

FOR CONSIDERATION By the Committee on Governmental Operations

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1 A bill to be entitled

2 An act relating to information technology; amending s.
3 11.90, F.S.; revising the duties of the Legislative Budget
4 Commission with respect to its review of information
5 technology policies and plans; amending s. 14.204, F.S.;
6 revising the duties of the Agency for Enterprise
7 Information Technology; specifying additional
8 qualifications for the executive director; authorizing the
9 agency to adopt rules; requiring the agency to recommend
10 to the Legislature options for implementing a one-stop
11 system for issuing development permits; defining the term
12 "development permit"; requiring a report; providing for
13 future expiration of such provisions; creating s. 14.40,
14 F.S.; creating the Office of Open Government within the
15 Executive Office of the Governor; specifying the purpose
16 of the office; amending s. 110.205, F.S., relating to
17 positions that are exempt from Career Service System;
18 conforming provisions to changes made by the act; amending
19 s. 216.0446, F.S.; requiring that the Technology Review
20 Workgroup review information technology projects as
21 directed in the General Appropriations Act; providing for
22 the Office of Auditor General to act as project monitor
23 under certain circumstances; specifying duties of the
24 project monitor; amending s. 216.235, F.S.; providing
25 duties of the Agency for Enterprise Information Technology
26 with respect to the Innovation Investment Program;
27 amending s. 282.003, F.S.; revising a short title;
28 amending s. 282.0041, F.S.; providing a definition;
29 amending ss. 282.0055 and 282.0056, F.S., relating to the

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30 assignment of information technology and the development
31 of work plans; conforming cross-references; amending s.
32 282.3055, F.S.; requiring that agency chief information
33 officers meet certain prerequisites for education and
34 experience; amending s. 282.315, F.S.; renaming the Agency
35 Chief Information Officers Council as the "Information
36 Technology Coordinating Council"; providing legislative
37 findings; providing for the council to be adjunct to the
38 Agency for Enterprise Information Technology; requiring
39 the Attorney General to appoint an attorney to assist the
40 council; providing for the membership of the council;
41 specifying duties of the council; amending s. 282.322,
42 F.S.; deleting certain provisions governing the monitoring
43 of information resource projects; designating ss. 282.801-
44 282.8096, F.S., as part IV of ch. 282, F.S.; creating s.
45 282.801, F.S.; providing a short title; creating s.
46 282.802, F.S.; providing definitions; transferring and
47 renumbering s. 282.102, F.S., relating to the powers and
48 duties of the Department of Management Services;
49 transferring, renumbering, and amending ss. 282.103,
50 282.104, 282.105, 282.107, 282.109, 282.1095, and 282.111,
51 F.S., relating to the SUNCOM Network and communications
52 systems of state law enforcement agencies; clarifying
53 duties of the Department of Management Services with
54 respect to the management and operation of those systems;
55 transferring, renumbering, and amending ss. 282.20,
56 282.21, and 282.22, F.S., relating to the Technology
57 Resource Center; conforming provisions to changes made by
58 the act; amending ss. 287.042 and 287.057, F.S.;

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59 prescribing duties of the Department of Management
60 Services with respect to procuring information technology
61 commodities and contractual services; amending ss.
62 445.011, 445.045, 445.049, 668.50, 943.08, and 1004.52,
63 F.S., relating to workforce information systems, the
64 Digital Divide Council, the Uniform Electronic Transaction
65 Act, the Criminal and Juvenile Justice Information Systems
66 Council, and community computer access grant programs;
67 clarifying the duties of the Agency for Enterprise
68 Information Technology and the Department of Management
69 Services; providing an effective date.
70

71 Be It Enacted by the Legislature of the State of Florida:
72

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

75 11.90 Legislative Budget Commission.--

76 (7) (a) The commission shall review information technology
77 ~~resources management~~ needs identified in agency long-range
78 program plans for consistency with:

79 1. Information technology policy as defined in s. 282.0041;

80 and

81 2. The state comprehensive plan as provided in s.
82 ~~187.201(2) Annual Report on Enterprise Resource Planning and~~
83 ~~Management and statewide policies adopted by the State Technology~~
84 ~~Office.~~

85 (b) The commission shall also review proposed budget
86 amendments associated with information technology that involve
87 more than one agency, that have an outcome that impacts another

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88 agency, or that exceed \$500,000 in total cost over a 1-year
89 period.

90 Section 2. Section 14.204, Florida Statutes, is amended to
91 read:

92 14.204 Agency for Enterprise Information Technology.--

93 (1) (a) The Agency for Enterprise Information Technology is
94 created within the Executive Office of the Governor.

95 (b) 1. The head of the agency shall be the Governor and
96 Cabinet.

97 2. The agency head ~~which~~ shall take action by majority vote
98 consisting of at least three affirmative votes with the Governor
99 on the prevailing side.

100 (c) The agency shall be a separate budget entity that is
101 not subject to control, supervision, or direction by the
102 Executive Office of the Governor in any manner, including, but
103 not limited to, purchasing, transactions involving real or
104 personal property, personnel, or budgetary matters.

105 (2) (1) The executive director of the agency:

106 (a) Must have a degree from an accredited postsecondary
107 institution;

108 (b) Must have at least 7 years of executive-level
109 experience in managing information technology organizations;

110 (c) Shall be appointed by the Governor and Cabinet, is
111 subject to confirmation by the Senate, and shall serve at the
112 pleasure of the Governor and Cabinet; and. ~~The executive director~~

113 (d) Shall be the chief information officer of the state and
114 the executive sponsor for all enterprise information technology
115 projects at the enterprise level. ~~The executive director must~~
116 have a degree from an accredited postsecondary institution, and

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117 | ~~at least 7 years of executive-level experience in managing~~
118 | ~~information technology organizations.~~

119 | ~~(3)~~(2) The agency shall have the following duties and
120 | responsibilities:

121 | (a) Develop and implement strategies for the design,
122 | delivery, and management of the enterprise information technology
123 | services established in law.

124 | (b) Monitor the delivery and management of the enterprise
125 | information technology services as established in law.

126 | (c) Make recommendations to the agency head and the
127 | Legislature concerning other information technology services that
128 | should be designed, delivered, and managed at the enterprise
129 | level as defined in s. 282.0041 ~~s. 282.0041(8)~~.

130 | (d) Plan and establish policies for managing proposed
131 | statutorily authorized enterprise information technology
132 | services, which includes:

133 | 1. Developing business cases that, when applicable, include
134 | the components identified in s. 287.0574;

135 | 2. Establishing and coordinating project-management teams;

136 | 3. Establishing formal risk-assessment and mitigation
137 | processes; and

138 | 4. Providing for independent monitoring of projects for
139 | recommended corrective actions.

140 | (e) ~~Not earlier than July 1, 2008,~~ Define the architecture
141 | standards for enterprise information technology by rule and
142 | develop implementation approaches for statewide migration to
143 | those standards.

144 | (f) Develop and publish a strategic enterprise information
145 | technology plan that identifies and recommends strategies for how

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146 enterprise information technology will deliver effective and
147 efficient government services to state residents and improve the
148 operations of state agencies.

149 (g) Assist the Department of Management Services, as
150 provided in s. 287.042, in:

151 1. Assessing the technological needs of a particular
152 agency;

153 2. Determining whether to enter into a written agreement
154 with the letting federal, state, or political subdivision body to
155 provide information technology for a particular agency; and

156 3. Evaluating information technology contracts.

157 (h) Provide administrative support to the Information
158 Technology Coordinating Council.

159 (i) Report to the Legislature, not less than annually, any
160 recommended statutory changes that would improve the
161 effectiveness or efficiency of the delivery and management of
162 enterprise information technology services.

163 (4) ~~(3)~~ The agency shall operate in such a manner as to
164 ensure participation and representation of state agencies, as
165 defined in s. 216.011, and the ~~Agency Chief~~ Information
166 Technology Coordinating ~~Officers~~ Council established in s.
167 282.315.

168 (5) The Agency for Enterprise Information Technology may
169 adopt rules pursuant to ss. 120.536(1) and 120.54 to administer
170 the provisions of law conferring duties upon the agency.

171 (6) (a) The Agency for Enterprise Information Technology
172 shall study and recommend to the Legislature options for the
173 implementation of a one-stop development permitting system that
174 will include, but not be limited to, the following functions:

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175 1. Identify all state agencies and county entities that are
176 responsible for development permits;

177 2. Assist individuals and businesses by providing
178 information concerning development permits;

179 3. Provide guidance on what development permits are needed
180 for particular projects;

181 4. Allow an applicant to complete and submit online
182 application forms for development permits;

183 5. Allow an applicant to submit payment for permit fees
184 online; and

185 6. Provide a method for tracking the status of submitted
186 development permits.

187 (b) For purposes of completing its work, the term
188 "development permit" includes any state, regional, or local
189 permit or approval that is necessary for the physical location or
190 expansion of a business, including, but not limited to:

191 1. Wetland or environmental resource permits;

192 2. Surface water management permits;

193 3. Stormwater permits;

194 4. Site plan approvals;

195 5. Zoning approvals and comprehensive plan amendments;

196 6. Building permits;

197 7. Transportation concurrency approvals;

198 8. Consumptive water-use permits; and

199 9. Wastewater permits.

200 (c) The Agency for Enterprise Information Technology shall
201 submit the results of its study and its recommended options for
202 implementing a one-stop development permitting system by December

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203 15, 2008, to the Governor and Cabinet, the President of the
204 Senate, and the Speaker of the House of Representatives.

205 (d) This subsection expires July 1, 2009.

206 Section 3. Section 14.40, Florida Statutes, is created to
207 read:

208 14.40 Office of Open Government.--

209 (1) The Office of Open Government is created within the
210 Executive Office of the Governor.

211 (2) The director of the Office of Open Government shall be
212 appointed by and serve at the pleasure of the Governor.

213 (3) The purpose of the Office of Open Government is to:

214 (a) Assist agencies, as defined in s. 119.011, in complying
215 with the requirements of chapter 119 and the public-meeting
216 requirements of chapter 286.011; and

217 (b) Provide training to agencies, as defined in s. 119.011,
218 regarding their responsibilities under chapter 119 and the
219 public-meeting requirements of chapter 286.

220 Section 4. Paragraphs (e) and (w) of subsection (2) of
221 section 110.205, Florida Statutes, are amended to read:

222 110.205 Career service; exemptions.--

223 (2) EXEMPT POSITIONS.--The exempt positions that are not
224 covered by this part include the following:

225 (e) The Executive Director ~~Chief Information Officer,~~
226 ~~deputy chief information officers, general counsel and assistant~~
227 ~~general counsels,~~ chief technology officers, and deputy chief
228 technology officers in the Agency for Enterprise Information
229 Technology ~~State Technology Office~~. Unless otherwise fixed by
230 law, the Agency for Enterprise Information Technology ~~State~~
231 ~~Technology Office~~ shall set the salary and benefits of these

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232 | positions in accordance with the rules of the Senior Management
233 | Service.

234 | (w) All managers, supervisors, and confidential employees
235 | of the Agency for Enterprise Information Technology State
236 | Technology Office. The Agency for Enterprise Information
237 | Technology State Technology Office shall set the salaries and
238 | benefits of these positions in accordance with the rules
239 | established for the Selected Exempt Service.

240 | Section 5. Subsection (3) is added to section 216.0446,
241 | Florida Statutes, to read:

242 | 216.0446 Review of information technology resources
243 | needs.--

244 | (3) (a) For each information technology project that is
245 | designated for special monitoring in the General Appropriations
246 | Act by a proviso requiring a contract with a project monitor, the
247 | Technology Review Workgroup, in consultation with each affected
248 | agency, shall be responsible for contracting with the project
249 | monitor.

250 | (b) Upon contract award, funds equal to the contract amount
251 | shall be transferred to the Technology Review Workgroup upon
252 | request and subsequent approval of a budget amendment pursuant to
253 | s. 216.292.

254 | (c) With the concurrence of the Legislative Auditing
255 | Committee, the Office of the Auditor General shall be the project
256 | monitor for other projects designated for special monitoring.
257 | However, this section does not preclude the Auditor General from
258 | conducting such monitoring on any project designated for special
259 | monitoring.

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260 (d)1. In addition to monitoring and reporting on
261 significant communications between a contracting agency and the
262 appropriate federal authorities, the project-monitoring process
263 shall consist of evaluating each major stage of the designated
264 project to determine whether the deliverables have been satisfied
265 and to assess the level of risks associated with proceeding to
266 the next stage of the project.

267 2. The major stages of each designated project shall be
268 determined based on the agency's information systems development
269 methodology.

270 3. Within 20 days after an agency has completed a major
271 stage of its designated project or at least 90 days, the project
272 monitor shall issue a written report, including the findings and
273 recommendations for correcting deficiencies, to the agency head
274 for review and comment.

275 4. Within 20 days after receipt of the project monitor's
276 report, the agency head shall submit a written statement of
277 explanation or rebuttal concerning the findings and
278 recommendations of the project monitor, including any corrective
279 action to be taken by the agency.

280 5. The project monitor shall include the agency's statement
281 in its final report, which shall be forwarded, within 7 days
282 after receipt of the agency's statement, to the agency head, the
283 inspector general's office of the agency, the Executive Office of
284 the Governor, the appropriations committees of the Legislature,
285 the Joint Legislative Auditing Committee, the Technology Review
286 Workgroup, the President of the Senate, the Speaker of the House
287 of Representatives, and the Office of Program Policy Analysis and
288 Government Accountability. The Auditor General shall also receive

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289 a copy of the project monitor's report for those projects in
290 which the Auditor General is not the project monitor.

291 Section 6. Paragraph (c) of subsection (4) and subsection
292 (6) of section 216.235, Florida Statutes, are amended to read:

293 216.235 Innovation Investment Program.--

294 (4) There is hereby created the State Innovation Committee,
295 which shall have final approval authority as to which innovative
296 investment projects submitted under this section shall be funded.
297 Such committee shall be comprised of seven members. Appointed
298 members shall serve terms of 1 year and may be reappointed. The
299 committee shall include:

300 (c) The Executive Director of ~~Chief Information Officer in~~
301 ~~the Agency for Enterprise Information Technology State Technology~~
302 ~~Office.~~

303 (6) (a) Any agency developing an innovative investment
304 project proposal that involves information technology resources
305 may consult with and seek technical assistance from the Agency
306 for Enterprise Information Technology State Technology Office.

307 (b)1. The office shall consult with the Agency for
308 Enterprise Information Technology State Technology Office for any
309 project proposal that involves information ~~resource~~ technology
310 resources.

311 2. The Agency for Enterprise Information Technology State
312 Technology Office is responsible for evaluating these projects
313 and for advising the committee and review board of the technical
314 feasibility and any transferable benefits of the proposed
315 technology.

316 (c) In addition to the requirements of subsection (5), the
317 agencies shall provide to the Agency for Enterprise Information

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318 Technology State Technology Office any information requested by
319 the Agency for Enterprise Information Technology State Technology
320 Office to aid in determining that the proposed technology is
321 appropriate for the project's success.

322 Section 7. Section 282.003, Florida Statutes, is amended to
323 read:

324 282.003 Short title.--This part may be cited as the
325 "Information Technology Resources Management Act of 1997."

326 Section 8. Section 282.0041, Florida Statutes, is amended
327 to read:

328 282.0041 Definitions.--For the purposes of this part, the
329 term:

330 (1) "Agency" means those entities described in s.
331 216.011(1) (qq) .

332 (2) "Agency Chief Information Officer" means the person
333 appointed by the ~~agency~~ head of an agency to coordinate and
334 manage the information technology functions and responsibilities
335 applicable to that agency and to participate and represent his or
336 her agency in developing strategies for implementing enterprise
337 information technology services identified in law and developing
338 recommendations for enterprise information technology policy.

339 ~~(3) "Agency Chief Information Officers Council" means the~~
340 ~~council created in s. 282.315.~~

341 (3)(4) "Agency for Enterprise Information Technology" means
342 the agency created in s. 14.204.

343 (4)(5) "Agency information technology service" means a
344 service that directly helps the agency fulfill its statutory or
345 constitutional responsibilities and policy objectives and is

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346 usually associated with the agency's primary or core business
347 functions.

348 (5)~~(6)~~ "Customer relationship management" ~~or "CRM"~~ means
349 the business processes, software, and Internet capabilities that
350 can help state agencies manage customer relationships of the
351 organization at the enterprise level.

352 (6)~~(7)~~ "Enterprise level" means all executive branch
353 agencies created or authorized in statute to perform
354 legislatively delegated functions.

355 (7)~~(8)~~ "Enterprise information technology service" means an
356 information technology service that is used in all agencies or a
357 subset of agencies and is established in law to be designed,
358 delivered, and managed at the enterprise level.

359 (8)~~(9)~~ "E-mail, messaging, and calendaring service" means
360 the enterprise information technology service that enables users
361 to send, receive, file, store, manage, and retrieve electronic
362 messages, attachments, appointments, and addresses.

363 (9)~~(10)~~ "Information technology" means equipment, hardware,
364 software, firmware, programs, systems, networks, infrastructure,
365 media, and related material used to automatically,
366 electronically, and wirelessly collect, receive, access,
367 transmit, display, store, record, retrieve, analyze, evaluate,
368 process, classify, manipulate, manage, assimilate, control,
369 communicate, exchange, convert, converge, interface, switch, or
370 disseminate information of any kind or form.

371 (10) "Information Technology Coordinating Council" means
372 the coordinating council created in s. 282.315.

373 (11) "Information technology policy" means statements that
374 describe clear choices for how information technology will

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375 deliver effective and efficient government services to residents
376 and improve state agency operations. Such a policy may relate to
377 investments, business applications, architecture, or
378 infrastructure. A policy describes its rationale, implications of
379 compliance or noncompliance, the timeline for implementation,
380 metrics for determining compliance, and the accountable structure
381 responsible for its implementation.

382 (12) "Project" means an endeavor that has a defined start
383 and end point; is undertaken to create or modify a unique
384 product, service, or result; and has specific objectives that,
385 when attained, signify completion.

386 (13) "Standards" means the use of current, open,
387 nonproprietary, or non-vendor-specific technologies.

388 (14) "Total cost" means all costs associated with
389 information technology projects or initiatives, including, but
390 not limited to, value of hardware, software, service,
391 maintenance, incremental personnel, and facilities. Total cost of
392 a loan or gift of information technology resources to an agency
393 includes the fair market value of the resources, except that the
394 total cost of loans or gifts of information technology to state
395 universities to be used in instruction or research does not
396 include fair market value.

397 Section 9. Section 282.0055, Florida Statutes, is amended
398 to read:

399 282.0055 Assignment of information technology.--In order to
400 ensure the most effective and efficient use of the state's
401 information technology and information technology resources and
402 notwithstanding other provisions of law to the contrary, policies
403 for the design, planning, project management, and implementation

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404 of the enterprise information technology services defined in s.
405 282.0041 ~~s. 282.0041(8)~~ shall be the responsibility of the Agency
406 for Enterprise Information Technology for executive branch
407 agencies created or authorized in statute to perform
408 legislatively delegated functions. The supervision, design,
409 delivery, and management of agency information technology defined
410 in s. 282.0041 ~~s. 282.0041(5)~~ shall remain within the
411 responsibility and control of the individual state agency.

412 Section 10. Paragraph (b) of subsection (2) of section
413 282.0056, Florida Statutes, is amended to read:

414 282.0056 Development of work plan; development of
415 implementation plans; and policy recommendations.--

416 (2) For the fiscal year beginning in 2008-2009, the agency
417 shall develop implementation plans for up to three of the
418 following proposed enterprise information technology services to
419 be established in law:

420 (b) A shared or consolidated enterprise information
421 technology service delivery and support model for the e-mail,
422 messaging, and calendaring service defined in s. 282.0041 ~~s.~~
423 ~~282.0041(9)~~.

424 Section 11. Section 282.3055, Florida Statutes, is amended
425 to read:

426 282.3055 Agency chief information officer; appointment;
427 duties.--

428 (1) (a) Each agency head shall appoint or contract for an
429 agency chief information officer.

430 (b) The agency chief information officer must, at a
431 minimum, have a certificate or degree from an accredited
432 postsecondary institution and at least 5 years of experience

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433 managing an information technology operation and planning and
434 implementing information technology projects and services
435 ~~knowledge and experience in both management and information~~
436 ~~technology resources.~~

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

439 (a) Coordinating and facilitating the planning and
440 management of agency information technology services.

441 (b) Implementing agency information technology planning and
442 management procedures, guidelines, and standards that are
443 consistent with the procedures and standards adopted by the
444 Agency for Enterprise Information Technology.

445 (c) Advising agency senior management as to the information
446 technology resource planning and management needs of the agency.

447 (d) Assisting in the development and prioritization of the
448 information technology resource needs for the agency's
449 legislative budget request.

450 (e) Assisting the Agency for Enterprise Information
451 Technology in the development of strategies for implementing the
452 enterprise information technology services established in law and
453 developing recommendations for enterprise information technology
454 policy.

455 Section 12. Section 282.315, Florida Statutes, is amended
456 to read:

457 282.315 Information Technology Coordinating Agency Chief
458 ~~Information Officers~~ Council; creation.--The Legislature finds
459 that information technology can improve agency performance and
460 enhance service delivery to the public. The Legislature also
461 finds that without information technology planning, management,

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462 and investment, the full potential of information technology will
463 not be realized. The effective and efficient management of
464 information technology resources requires the development of an
465 information technology policy that describes how agency and
466 enterprise information technology services will deliver efficient
467 and effective government services to residents and improve state
468 agency operations. Furthermore, the development of such policy
469 requires consideration of information technology standards and
470 interoperability, access standards for public records, redaction
471 of exempt or confidential information, standards for records
472 retention and archiving, security, integration of data, database
473 formats and linkages, and Internet protocols, among other issues.
474 The Legislature finds that these issues must be considered when
475 designing and planning for information technology resources, not
476 after purchasing such resources. Given the complexity of
477 information technology resource planning, the potential effect of
478 individual agency decisionmaking on other agencies, and the
479 significant costs of information technology, the Legislature
480 finds that it is necessary and beneficial to the furtherance of a
481 public purpose that a means be established to ensure agency
482 communication and coordination regarding agency and enterprise
483 information technology services. The Legislature finds that the
484 creation of a coordinating council will enhance ~~enhancing~~
485 communication, ~~encourage~~ consensus building, ~~assist in the~~
486 delivery of agency and enterprise information technology
487 services, facilitate the establishment of standards and
488 interoperability, and ensure consideration of records
489 requirements ~~coordination, and facilitation with respect to~~

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490 ~~issues concerning enterprise information technology resources are~~
491 ~~essential to improving the management of such resources.~~

492 (1) (a) The Information Technology Coordinating Council
493 There is created adjunct to the Agency for Enterprise Information
494 Technology. an Agency Chief Information Officers Council to:

495 (b) The council is a "coordinating council" as defined in
496 s. 20.03 and is subject to the requirements of s. 20.052, except
497 as provided in this section.

498 (c) The Agency for Enterprise Information Technology shall
499 provide administrative support to the council.

500 (d) The Attorney General shall appoint an attorney who
501 shall mediate disputes involving access to public records as
502 provided in s. 16.60 and provide legal counsel to the council.
503 Such legal counsel includes, but need not be limited to, legal
504 advice regarding standards for public records and meetings,
505 records-retention standards, and archiving requirements.

506 ~~(a) Enhance communication and collaboration among the~~
507 ~~Agency Chief Information Officers and the Agency for Enterprise~~
508 ~~Information Technology.~~

509 ~~(b) Identify and recommend best practices that are~~
510 ~~characteristic of highly successful technology organizations, as~~
511 ~~well as exemplary information technology applications for use by~~
512 ~~state agencies, and assist the Agency for Enterprise Information~~
513 ~~Technology in developing strategies for implementing the~~
514 ~~enterprise information technology services established in law and~~
515 ~~developing recommendations for enterprise information technology~~
516 ~~policy.~~

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517 ~~(c) Identify efficiency opportunities among state agencies~~
518 ~~and make recommendations for action to the Agency for Enterprise~~
519 ~~Information Technology.~~

520 ~~(d) Assist the Agency for Enterprise Information Technology~~
521 ~~in identifying critical enterprise information technology issues~~
522 ~~and, when appropriate, make recommendations for solving~~
523 ~~enterprise resource planning and management deficiencies.~~

524 ~~(2) (a) Members of The council shall be composed of: include~~

525 ~~1. The Agency Chief Information Officers; including the~~
526 ~~Chief Information Officers of the agencies and governmental~~
527 ~~entities, except that there shall be one Chief Information~~
528 ~~Officer selected by the state attorneys and one Chief Information~~
529 ~~Officer selected by the public defenders.~~

530 ~~2. The executive director of the Agency for Enterprise~~
531 ~~Information Technology;~~

532 ~~3. The director of the Division of Library and Information~~
533 ~~Services; and~~

534 ~~4. The director of the Office of Open Government.~~

535 ~~(b) The council, by majority vote of the members present~~
536 ~~and voting, a quorum being present, shall appoint a chair, vice~~
537 ~~chair, and secretary from among its members to a 1-year term~~
538 ~~each.~~

539 ~~(c)1. The council, by majority vote of the members present~~
540 ~~and voting, a quorum being present, shall establish procedures~~
541 ~~governing council business, which shall comply with the~~
542 ~~requirements of s. 20.052 unless otherwise authorized by law. A~~
543 ~~majority of the members constitutes a quorum, and the affirmative~~
544 ~~vote of a majority of a quorum is necessary to take action.~~

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545 2. The council may meet at the call of its chair or at the
546 request of a majority of its membership, but the council must
547 meet at least quarterly. Meetings of the council may be held via
548 teleconference or other electronic means.

549 (3) ~~The Agency for Enterprise Information Technology shall~~
550 ~~provide administrative support to the council~~ is created to:-

551 (a) Assist the Agency for Enterprise Information Technology
552 in:

553 1. Defining the architecture standards for enterprise
554 information technology and developing implementation approaches
555 for statewide migration to those standards;

556 2. Developing strategies for ensuring that the enterprise
557 information technology services established in law are
558 successfully implemented; and

559 3. Developing recommendations for enterprise information
560 technology policy.

561 (b) Annually recommend to the Agency for Enterprise
562 Information Technology critical issues concerning enterprise
563 information technology which the agency should consider for
564 inclusion in its work plan.

565 (c) Assist agencies in complying with access standards for
566 public records.

567 (d) Assist agencies in complying with record-retention and
568 archiving standards.

569 (e) Annually report to the Governor, the President of the
570 Senate, and the Speaker of the House on opportunities for
571 interagency collaboration in providing government services where
572 such collaboration would improve the efficiency and effectiveness

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573 of the service by using information technology to integrate those
574 services.

575 (f) Assist the Department of Management Services in:

576 1. Prescribing procedures for procuring information
577 technology and information technology consultant services as
578 provided in s. 287.042;

579 2. Reviewing joint agreements with governmental agencies
580 for the purpose of pooling funds for the purchase of information
581 technology that can be used by multiple agencies as provided in
582 s. 287.042; and

583 3. Developing standards to be used by an agency when
584 procuring information technology and contractual services to
585 ensure compliance with access requirements for public records and
586 records-retention and archiving requirements as provided in s.
587 287.042.

588 (g) Recommend, in consultation with the Agency for
589 Enterprise Information Technology, a project-management
590 methodology for use by agencies. The council shall submit the
591 recommended project-management methodology and any proposed
592 policy for its implementation no later than December 15, 2008, to
593 the Governor, the President of the Senate, and the Speaker of the
594 House of Representatives. The recommended project-management
595 methodology must include, at a minimum:

596 1. The identification of the phases of an information
597 technology project;

598 2. Specific processes to be performed within each phase;
599 and

600 3. Standard tasks that comprise each process.
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602 Section 13. Section 282.322, Florida Statutes, is amended
603 to read:

604 282.322 Special monitoring process for designated
605 information resources management projects.--

606 ~~(1) For each information resources management project which~~
607 ~~is designated for special monitoring in the General~~
608 ~~Appropriations Act, with a proviso requiring a contract with a~~
609 ~~project monitor, the Technology Review Workgroup established~~
610 ~~pursuant to s. 216.0446, in consultation with each affected~~
611 ~~agency, shall be responsible for contracting with the project~~
612 ~~monitor. Upon contract award, funds equal to the contract amount~~
613 ~~shall be transferred to the Technology Review Workgroup upon~~
614 ~~request and subsequent approval of a budget amendment pursuant to~~
615 ~~s. 216.292. With the concurrence of the Legislative Auditing~~
616 ~~Committee, the office of the Auditor General shall be the project~~
617 ~~monitor for other projects designated for special monitoring.~~
618 ~~However, nothing in this section precludes the Auditor General~~
619 ~~from conducting such monitoring on any project designated for~~
620 ~~special monitoring. In addition to monitoring and reporting on~~
621 ~~significant communications between a contracting agency and the~~
622 ~~appropriate federal authorities, the project monitoring process~~
623 ~~shall consist of evaluating each major stage of the designated~~
624 ~~project to determine whether the deliverables have been satisfied~~
625 ~~and to assess the level of risks associated with proceeding to~~
626 ~~the next stage of the project. The major stages of each~~
627 ~~designated project shall be determined based on the agency's~~
628 ~~information systems development methodology. Within 20 days after~~
629 ~~an agency has completed a major stage of its designated project~~
630 ~~or at least 90 days, the project monitor shall issue a written~~

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631 ~~report, including the findings and recommendations for correcting~~
632 ~~deficiencies, to the agency head, for review and comment. Within~~
633 ~~20 days after receipt of the project monitor's report, the agency~~
634 ~~head shall submit a written statement of explanation or rebuttal~~
635 ~~concerning the findings and recommendations of the project~~
636 ~~monitor, including any corrective action to be taken by the~~
637 ~~agency. The project monitor shall include the agency's statement~~
638 ~~in its final report, which shall be forwarded, within 7 days~~
639 ~~after receipt of the agency's statement, to the agency head, the~~
640 ~~inspector general's office of the agency, the Executive Office of~~
641 ~~the Governor, the appropriations committees of the Legislature,~~
642 ~~the Joint Legislative Auditing Committee, the Technology Review~~
643 ~~Workgroup, the President of the Senate, the Speaker of the House~~
644 ~~of Representatives, and the Office of Program Policy Analysis and~~
645 ~~Government Accountability. The Auditor General shall also receive~~
646 ~~a copy of the project monitor's report for those projects in~~
647 ~~which the Auditor General is not the project monitor.~~

648 (1)~~(2)~~ The Agency for Enterprise Information Technology
649 shall report on any information technology project that the
650 Legislature identifies as high-risk to the Executive Office of
651 the Governor, the President of the Senate, the Speaker of the
652 House of Representatives, and the chairs of the appropriations
653 committees.

654 (2) ~~Within the limits of current appropriations,~~ The Agency
655 for Enterprise Information Technology shall monitor and report on
656 such high-risk information technology projects, and assess the
657 levels of risks associated with proceeding to the next stage of
658 the project.

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660 Section 14. Sections 282.801 through 282.8096, Florida
661 Statutes, are designated as part IV of chapter 282, Florida
662 Statutes.

663 Section 15. Section 282.801, Florida Statutes, is created
664 to read:

665 282.801 Short title.--This part may be cited as the
666 "Communication Information Technology Services Act."

667 Section 16. Section 282.802, Florida Statutes, is created
668 to read:

669 282.802 Definitions.--As used in this part, the term:

670 (1) "Department" means the Department of Management
671 Services.

672 (2) "Information technology" has the same meaning as
673 provided in s. 282.0041.

674 (3) "Standards" has the same meaning as provided in s.
675 282.0041.

676 (4) "Total cost" has the same meaning as provided in s.
677 282.0041.

678 Section 17. Section 282.102, Florida Statutes, is
679 transferred and renumbered as section 282.804, Florida Statutes,
680 to read:

681 282.804 ~~282.102~~ Powers and duties.--The Department of
682 Management Services shall have the following powers, duties, and
683 functions:

684 (1) To publish electronically the portfolio of services
685 available from the department, including pricing information; the
686 policies and procedures of the state communications network
687 governing usage of available services; and a forecast of the

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688 | priorities and initiatives for the state communications system
689 | for the ensuing 2 years.

690 | (2) To adopt technical standards for the state
691 | communications network which will ensure the interconnection of
692 | computer networks and information systems of agencies.

693 | (3) To enter into agreements related to information
694 | technology with state agencies and political subdivisions of the
695 | state.

696 | (4) To purchase from or contract with information
697 | technology providers for information technology, including
698 | private line services.

699 | (5) To apply for, receive, and hold such authorizations,
700 | patents, copyrights, trademarks, service marks, licenses, and
701 | allocations or channels and frequencies to carry out the purposes
702 | of this part.

703 | (6) To purchase, lease, or otherwise acquire and to hold,
704 | sell, transfer, license, or otherwise dispose of real, personal,
705 | and intellectual property, including, but not limited to,
706 | patents, trademarks, copyrights, and service marks.

707 | (7) To cooperate with any federal, state, or local
708 | emergency management agency in providing for emergency
709 | communications services.

710 | (8) To control and approve the purchase, lease, or
711 | acquisition and the use of communications services provided as
712 | part of any other total system to be used by the state or any of
713 | its agencies.

714 | (9) To adopt rules pursuant to ss. 120.536(1) and 120.54
715 | relating to communications and to administer the provisions of
716 | this part.

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717 (10) To apply for and accept federal funds for any of the
718 purposes of this part as well as gifts and donations from
719 individuals, foundations, and private organizations.

720 (11) To monitor issues relating to communications
721 facilities and services before the Florida Public Service
722 Commission and, when necessary, prepare position papers, prepare
723 testimony, appear as a witness, and retain witnesses on behalf of
724 state agencies in proceedings before the commission.

725 (12) Unless delegated to the agencies by the department, to
726 manage and control, but not intercept or interpret,
727 communications within the SUNCOM Network by:

728 (a) Establishing technical standards to physically
729 interface with the SUNCOM Network.

730 (b) Specifying how communications are transmitted within
731 the SUNCOM Network.

732 (c) Controlling the routing of communications within the
733 SUNCOM Network.

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

736 (e) Ensuring orderly and reliable communications services
737 in accordance with the service level agreements executed with
738 state agencies.

739 (13) To plan, design, and conduct experiments for
740 communications services, equipment, and technologies, and to
741 implement enhancements in the state communications network when
742 in the public interest and cost-effective. Funding for such
743 experiments shall be derived from SUNCOM Network service revenues
744 and shall not exceed 2 percent of the annual budget for the
745 SUNCOM Network for any fiscal year or as provided in the General

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746 Appropriations Act. New services offered as a result of this
747 subsection shall not affect existing rates for facilities or
748 services.

749 (14) To enter into contracts or agreements, with or without
750 competitive bidding or procurement, to make available, on a fair,
751 reasonable, and nondiscriminatory basis, property and other
752 structures under departmental control for the placement of new
753 facilities by any wireless provider of mobile service as defined
754 in 47 U.S.C. s. 153(n) or s. 332(d) and any telecommunications
755 company as defined in s. 364.02 when it is determined to be
756 practical and feasible to make such property or other structures
757 available. The department may, without adopting a rule, charge a
758 just, reasonable, and nondiscriminatory fee for the placement of
759 the facilities, payable annually, based on the fair market value
760 of space used by comparable communications facilities in the
761 state. The department and a wireless provider or
762 telecommunications company may negotiate the reduction or
763 elimination of a fee in consideration of services provided to the
764 department by the wireless provider or telecommunications
765 company. All such fees collected by the department shall be
766 deposited directly into the Law Enforcement Radio Operating Trust
767 Fund, and may be used by the department to construct, maintain,
768 or support the system.

769 Section 18. Section 282.103, Florida Statutes, is
770 transferred, renumbered as section 282.805, Florida Statutes, and
771 amended to read:

772 282.805 ~~282.103~~ SUNCOM Network; exemptions from the
773 required use.--

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774 (1) There is created within the Department of Management
775 Services the SUNCOM Network which shall be developed to serve as
776 the state communications system for providing local and long-
777 distance communications services to state agencies, political
778 subdivisions of the state, municipalities, state universities,
779 and nonprofit corporations pursuant to ss. 282.102-282.111. The
780 SUNCOM Network shall be developed to transmit all types of
781 communications signals, including, but not limited to, voice,
782 data, video, image, and radio. State agencies shall cooperate and
783 assist in the development and joint use of communications systems
784 and services.

785 (2) The department ~~State Technology Office~~ shall design,
786 engineer, implement, manage, and operate through state ownership,
787 commercial leasing, or some combination thereof, the facilities
788 and equipment providing SUNCOM Network services, and shall
789 develop a system of equitable billings and charges for
790 communication services.

791 (3) All state agencies and state universities are required
792 to use the SUNCOM Network for agency and state university
793 communications services as the services become available;
794 however, no agency or university is relieved of responsibility
795 for maintaining communications services necessary for effective
796 management of its programs and functions. If a SUNCOM Network
797 service does not meet the communications requirements of an
798 agency or university, the agency or university shall notify the
799 department ~~State Technology Office~~ in writing and detail the
800 requirements for that communications service. If the department
801 ~~office~~ is unable to meet an agency's or university's requirements
802 by enhancing SUNCOM Network service, the department ~~office~~ may

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803 | grant the agency or university an exemption from the required use
804 | of specified SUNCOM Network services.

805 | Section 19. Section 282.104, Florida Statutes, is
806 | transferred, renumbered as section 282.806, Florida Statutes, and
807 | amended to read:

808 | 282.806 ~~282.104~~ Use of state SUNCOM Network by
809 | municipalities.--Any municipality may request the department
810 | ~~State Technology Office~~ to provide any or all of the SUNCOM
811 | Network's portfolio of communications services upon such terms
812 | and under such conditions as the office may establish. The
813 | requesting municipality shall pay its share of installation and
814 | recurring costs according to the published rates for SUNCOM
815 | Network services and as invoiced by the department ~~office~~. Such
816 | municipality shall also pay for any requested modifications to
817 | existing SUNCOM Network services, if any charges apply.

818 | Section 20. Section 282.105, Florida Statutes, is
819 | transferred, renumbered as section 282.807, Florida Statutes, and
820 | amended to read:

821 | 282.807 ~~282.105~~ Use of state SUNCOM Network by nonprofit
822 | corporations.--

823 | (1) The department ~~State Technology Office~~ shall provide a
824 | means whereby private nonprofit corporations under contract with
825 | state agencies or political subdivisions of the state may use the
826 | state SUNCOM Network, subject to the limitations in this section.
827 | In order to qualify to use the state SUNCOM Network, a nonprofit
828 | corporation shall:

829 | (a) Expend the majority of its total direct revenues for
830 | the provision of contractual services to the state, a
831 | municipality, or a political subdivision of the state; and

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

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

840 (3) Nonprofit corporations established pursuant to general
841 law and an association of municipal governments which is wholly
842 owned by the municipalities shall be eligible to use the state
843 SUNCOM Network, subject to the terms and conditions of the
844 department ~~office~~.

845 (4) Institutions qualified to participate in the William L.
846 Boyd, IV, Florida Resident Access Grant Program pursuant to s.
847 1009.89 shall be eligible to use the state SUNCOM Network,
848 subject to the terms and conditions of the department ~~office~~.
849 Such entities shall not be required to satisfy the other criteria
850 of this section.

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

855 Section 21. Section 282.107, Florida Statutes, is
856 transferred and renumbered as section 282.808, Florida Statutes,
857 to read:

858 282.808 ~~282.107~~ SUNCOM Network; criteria for usage.--

859 (1) The Department of Management Services shall
860 periodically review the qualifications of subscribers using the

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861 state SUNCOM Network and shall terminate services provided to any
862 facility not qualified pursuant to ss. 282.102-282.111 or rules
863 adopted hereunder. In the event of nonpayment of invoices by
864 subscribers whose SUNCOM Network invoices are paid from sources
865 other than legislative appropriations, such nonpayment represents
866 good and sufficient reason to terminate service.

867 (2) The Department of Management Services shall adopt rules
868 for implementing and operating the state SUNCOM Network, which
869 shall include its procedures for withdrawing and restoring
870 authorization to use the state SUNCOM Network. Such rules shall
871 provide a minimum of 30 days' notice to affected parties prior to
872 termination of voice communications service.

873 (3) Nothing in this section shall be construed to limit or
874 restrict the ability of the Florida Public Service Commission to
875 set jurisdictional tariffs of telecommunications companies.

876 Section 22. Section 282.109, Florida Statutes, is
877 transferred and renumbered as section 282.809, Florida Statutes,
878 to read:

879 282.809 ~~282.109~~ Emergency assumption of control.--In the
880 event of an emergency, the Governor may direct emergency
881 management assumption of control over all or part of the state
882 communications system.

883 Section 23. Section 282.1095, Florida Statutes, is
884 transferred, renumbered as s. 282.8095, Florida Statutes, and
885 amended to read:

886 282.8095 ~~282.1095~~ State agency law enforcement radio system
887 and interoperability network.--

888 (1) The department ~~State Technology Office~~ may acquire and
889 implement a statewide radio communications system to serve law

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890 enforcement units of state agencies, and to serve local law
891 enforcement agencies through mutual aid channels. The Joint Task
892 Force on State Agency Law Enforcement Communications is
893 established adjunct to ~~in the department State Technology Office~~
894 to advise the department ~~office~~ of member-agency needs for the
895 planning, designing, and establishment of the joint system. The
896 State Agency Law Enforcement Radio System Trust Fund is
897 established in the department ~~State Technology Office~~. The trust
898 fund shall be funded from surcharges collected under ss.
899 318.18(17), 320.0802 and 328.72.

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

902 1. A representative of the Division of Alcoholic Beverages
903 and Tobacco of the Department of Business and Professional
904 Regulation who shall be appointed by the secretary of the
905 department.

906 2. A representative of the Division of Florida Highway
907 Patrol of the Department of Highway Safety and Motor Vehicles who
908 shall be appointed by the executive director of the department.

909 3. A representative of the Department of Law Enforcement
910 who shall be appointed by the executive director of the
911 department.

912 4. A representative of the Fish and Wildlife Conservation
913 Commission who shall be appointed by the executive director of
914 the commission.

915 5. A representative of the Division of Law Enforcement of
916 the Department of Environmental Protection who shall be appointed
917 by the secretary of the department.

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918 6. A representative of the Department of Corrections who
919 shall be appointed by the secretary of the department.

920 7. A representative of the Division of State Fire Marshal
921 of the Department of Financial Services who shall be appointed by
922 the State Fire Marshal.

923 8. A representative of the Department of Transportation who
924 shall be appointed by the secretary of the department.

925 (b) Each appointed member of the joint task force shall
926 serve at the pleasure of the appointing official. Any vacancy on
927 the joint task force shall be filled in the same manner as the
928 original appointment. Any joint task force member may, upon
929 notification to the chair prior to the beginning of any scheduled
930 meeting, appoint an alternative to represent the member on the
931 task force and vote on task force business in his or her absence.

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

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

939 (e) The per diem and travel expenses incurred by a member
940 of the joint task force in attending its meetings and in
941 attending to its affairs shall be paid pursuant to s. 112.061,
942 from funds budgeted to the state agency that the member
943 represents.

944 (f) The department ~~State Technology Office~~ is hereby
945 authorized to rent or lease space on any tower under its control.
946 The department ~~office~~ may also rent, lease, or sublease ground

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947 space as necessary to locate equipment to support antennae on the
948 towers. The costs for use of such space shall be established by
949 the department office for each site, when it is determined to be
950 practicable and feasible to make space available. The department
951 ~~office~~ may refuse to lease space on any tower at any site. All
952 moneys collected by the department office for such rents, leases,
953 and subleases shall be deposited directly into the Law
954 Enforcement Radio Operating Trust Fund and may be used by the
955 department office to construct, maintain, or support the system.

956 (g) The department ~~State Technology Office~~ is hereby
957 authorized to rent, lease, or sublease ground space on lands
958 acquired by the department office for the construction of
959 privately owned or publicly owned towers. The department office
960 may, as a part of such rental, lease, or sublease agreement,
961 require space on said tower or towers for antennae as may be
962 necessary for the construction and operation of the state agency
963 law enforcement radio system or any other state need. The
964 positions necessary for the department office to accomplish its
965 duties under this paragraph and paragraph (f) shall be
966 established in the General Appropriations Act and shall be funded
967 by the Law Enforcement Radio Operating Trust Fund or other
968 revenue sources.

969 (h) The department ~~State Technology Office~~ may make the
970 mutual aid channels in the statewide radio communications system
971 available to federal agencies, state agencies, and agencies of
972 the political subdivisions of the state for the purpose of public
973 safety and domestic security. The department office shall
974 exercise its powers and duties, as specified in this chapter, to
975 plan, manage, and administer the mutual aid channels. The

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976 department ~~office~~ shall, in implementing such powers and duties,
977 act in consultation and conjunction with the Department of Law
978 Enforcement and the Division of Emergency Management of the
979 Department of Community Affairs, and shall manage and administer
980 the mutual aid channels in a manner that reasonably addresses the
981 needs and concerns of the involved law enforcement agencies and
982 emergency response agencies and entities.

983 (3) Upon appropriation, moneys in the trust fund may be
984 used by the department ~~office~~ to acquire by competitive
985 procurement the equipment; software; and engineering,
986 administrative, and maintenance services it needs to construct,
987 operate, and maintain the statewide radio system. Moneys in the
988 trust fund collected as a result of the surcharges set forth in
989 ss. 318.18, 320.0802, and 328.72 shall be used to help fund the
990 costs of the system. Upon completion of the system, moneys in the
991 trust fund may also be used by the department ~~office~~ to provide
992 for payment of the recurring maintenance costs of the system.

993 (4) (a) The department ~~office~~ shall, in conjunction with the
994 Department of Law Enforcement and the Division of Emergency
995 Management of the Department of Community Affairs, establish
996 policies, procedures, and standards which shall be incorporated
997 into a comprehensive management plan for the use and operation of
998 the statewide radio communications system.

999 (b) The joint task force, in consultation with the
1000 department ~~office~~, shall have the authority to permit other state
1001 agencies to use the communications system, under terms and
1002 conditions established by the joint task force.

1003 (5) The department ~~office~~ shall provide technical support
1004 to the joint task force and shall bear the overall responsibility

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1005 for the design, engineering, acquisition, and implementation of
1006 the statewide radio communications system and for ensuring the
1007 proper operation and maintenance of all system common equipment.

1008 (6) (a) The department ~~State Technology Office~~ may create
1009 and implement an interoperability network to enable
1010 interoperability between various radio communications
1011 technologies and to serve federal agencies, state agencies, and
1012 agencies of political subdivisions of the state for the purpose
1013 of public safety and domestic security. The department ~~office~~
1014 shall, in conjunction with the Department of Law Enforcement and
1015 the Division of Emergency Management of the Department of
1016 Community Affairs, exercise its powers and duties pursuant to
1017 this chapter to plan, manage, and administer the interoperability
1018 network. The department ~~office~~ may:

1019 1. Enter into mutual aid agreements among federal agencies,
1020 state agencies, and political subdivisions of the state for the
1021 use of the interoperability network.

1022 2. Establish the cost of maintenance and operation of the
1023 interoperability network and charge subscribing federal and local
1024 law enforcement agencies for access and use of the network. The
1025 department ~~State Technology Office~~ may not charge state law
1026 enforcement agencies identified in paragraph (2) (a) to use the
1027 network.

1028 3. In consultation with the Department of Law Enforcement
1029 and the Division of Emergency Management of the Department of
1030 Community Affairs, amend and enhance the statewide radio
1031 communications system as necessary to implement the
1032 interoperability network.

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1033 (b) The department ~~State Technology Office~~, in consultation
1034 with the Joint Task Force on State Agency Law Enforcement
1035 Communications, and in conjunction with the Department of Law
1036 Enforcement and the Division of Emergency Management of the
1037 Department of Community Affairs, shall establish policies,
1038 procedures, and standards to incorporate into a comprehensive
1039 management plan for the use and operation of the interoperability
1040 network.

1041 Section 24. Section 282.111, Florida Statutes, is
1042 transferred, renumbered as section 282.8096, Florida Statutes,
1043 and amended to read:

1044 282.8096 ~~282.111~~ Statewide system of regional law
1045 enforcement communications.--

1046 (1) It is the intent and purpose of the Legislature that a
1047 statewide system of regional law enforcement communications be
1048 developed whereby maximum efficiency in the use of existing radio
1049 channels is achieved in order to deal more effectively with the
1050 apprehension of criminals and the prevention of crime generally.
1051 To this end, all law enforcement agencies within the state are
1052 directed to provide the department ~~State Technology Office~~ with
1053 any information the department ~~office~~ requests for the purpose of
1054 implementing the provisions of subsection (2).

1055 (2) The department ~~State Technology Office~~ is hereby
1056 authorized and directed to develop and maintain a statewide
1057 system of regional law enforcement communications. In formulating
1058 such a system, the department ~~office~~ shall divide the state into
1059 appropriate regions and shall develop a program that ~~which~~ shall
1060 include, but not be limited to, the following provisions:

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1061 (a) The communications requirements for each county and
1062 municipality comprising the region.

1063 (b) An interagency communications provision which shall
1064 depict the communication interfaces between municipal, county,
1065 and state law enforcement entities which operate within the
1066 region.

1067 (c) Frequency allocation and use provision which shall
1068 include, on an entity basis, each assigned and planned radio
1069 channel and the type of operation, simplex, duplex, or half-
1070 duplex, on each channel.

1071 (3) The department ~~office~~ shall adopt any necessary rules
1072 ~~and regulations~~ for implementing and coordinating the statewide
1073 system of regional law enforcement communications.

1074 (4) The secretary of the department ~~Chief Information~~
1075 ~~Officer of the State Technology Office~~ or his or her designee is
1076 designated as the director of the statewide system of regional
1077 law enforcement communications and, for the purpose of carrying
1078 out the provisions of this section, is authorized to coordinate
1079 the activities of the system with other interested state agencies
1080 and local law enforcement agencies.

1081 (5) No law enforcement communications system shall be
1082 established or present system expanded without the prior approval
1083 of the department ~~State Technology Office~~.

1084 (6) Within the limits of its capability, the Department of
1085 Law Enforcement is encouraged to lend assistance to the
1086 department ~~State Technology Office~~ in the development of the
1087 statewide system of regional law enforcement communications
1088 proposed by this section.

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1089 Section 25. Section 282.20, Florida Statutes, is
1090 transferred, renumbered as s. 282.901, Florida Statutes, and
1091 amended to read:

1092 282.901 ~~282.20~~ Technology Resource Center.--

1093 (1) (a) The Department of Management Services shall operate
1094 and manage the Technology Resource Center.

1095 (b) For the purposes of this section, the term:

1096 1. "Information-system utility" means a full-service
1097 information-processing facility offering hardware, software,
1098 operations, integration, networking, and consulting services.

1099 2. "Customer" means a state agency or other entity which is
1100 authorized to utilize the SUNCOM Network pursuant to this part.

1101 (2) The Technology Resource Center shall:

1102 (a) Serve customers as an information-system utility.

1103 (b) Cooperate with customers to offer, develop, and support
1104 a wide range of services and applications needed by users of the
1105 Technology Resource Center.

1106 (c) Cooperate with the Agency for Enterprise Information
1107 Technology to identify and facilitate interdepartmental
1108 networking and integration of network services for its customers.

1109 (d) Assist customers in testing and evaluating new and
1110 emerging technologies that could be used to meet the needs of the
1111 state.

1112 (3) The department may contract with customers to provide
1113 any combination of services necessary for agencies to fulfill
1114 their responsibilities and to serve their users.

1115 (4) The Technology Resource Center may plan, design,
1116 establish pilot projects for, and conduct experiments with
1117 information technology resources, and may implement enhancements

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1118 | in services when such implementation is cost-effective. Funding
1119 | for experiments and pilot projects shall be derived from service
1120 | revenues and may not exceed 5 percent of the service revenues for
1121 | the Technology Resource Center for any single fiscal year. Any
1122 | experiment, pilot project, plan, or design must be approved by
1123 | the Agency for Enterprise Information Technology.

1124 | (5) ~~Beginning in the 2007-2008 fiscal year and annually~~
1125 | ~~thereafter,~~ The Technology Resource Center shall annually submit
1126 | to the Agency for Enterprise Information Technology ~~for its~~
1127 | ~~review~~ a copy of its current and proposed services and service
1128 | rates and cost allocation plan. ~~When appropriate,~~ The Agency for
1129 | Enterprise Information Technology shall ~~request~~ review such plan
1130 | and receive comment from the customers and the Information
1131 | Technology Coordinating Council ~~Agency Chief Information Officers~~
1132 | ~~Council~~ concerning the center's current and proposed rate and
1133 | services structure.

1134 | Section 26. Section 282.21, Florida Statutes, is
1135 | transferred, renumbered as section 282.902, Florida Statutes, and
1136 | amended to read:

1137 | 282.902 ~~282.21~~ The Department of Management Service's State
1138 | Technology Office's electronic access services.--The department
1139 | ~~State Technology Office~~ may collect fees for providing remote
1140 | electronic access pursuant to s. 119.07(2). The fees may be
1141 | imposed on individual transactions or as a fixed subscription for
1142 | a designated period of time. All fees collected under this
1143 | section shall be deposited in the appropriate trust fund of the
1144 | program or activity that made the remote electronic access
1145 | available.

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1146 Section 27. Section 282.22, Florida Statutes, is
1147 transferred, renumbered as section 282.903, Florida Statutes, and
1148 amended to read:

1149 282.903 ~~282.22 State Technology Office~~; Production,
1150 dissemination, and ownership of materials and products.--

1151 (1) It is the intent of the Legislature that when
1152 materials, products, information, and services are acquired or
1153 developed by or under the direction of the department ~~State~~
1154 ~~Technology Office~~, through research and development or other
1155 efforts, including those subject to copyright, patent, or
1156 trademark, they shall be made available for use by state and
1157 local government entities at the earliest practicable date and in
1158 the most economical and efficient manner possible and consistent
1159 with chapter 119.

1160 (2) To accomplish this objective the department ~~office~~ is
1161 authorized to publish or partner with private sector entities to
1162 produce or have produced materials and products and to make them
1163 readily available for appropriate use. The office is authorized
1164 to charge an amount or receive value-added services adequate to
1165 cover the essential cost of producing and disseminating such
1166 materials, information, services, or products and is authorized
1167 to sell services.

1168 (3) In cases in which the materials or products are of such
1169 nature, or the circumstances are such, that it is not practicable
1170 or feasible for the department ~~office~~ to produce or have produced
1171 materials and products so developed, it is authorized, after
1172 review and approval by the Executive Office of the Governor, to
1173 license, lease, assign, sell, or otherwise give written consent
1174 to any person, firm, or corporation for the manufacture or use

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1175 thereof, on a royalty basis, or for such other consideration as
1176 the department ~~office~~ shall deem proper and in the best interest
1177 of the state; the department ~~office~~ is authorized and directed to
1178 protect same against improper or unlawful use or infringement and
1179 to enforce the collection of any sums due for the manufacture or
1180 use thereof by any other party.

1181 (4) All proceeds from the sale of such materials and
1182 products or other money collected pursuant to this section shall
1183 be deposited into the Operating Trust Fund of the department
1184 ~~office~~ and, when properly budgeted as approved by the Legislature
1185 and the Executive Office of the Governor, used to pay the cost of
1186 producing and disseminating materials and products to carry out
1187 the intent of this section.

1188 Section 28. Paragraph (h) is added to subsection (3) of
1189 section 287.042, Florida Statutes, and paragraph (b) of
1190 subsection (4), paragraph (a) of subsection (15), and paragraph
1191 (b) of subsection (16) of that section are amended, to read:

1192 287.042 Powers, duties, and functions.--The department
1193 shall have the following powers, duties, and functions:

1194 (3) To establish a system of coordinated, uniform
1195 procurement policies, procedures, and practices to be used by
1196 agencies in acquiring commodities and contractual services, which
1197 shall include, but not be limited to:

1198 (h) The development, in consultation with the Information
1199 Technology Coordinating Council, of procedures to be used by
1200 state agencies when procuring information technology commodities
1201 and contractual services to ensure compliance with:

- 1202 1. Public-records requirements; and
1203 2. Records-retention and archiving requirements.

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1204 (4)

1205 (b) To prescribe, in consultation with the Information

1206 Technology Coordinating Council ~~State Technology Office~~,

1207 procedures for procuring information technology and information

1208 technology consultant services which provide for public

1209 announcement and qualification, competitive solicitations,

1210 contract award, and prohibition against contingent fees. Such

1211 procedures shall be limited to information technology consultant

1212 contracts for which the total project costs, or planning or study

1213 activities, are estimated to exceed the threshold amount provided

1214 for in s. 287.017, for CATEGORY TWO.

1215 (15) (a) To enter into joint agreements with governmental

1216 agencies, as defined in s. 163.3164(10), for the purpose of

1217 pooling funds for the purchase of commodities or information

1218 technology that can be used by multiple agencies. However, the

1219 department shall consult with the Information Technology

1220 Coordinating Council ~~State Technology Office~~ on joint agreements

1221 that involve the purchase of information technology. Agencies

1222 entering into joint purchasing agreements with the department ~~or~~

1223 ~~the State Technology Office~~ shall authorize the department ~~or the~~

1224 ~~State Technology Office~~ to contract for such purchases on their

1225 behalf.

1226 (16)

1227 (b) For contracts pertaining to the provision of

1228 information technology, the department ~~State Technology Office~~,

1229 in consultation with the Agency for Enterprise Information

1230 Technology ~~department~~, shall assess the technological needs of a

1231 particular agency; ~~evaluate the contracts, and determine whether~~

1232 to enter into a written agreement with the letting federal,

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1233 state, or political subdivision body to provide information
1234 technology for a particular agency; and evaluate contracts for
1235 information technology.

1236 Section 29. Subsection (23) of section 287.057, Florida
1237 Statutes, is amended to read:

1238 287.057 Procurement of commodities or contractual
1239 services.--

1240 (23) (a) The department, in consultation with the Agency for
1241 Enterprise Information Technology ~~State Technology Office~~ and the
1242 Comptroller, shall develop a program for online procurement of
1243 commodities and contractual services. To enable the state to
1244 promote open competition and to leverage its buying power,
1245 agencies shall participate in the online procurement program, and
1246 eligible users may participate in the program. Only vendors
1247 prequalified as meeting mandatory requirements and qualifications
1248 criteria shall be permitted to participate in online procurement.
1249 The department, in consultation with the agency ~~State Technology~~
1250 ~~Office~~, may contract for equipment and services necessary to
1251 develop and implement online procurement.

1252 (b) The department, in consultation with the Agency for
1253 Enterprise Information Technology ~~State Technology Office~~, shall
1254 adopt rules, pursuant to ss. 120.536(1) and 120.54, to administer
1255 the program for online procurement. The rules shall include, but
1256 not be limited to:

1257 1. Determining the requirements and qualification criteria
1258 for prequalifying vendors.

1259 2. Establishing the procedures for conducting online
1260 procurement.

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1261 3. Establishing the criteria for eligible commodities and
1262 contractual services.

1263 4. Establishing the procedures for providing access to
1264 online procurement.

1265 5. Determining the criteria warranting any exceptions to
1266 participation in the online procurement program.

1267 (c)1. The department may impose and shall collect all fees
1268 for the use of the online procurement systems. The fees may be
1269 imposed on an individual transaction basis or as a fixed
1270 percentage of the cost savings generated. At a minimum, the fees
1271 must be set in an amount sufficient to cover the projected costs
1272 of the services, including administrative and project service
1273 costs in accordance with the policies of the department. All fees
1274 and surcharges collected under this paragraph shall be deposited
1275 in the Operating Trust Fund as provided by law.

1276 2. If the department contracts with a provider for online
1277 procurement, the department, pursuant to appropriation, shall
1278 compensate the provider from the fees after the department has
1279 satisfied all ongoing costs. The provider shall report
1280 transaction data to the department each month so that the
1281 department may determine the amount due and payable to the
1282 department from each vendor.

1283 3. All fees that are due and payable to the state on a
1284 transactional basis or as a fixed percentage of the cost savings
1285 generated are subject to s. 215.31 and must be remitted within 40
1286 days after receipt of payment for which the fees are due. For any
1287 fees that are not remitted within 40 days, the vendor shall pay
1288 interest at the rate established under s. 55.03(1) on the unpaid

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1289 balance from the expiration of the 40-day period until the fees
1290 are remitted.

1291 Section 30. Subsection (4) of section 445.011, Florida
1292 Statutes, is amended to read:

1293 445.011 Workforce information systems.--

1294 (4) Workforce Florida, Inc., shall coordinate development
1295 and implementation of workforce information systems with the
1296 executive director of the Agency for Enterprise Information
1297 Technology ~~state's Chief Information Officer in the State~~
1298 ~~Technology Office~~ to ensure compatibility with the state's
1299 information system strategy and enterprise architecture.

1300 Section 31. Subsection (2) and paragraphs (a) and (b) of
1301 subsection (4) of section 445.045, Florida Statutes, are amended
1302 to read:

1303 445.045 Development of an Internet-based system for
1304 information technology industry promotion and workforce
1305 recruitment.--

1306 (2) Workforce Florida, Inc., shall coordinate with the
1307 Agency for Enterprise Information Technology ~~State Technology~~
1308 ~~Office~~ and the Agency for Workforce Innovation to ensure links,
1309 where feasible and appropriate, to existing job information
1310 websites maintained by the state and state agencies and to ensure
1311 that information technology positions offered by the state and
1312 state agencies are posted on the information technology website.

1313 (4) (a) Workforce Florida, Inc., shall coordinate
1314 development and maintenance of the website under this section
1315 with the executive director of the Agency for Enterprise
1316 Information Technology ~~state's Chief Information Officer in the~~

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1317 ~~State Technology Office~~ to ensure compatibility with the state's
1318 information system strategy and enterprise architecture.

1319 (b) Workforce Florida, Inc., may enter into an agreement
1320 with the Agency for Enterprise Information Technology State
1321 ~~Technology Office~~, the Agency for Workforce Innovation, or any
1322 other public agency with the requisite information technology
1323 expertise for the provision of design, operating, or other
1324 technological services necessary to develop and maintain the
1325 website.

1326 Section 32. Subsection (2) of section 445.049, Florida
1327 Statutes, is amended to read:

1328 445.049 Digital Divide Council.--

1329 (2) DIGITAL DIVIDE COUNCIL.--The Digital Divide Council is
1330 created in the Department of Education. The council shall consist
1331 of:

1332 (a) A representative from the information technology
1333 industry in this state appointed by the Governor.

1334 (b) The director of the Office of Tourism, Trade, and
1335 Economic Development in the Executive Office of the Governor.

1336 (c) The president of Workforce Florida, Inc.

1337 (d) The director of the Agency for Workforce Innovation.

1338 (e) The chair of itflorida.com, Inc.

1339 (f) The Commissioner of Education.

1340 (g) The executive director of the Agency for Enterprise
1341 Information Technology.

1342 (h) A representative of the information technology industry
1343 in this state appointed by the Speaker of the House of
1344 Representatives.

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1345 (i)~~(h)~~ A representative of the information technology
1346 industry in this state appointed by the President of the Senate.

1347 (j)~~(i)~~ Two members of the House of Representatives, who
1348 shall be ex officio, nonvoting members of the council, appointed
1349 by the Speaker of the House of Representatives, one of whom shall
1350 be a member of the Republican Caucus and the other of whom shall
1351 be a member of the Democratic Caucus.

1352 (k)~~(j)~~ Two members of the Senate, who shall be ex officio,
1353 nonvoting members of the council, appointed by the President of
1354 the Senate, one of whom shall be a member of the Republican
1355 Caucus and the other of whom shall be a member of the Democratic
1356 Caucus.

1357 Section 33. Paragraph (b) of subsection (18) of section
1358 668.50, Florida Statutes, is amended to read:

1359 668.50 Uniform Electronic Transaction Act.--

1360 (18) ACCEPTANCE AND DISTRIBUTION OF ELECTRONIC RECORDS BY
1361 GOVERNMENTAL AGENCIES.--

1362 (b) To the extent that a governmental agency uses
1363 electronic records and electronic signatures under paragraph (a),
1364 the Agency for Enterprise Information Technology ~~state technology~~
1365 ~~office~~, in consultation with the Information Technology
1366 Coordinating Council and the governmental agency, giving due
1367 consideration to security, may specify:

1368 1. The manner and format in which the electronic records
1369 must be created, generated, sent, communicated, received, and
1370 stored and the systems established for those purposes.

1371 2. If electronic records must be signed by electronic
1372 means, the type of electronic signature required, the manner and
1373 format in which the electronic signature must be affixed to the

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1374 | electronic record, and the identity of, or criteria that must be
1375 | met by, any third party used by a person filing a document to
1376 | facilitate the process.

1377 | 3. Control processes and procedures as appropriate to
1378 | ensure adequate preservation, disposition, integrity, security,
1379 | confidentiality, and auditability of electronic records.

1380 | 4. Any other required attributes for electronic records
1381 | which are specified for corresponding nonelectronic records or
1382 | reasonably necessary under the circumstances.

1383 | Section 34. Subsection (3) of section 943.08, Florida
1384 | Statutes, is amended to read:

1385 | 943.08 Duties; Criminal and Juvenile Justice Information
1386 | Systems Council.--

1387 | (3) The council shall develop and approve a strategic
1388 | ~~long-range program plan and submit pursuant to the requirements~~
1389 | ~~set forth in s. 186.021.~~ copies of the approved plan ~~shall be~~
1390 | ~~transmitted~~, electronically or in writing, to the Executive
1391 | Office of the Governor, the Speaker of the House of
1392 | Representatives, the President of the Senate, and the council
1393 | members.

1394 | Section 35. Subsection (9) of section 1004.52, Florida
1395 | Statutes, is amended to read:

1396 | 1004.52 Community computer access grant program.--

1397 | (9) The institute, based upon guidance from the Digital
1398 | Divide Council ~~State Technology Office~~ and the Department of
1399 | Management Services ~~state's Chief Information Officer~~, shall
1400 | establish minimum requirements governing the specifications and
1401 | capabilities of any computers purchased with funds awarded under
1402 | this grant program.

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Section 36. This act shall take effect July 1, 2008.