to terminate service.

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

641 Section 15. Subsection (1), paragraphs (f), (g), and (h)
642 of subsection (2), and subsections (3), (4), (5), and (6) of
643 section 282.1095, Florida Statutes, are amended to read:

644 282.1095 State agency law enforcement radio system and

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645 interoperability network.--

646 (1) The department ~~State Technology Office~~ may acquire and
647 implement a statewide radio communications system to serve law
648 enforcement units of state agencies, and to serve local law
649 enforcement agencies through mutual aid channels. The Joint Task
650 Force on State Agency Law Enforcement Communications is
651 established in the department ~~State Technology Office~~ to advise
652 the department ~~office~~ of member-agency needs for the planning,
653 designing, and establishment of the joint system. The State
654 Agency Law Enforcement Radio System Trust Fund is established in
655 the department ~~State Technology Office~~. The trust fund shall be
656 funded from surcharges collected under ss. 320.0802 and 328.72.

657 (2)

658 (f) The department ~~State Technology Office~~ is hereby
659 authorized to rent or lease space on any tower under its
660 control. The department ~~office~~ may also rent, lease, or sublease
661 ground space as necessary to locate equipment to support
662 antennae on the towers. The costs for use of such space shall be
663 established by the department ~~office~~ for each site, when it is
664 determined to be practicable and feasible to make space
665 available. The department ~~office~~ may refuse to lease space on
666 any tower at any site. All moneys collected by the department
667 ~~office~~ for such rents, leases, and subleases shall be deposited
668 directly into the Law Enforcement Radio Operating Trust Fund and
669 may be used by the department ~~office~~ to construct, maintain, or
670 support the system.

671 (g) The department ~~State Technology Office~~ is hereby
672 authorized to rent, lease, or sublease ground space on lands

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673 acquired by the department ~~office~~ for the construction of
674 privately owned or publicly owned towers. The department ~~office~~
675 may, as a part of such rental, lease, or sublease agreement,
676 require space on said tower or towers for antennae as may be
677 necessary for the construction and operation of the state agency
678 law enforcement radio system or any other state need. The
679 positions necessary for the department ~~office~~ to accomplish its
680 duties under this paragraph and paragraph (f) shall be
681 established in the General Appropriations Act and shall be
682 funded by the Law Enforcement Radio Operating Trust Fund or
683 other revenue sources.

684 (h) The department ~~State Technology Office~~ may make the
685 mutual aid channels in the statewide radio communications system
686 available to federal agencies, state agencies, and agencies of
687 the political subdivisions of the state for the purpose of
688 public safety and domestic security. The department ~~office~~ shall
689 exercise its powers and duties, as specified in this chapter, to
690 plan, manage, and administer the mutual aid channels. The
691 department ~~office~~ shall, in implementing such powers and duties,
692 act in consultation and conjunction with the Department of Law
693 Enforcement and the Division of Emergency Management of the
694 Department of Community Affairs, and shall manage and administer
695 the mutual aid channels in a manner that reasonably addresses
696 the needs and concerns of the involved law enforcement agencies
697 and emergency response agencies and entities.

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

701 administrative, and maintenance services it needs to construct,
 702 operate, and maintain the statewide radio system. Moneys in the
 703 trust fund collected as a result of the surcharges set forth in
 704 ss. 320.0802 and 328.72 shall be used to help fund the costs of
 705 the system. Upon completion of the system, moneys in the trust
 706 fund may also be used by the department ~~office~~ to provide for
 707 payment of the recurring maintenance costs of the system.

708 (4) (a) The department ~~office~~ shall, in conjunction with
 709 the Department of Law Enforcement and the Division of Emergency
 710 Management of the Department of Community Affairs, establish
 711 policies, procedures, and standards which shall be incorporated
 712 into a comprehensive management plan for the use and operation
 713 of the statewide radio communications system.

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

718 (5) The department ~~office~~ shall provide technical support
 719 to the joint task force and shall bear the overall
 720 responsibility for the design, engineering, acquisition, and
 721 implementation of the statewide radio communications system and
 722 for ensuring the proper operation and maintenance of all system
 723 common equipment.

724 (6) (a) The department ~~State Technology Office~~ may create
 725 and implement an interoperability network to enable
 726 interoperability between various radio communications
 727 technologies and to serve federal agencies, state agencies, and
 728 agencies of political subdivisions of the state for the purpose

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729 of public safety and domestic security. The department ~~office~~
730 shall, in conjunction with the Department of Law Enforcement and
731 the Division of Emergency Management of the Department of
732 Community Affairs, exercise its powers and duties pursuant to
733 this chapter to plan, manage, and administer the
734 interoperability network. The department ~~office~~ may:

735 1. Enter into mutual aid agreements among federal
736 agencies, state agencies, and political subdivisions of the
737 state for the use of the interoperability network.

738 2. Establish the cost of maintenance and operation of the
739 interoperability network and charge subscribing federal and
740 local law enforcement agencies for access and use of the
741 network. The department ~~State Technology Office~~ may not charge
742 state law enforcement agencies identified in paragraph (2)(a) to
743 use the network.

744 3. In consultation with the Department of Law Enforcement
745 and the Division of Emergency Management of the Department of
746 Community Affairs, amend and enhance the statewide radio
747 communications system as necessary to implement the
748 interoperability network.

749 (b) The department ~~State Technology Office~~, in
750 consultation with the Joint Task Force on State Agency Law
751 Enforcement Communications, and in conjunction with the
752 Department of Law Enforcement and the Division of Emergency
753 Management of the Department of Community Affairs, shall
754 establish policies, procedures, and standards to incorporate
755 into a comprehensive management plan for the use and operation
756 of the interoperability network.

757 Section 16. Section 282.111, Florida Statutes, is amended
 758 to read:

759 282.111 Statewide system of regional law enforcement
 760 communications.--

761 (1) It is the intent and purpose of the Legislature that a
 762 statewide system of regional law enforcement communications be
 763 developed whereby maximum efficiency in the use of existing
 764 radio channels is achieved in order to deal more effectively
 765 with the apprehension of criminals and the prevention of crime
 766 generally. To this end, all law enforcement agencies within the
 767 state are directed to provide the department ~~State Technology~~
 768 ~~Office~~ with any information the department ~~office~~ requests for
 769 the purpose of implementing the provisions of subsection (2).

770 (2) The department ~~State Technology Office~~ is hereby
 771 authorized and directed to develop and maintain a statewide
 772 system of regional law enforcement communications. In
 773 formulating such a system, the department ~~office~~ shall divide
 774 the state into appropriate regions and shall develop a program
 775 which shall include, but not be limited to, the following
 776 provisions:

777 (a) The communications requirements for each county and
 778 municipality comprising the region.

779 (b) An interagency communications provision which shall
 780 depict the communication interfaces between municipal, county,
 781 and state law enforcement entities which operate within the
 782 region.

783 (c) Frequency allocation and use provision which shall
 784 include, on an entity basis, each assigned and planned radio

785 channel and the type of operation, simplex, duplex, or half-
 786 duplex, on each channel.

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

790 (4) The secretary of the department ~~Chief Information~~
 791 ~~Officer of the State Technology Office~~ or his or her designee is
 792 designated as the director of the statewide system of regional
 793 law enforcement communications and, for the purpose of carrying
 794 out the provisions of this section, is authorized to coordinate
 795 the activities of the system with other interested state
 796 agencies and local law enforcement agencies.

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

800 (6) Within the limits of its capability, the Department of
 801 Law Enforcement is encouraged to lend assistance to the
 802 department ~~State Technology Office~~ in the development of the
 803 statewide system of regional law enforcement communications
 804 proposed by this section.

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

807 282.20 Technology Resource Center.--

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

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

811 1. "Information-system utility" means a full-service
 812 information-processing facility offering hardware, software,

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813 operations, integration, networking, and consulting services.

814 2. "Customer" means a state agency or other entity which
815 is authorized to utilize the SUNCOM Network pursuant to this
816 part.

817 (2) The Technology Resource Center shall:

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

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

823 (c) Cooperate with the Florida Legal Resource Center of
824 the Department of Legal Affairs and other state agencies to
825 develop and provide access to repositories of legal information
826 throughout the state.

827 (d) Cooperate with the department ~~office~~ to facilitate
828 interdepartmental networking and integration of network services
829 for its customers.

830 (e) Assist customers in testing and evaluating new and
831 emerging technologies that could be used to meet the needs of
832 the state.

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

836 (4) The Technology Resource Center may plan, design,
837 establish pilot projects for, and conduct experiments with
838 information technology resources, and may implement enhancements
839 in services when such implementation is cost-effective. Funding
840 for experiments and pilot projects shall be derived from service

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841 revenues and may not exceed 5 percent of the service revenues
842 for the Technology Resource Center for any single fiscal year.
843 Any experiment, pilot project, plan, or design must be approved
844 by the secretary of the department ~~Chief Information Officer~~.

845 (5) Notwithstanding the provisions of s. 216.272, the
846 Technology Resource Center may spend funds in the reserve
847 account of the Technology Enterprise Operating Trust Fund for
848 enhancements to center operations or for information technology
849 resources. Any expenditure of reserve account funds must be
850 approved by the secretary of the department ~~Chief Information~~
851 ~~Officer~~. Any funds remaining in the reserve account at the end
852 of the fiscal year may be carried forward and spent as approved
853 by the secretary ~~Chief Information Officer~~, provided that such
854 approval conforms to any applicable provisions of chapter 216.

855 Section 18. Section 282.21, Florida Statutes, is amended
856 to read:

857 282.21 ~~The State Technology Office's~~ Electronic access
858 services of the department.--The department ~~State Technology~~
859 ~~Office~~ may collect fees for providing remote electronic access
860 pursuant to s. 119.07(2). The fees may be imposed on individual
861 transactions or as a fixed subscription for a designated period
862 of time. All fees collected under this section shall be
863 deposited in the appropriate trust fund of the program or
864 activity that made the remote electronic access available.

865 Section 19. Section 282.22, Florida Statutes, is amended
866 to read:

867 282.22 ~~State Technology Office;~~ Production, dissemination,
868 and ownership of materials and products.--

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869 (1) It is the intent of the Legislature that when
870 materials, products, information, and services are acquired or
871 developed by or under the direction of the department ~~State~~
872 ~~Technology Office~~, through research and development or other
873 efforts, including those subject to copyright, patent, or
874 trademark, they shall be made available for use by state and
875 local government entities at the earliest practicable date and
876 in the most economical and efficient manner possible and
877 consistent with chapter 119.

878 (2) To accomplish this objective the department may ~~office~~
879 ~~is authorized to~~ publish or partner with private sector entities
880 to produce or have produced materials and products and to make
881 them readily available for appropriate use. The department may
882 ~~office is authorized to~~ charge an amount or receive value-added
883 services adequate to cover the essential cost of producing and
884 disseminating such materials, information, services, or products
885 and is authorized to sell services.

886 (3) If ~~In cases in which~~ the materials or products are of
887 such nature, or the circumstances are such, that it is not
888 practicable or feasible for the department ~~office~~ to produce or
889 have produced materials and products so developed, it is
890 authorized, after review and approval by the Executive Office of
891 the Governor, to license, lease, assign, sell, or otherwise give
892 written consent to any person, firm, or corporation for the
893 manufacture or use thereof, on a royalty basis, or for such
894 other consideration as the department deems ~~office shall deem~~
895 proper and in the best interest of the state; the department
896 shall ~~office is authorized and directed to~~ protect same against

897 improper or unlawful use or infringement ~~and~~ to enforce the
 898 collection of any sums due for the manufacture or use thereof by
 899 any other party.

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

907 Section 20. Section 282.23, Florida Statutes, is repealed.

908 Section 21. Section 282.3031, Florida Statutes, is amended
 909 to read:

910 282.3031 Assignment of information technology planning and
 911 ~~resources~~ management responsibilities.--For purposes of ss.
 912 282.3032-282.322 ~~282.303-282.322~~, to ensure the best management
 913 of state information technology resources, and notwithstanding
 914 other provisions of law to the contrary, the functions of
 915 information technology planning and ~~resources~~ management are
 916 assigned to the university boards of trustees for the
 917 development and implementation of planning, management,
 918 rulemaking, standards, and guidelines for the state
 919 universities; to the community college boards of trustees for
 920 establishing and developing rules for the community colleges; to
 921 the Supreme Court for the judicial branch; to each state
 922 attorney and public defender; and to the agency head ~~State~~
 923 ~~Technology Office~~ for the agencies within the executive branch
 924 of state government.

925 Section 22. Subsections (1), (5), and (10) of section
 926 282.3032, Florida Statutes, are amended to read:

927 282.3032 Development and implementation of information
 928 technology systems; guiding principles.--To ensure the best
 929 management of the state's information technology resources, the
 930 following guiding principles are adopted:

931 (1) Information technology ~~Enterprise resource~~ planning
 932 and management by state governmental entities is a prerequisite
 933 for the effective development and implementation of information
 934 systems to enable sharing of data and cost-effective and
 935 efficient services to individuals.

936 (5) State governmental entities should strive to offer
 937 internet services and electronic information that serves the
 938 racial and ethnic diversity of the citizens of the state ~~strive~~
 939 ~~for an integrated electronic system for providing individuals~~
 940 ~~with information~~ to the extent possible.

941 (10) Integration of systems and data elements should be
 942 achieved through established policies, standards, guidelines,
 943 and procedures ~~by establishing standard definitions, formats,~~
 944 ~~and integrated electronic systems, when possible.~~

945 Section 23. Section 282.3033, Florida Statutes, is created
 946 to read:

947 282.3033 State Chief Information Officer; duties.--There
 948 is created a State Chief Information Officer in the Department
 949 of Management Services. The State Chief Information Officer
 950 shall serve both the Governor and the department as an advisor
 951 regarding policies, standards, guidelines, and procedures for
 952 information technology planning and management. The State Chief

953 Information Officer is a member of the Agency Chief Information
 954 Officers Council and may advise and assist agencies in
 955 implementing the guiding principles and other provisions in this
 956 part.

957 Section 24. Section 282.3055, Florida Statutes, is amended
 958 to read:

959 282.3055 Agency chief information officer; appointment;
 960 duties.--

961 (1) (a) To assist the agency head ~~State Technology Officer~~
 962 in carrying out information technology ~~the enterprise resource~~
 963 ~~planning and management responsibilities~~, the agency head ~~Chief~~
 964 ~~Information Officer~~ may appoint or contract for an agency chief
 965 information officer. This position may be full time or part
 966 time.

967 (b) The agency chief information officer must, at a
 968 minimum, have knowledge and experience in both management and
 969 information technology resources.

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

972 (a) Coordinating and facilitating agency information
 973 technology ~~enterprise resource~~ planning and management projects
 974 and initiatives.

975 ~~(b) Preparing an agency annual report on enterprise~~
 976 ~~resource planning and management pursuant to s. 282.3063.~~

977 ~~(b)(e)~~ Developing and implementing agency information
 978 technology ~~enterprise resource~~ planning and management policies,
 979 procedures, guidelines, and standards consistent with statewide
 980 policies, procedures, guidelines, and standards, ~~including~~

981 ~~specific policies and procedures for review and approval of the~~
 982 ~~agency's purchases of information technology resources in~~
 983 ~~accordance with the office's policies and procedures.~~

984 (c)~~(d)~~ Advising agency senior management as to information
 985 technology ~~the enterprise resource~~ planning and management and
 986 information technology investment needs of the agency ~~for~~
 987 ~~inclusion in planning documents required by law.~~

988 (d)~~(e)~~ Assisting in the development and prioritization of
 989 the information technology ~~enterprise resource~~ planning and
 990 management schedule of the agency's legislative budget request.

991 Section 25. Section 282.3063, Florida Statutes, is
 992 repealed.

993 Section 26. Section 282.310, Florida Statutes, is
 994 repealed.

995 Section 27. Section 282.315, Florida Statutes, is amended
 996 to read:

997 282.315 Agency Chief Information Officers Council;
 998 creation.--The Legislature finds that enhancing communication,
 999 consensus building, coordination, and facilitation of statewide
 1000 enterprise information technology ~~resource~~ planning and
 1001 management issues are ~~is~~ essential to improving state management
 1002 of information technology ~~such~~ resources.

1003 (1) There is created an Agency Chief Information Officers
 1004 Council to:

1005 (a) Enhance communication among the agency chief
 1006 information officers by sharing enterprise resource planning and
 1007 management experiences and exchanging ideas.

1008 (b) Facilitate the sharing of best practices that are

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1009 characteristic of highly successful technology organizations, as
 1010 well as exemplary information technology applications of state
 1011 agencies.

1012 (c) Identify efficiency opportunities among state
 1013 agencies.

1014 (d) Serve as an educational forum for enterprise
 1015 information technology resource planning and management issues.

1016 (e) Identify ~~Assist the State Technology Office in~~
 1017 ~~identifying~~ critical statewide issues and, when appropriate,
 1018 make recommendations for solving information technology
 1019 ~~enterprise resource planning and management~~ deficiencies.

1020 (2) Members of the council shall include the agency chief
 1021 information officers, including the chief information officers
 1022 of the agencies and governmental entities enumerated in s.
 1023 282.3031, except that there shall be one chief information
 1024 officer selected by the state attorneys and one chief
 1025 information officer selected by the public defenders. The
 1026 chairs, or their designees, of the Florida Financial Management
 1027 Information System Coordinating Council, the Criminal and
 1028 Juvenile Justice Information Systems Council, and the Health
 1029 Information Systems Council shall represent their respective
 1030 organizations on the Agency Chief Information Officers Council
 1031 as voting members. The council shall appoint a chair, a vice
 1032 chair, and a secretary from its members to serve a 1-year term
 1033 each. The council shall establish procedures to govern council
 1034 business.

1035 (3) The department ~~State Technology Office~~ shall provide
 1036 administrative support to the council.

1037 Section 28. Section 282.318, Florida Statutes, is amended
 1038 to read:

1039 282.318 Security of data and information technology
 1040 resources.--

1041 (1) This section may be cited as the "Security of Data and
 1042 Information Technology ~~Resources~~ Act."

1043 (2)~~(a)~~ The department ~~State Technology Office~~, in
 1044 consultation with each agency head, is responsible for
 1045 coordinating, assessing, and setting minimum standard operating
 1046 procedures to ensure ~~and accountable for assuring~~ an adequate
 1047 level of security for all data and information technology
 1048 resources of each agency and, to carry out this responsibility,
 1049 shall, at a minimum:

1050 (a)1- Require that each agency designate an information
 1051 security manager who shall administer the security program of
 1052 each agency for its data and information technology resources.

1053 (b)2- Require that each agency conduct, and periodically
 1054 update, a comprehensive risk analysis to determine the security
 1055 threats to the data, information, and information technology
 1056 resources of each agency. The risk analysis information is
 1057 confidential and exempt from the provisions of s. 119.07(1),
 1058 except that such information shall be available to the Auditor
 1059 General in performing his or her postauditing duties.

1060 (c)3- Assist each agency with the development of and
 1061 provide revisions to ~~Develop, and periodically update,~~ written
 1062 internal policies and procedures to ensure ~~assure~~ the security
 1063 of the data, information, and information technology resources
 1064 of each agency. The internal policies and procedures which, if

1065 disclosed, could facilitate the unauthorized modification,
 1066 disclosure, or destruction of data or information technology
 1067 infrastructure resources are confidential information and exempt
 1068 from the provisions of s. 119.07(1), except that such
 1069 information shall be available to the Auditor General in
 1070 performing his or her postauditing duties.

1071 (d)4- Require each agency to implement appropriate cost-
 1072 effective safeguards to reduce, eliminate, or recover from the
 1073 identified risks to the data, information, and information
 1074 technology resources of each agency.

1075 (e)5- Require each agency to ensure that periodic internal
 1076 audits and evaluations of each security program for the data,
 1077 information, and information technology resources of the agency
 1078 are conducted. The results of such internal audits and
 1079 evaluations are confidential information and exempt from the
 1080 provisions of s. 119.07(1), except that such information shall
 1081 be available to the Auditor General in performing his or her
 1082 postauditing duties and to the Office of Information Security
 1083 for performance of its coordination and assessment duties.

1084 (f)6- Require that each agency include appropriate
 1085 security requirements, as determined by the Department of
 1086 Management Services State Technology Office, in consultation
 1087 with the Department of Law Enforcement ~~each agency head,~~ in the
 1088 written specifications for the solicitation of information
 1089 technology resources.

1090 ~~(b)~~ In those instances in which the department ~~State~~
 1091 ~~Technology Office~~ develops state contracts for use by state
 1092 agencies, the department ~~office~~ shall include appropriate

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1093 security requirements in the specifications for the solicitation
 1094 for state contracts for procuring information technology
 1095 resources.

1096 (3) In order to ensure the security of enterprise
 1097 information, the department shall establish the Office of
 1098 Information Security and shall designate a Chief Information
 1099 Security Officer as the head of the office. The office shall
 1100 work with all branches of state government and coordinate with
 1101 the Agency Chief Information Officers Council and the Executive
 1102 Office of the Governor. The office is responsible for security
 1103 rulemaking and formulating policy recommendations, security
 1104 audit oversight, training of information security managers,
 1105 coordinating domestic security funding for cybersecurity issues,
 1106 and setting minimum standards for the recovery of information
 1107 technology following a disaster.

1108 (4) The department may adopt rules relating to the
 1109 security of data, information, and information technology
 1110 pursuant to ss. 120.536(1) and 120.54 to administer this part.

1111 Section 29. Section 282.322, Florida Statutes, is amended
 1112 to read:

1113 282.322 Special monitoring process for designated
 1114 information resources management projects.--

1115 ~~(1)~~ For each information resources management project
 1116 which is designated for special monitoring in the General
 1117 Appropriations Act, with a proviso requiring a contract with a
 1118 project monitor, the Technology Review Workgroup established
 1119 pursuant to s. 216.0446, in consultation with each affected
 1120 agency, shall be responsible for contracting with the project

1121 monitor. Upon contract award, funds equal to the contract amount
1122 shall be transferred to the Technology Review Workgroup upon
1123 request and subsequent approval of a budget amendment pursuant
1124 to s. 216.292. With the concurrence of the Legislative Auditing
1125 Committee, the office of the Auditor General shall be the
1126 project monitor for other projects designated for special
1127 monitoring. However, nothing in this section precludes the
1128 Auditor General from conducting such monitoring on any project
1129 designated for special monitoring. In addition to monitoring and
1130 reporting on significant communications between a contracting
1131 agency and the appropriate federal authorities, the project
1132 monitoring process shall consist of evaluating each major stage
1133 of the designated project to determine whether the deliverables
1134 have been satisfied and to assess the level of risks associated
1135 with proceeding to the next stage of the project. The major
1136 stages of each designated project shall be determined based on
1137 the agency's information systems development methodology. Within
1138 20 days after an agency has completed a major stage of its
1139 designated project or at least 90 days, the project monitor
1140 shall issue a written report, including the findings and
1141 recommendations for correcting deficiencies, to the agency head,
1142 for review and comment. Within 20 days after receipt of the
1143 project monitor's report, the agency head shall submit a written
1144 statement of explanation or rebuttal concerning the findings and
1145 recommendations of the project monitor, including any corrective
1146 action to be taken by the agency. The project monitor shall
1147 include the agency's statement in its final report, which shall
1148 be forwarded, within 7 days after receipt of the agency's

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1149 statement, to the agency head, the inspector general's office of
1150 the agency, the Executive Office of the Governor, the
1151 appropriations committees of the Legislature, the Joint
1152 Legislative Auditing Committee, the Technology Review Workgroup,
1153 the President of the Senate, the Speaker of the House of
1154 Representatives, and the Office of Program Policy Analysis and
1155 Government Accountability. The Auditor General shall also
1156 receive a copy of the project monitor's report for those
1157 projects in which the Auditor General is not the project
1158 monitor.

1159 ~~(2) The Enterprise Project Management Office of the State~~
1160 ~~Technology Office shall report any information technology~~
1161 ~~projects the office identifies as high risk to the Executive~~
1162 ~~Office of the Governor, the President of the Senate, the Speaker~~
1163 ~~of the House of Representatives, and the chairs of the~~
1164 ~~appropriations committees. Within the limits of current~~
1165 ~~appropriations, the Enterprise Project Management Office shall~~
1166 ~~monitor and report on such high risk information technology~~
1167 ~~projects, and assess the levels of risks associated with~~
1168 ~~proceeding to the next stage of the project.~~

1169 Section 30. Section 282.5001, Florida Statutes, is
1170 repealed.

1171 Section 31. Section 282.5002, Florida Statutes, is
1172 repealed.

1173 Section 32. Section 282.5003, Florida Statutes, is
1174 repealed.

1175 Section 33. Section 282.5004, Florida Statutes, is
1176 repealed.

1177 Section 34. Section 282.5005, Florida Statutes, is
 1178 repealed.

1179 Section 35. Section 282.5006, Florida Statutes, is
 1180 repealed.

1181 Section 36. Section 282.5007, Florida Statutes, is
 1182 repealed.

1183 Section 37. Section 282.5008, Florida Statutes, is
 1184 repealed.

1185 Section 38. Paragraph (a) of subsection (3), subsections
 1186 (4), (5), (7), (9), (10), and (12), and paragraph (a) of
 1187 subsection (13) of section 365.171, Florida Statutes, are
 1188 amended to read:

1189 365.171 Emergency telephone number "911."--

1190 (3) DEFINITIONS.--As used in this section:

1191 (a) "Department Office" means the Department of Management
 1192 Services State Technology Office.

1193 (4) STATE PLAN.--The department office shall develop a
 1194 statewide emergency telephone number "911" system plan. The plan
 1195 shall provide for:

1196 (a) The establishment of the public agency emergency
 1197 telephone communications requirements for each entity of local
 1198 government in the state.

1199 (b) A system to meet specific local government
 1200 requirements. Such system shall include law enforcement,
 1201 firefighting, and emergency medical services and may include
 1202 other emergency services such as poison control, suicide
 1203 prevention, and emergency management services.

1204 (c) Identification of the mutual aid agreements necessary

1205 to obtain an effective "911" system.

1206 (d) A funding provision which shall identify the cost
1207 necessary to implement the "911" system.

1208 (e) A firm implementation schedule which shall include the
1209 installation of the "911" system in a local community within 24
1210 months after the designated agency of the local government gives
1211 a firm order to the telephone utility for a "911" system.

1212
1213 The department ~~office~~ shall be responsible for the
1214 implementation and coordination of such plan. The department
1215 ~~office~~ shall adopt any necessary rules and schedules related to
1216 public agencies for implementing and coordinating such plan,
1217 pursuant to chapter 120. The public agency designated in the
1218 plan shall order such system within 6 months after publication
1219 date of the plan if the public agency is in receipt of funds
1220 appropriated by the Legislature for the implementation and
1221 maintenance of the "911" system. Any jurisdiction which has
1222 utilized local funding as of July 1, 1976, to begin the
1223 implementation of the state plan as set forth in this section
1224 shall be eligible for at least a partial reimbursement of its
1225 direct cost when, and if, state funds are available for such
1226 reimbursement.

1227 (5) SYSTEM DIRECTOR.--The secretary ~~director~~ of the
1228 department ~~office~~ or his or her designee is designated as the
1229 director of the statewide emergency telephone number "911"
1230 system and, for the purpose of carrying out the provisions of
1231 this section, is authorized to coordinate the activities of the
1232 system with state, county, local, and private agencies. The

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1233 secretary ~~director~~ is authorized to employ not less than five
1234 persons, three of whom will be at the professional level, one at
1235 the secretarial level, and one to fill a fiscal position, for
1236 the purpose of carrying out the provisions of this section. The
1237 secretary ~~director~~ in implementing the system shall consult,
1238 cooperate, and coordinate with local law enforcement agencies.

1239 (7) TELEPHONE INDUSTRY COORDINATION.--The department
1240 ~~office~~ shall coordinate with the Florida Public Service
1241 Commission which shall encourage the Florida telephone industry
1242 to activate facility modification plans for a timely "911"
1243 implementation.

1244 (9) SYSTEM APPROVAL.--No emergency telephone number "911"
1245 system shall be established and no present system shall be
1246 expanded without prior approval of the department ~~office~~.

1247 (10) COMPLIANCE.--All public agencies shall assist the
1248 department ~~office~~ in its ~~their~~ efforts to carry out the intent
1249 of this section, and such agencies shall comply with the
1250 developed plan.

1251 (12) FEDERAL ASSISTANCE.--The secretary of the department
1252 ~~office~~ or his or her designee may apply for and accept federal
1253 funding assistance in the development and implementation of a
1254 statewide emergency telephone number "911" system.

1255 (13) "911" FEE.--

1256 (a) Following approval by referendum as set forth in
1257 paragraph (b), or following approval by a majority vote of its
1258 board of county commissioners, a county may impose a "911" fee
1259 to be paid by the local exchange subscribers within its
1260 boundaries served by the "911" service. Proceeds from the "911"

1261 fee shall be used only for "911" expenditures as set forth in
 1262 subparagraph 6. The manner of imposing and collecting said
 1263 payment shall be as follows:

1264 1. At the request of the county subscribing to "911"
 1265 service, the telephone company shall, insofar as is practicable,
 1266 bill the "911" fee to the local exchange subscribers served by
 1267 the "911" service, on an individual access line basis, at a rate
 1268 not to exceed 50 cents per month per line (up to a maximum of 25
 1269 access lines per account bill rendered). However, the fee may
 1270 not be assessed on any pay telephone in this state. A county
 1271 collecting the fee for the first time may collect the fee for no
 1272 longer than 36 months without initiating the acquisition of its
 1273 "911" equipment.

1274 2. Fees collected by the telephone company pursuant to
 1275 subparagraph 1. shall be returned to the county, less the costs
 1276 of administration retained pursuant to paragraph (c). The county
 1277 shall provide a minimum of 90 days' written notice to the
 1278 telephone company prior to the collection of any "911" fees.

1279 3. Any county that currently has an operational "911"
 1280 system or that is actively pursuing the implementation of a
 1281 "911" system shall establish a fund to be used exclusively for
 1282 receipt and expenditure of "911" fee revenues collected pursuant
 1283 to this section. All fees placed in said fund, and any interest
 1284 accrued thereon ~~thereupon~~, shall be used solely for "911" costs
 1285 described in subparagraph 6. The money collected and interest
 1286 earned in this fund shall be appropriated for "911" purposes by
 1287 the county commissioners and incorporated into the annual county
 1288 budget. Such fund shall be included within the financial audit

1289 performed in accordance with s. 218.39. A report of the audit
 1290 shall be forwarded to the department ~~office~~ within 60 days after
 1291 ~~of~~ its completion. A county may carry forward on an annual basis
 1292 unspent moneys in the fund for expenditures allowed by this
 1293 section, or it may reduce its fee. However, in no event shall a
 1294 county carry forward more than 10 percent of the "911" fee
 1295 billed for the prior year. The amount of moneys carried forward
 1296 each year may be accumulated in order to allow for capital
 1297 improvements described in this subsection. The carryover shall
 1298 be documented by resolution of the board of county commissioners
 1299 expressing the purpose of the carryover or by an adopted capital
 1300 improvement program identifying projected expansion or
 1301 replacement expenditures for "911" equipment and service
 1302 features, or both. In no event shall the "911" fee carryover
 1303 surplus moneys be used for any purpose other than for the "911"
 1304 equipment, service features, and installation charges authorized
 1305 in subparagraph 6. Nothing in this section shall prohibit a
 1306 county from using other sources of revenue for improvements,
 1307 replacements, or expansions of its "911" system. A county may
 1308 increase its fee for purposes authorized in this section.
 1309 However, in no case shall the fee exceed 50 cents per month per
 1310 line. All current "911" fees shall be reported to the department
 1311 ~~office~~ within 30 days of the start of each county's fiscal
 1312 period. Any fee adjustment made by a county shall be reported to
 1313 the department ~~office~~. A county shall give the telephone company
 1314 a 90-day written notice of such fee adjustment.

1315 4. The telephone company shall have no obligation to take
 1316 any legal action to enforce collection of the "911" fee. The

1317 telephone company shall provide quarterly to the county a list
 1318 of the names, addresses, and telephone numbers of any and all
 1319 subscribers who have identified to the telephone company their
 1320 refusal to pay the "911" fee.

1321 5. The county subscribing to "911" service shall remain
 1322 liable to the telephone company for any "911" service,
 1323 equipment, operation, or maintenance charge owed by the county
 1324 to the telephone company.

1325
 1326 ~~As used in this paragraph, "telephone company" means an exchange~~
 1327 ~~telephone service provider of "911" service or equipment to any~~
 1328 ~~county within its certificated area.~~

1329 6. It is the intent of the Legislature that the "911" fee
 1330 authorized by this section to be imposed by counties will not
 1331 necessarily provide the total funding required for establishing
 1332 or providing the "911" service. For purposes of this section,
 1333 "911" service includes the functions of database management,
 1334 call taking, location verification, and call transfer. The
 1335 following costs directly attributable to the establishment
 1336 and/or provision of "911" service are eligible for expenditure
 1337 of moneys derived from imposition of the "911" fee authorized by
 1338 this section: the acquisition, implementation, and maintenance
 1339 of Public Safety Answering Point (PSAP) equipment and "911"
 1340 service features, as defined in the Florida Public Service
 1341 Commission's lawfully approved "911" and related tariffs and/or
 1342 the acquisition, installation, and maintenance of other "911"
 1343 equipment, including call answering equipment, call transfer
 1344 equipment, ANI controllers, ALI controllers, ANI displays, ALI

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1345 displays, station instruments, "911" telecommunications systems,
1346 teleprinters, logging recorders, instant playback recorders,
1347 telephone devices for the deaf (TDD) used in the "911" system,
1348 PSAP backup power systems, consoles, automatic call
1349 distributors, and interfaces (hardware and software) for
1350 computer-aided dispatch (CAD) systems; salary and associated
1351 expenses for "911" call takers for that portion of their time
1352 spent taking and transferring "911" calls; salary and associated
1353 expenses for a county to employ a full-time equivalent "911"
1354 coordinator position and a full-time equivalent staff assistant
1355 position per county for the portion of their time spent
1356 administrating the "911" system; training costs for PSAP call
1357 takers in the proper methods and techniques used in taking and
1358 transferring "911" calls; and expenses required to develop and
1359 maintain all information (ALI and ANI databases and other
1360 information source repositories) necessary to properly inform
1361 call takers as to location address, type of emergency, and other
1362 information directly relevant to the "911" call-taking and
1363 transferring function. No wireless telephone service provider
1364 shall be required to participate in any pilot project or to
1365 otherwise implement a nonemergency "311" system or similar
1366 nonemergency system. The "911" fee revenues shall not be used to
1367 pay for any item not listed, including, but not limited to, any
1368 capital or operational costs for emergency responses which occur
1369 after the call transfer to the responding public safety entity
1370 and the costs for constructing buildings, leasing buildings,
1371 maintaining buildings, or renovating buildings, except for those

1372 building modifications necessary to maintain the security and
 1373 environmental integrity of the PSAP and "911" equipment rooms.

1374 7. It is the goal of the Legislature that enhanced "911"
 1375 service be available throughout the state. Expenditure by
 1376 counties of the "911" fees authorized by this section should
 1377 support this goal to the greatest extent feasible within the
 1378 context of local service needs and fiscal capability. Nothing in
 1379 this section shall be construed to prohibit two or more counties
 1380 from establishing a combined emergency "911" telephone service
 1381 by interlocal agreement and utilizing the "911" fees authorized
 1382 by this section for such combined "911" service.

1383
 1384 As used in this paragraph, the term "telephone company" means an
 1385 exchange telephone service provider of 911 service or equipment
 1386 to any county within its certificated area.

1387 Section 39. Paragraph (d) of subsection (2), paragraphs
 1388 (h) through (s) of subsection (3), subsection (4), paragraph (a)
 1389 of subsection (5), and paragraphs (c) and (d) of subsection (6)
 1390 of section 365.172, Florida Statutes, are amended, and a new
 1391 paragraph (h) is added to subsection (3) of that section, to
 1392 read:

1393 365.172 Wireless emergency telephone number "E911."--

1394 (2) FINDINGS, PURPOSE, AND LEGISLATIVE INTENT.--The
 1395 Legislature finds and declares that:

1396 (d) The revenues generated by the E911 fee imposed under
 1397 this section are required to fund the efforts of the counties,
 1398 the Wireless 911 Board under the Department of Management
 1399 Services State Technology Office, and commercial mobile radio

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1400 service providers to improve the public health, safety, and
1401 welfare and serve a public purpose by providing emergency
1402 telephone assistance through wireless communications.

1403 (3) DEFINITIONS.--Only as used in this section and ss.
1404 365.173 and 365.174, the term:

1405 (h) "Department" means the Department of Management
1406 Services.

1407 (i)~~(h)~~ "Designed service" means the configuration and
1408 manner of deployment of service the wireless provider has
1409 designed for an area as part of its network.

1410 (j)~~(i)~~ "E911" is the designation for a wireless enhanced
1411 911 system or wireless enhanced 911 service that is an emergency
1412 telephone system or service that provides a subscriber with
1413 wireless 911 service and, in addition, directs 911 calls to
1414 appropriate public safety answering points by selective routing
1415 based on the geographical location from which the call
1416 originated, or as otherwise provided in the state plan under s.
1417 365.171, and that provides for automatic number identification
1418 and automatic location-identification features in accordance
1419 with the requirements of the order.

1420 (k)~~(j)~~ "Existing structure" means a structure that exists
1421 at the time an application for permission to place antennae on a
1422 structure is filed with a local government. The term includes
1423 any structure that can structurally support the attachment of
1424 antennae in compliance with applicable codes.

1425 (l)~~(k)~~ "Fee" means the E911 fee imposed under subsection
1426 (8).

1427 (m)~~(l)~~ "Fund" means the Wireless Emergency Telephone

1428 System Fund established in s. 365.173 and maintained under this
 1429 section for the purpose of recovering the costs associated with
 1430 providing 911 service or E911 service, including the costs of
 1431 implementing the order.

1432 (n)~~(m)~~ "Historic building, structure, site, object, or
 1433 district" means any building, structure, site, object, or
 1434 district that has been officially designated as a historic
 1435 building, historic structure, historic site, historic object, or
 1436 historic district through a federal, state, or local designation
 1437 program.

1438 (o)~~(n)~~ "Land development regulations" means any ordinance
 1439 enacted by a local government for the regulation of any aspect
 1440 of development, including an ordinance governing zoning,
 1441 subdivisions, landscaping, tree protection, or signs, the local
 1442 government's comprehensive plan, or any other ordinance
 1443 concerning any aspect of the development of land. The term does
 1444 not include any building construction standard adopted under and
 1445 in compliance with chapter 553.

1446 (p)~~(e)~~ "Local exchange carrier" means a "competitive local
 1447 exchange telecommunications company" or a "local exchange
 1448 telecommunications company" as defined in s. 364.02.

1449 (q)~~(p)~~ "Local government" means any municipality, county,
 1450 or political subdivision or agency of a municipality, county, or
 1451 political subdivision.

1452 (r)~~(q)~~ "Medium county" means any county that has a
 1453 population of 75,000 or more but less than 750,000.

1454 (s)~~(r)~~ "Mobile telephone number" or "MTN" means the
 1455 telephone number assigned to a wireless telephone at the time of

1456 initial activation.

1457 ~~(s) "Office" means the State Technology Office.~~

1458 (4) POWERS AND DUTIES OF THE DEPARTMENT OFFICE.--The
 1459 department office shall oversee the administration of the fee
 1460 imposed on subscribers of statewide E911 service under
 1461 subsection (8).

1462 (5) THE WIRELESS 911 BOARD.--

1463 (a) The Wireless 911 Board is established to administer,
 1464 with oversight by the department office, the fee imposed under
 1465 subsection (8), including receiving revenues derived from the
 1466 fee; distributing portions of such revenues to providers,
 1467 counties, and the department office; accounting for receipts,
 1468 distributions, and income derived by the funds maintained in the
 1469 fund; and providing annual reports to the Governor and the
 1470 Legislature for submission by the department office on amounts
 1471 collected and expended, the purposes for which expenditures have
 1472 been made, and the status of wireless E911 service in this
 1473 state. In order to advise and assist the department office in
 1474 carrying out the purposes of this section, the board, which
 1475 shall have the power of a body corporate, shall have the powers
 1476 enumerated in subsection (6).

1477 (6) AUTHORITY OF THE BOARD; ANNUAL REPORT.--

1478 (c) By February 28 of each year, the board shall prepare a
 1479 report for submission by the department office to the Governor,
 1480 the President of the Senate, and the Speaker of the House of
 1481 Representatives which reflects, for the immediately preceding
 1482 calendar year, the quarterly and annual receipts and
 1483 disbursements of moneys in the fund, the purposes for which

1484 disbursements of moneys from the fund have been made, and the
 1485 availability and status of implementation of E911 service in
 1486 this state.

1487 (d) By February 28, 2001, the board shall undertake and
 1488 complete a study for submission by the department ~~office~~ to the
 1489 Governor, the President of the Senate, and the Speaker of the
 1490 House of Representatives which addresses:

1491 1. The total amount of E911 fee revenues collected by each
 1492 provider, the total amount of expenses incurred by each provider
 1493 to comply with the order, and the amount of moneys on deposit in
 1494 the fund, all as of December 1, 2000.

1495 2. Whether the amount of the E911 fee and the allocation
 1496 percentages set forth in s. 365.173 should be adjusted to comply
 1497 with the requirements of the order, and, if so, a recommended
 1498 adjustment to the E911 fee.

1499 3. Any other issues related to providing wireless E911
 1500 services.

1501 Section 40. Subsections (2), (5), (6), and (9) of section
 1502 445.049, Florida Statutes, are amended to read:

1503 445.049 Digital Divide Council.--

1504 (2) DIGITAL DIVIDE COUNCIL.--The Digital Divide Council is
 1505 created in the Department of Management Services State
 1506 ~~Technology Office~~. The council shall consist of:

1507 (a) The Secretary of Management Services or his or her
 1508 designee ~~chief information officer in the State Technology~~
 1509 ~~Office~~.

1510 (b) The director of the Office of Tourism, Trade, and
 1511 Economic Development in the Executive Office of the Governor.

- 1512 (c) The president of Workforce Florida, Inc.
- 1513 (d) The director of the Agency for Workforce Innovation.
- 1514 (e) The chair of itflorida.com, Inc.
- 1515 (f) The Commissioner of Education.
- 1516 (g) The chair of the Network Access Point of the Americas.
- 1517 (h) A representative of the information technology
- 1518 industry in this state appointed by the Speaker of the House of
- 1519 Representatives.
- 1520 (i) A representative of the information technology
- 1521 industry in this state appointed by the President of the Senate.
- 1522 (j) Two members of the House of Representatives, who shall
- 1523 be ex officio, nonvoting members of the council, appointed by
- 1524 the Speaker of the House of Representatives, one of whom shall
- 1525 be a member of the Republican Caucus and the other of whom shall
- 1526 be a member of the Democratic Caucus.
- 1527 (k) Two members of the Senate, who shall be ex officio,
- 1528 nonvoting members of the council, appointed by the President of
- 1529 the Senate, one of whom shall be a member of the Republican
- 1530 Caucus and the other of whom shall be a member of the Democratic
- 1531 Caucus.
- 1532 (5) ADMINISTRATIVE AND TECHNICAL SUPPORT; PAYMENT OF
- 1533 SUPPORT COSTS.--The Department of Management Services State
- 1534 ~~Technology Office~~ shall provide such administrative and
- 1535 technical support to the council as is reasonably necessary for
- 1536 the council to effectively and timely carry out its duties and
- 1537 responsibilities. All direct and indirect costs of providing
- 1538 such support and performing the other duties assigned to the
- 1539 Department of Management Services State ~~Technology Office~~

1540 related to design and implementation of the programs authorized
 1541 by this section may be paid from appropriations authorized to be
 1542 used for such purposes.

1543 (6) POWERS AND DUTIES OF COUNCIL.--The council, through
 1544 the Department of Management Services ~~State Technology Office~~,
 1545 is authorized and empowered to facilitate the design and
 1546 implementation of programs that are aimed at achieving the
 1547 objectives and goals stated in this section. The Department of
 1548 Management Services ~~State Technology Office~~ shall present and
 1549 demonstrate to the council the design characteristics and
 1550 functional elements of each program proposed to be implemented
 1551 to achieve the objectives and goals stated in this section and
 1552 each such program shall be reviewed and approved by the council
 1553 before being implemented. Such programs shall initially be
 1554 implemented as pilot programs in a minimum of six different
 1555 areas of the state to develop model programs that are likely to
 1556 be successful if implemented throughout the state. The areas of
 1557 the state where the pilot programs are implemented shall be
 1558 selected by the council with the objectives of testing the
 1559 merits of the programs in each geographic region of the state
 1560 and providing equal exposure of the programs to urban and rural
 1561 communities alike. Implementation of all such pilot and model
 1562 programs shall be administered by and through the local
 1563 workforce development boards and each such board shall
 1564 coordinate and confirm the ready availability and timely
 1565 delivery of all elements of such programs to ensure the highest
 1566 probability of such programs achieving their intended results.

1567 (9) ANNUAL REPORT.--By March 1 each year, ~~2002~~, the

1568 council, through the Department of Management Services State
 1569 ~~Technology Office~~, shall report to the Executive Office of the
 1570 Governor, the Speaker of the House of Representatives, and the
 1571 President of the Senate the results of the council's monitoring,
 1572 reviewing, and evaluating such programs since their inception
 1573 and the council's recommendations as to whether such programs
 1574 should be continued and expanded to achieve the objectives and
 1575 goals stated in this section.

1576 Section 41. The Legislature recognizes that there is a
 1577 need to conform the Florida Statutes to the policy decisions
 1578 reflected in this act and that there may be a need to resolve
 1579 apparent conflicts between any changes or additions to the
 1580 Florida Statutes, or any other legislation that has been or may
 1581 be enacted during 2006, and this act. Therefore, in the interim
 1582 between this act becoming a law and the 2007 Regular Session of
 1583 the Legislature or an earlier special session addressing this
 1584 issue, the Division of Statutory Revision shall provide the
 1585 relevant substantive committees of the Senate and the House of
 1586 Representatives with assistance, upon request, to enable such
 1587 committees to prepare draft legislation to conform the Florida
 1588 Statutes and any legislation enacted during 2006 to the
 1589 provisions of this act.

1590 Section 42. For fiscal year 2006-2007, seven positions are
 1591 authorized and \$750,000 is appropriated from the General Revenue
 1592 Fund to the Department of Management Services for personnel and
 1593 other expenses necessary to implement the provisions of this act
 1594 related to the Office of Information Security.

1595 Section 43. This act shall take effect July 1, 2006.