

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

.
. .
.

1 Representative Allen offered the following:

2
3 **Substitute Amendment for Amendment (753843) (with title**
4 **amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 282.0051, Florida Statutes, is created
7 to read:

8 282.0051 Information technology management.--

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

16 (a) The state shall make governmental information and
17 services more accessible to citizens by developing a statewide

314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

18 internet portal presence, a state e-mail system, and state
19 security protocols.

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

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

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

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

33 (b) "Information technology investment" means the cost
34 associated with agency resources, hardware, software, or
35 contracted services that are required to provide information
36 technology services and to initiate approved information
37 technology projects.

38 (c) "Information technology portfolio" means the aggregate
39 list of information technology investments aligned with agency
40 business needs.

41 (d) "Information technology services" means the strategic
42 and nonstrategic information technology services used to enable
43 agency business processes and as further defined in the
44 legislative budget instructions developed pursuant to s.
45 216.023.

314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

46 (e) "Information technology services catalog" means a
47 report defining and describing each information technology
48 service.

49 (f) "Project management" means a set of disciplines
50 required for planning, organizing, managing, implementing, and
51 controlling organizational and fiscal resources in order to
52 complete information technology projects.

53 (g) "Service level agreement" means a written agreement
54 between a service provider and the agency which describes each
55 service to be provided and documents the required service
56 objectives and service levels for a service. Service providers
57 include external providers, internal providers, and other agency
58 providers.

59 (3) AGENCY INFORMATION TECHNOLOGY INVESTMENT MANAGEMENT
60 PROCESS.--The agency information technology investment
61 management process shall be used as the primary tool to support
62 the information technology investment decisions of each agency.
63 The agency shall adopt the model portfolio management process
64 developed pursuant to s. 282.3025(2)(d) and may adjust the model
65 to meet agency-specific organizational needs subject to the
66 approval of the Agency Chief Information Officers Council.

67 (a) The investment management process shall:

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

70 2. Define initiatives using a comprehensive, uniform
71 format.

72 3. Evaluate initiatives using an objective framework.

73 4. Prioritize initiatives and match initiatives to
74 resources.

314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

75 5. Manage the portfolio and the process proactively.

76 (b) Agency-approved initiatives which become information
77 technology projects are subject to the requirements of
78 subsection (4). New initiatives requiring funding shall be
79 submitted in the agency's legislative budget request pursuant to
80 s. 216.023.

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

85 1. A summary statement of the agency's mission, goals, and
86 objectives for information technology which are supported
87 through the agency's information technology portfolio.

88 2. Identification of projects and resources required to
89 meet the objectives of the portfolio.

90 3. The agency information technology services catalog with
91 services linked to business processes or business needs.

92 4. Implementation schedules estimating the time and
93 funding required to implement information technology projects.

94 5. Funding needed to implement information technology
95 services identified in the information technology services
96 catalog.

97 (d) The agency shall submit its information technology
98 portfolio as part of its legislative budget request in the
99 manner and form prescribed in the legislative budget request
100 instructions as provided in s. 216.023.

101 (4) INFORMATION TECHNOLOGY PROJECT MANAGEMENT.--

102 (a) Each agency shall implement the project management
103 methodology developed pursuant to s. 282.3025(2)(c). The agency
314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

104 may make adjustment based on their specific organizational needs
105 and subject to the approval of the Agency Chief Information
106 Officers Council.

107 (b) Information technology projects shall be administered
108 according to the following requirements:

109 1. Projects that refresh desktop units or infrastructure
110 equipment with new technology that is similar to the technology
111 currently in use are exempt from the project planning and
112 reporting requirements in this section unless otherwise
113 specified in the General Appropriations Act.

114 2. For projects with a total cost ranging from \$500,000 to
115 \$1,999,999, the agency must appoint a project manager to ensure
116 that needed project planning and management requirements are
117 fulfilled.

118 3. For projects with a total cost ranging from \$500,000 to
119 \$2 million which involve routine hardware or software upgrades
120 for a single agency, the agency must appoint a project manager
121 to timely deploy and implement the upgrade. Should the project
122 be considered high-risk, the project manager shall ensure that
123 needed project planning and management requirements are
124 fulfilled.

125 4. For projects with a total cost ranging from \$2 million
126 to \$10 million, the agency must appoint a project manager to
127 ensure that needed project planning and management requirements
128 are fulfilled. For projects in this range which are determined
129 to impact the general public or which affect an agency's
130 organizational structure, business processes, or service
131 delivery model, the agency must appoint a dedicated project

314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

132 manager and project management team to ensure that all project
133 planning and management requirements are fulfilled.

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

138 Section 2. Section 20.22, Florida Statutes, is amended to
139 read:

140 20.22 Department of Management Services.--There is created
141 a Department of Management Services.

142 (1) The head of the Department of Management Services is
143 the Secretary of Management Services, who shall be appointed by
144 the Governor, subject to confirmation by the Senate, and shall
145 serve at the pleasure of the Governor.

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

- 148 (a) Facilities Program.
- 149 (b) ~~State Technology Program Office.~~
- 150 (c) Workforce Program.
- 151 (d)1. Support Program.
- 152 2. Federal Property Assistance Program.
- 153 (e) Administration Program.
- 154 (f) Division of Administrative Hearings.
- 155 (g) Division of Retirement.
- 156 (h) Division of State Group Insurance.
- 157 (i) Florida Technology Council.

158 ~~(3) The State Technology Office shall operate and manage~~
159 ~~the Technology Resource Center.~~

314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

160 ~~(3)(4)~~ The duties of the Chief Labor Negotiator shall be
161 determined by the Secretary of Management Services, and must
162 include, but need not be limited to, the representation of the
163 Governor as the public employer in collective bargaining
164 negotiations pursuant to the provisions of chapter 447.

165 Section 3. Section 186.022, Florida Statutes, is repealed.

166 Section 4. Section 216.0446, Florida Statutes, is amended
167 to read:

168 216.0446 Review of information resources management
169 needs.--

170 (1) There is created within the Legislature the Technology
171 Review Workgroup. The workgroup ~~and the State Technology Office~~
172 shall ~~independently~~ review and make recommendations with respect
173 to the portion of agencies' long-range program plans which
174 pertains to information technology ~~resources management~~ needs
175 and with respect to agencies' legislative budget requests for
176 information technology and related resources. The Technology
177 Review Workgroup shall report such recommendations, together
178 with the findings and conclusions on which such recommendations
179 are based, to the Legislative Budget Commission. ~~The State~~
180 ~~Technology Office shall report such recommendations, together~~
181 ~~with the findings and conclusions on which such recommendations~~
182 ~~are based, to the Executive Office of the Governor and to the~~
183 ~~chairs of the legislative appropriations committees.~~

184 (2) In addition to its primary duty specified in
185 subsection (1), the Technology Review Workgroup shall have
186 powers and duties that include, but are not limited to, the
187 following:

314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

188 (a) To evaluate the information resource management needs
189 identified in the agency long-range program plans for
190 consistency with the Statewide Information Technology Strategic
191 Plan State Annual Report on Enterprise Resource Planning and
192 Management and statewide policies recommended by the State
193 Technology Office, and make recommendations to the Legislative
194 Budget Commission.

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

202 Section 5. Pursuant to section 216.351, Florida Statutes,
203 paragraph (c) of subsection (1) of section 216.292, Florida
204 Statutes, is repealed.

205 Section 6. Section 282.0041, Florida Statutes, is amended
206 to read:

207 282.0041 Definitions.--For the purposes of this part, the
208 term:

209 (1) "Agency" means those entities described in s.
210 216.011(1)(qq).

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

214 (2)(3) "Agency chief information officer" means the person
215 appointed by the agency head State Technology Office to

Amendment No. (for drafter's use only)

216 coordinate and manage the information technology policies and
217 activities applicable to that agency.

218 (3)-(4) "Agency Chief Information Officers Council" means
219 the council created in s. 282.315 to facilitate the sharing and
220 coordination of information technology issues and initiatives
221 among the agencies.

222 (4) "Department" means the Department of Management
223 Services.

224 (5) "Florida Technology Council" or "council" means the
225 organization created in s. 282.3025.

226 (6)-(7) "Information technology" means equipment, hardware,
227 software, firmware, programs, systems, networks, infrastructure,
228 media, and related material used to automatically,
229 electronically, and wirelessly collect, receive, access,
230 transmit, display, store, record, retrieve, analyze, evaluate,
231 process, classify, manipulate, manage, assimilate, control,
232 communicate, exchange, convert, converge, interface, switch, or
233 disseminate information of any kind or form.

234 (7)-(5) "Information technology Enterprise resources
235 management infrastructure" means the hardware, software,
236 networks, data, human resources, policies, standards,
237 facilities, maintenance, and related materials and services that
238 are required to support the business processes of an agency or
239 state enterprise.

240 (8)-(6) "Information technology Enterprise resource
241 planning and management" means the planning, budgeting,
242 acquiring, developing, organizing, directing, training, control,
243 and related services associated with government information
244 technology. The term encompasses information and related

314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

245 resources, as well as the controls associated with their
246 acquisition, development, dissemination, and use.

247 ~~(9)-(8)~~ "Project" means an undertaking directed at the
248 implementation accomplishment of information technology to
249 achieve a strategic objective relating to enterprise resources
250 management or a specific appropriated program.

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

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

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

259 ~~(12)~~ ~~"Total cost" means all costs associated with~~
260 ~~information technology projects or initiatives, including, but~~
261 ~~not limited to, value of hardware, software, service,~~
262 ~~maintenance, incremental personnel, and facilities. Total cost~~
263 ~~of a loan or gift of information technology resources to an~~
264 ~~agency includes the fair market value of the resources, except~~
265 ~~that the total cost of loans or gifts of information technology~~
266 ~~to state universities to be used in instruction or research does~~
267 ~~not include fair market value.~~

268 Section 7. Section 282.005, Florida Statutes, is repealed.

269 Section 8. Section 282.0055, Florida Statutes, is created
270 to read:

271 282.0055 Limitation with respect to cabinet
272 personnel.--The Florida Technology Council and the department
273 may not take action affecting the supervision, control,

314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

274 management, or coordination of information technology and
275 information technology personnel that any cabinet officer listed
276 in s. 4, Art. IV of the State Constitution deems necessary for
277 the exercise of his or her statutory or constitutional duties.

278 Section 9. Section 282.102, Florida Statutes, is amended
279 to read:

280 282.102 ~~Creation of the State Technology Office; Powers~~
281 ~~and duties of the department.--There is created a State~~
282 ~~Technology Office within The powers and duties of the department~~
283 ~~include Department of Management Services. The office shall be a~~
284 ~~separate budget entity, and shall be headed by a Chief~~
285 ~~Information Officer who is appointed by the Governor and is in~~
286 ~~the Senior Management Service. The Chief Information Officer~~
287 ~~shall be an agency head for all purposes. The Department of~~
288 ~~Management Services shall provide administrative support and~~
289 ~~service to the office to the extent requested by the Chief~~
290 ~~Information Officer. The office may adopt policies and~~
291 ~~procedures regarding personnel, procurement, and transactions~~
292 ~~for State Technology Office personnel. The office shall have the~~
293 ~~following powers, duties, and functions:~~

294 (1) To publish electronically the portfolio of services
295 available from the department office, including pricing
296 information; the policies and procedures of the department
297 ~~office~~ governing usage of available services; and a forecast of
298 the priorities and initiatives for the state communications
299 system for the ensuing 2 years.

300 ~~(2) To adopt rules implementing policies and procedures~~
301 ~~providing best practices to be followed by agencies in~~

314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

302 ~~acquiring, using, upgrading, modifying, replacing, or disposing~~
303 ~~of information technology.~~

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

306 (2)~~(4)~~ To advise and render aid to state agencies and
307 political subdivisions of the state as to systems or methods to
308 be used for organizing and meeting communications information
309 ~~technology~~ requirements efficiently and effectively.

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

312 (3)~~(6)~~ To adopt technical standards for the state
313 communications information technology system which will assure
314 the interconnection of computer networks and information systems
315 of agencies.

316 (4)~~(7)~~ To assume management responsibility for any
317 consolidated communications system ~~integrated information~~
318 ~~technology system~~ or service when determined jointly by the
319 department and the agency office to be economically efficient or
320 performance-effective.

321 (5)~~(8)~~ To enter into agreements ~~related to information~~
322 ~~technology~~ with state agencies and political subdivisions of the
323 state for services provided herein.

324 (6)~~(9)~~ To use and acquire, with agency concurrence,
325 communications facilities ~~information technology~~ now owned or
326 operated by any agency.

327 (7)~~(10)~~ To purchase from or contract with information
328 technology providers for communications facilities and services
329 ~~information technology~~, including private line services.

314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

330 (8)~~(11)~~ To apply for, receive, and hold, and to assist
331 agencies in applying for, receiving, or holding, such
332 authorizations, patents, copyrights, trademarks, service marks,
333 licenses, and allocations or channels and frequencies to carry
334 out the purposes of this part.

335 (9)~~(12)~~ To purchase, lease, or otherwise acquire and to
336 hold, sell, transfer, license, or otherwise dispose of real,
337 personal, and intellectual property, including, but not limited
338 to, patents, trademarks, copyrights, and service marks.

339 (10)~~(13)~~ To cooperate with any federal, state, or local
340 emergency management agency in providing for emergency
341 communications services.

342 (11)~~(14)~~ To delegate, as necessary, to state agencies the
343 authority to purchase, lease, or otherwise acquire and to use
344 communications equipment, facilities, and services ~~information~~
345 ~~technology~~ or, as necessary, to control and approve the
346 purchase, lease, or acquisition and the use of all
347 communications equipment, services, and facilities ~~information~~
348 ~~technology~~, including, but not limited to, communications
349 services provided as part of any other total system to be used
350 by the state or any of its agencies.

351 (12)~~(15)~~ To acquire ownership, possession, custody, and
352 control of existing communications equipment and facilities,
353 including all right, title, interest, and equity therein, as
354 necessary, to carry out the purposes of this part. However, the
355 provisions of this subsection shall in no way affect the rights,
356 title, interest, or equity in any such equipment or facilities
357 owned by, or leased to, the state or any state agency by any
358 telecommunications company.

314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

359 ~~(13)-(16)~~ To adopt rules pursuant to ss. 120.536(1) and
360 120.54 relating to information technology ~~and~~ to administer the
361 provisions of this part.

362 ~~(14)-(17)~~ To provide a means whereby political subdivisions
363 of the state may use state information technology systems upon
364 such terms and under such conditions as the department ~~office~~
365 may establish.

366 ~~(15)-(18)~~ To apply for and accept federal funds for any of
367 the purposes of this part as well as gifts and donations from
368 individuals, foundations, and private organizations.

369 ~~(16)-(19)~~ To monitor issues relating to communications
370 facilities and services before the Florida Public Service
371 Commission and, when necessary, prepare position papers, prepare
372 testimony, appear as a witness, and retain witnesses on behalf
373 of state agencies in proceedings before the commission.

374 ~~(17)-(20)~~ Unless delegated to the agencies ~~by the Chief~~
375 ~~Information Officer~~, to manage and control, but not intercept or
376 interpret, communications within the SUNCOM Network by:

377 (a) Establishing technical standards to physically
378 interface with the SUNCOM Network.

379 (b) Specifying how communications are transmitted within
380 the SUNCOM Network.

381 (c) Controlling the routing of communications within the
382 SUNCOM Network.

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

385 (e) Ensuring orderly and reliable communications services
386 in accordance with the service level agreements executed with
387 state agencies.

314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

388 ~~(18)(21)~~ To plan, design, and conduct experiments for
389 information technology services, equipment, and technologies,
390 and to implement enhancements in the state information
391 technology system when in the public interest and cost-
392 effective. Funding for such experiments shall be derived from
393 SUNCOM Network service revenues and shall not exceed 2 percent
394 of the annual budget for the SUNCOM Network for any fiscal year
395 or as provided in the General Appropriations Act. New services
396 offered as a result of this subsection shall not affect existing
397 rates for facilities or services.

398 ~~(19)(22)~~ To enter into contracts or agreements, with or
399 without competitive bidding or procurement, to make available,
400 on a fair, reasonable, and nondiscriminatory basis, property and
401 other structures under department ~~office~~ control for the
402 placement of new facilities by any wireless provider of mobile
403 service as defined in 47 U.S.C. s. 153(n) or s. 332(d) and any
404 telecommunications company as defined in s. 364.02 when it is
405 determined to be practical and feasible to make such property or
406 other structures available. The department ~~office~~ may, without
407 adopting a rule, charge a just, reasonable, and
408 nondiscriminatory fee for the placement of the facilities,
409 payable annually, based on the fair market value of space used
410 by comparable communications facilities in the state. The
411 department ~~office~~ and a wireless provider or telecommunications
412 company may negotiate the reduction or elimination of a fee in
413 consideration of services provided to the department ~~office~~ by
414 the wireless provider or telecommunications company. All such
415 fees collected by the department ~~office~~ shall be deposited
416 directly into the Law Enforcement Radio Operating Trust Fund,
314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

417 and may be used by the department ~~office~~ to construct, maintain,
418 or support the system.

419 ~~(20)-(23)~~ To provide an integrated electronic system for
420 deploying government products, services, and information to
421 individuals and businesses which reflects cost-effective
422 deployment strategies in keeping with industry standards and
423 practices and includes protections and security of private
424 information as well as maintenance of public records.

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

429 ~~(b) The office shall provide a method for assessing fiscal~~
430 ~~accountability for the integrated electronic system and shall~~
431 ~~establish the organizational structure required to implement~~
432 ~~this system.~~

433 ~~(24) To provide administrative support to the Agency Chief~~
434 ~~Information Officers Council and other workgroups created by the~~
435 ~~Chief Information Officer.~~

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

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

441 ~~(27) To prepare, publish, and disseminate the State Annual~~
442 ~~Report on Enterprise Resource Planning and Management under s.~~
443 ~~282.310.~~

Amendment No. (for drafter's use only)

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

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

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

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

455 282.103 SUNCOM Network; exemptions from the required
456 use.--

457 (1) There is created within the Department of Management
458 ~~Services State Technology Office~~ the SUNCOM Network which shall
459 be developed to serve as the state communications system for
460 providing local and long-distance communications services to
461 state agencies, political subdivisions of the state,
462 municipalities, state universities, and nonprofit corporations
463 pursuant to ss. 282.101-282.111. The SUNCOM Network shall be
464 developed to transmit all types of communications signals,
465 including, but not limited to, voice, data, video, image, and
466 radio. State agencies shall cooperate and assist in the
467 development and joint use of communications systems and
468 services.

469 (2) The department ~~State Technology Office~~ shall design,
470 engineer, implement, manage, and operate through state
471 ownership, commercial leasing, or some combination thereof, the
472 facilities and equipment providing SUNCOM Network services, and
314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

473 shall develop a system of equitable billings and charges for
474 communication services.

475 (3) All state agencies and state universities are required
476 to use the SUNCOM Network for agency and state university
477 communications services ~~as the services become available;~~
478 however, no agency or university is relieved of responsibility
479 for maintaining communications services necessary for effective
480 management of its programs and functions. If a SUNCOM Network
481 service does not meet the communications requirements of an
482 agency or university, the agency or university shall notify the
483 department State Technology Office in writing and detail the
484 requirements for that communications service. If the department
485 ~~office~~ is unable to meet an agency's or university's
486 requirements by enhancing SUNCOM Network service, the department
487 ~~office~~ may grant the agency or university an exemption from the
488 required use of specified SUNCOM Network services.

489 Section 11. Section 282.104, Florida Statutes, is amended
490 to read:

491 282.104 Use of state SUNCOM Network by
492 municipalities.--Any municipality may request the department
493 ~~State Technology Office~~ to provide any or all of the SUNCOM
494 Network's portfolio of communications services upon such terms
495 and under such conditions as the department office may
496 establish. The requesting municipality shall pay its share of
497 installation and recurring costs according to the published
498 rates for SUNCOM Network services and as invoiced by the
499 department office. Such municipality shall also pay for any
500 requested modifications to existing SUNCOM Network services, if
501 any charges apply.

314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

502 Section 12. Section 282.105, Florida Statutes, is amended
503 to read:

504 282.105 Use of state SUNCOM Network by nonprofit
505 corporations.--

506 (1) The department ~~State Technology Office~~ shall provide a
507 means whereby private nonprofit corporations under contract with
508 state agencies or political subdivisions of the state may use
509 the state SUNCOM Network, subject to the limitations in this
510 section. In order to qualify to use the state SUNCOM Network, a
511 nonprofit corporation shall:

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

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

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

523 (3) Nonprofit corporations established pursuant to general
524 law and an association of municipal governments which is wholly
525 owned by the municipalities shall be eligible to use the state
526 SUNCOM Network, subject to the terms and conditions of the
527 department ~~office~~.

528 (4) Institutions qualified to participate in the William
529 L. Boyd, IV, Florida Resident Access Grant Program pursuant to
530 s. 1009.89 shall be eligible to use the state SUNCOM Network,
314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

531 subject to the terms and conditions of the department ~~office~~.
532 Such entities shall not be required to satisfy the other
533 criteria of this section.

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

538 Section 13. Section 282.106, Florida Statutes, is amended
539 to read:

540 282.106 Use of SUNCOM Network by libraries.--The
541 department ~~State Technology Office~~ may provide SUNCOM Network
542 services to any library in the state, including libraries in
543 public schools, community colleges, state universities, and
544 nonprofit private postsecondary educational institutions, and
545 libraries owned and operated by municipalities and political
546 subdivisions.

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

549 282.1065 Use of SUNCOM Network by hospitals.-- The
550 department may provide SUNCOM Network services to hospitals or
551 other facilities licensed under chapter 395 and their state
552 associations who currently contract with or provide services on
553 behalf of state or local governments.

554 Section 15. Section 282.107, Florida Statutes, is amended
555 to read:

556 282.107 SUNCOM Network; criteria for usage.--

557 (1) The department ~~State Technology Office~~ shall
558 periodically review the qualifications of subscribers using the
559 state SUNCOM Network and shall terminate services provided to
314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

560 any facility not qualified pursuant to ss. 282.101-282.111 or
561 rules adopted hereunder. In the event of nonpayment of invoices
562 by subscribers whose SUNCOM Network invoices are paid from
563 sources other than legislative appropriations, such nonpayment
564 represents good and sufficient reason to terminate service.

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

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

573 Section 16. Section 282.1095, Florida Statutes, is amended
574 to read:

575 282.1095 State agency law enforcement radio system and
576 interoperability network.--

577 (1) The department ~~State Technology Office~~ may acquire and
578 implement a statewide radio communications system to serve law
579 enforcement units of state agencies, and to serve local law
580 enforcement agencies through mutual aid channels. The Joint Task
581 Force on State Agency Law Enforcement Communications is
582 established in the department ~~State Technology Office~~ to advise
583 the department ~~office~~ of member-agency needs for the planning,
584 designing, and establishment of the joint system. The State
585 Agency Law Enforcement Radio System Trust Fund is established in
586 the department ~~State Technology Office~~. The trust fund shall be
587 funded from surcharges collected under ss. 320.0802 and 328.72.

314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

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

591 1. A representative of the Division of Alcoholic Beverages
592 and Tobacco of the Department of Business and Professional
593 Regulation who shall be appointed by the secretary of the
594 department.

595 2. A representative of the Division of Florida Highway
596 Patrol of the Department of Highway Safety and Motor Vehicles
597 who shall be appointed by the executive director of the
598 department.

599 3. A representative of the Department of Law Enforcement
600 who shall be appointed by the executive director of the
601 department.

602 4. A representative of the Fish and Wildlife Conservation
603 Commission who shall be appointed by the executive director of
604 the commission.

605 5. A representative of the Division of Law Enforcement of
606 the Department of Environmental Protection who shall be
607 appointed by the secretary of the department.

608 6. A representative of the Department of Corrections who
609 shall be appointed by the secretary of the department.

610 7. A representative of the Division of State Fire Marshal
611 of the Department of Financial Services who shall be appointed
612 by the State Fire Marshal.

613 8. A representative of the Department of Transportation
614 who shall be appointed by the secretary of the department.

615 (b) Each appointed member of the joint task force shall
616 serve at the pleasure of the appointing official. Any vacancy on
314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

617 the joint task force shall be filled in the same manner as the
618 original appointment. Any joint task force member may, upon
619 notification to the chair prior to the beginning of any
620 scheduled meeting, appoint an alternative to represent the
621 member on the task force and vote on task force business in his
622 or her absence.

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

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

630 (e) The per diem and travel expenses incurred by a member
631 of the joint task force in attending its meetings and in
632 attending to its affairs shall be paid pursuant to s. 112.061,
633 from funds budgeted to the state agency that the member
634 represents.

635 (f) The department ~~State Technology Office~~ is hereby
636 authorized to rent or lease space on any tower under its
637 control. The department ~~office~~ may also rent, lease, or sublease
638 ground space as necessary to locate equipment to support
639 antennae on the towers. The costs for use of such space shall be
640 established by the department ~~office~~ for each site, when it is
641 determined to be practicable and feasible to make space
642 available. The department ~~office~~ may refuse to lease space on
643 any tower at any site. All moneys collected by the department
644 ~~office~~ for such rents, leases, and subleases shall be deposited
645 directly into the Law Enforcement Radio Operating Trust Fund and
314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

646 may be used by the department ~~office~~ to construct, maintain, or
647 support the system.

648 (g) The department ~~State Technology Office~~ is hereby
649 authorized to rent, lease, or sublease ground space on lands
650 acquired by the department ~~office~~ for the construction of
651 privately owned or publicly owned towers. The department ~~office~~
652 may, as a part of such rental, lease, or sublease agreement,
653 require space on said tower or towers for antennae as may be
654 necessary for the construction and operation of the state agency
655 law enforcement radio system or any other state need. The
656 positions necessary for the department ~~office~~ to accomplish its
657 duties under this paragraph and paragraph (f) shall be
658 established in the General Appropriations Act and shall be
659 funded by the Law Enforcement Radio Operating Trust Fund or
660 other revenue sources.

661 (h) The department ~~State Technology Office~~ may make the
662 mutual aid channels in the statewide radio communications system
663 available to federal agencies, state agencies, and agencies of
664 the political subdivisions of the state for the purpose of
665 public safety and domestic security. The department ~~office~~ shall
666 exercise its powers and duties, as specified in this chapter, to
667 plan, manage, and administer the mutual aid channels. The
668 department ~~office~~ shall, in implementing such powers and duties,
669 act in consultation and conjunction with the Department of Law
670 Enforcement and the Division of Emergency Management of the
671 Department of Community Affairs, and shall manage and administer
672 the mutual aid channels in a manner that reasonably addresses
673 the needs and concerns of the involved law enforcement agencies
674 and emergency response agencies and entities.

314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

675 (3) Upon appropriation, moneys in the trust fund may be
676 used by the department office to acquire by competitive
677 procurement the equipment; software; and engineering,
678 administrative, and maintenance services it needs to construct,
679 operate, and maintain the statewide radio system. Moneys in the
680 trust fund collected as a result of the surcharges set forth in
681 ss. 320.0802 and 328.72 shall be used to help fund the costs of
682 the system. Upon completion of the system, moneys in the trust
683 fund may also be used by the department office to provide for
684 payment of the recurring maintenance costs of the system.

685 (4) (a) The department office shall, in conjunction with
686 the Department of Law Enforcement and the Division of Emergency
687 Management of the Department of Community Affairs, establish
688 policies, procedures, and standards which shall be incorporated
689 into a comprehensive management plan for the use and operation
690 of the statewide radio communications system.

691 (b) The joint task force, in consultation with the
692 department office, shall have the authority to permit other
693 state agencies to use the communications system, under terms and
694 conditions established by the joint task force.

695 (5) The department office shall provide technical support
696 to the joint task force and shall bear the overall
697 responsibility for the design, engineering, acquisition, and
698 implementation of the statewide radio communications system and
699 for ensuring the proper operation and maintenance of all system
700 common equipment.

701 (6) (a) The department ~~State Technology Office~~ may create
702 and implement an interoperability network to enable
703 interoperability between various radio communications

314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

704 technologies and to serve federal agencies, state agencies, and
705 agencies of political subdivisions of the state for the purpose
706 of public safety and domestic security. The department office
707 shall, in conjunction with the Department of Law Enforcement and
708 the Division of Emergency Management of the Department of
709 Community Affairs, exercise its powers and duties pursuant to
710 this chapter to plan, manage, and administer the
711 interoperability network. The department office may:

712 1. Enter into mutual aid agreements among federal
713 agencies, state agencies, and political subdivisions of the
714 state for the use of the interoperability network.

715 2. Establish the cost of maintenance and operation of the
716 interoperability network and charge subscribing federal and
717 local law enforcement agencies for access and use of the
718 network. The department ~~State Technology Office~~ may not charge
719 state law enforcement agencies identified in paragraph (2)(a) to
720 use the network.

721 3. In consultation with the Department of Law Enforcement
722 and the Division of Emergency Management of the Department of
723 Community Affairs, amend and enhance the statewide radio
724 communications system as necessary to implement the
725 interoperability network.

726 (b) The department ~~State Technology Office~~, in
727 consultation with the Joint Task Force on State Agency Law
728 Enforcement Communications, and in conjunction with the
729 Department of Law Enforcement and the Division of Emergency
730 Management of the Department of Community Affairs, shall
731 establish policies, procedures, and standards to incorporate

314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

732 into a comprehensive management plan for the use and operation
733 of the interoperability network.

734 Section 17. Section 282.111, Florida Statutes, is amended
735 to read:

736 282.111 Statewide system of regional law enforcement
737 communications.--

738 (1) It is the intent and purpose of the Legislature that a
739 statewide system of regional law enforcement communications be
740 developed whereby maximum efficiency in the use of existing
741 radio channels is achieved in order to deal more effectively
742 with the apprehension of criminals and the prevention of crime
743 generally. To this end, all law enforcement agencies within the
744 state are directed to provide the department ~~State Technology~~
745 ~~Office~~ with any information the department ~~office~~ requests for
746 the purpose of implementing the provisions of subsection (2).

747 (2) The department ~~State Technology Office~~ is hereby
748 authorized and directed to develop and maintain a statewide
749 system of regional law enforcement communications. In
750 formulating such a system, the department ~~office~~ shall divide
751 the state into appropriate regions and shall develop a program
752 which shall include, but not be limited to, the following
753 provisions:

754 (a) The communications requirements for each county and
755 municipality comprising the region.

756 (b) An interagency communications provision which shall
757 depict the communication interfaces between municipal, county,
758 and state law enforcement entities which operate within the
759 region.

Amendment No. (for drafter's use only)

760 (c) Frequency allocation and use provision which shall
761 include, on an entity basis, each assigned and planned radio
762 channel and the type of operation, simplex, duplex, or half-
763 duplex, on each channel.

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

767 (4) The secretary of the Department of Management Services
768 ~~Chief Information Officer of the State Technology Office~~ or his
769 or her designee is designated as the director of the statewide
770 system of regional law enforcement communications and, for the
771 purpose of carrying out the provisions of this section, is
772 authorized to coordinate the activities of the system with other
773 interested state agencies and local law enforcement agencies.

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

777 (6) Within the limits of its capability, the Department of
778 Law Enforcement is encouraged to lend assistance to the
779 department ~~State Technology Office~~ in the development of the
780 statewide system of regional law enforcement communications
781 proposed by this section.

782 Section 18. Section 282.20, Florida Statutes, is amended
783 to read:

784 282.20 Technology Resource Center.--

785 (1) (a) The Department of Management Services ~~State~~
786 ~~Technology Office~~ shall operate and manage the Technology
787 Resource Center.

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

314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

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

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

795 (2) The Technology Resource Center shall:

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

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

801 (c) Cooperate with the Florida Legal Resource Center of
802 the Department of Legal Affairs and other state agencies to
803 develop and provide access to repositories of legal information
804 throughout the state.

805 (d) Cooperate with the department ~~office~~ to facilitate
806 interdepartmental networking and integration of network services
807 for its customers.

808 (e) Assist customers in testing and evaluating new and
809 emerging technologies that could be used to meet the needs of
810 the state.

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

814 (4) The Technology Resource Center may plan, design,
815 establish pilot projects for, and conduct experiments with
816 information technology resources, and may implement enhancements
817 in services when such implementation is cost-effective. Funding
314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

818 for experiments and pilot projects shall be derived from service
819 revenues and may not exceed 5 percent of the service revenues
820 for the Technology Resource Center for any single fiscal year.
821 Any experiment, pilot project, plan, or design must be approved
822 by the secretary of the department ~~Chief Information Officer~~.

823 (5) Notwithstanding the provisions of s. 216.272, the
824 Technology Resource Center may spend funds in the reserve
825 account of the Technology Enterprise Operating Trust Fund for
826 enhancements to center operations or for information technology
827 resources. Any expenditure of reserve account funds must be
828 approved by the secretary of the department ~~Chief Information~~
829 ~~Officer~~. Any funds remaining in the reserve account at the end
830 of the fiscal year may be carried forward and spent as approved
831 by the secretary ~~Chief Information Officer~~, provided that such
832 approval conforms to any applicable provisions of chapter 216.

833 Section 19. Section 282.21, Florida Statutes, is amended
834 to read:

835 282.21 ~~The State Technology Office's~~ Electronic access
836 services of the department.--The department ~~State Technology~~
837 ~~Office~~ may collect fees for providing remote electronic access
838 pursuant to s. 119.07(2). The fees may be imposed on individual
839 transactions or as a fixed subscription for a designated period
840 of time. All fees collected under this section shall be
841 deposited in the appropriate trust fund of the program or
842 activity that made the remote electronic access available.

843 Section 20. Section 282.22, Florida Statutes, is amended
844 to read:

845 282.22 ~~State Technology Office~~, Production, dissemination,
846 and ownership of materials and products.--

314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

847 (1) It is the intent of the Legislature that when
848 materials, products, information, and services are acquired or
849 developed by or under the direction of the department ~~State~~
850 ~~Technology Office~~, through research and development or other
851 efforts, including those subject to copyright, patent, or
852 trademark, they shall be made available for use by state and
853 local government entities at the earliest practicable date and
854 in the most economical and efficient manner possible and
855 consistent with chapter 119.

856 (2) To accomplish this objective the department ~~may~~ ~~office~~
857 ~~is authorized to~~ publish or partner with private sector entities
858 to produce or have produced materials and products and to make
859 them readily available for appropriate use. The department ~~may~~
860 ~~office is authorized to~~ charge an amount or receive value-added
861 services adequate to cover the essential cost of producing and
862 disseminating such materials, information, services, or products
863 and is authorized to sell services.

864 (3) ~~If in cases in which~~ the materials or products are of
865 such nature, or the circumstances are such, that it is not
866 practicable or feasible for the department ~~office~~ to produce or
867 have produced materials and products so developed, it is
868 authorized, after review and approval by the Executive Office of
869 the Governor, to license, lease, assign, sell, or otherwise give
870 written consent to any person, firm, or corporation for the
871 manufacture or use thereof, on a royalty basis, or for such
872 other consideration as the department ~~deems~~ ~~office shall deem~~
873 proper and in the best interest of the state; the department
874 ~~shall~~ ~~office is authorized and directed to~~ protect same against
875 improper or unlawful use or infringement ~~and~~ to enforce the

314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

876 collection of any sums due for the manufacture or use thereof by
877 any other party.

878 (4) All proceeds from the sale of such materials and
879 products or other money collected pursuant to this section shall
880 be deposited into the Grants and Donations Trust Fund of the
881 department office and, when properly budgeted as approved by the
882 Legislature and the Executive Office of the Governor, used to
883 pay the cost of producing and disseminating materials and
884 products to carry out the intent of this section.

885 Section 21. Section 282.23, Florida Statutes, is repealed.

886 Section 22. Section 282.3025, Florida Statutes, is created
887 to read:

888 282.3025 Florida Technology Council; powers and duties.--

889 (1) There is created a Florida Technology Council within
890 the Department of Management Services. The council shall be
891 headed by a State Chief Information Officer who is appointed by
892 the Governor. The Department of Management Services shall
893 provide administrative support and services to the council.

894 (2) The council shall have the following powers, duties,
895 and functions:

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

903 1. Aligns state information technology resources and
904 assets to achieve an enterprise perspective and focus state

314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

905 investments on initiatives that provide significant improvements
906 in statewide service delivery and business operations.

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

909 3. Improves governmental efficiency and cost-
910 effectiveness.

911 4. Improves security and performance of the state's
912 information technology infrastructure.

913 5. Makes recommendations for changes to the statutes which
914 promote the findings of the report.

915 (b) Develop enterprise information technology policies,
916 standards, guidelines, and procedures in consultation with and
917 subject to the approval of the Agency Chief Information Officers
918 Council and the department, and in consultation with the
919 Technology Review Workgroup, relating to enterprise
920 architecture, enterprise Internet portal, business continuity
921 and disaster recovery, security, computing, networks, desktop
922 equipment, and communications.

923 (c) Recommend, in consultation with the Agency Chief
924 Information Officers Council and the Technology Review
925 Workgroup, and subject to the approval of the Agency Chief
926 Information Officers Council, a project management methodology
927 for use by the agencies to meet the provisions of s. 282.0051.
928 The methodology shall be adopted by September 30, 2005, for
929 distribution to the agencies.

930 (d) Develop, in consultation with the Agency Chief
931 Information Officers Council and the Technology Review
932 Workgroup, and subject to the approval of the Agency Chief
933 Information Officers Council, a model agency information

314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

934 technology investment management process and an information
935 technology investment portfolio. The model process shall be
936 adopted by September 30, 2005, for distribution to the agencies.

937 (e) Review recommendations made by the Agency Chief
938 Information Officers Council for improving information
939 technology in agencies or the state and make recommendations to
940 the Governor and the Legislature for consideration during
941 legislative session.

942 (f) Review each agency information technology investment
943 portfolio and make recommendations to the Governor and the
944 Legislature regarding opportunities consistent with s.
945 282.0051(1).

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

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

952 Section 23. Section 282.3031, Florida Statutes, is amended
953 to read:

954 282.3031 Assignment of information technology planning and
955 ~~resources~~ management responsibilities.--For purposes of ss.
956 282.3032-282.322 ~~282.303-282.322~~, to ensure the best management
957 of state information technology resources, and notwithstanding
958 other provisions of law to the contrary, the functions of
959 information technology planning and ~~resources~~ management are
960 assigned to the university boards of trustees for the
961 development and implementation of planning, management,
962 rulemaking, standards, and guidelines for the state

314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

963 universities; to the community college boards of trustees for
964 establishing and developing rules for the community colleges; to
965 the Supreme Court for the judicial branch; to each state
966 attorney and public defender; and to the agency head State
967 ~~Technology Office~~ for the agencies within the executive branch
968 of state government.

969 Section 24. Section 282.3032, Florida Statutes, is
970 repealed.

971 Section 25. Section 282.3055, Florida Statutes, is amended
972 to read:

973 282.3055 Agency chief information officer; appointment;
974 duties.--

975 (1)(a) To assist the agency head State Technology Officer
976 in carrying out information technology ~~the enterprise resource~~
977 ~~planning and management responsibilities~~, the agency head Chief
978 ~~Information Officer~~ may appoint or contract for an agency chief
979 information officer. This position may be full time or part
980 time.

981 (b) The agency chief information officer must, at a
982 minimum, have knowledge and experience in both management and
983 information technology resources.

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

986 (a) Coordinating and facilitating agency information
987 technology ~~enterprise resource~~ planning and management projects
988 and initiatives.

989 (b) Preparing the an agency annual information technology
990 investment portfolio ~~report on enterprise resource planning and~~

Amendment No. (for drafter's use only)

991 ~~management pursuant to the provisions of s. 282.0051 s-~~
992 ~~282.3063.~~

993 (c) Developing and implementing agency information
994 technology ~~enterprise resource~~ planning and management policies,
995 procedures, guidelines, and standards consistent with statewide
996 policies, procedures, guidelines, and standards, ~~including~~
997 ~~specific policies and procedures for review and approval of the~~
998 ~~agency's purchases of information technology resources in~~
999 ~~accordance with the office's policies and procedures.~~

1000 (d) Advising agency senior management as to the
1001 information technology ~~enterprise resource~~ planning and
1002 management and the information technology investment needs of
1003 the agency ~~for inclusion in planning documents required by law.~~

1004 (e) Staffing and supporting an agency information
1005 technology investment management process.

1006 ~~(c) Assisting in the development and prioritization of the~~
1007 ~~enterprise resource planning and management schedule of the~~
1008 ~~agency's legislative budget request.~~

1009 Section 26. Section 282.3063, Florida Statutes, is
1010 repealed.

1011 Section 27. Section 282.310, Florida Statutes, is
1012 repealed.

1013 Section 28. Section 282.315, Florida Statutes, is amended
1014 to read:

1015 282.315 Agency Chief Information Officers Council;
1016 creation.--The Legislature finds that enhancing communication,
1017 consensus building, coordination, and facilitation of statewide
1018 enterprise information technology ~~resource~~ planning and

314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

1019 management issues are ~~is~~ essential to improving state management
1020 of such resources.

1021 (1) There is created an Agency Chief Information Officers
1022 Council to:

1023 (a) Enhance communication among the agency chief
1024 information officers and the Florida Technology Council ~~by~~
1025 ~~sharing enterprise resource planning and management experiences~~
1026 ~~and exchanging ideas.~~

1027 (b) Identify and recommend ~~Facilitate the sharing of~~ best
1028 practices that are characteristic of highly successful
1029 technology organizations, as well as exemplary information
1030 technology applications of state agencies, and assist the
1031 Florida Technology Council in the development of policies,
1032 standards, guidelines, and procedures for use by all state
1033 agencies.

1034 (c) Identify efficiency opportunities among state agencies
1035 to fulfill the guidelines in s. 282.3032 and make
1036 recommendations for action to the Florida Technology Council.

1037 (d) Serve as an educational forum for enterprise
1038 information technology ~~resource~~ planning and management issues.

1039 (e) Identify ~~Assist the State Technology Office in~~
1040 ~~identifying~~ critical statewide issues and, when appropriate,
1041 make recommendations to the Florida Technology Council for
1042 solving information technology ~~enterprise resource planning and~~
1043 ~~management~~ deficiencies.

1044 (2) Members of the council shall include the agency chief
1045 information officers, including the chief information officers
1046 of the agencies and governmental entities enumerated in s.
1047 282.3031, except that there shall be one chief information
314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

1048 officer selected by the state attorneys and one chief
1049 information officer selected by the public defenders. The
1050 chairs, or their designees, of the Florida Financial Management
1051 Information System Coordinating Council, the Criminal and
1052 Juvenile Justice Information Systems Council, and the Health
1053 Information Systems Council shall represent their respective
1054 organizations on the Agency Chief Information Officers Council
1055 as voting members. The council shall appoint a chair, a vice
1056 chair, and a secretary from its members to serve a 1-year term
1057 each. The council shall establish procedures to govern council
1058 business.

1059 (3) The Florida Technology Council ~~State Technology Office~~
1060 shall provide administrative support to the council.

1061 Section 29. Section 282.318, Florida Statutes, is amended
1062 to read:

1063 282.318 Security of data and information technology
1064 resources.--

1065 (1) This section may be cited as the "Security of Data and
1066 Information Technology Infrastructure Resources Act."

1067 (2) (a) ~~The State Technology Office, in consultation with~~
1068 Each agency head, is responsible and accountable for assuring an
1069 adequate level of security for all data and information
1070 technology infrastructure resources of each agency and, to carry
1071 out this responsibility, shall, at a minimum:

1072 1. Designate an information security manager who shall
1073 administer the security program of each agency for its data and
1074 information technology resources.

1075 2. Conduct, and periodically update, a comprehensive risk
1076 analysis to determine the security threats to the data and

314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

1077 information technology infrastructure ~~resources~~ of each agency.
1078 The risk analysis information is confidential and exempt from
1079 the provisions of s. 119.07(1), except that such information
1080 shall be available to the Auditor General in performing his or
1081 her postauditing duties.

1082 3. Develop, and periodically update, written internal
1083 policies and procedures to assure the security of the data and
1084 information technology infrastructure ~~resources~~ of each agency.
1085 The internal policies and procedures which, if disclosed, could
1086 facilitate the unauthorized modification, disclosure, or
1087 destruction of data or information technology infrastructure
1088 ~~resources~~ are confidential information and exempt from the
1089 provisions of s. 119.07(1), except that such information shall
1090 be available to the Auditor General in performing his or her
1091 postauditing duties.

1092 4. Implement appropriate cost-effective safeguards to
1093 reduce, eliminate, or recover from the identified risks to the
1094 data and information technology infrastructure ~~resources~~ of each
1095 agency.

1096 5. Ensure that periodic internal audits and evaluations of
1097 each security program for the data and information technology
1098 infrastructure ~~resources~~ of the agency are conducted. The
1099 results of such internal audits and evaluations are confidential
1100 information and exempt from the provisions of s. 119.07(1),
1101 except that such information shall be available to the Auditor
1102 General in performing his or her postauditing duties.

1103 6. Include appropriate security requirements, as
1104 determined by the agency State Technology Office, in
1105 consultation with the Department of Law Enforcement ~~each agency~~
314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

1106 head, in the written specifications for the solicitation of
1107 information technology resources.

1108 (b) In those instances in which the department ~~State~~
1109 ~~Technology Office~~ develops state contracts for use by state
1110 agencies, the department ~~office~~ shall include appropriate
1111 security requirements in the specifications for the solicitation
1112 for state contracts for procuring information technology
1113 infrastructure ~~resources~~.

1114 Section 30. Section 282.322, Florida Statutes, is amended
1115 to read:

1116 282.322 Special monitoring process for designated
1117 information resources management projects.--

1118 ~~(1)~~ For each information resources management project
1119 which is designated for special monitoring in the General
1120 Appropriations Act, with a proviso requiring a contract with a
1121 project monitor, the Technology Review Workgroup established
1122 pursuant to s. 216.0446, in consultation with each affected
1123 agency, shall be responsible for contracting with the project
1124 monitor. Upon contract award, funds equal to the contract amount
1125 shall be transferred to the Technology Review Workgroup upon
1126 request and subsequent approval of a budget amendment pursuant
1127 to s. 216.292. With the concurrence of the Legislative Auditing
1128 Committee, the office of the Auditor General shall be the
1129 project monitor for other projects designated for special
1130 monitoring. However, nothing in this section precludes the
1131 Auditor General from conducting such monitoring on any project
1132 designated for special monitoring. In addition to monitoring and
1133 reporting on significant communications between a contracting
1134 agency and the appropriate federal authorities, the project

314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

1135 monitoring process shall consist of evaluating each major stage
1136 of the designated project to determine whether the deliverables
1137 have been satisfied and to assess the level of risks associated
1138 with proceeding to the next stage of the project. The major
1139 stages of each designated project shall be determined based on
1140 the agency's information systems development methodology. Within
1141 20 days after an agency has completed a major stage of its
1142 designated project or at least 90 days, the project monitor
1143 shall issue a written report, including the findings and
1144 recommendations for correcting deficiencies, to the agency head,
1145 for review and comment. Within 20 days after receipt of the
1146 project monitor's report, the agency head shall submit a written
1147 statement of explanation or rebuttal concerning the findings and
1148 recommendations of the project monitor, including any corrective
1149 action to be taken by the agency. The project monitor shall
1150 include the agency's statement in its final report, which shall
1151 be forwarded, within 7 days after receipt of the agency's
1152 statement, to the agency head, the inspector general's office of
1153 the agency, the Executive Office of the Governor, the
1154 appropriations committees of the Legislature, the Joint
1155 Legislative Auditing Committee, the Technology Review Workgroup,
1156 the President of the Senate, the Speaker of the House of
1157 Representatives, and the Office of Program Policy Analysis and
1158 Government Accountability. The Auditor General shall also
1159 receive a copy of the project monitor's report for those
1160 projects in which the Auditor General is not the project
1161 monitor.

1162 ~~(2) The Enterprise Project Management Office of the State~~
1163 ~~Technology Office shall report any information technology~~

314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

1164 ~~projects the office identifies as high risk to the Executive~~
1165 ~~Office of the Governor, the President of the Senate, the Speaker~~
1166 ~~of the House of Representatives, and the chairs of the~~
1167 ~~appropriations committees. Within the limits of current~~
1168 ~~appropriations, the Enterprise Project Management Office shall~~
1169 ~~monitor and report on such high risk information technology~~
1170 ~~projects, and assess the levels of risks associated with~~
1171 ~~proceeding to the next stage of the project.~~

1172 Section 31. Paragraph (a) of subsection (3), subsections
1173 (4), (5), (7), (9), (10), and (12), and paragraph (a) of
1174 subsection (13) of section 365.171, Florida Statutes, are
1175 amended to read:

1176 365.171 Emergency telephone number "911."--

1177 (3) DEFINITIONS.--As used in this section:

1178 (a) "Department Office" means the Department of Management
1179 Services State Technology Office.

1180 (4) STATE PLAN.--The department office shall develop a
1181 statewide emergency telephone number "911" system plan. The plan
1182 shall provide for:

1183 (a) The establishment of the public agency emergency
1184 telephone communications requirements for each entity of local
1185 government in the state.

1186 (b) A system to meet specific local government
1187 requirements. Such system shall include law enforcement,
1188 firefighting, and emergency medical services and may include
1189 other emergency services such as poison control, suicide
1190 prevention, and emergency management services.

1191 (c) Identification of the mutual aid agreements necessary
1192 to obtain an effective "911" system.

314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

1193 (d) A funding provision which shall identify the cost
1194 necessary to implement the "911" system.

1195 (e) A firm implementation schedule which shall include the
1196 installation of the "911" system in a local community within 24
1197 months after the designated agency of the local government gives
1198 a firm order to the telephone utility for a "911" system.

1199
1200 The department ~~office~~ shall be responsible for the
1201 implementation and coordination of such plan. The department
1202 ~~office~~ shall adopt any necessary rules and schedules related to
1203 public agencies for implementing and coordinating such plan,
1204 pursuant to chapter 120. The public agency designated in the
1205 plan shall order such system within 6 months after publication
1206 date of the plan if the public agency is in receipt of funds
1207 appropriated by the Legislature for the implementation and
1208 maintenance of the "911" system. Any jurisdiction which has
1209 utilized local funding as of July 1, 1976, to begin the
1210 implementation of the state plan as set forth in this section
1211 shall be eligible for at least a partial reimbursement of its
1212 direct cost when, and if, state funds are available for such
1213 reimbursement.

1214 (5) SYSTEM DIRECTOR.--The secretary ~~director~~ of the
1215 department ~~office~~ or his or her designee is designated as the
1216 director of the statewide emergency telephone number "911"
1217 system and, for the purpose of carrying out the provisions of
1218 this section, is authorized to coordinate the activities of the
1219 system with state, county, local, and private agencies. The
1220 secretary ~~director~~ is authorized to employ not less than five
1221 persons, three of whom will be at the professional level, one at

314307
4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

1222 the secretarial level, and one to fill a fiscal position, for
1223 the purpose of carrying out the provisions of this section. The
1224 secretary ~~director~~ in implementing the system shall consult,
1225 cooperate, and coordinate with local law enforcement agencies.

1226 (7) TELEPHONE INDUSTRY COORDINATION.--The department
1227 ~~office~~ shall coordinate with the Florida Public Service
1228 Commission which shall encourage the Florida telephone industry
1229 to activate facility modification plans for a timely "911"
1230 implementation.

1231 (9) SYSTEM APPROVAL.--No emergency telephone number "911"
1232 system shall be established and no present system shall be
1233 expanded without prior approval of the department ~~office~~.

1234 (10) COMPLIANCE.--All public agencies shall assist the
1235 department ~~office~~ in their efforts to carry out the intent of
1236 this section, and such agencies shall comply with the developed
1237 plan.

1238 (12) FEDERAL ASSISTANCE.--The secretary of the department
1239 ~~office~~ or his or her designee may apply for and accept federal
1240 funding assistance in the development and implementation of a
1241 statewide emergency telephone number "911" system.

1242 (13) "911" FEE.--

1243 (a) Following approval by referendum as set forth in
1244 paragraph (b), or following approval by a majority vote of its
1245 board of county commissioners, a county may impose a "911" fee
1246 to be paid by the local exchange subscribers within its
1247 boundaries served by the "911" service. Proceeds from the "911"
1248 fee shall be used only for "911" expenditures as set forth in
1249 subparagraph 6. The manner of imposing and collecting said
1250 payment shall be as follows:

314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

1251 1. At the request of the county subscribing to "911"
1252 service, the telephone company shall, insofar as is practicable,
1253 bill the "911" fee to the local exchange subscribers served by
1254 the "911" service, on an individual access line basis, at a rate
1255 not to exceed 50 cents per month per line (up to a maximum of 25
1256 access lines per account bill rendered). However, the fee may
1257 not be assessed on any pay telephone in this state. A county
1258 collecting the fee for the first time may collect the fee for no
1259 longer than 36 months without initiating the acquisition of its
1260 "911" equipment.

1261 2. Fees collected by the telephone company pursuant to
1262 subparagraph 1. shall be returned to the county, less the costs
1263 of administration retained pursuant to paragraph (c). The county
1264 shall provide a minimum of 90 days' written notice to the
1265 telephone company prior to the collection of any "911" fees.

1266 3. Any county that currently has an operational "911"
1267 system or that is actively pursuing the implementation of a
1268 "911" system shall establish a fund to be used exclusively for
1269 receipt and expenditure of "911" fee revenues collected pursuant
1270 to this section. All fees placed in said fund, and any interest
1271 accrued thereupon, shall be used solely for "911" costs
1272 described in subparagraph 6. The money collected and interest
1273 earned in this fund shall be appropriated for "911" purposes by
1274 the county commissioners and incorporated into the annual county
1275 budget. Such fund shall be included within the financial audit
1276 performed in accordance with s. 218.39. A report of the audit
1277 shall be forwarded to the department ~~office~~ within 60 days of
1278 its completion. A county may carry forward on an annual basis
1279 unspent moneys in the fund for expenditures allowed by this

314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

1280 section, or it may reduce its fee. However, in no event shall a
1281 county carry forward more than 10 percent of the "911" fee
1282 billed for the prior year. The amount of moneys carried forward
1283 each year may be accumulated in order to allow for capital
1284 improvements described in this subsection. The carryover shall
1285 be documented by resolution of the board of county commissioners
1286 expressing the purpose of the carryover or by an adopted capital
1287 improvement program identifying projected expansion or
1288 replacement expenditures for "911" equipment and service
1289 features, or both. In no event shall the "911" fee carryover
1290 surplus moneys be used for any purpose other than for the "911"
1291 equipment, service features, and installation charges authorized
1292 in subparagraph 6. Nothing in this section shall prohibit a
1293 county from using other sources of revenue for improvements,
1294 replacements, or expansions of its "911" system. A county may
1295 increase its fee for purposes authorized in this section.
1296 However, in no case shall the fee exceed 50 cents per month per
1297 line. All current "911" fees shall be reported to the department
1298 ~~office~~ within 30 days of the start of each county's fiscal
1299 period. Any fee adjustment made by a county shall be reported to
1300 the department ~~office~~. A county shall give the telephone company
1301 a 90-day written notice of such fee adjustment.

1302 4. The telephone company shall have no obligation to take
1303 any legal action to enforce collection of the "911" fee. The
1304 telephone company shall provide quarterly to the county a list
1305 of the names, addresses, and telephone numbers of any and all
1306 subscribers who have identified to the telephone company their
1307 refusal to pay the "911" fee.

314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

1308 5. The county subscribing to "911" service shall remain
1309 liable to the telephone company for any "911" service,
1310 equipment, operation, or maintenance charge owed by the county
1311 to the telephone company.

1312
1313 ~~As used in this paragraph, "telephone company" means an exchange~~
1314 ~~telephone service provider of "911" service or equipment to any~~
1315 ~~county within its certificated area.~~

1316 6. It is the intent of the Legislature that the "911" fee
1317 authorized by this section to be imposed by counties will not
1318 necessarily provide the total funding required for establishing
1319 or providing the "911" service. For purposes of this section,
1320 "911" service includes the functions of database management,
1321 call taking, location verification, and call transfer. The
1322 following costs directly attributable to the establishment
1323 and/or provision of "911" service are eligible for expenditure
1324 of moneys derived from imposition of the "911" fee authorized by
1325 this section: the acquisition, implementation, and maintenance
1326 of Public Safety Answering Point (PSAP) equipment and "911"
1327 service features, as defined in the Florida Public Service
1328 Commission's lawfully approved "911" and related tariffs and/or
1329 the acquisition, installation, and maintenance of other "911"
1330 equipment, including call answering equipment, call transfer
1331 equipment, ANI controllers, ALI controllers, ANI displays, ALI
1332 displays, station instruments, "911" telecommunications systems,
1333 teleprinters, logging recorders, instant playback recorders,
1334 telephone devices for the deaf (TDD) used in the "911" system,
1335 PSAP backup power systems, consoles, automatic call
1336 distributors, and interfaces (hardware and software) for

314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

1337 computer-aided dispatch (CAD) systems; salary and associated
1338 expenses for "911" call takers for that portion of their time
1339 spent taking and transferring "911" calls; salary and associated
1340 expenses for a county to employ a full-time equivalent "911"
1341 coordinator position and a full-time equivalent staff assistant
1342 position per county for the portion of their time spent
1343 administrating the "911" system; training costs for PSAP call
1344 takers in the proper methods and techniques used in taking and
1345 transferring "911" calls; expenses required to develop and
1346 maintain all information (ALI and ANI databases and other
1347 information source repositories) necessary to properly inform
1348 call takers as to location address, type of emergency, and other
1349 information directly relevant to the "911" call-taking and
1350 transferring function; and, in a county defined in s.
1351 125.011(1), such expenses related to a nonemergency "311"
1352 system, or similar nonemergency system, which improves the
1353 overall efficiency of an existing "911" system or reduces "911"
1354 emergency response time for a 2-year pilot project that ends
1355 June 30, 2003. However, no wireless telephone service provider
1356 shall be required to participate in this pilot project or to
1357 otherwise implement a nonemergency "311" system or similar
1358 nonemergency system. The "911" fee revenues shall not be used to
1359 pay for any item not listed, including, but not limited to, any
1360 capital or operational costs for emergency responses which occur
1361 after the call transfer to the responding public safety entity
1362 and the costs for constructing buildings, leasing buildings,
1363 maintaining buildings, or renovating buildings, except for those
1364 building modifications necessary to maintain the security and
1365 environmental integrity of the PSAP and "911" equipment rooms.

314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

1366 7. It is the goal of the Legislature that enhanced "911"
1367 service be available throughout the state. Expenditure by
1368 counties of the "911" fees authorized by this section should
1369 support this goal to the greatest extent feasible within the
1370 context of local service needs and fiscal capability. Nothing in
1371 this section shall be construed to prohibit two or more counties
1372 from establishing a combined emergency "911" telephone service
1373 by interlocal agreement and utilizing the "911" fees authorized
1374 by this section for such combined "911" service.

1375
1376 As used in this paragraph, "telephone company" means an exchange
1377 telephone service provider of "911" service or equipment to any
1378 county within its certificated area.

1379 Section 32. Paragraph (d) of subsection (2), paragraph (f)
1380 of subsection (3), subsection (4), paragraph (a) of subsection
1381 (5), and paragraphs (c) and (d) of subsection (6) of section
1382 365.172, Florida Statutes, are amended to read:

1383 365.172 Wireless emergency telephone number "E911."--

1384 (2) FINDINGS, PURPOSE, AND LEGISLATIVE INTENT.--The
1385 Legislature finds and declares that:

1386 (d) The revenues generated by the E911 fee imposed under
1387 this section are required to fund the efforts of the counties,
1388 the Wireless 911 Board under the Department of Management
1389 Services State Technology Office, and commercial mobile radio
1390 service providers to improve the public health, safety, and
1391 welfare and serve a public purpose by providing emergency
1392 telephone assistance through wireless communications.

1393 (3) DEFINITIONS.--As used in this section and ss. 365.173
1394 and 365.174, the term:

314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

1395 (f) "Department Office" means the Department of Management
1396 Services State Technology Office.

1397 (4) POWERS AND DUTIES OF THE DEPARTMENT OFFICE.--The
1398 department office shall oversee the administration of the fee
1399 imposed on subscribers of statewide E911 service under
1400 subsection (8).

1401 (5) THE WIRELESS 911 BOARD.--

1402 (a) The Wireless 911 Board is established to administer,
1403 with oversight by the department office, the fee imposed under
1404 subsection (8), including receiving revenues derived from the
1405 fee; distributing portions of such revenues to providers,
1406 counties, and the department office; accounting for receipts,
1407 distributions, and income derived by the funds maintained in the
1408 fund; and providing annual reports to the Governor and the
1409 Legislature for submission by the department office on amounts
1410 collected and expended, the purposes for which expenditures have
1411 been made, and the status of wireless E911 service in this
1412 state. In order to advise and assist the department office in
1413 carrying out the purposes of this section, the board, which
1414 shall have the power of a body corporate, shall have the powers
1415 enumerated in subsection (6).

1416 (6) AUTHORITY OF THE BOARD; ANNUAL REPORT.--

1417 (c) By February 28 of each year, the board shall prepare a
1418 report for submission by the department office to the Governor,
1419 the President of the Senate, and the Speaker of the House of
1420 Representatives which reflects, for the immediately preceding
1421 calendar year, the quarterly and annual receipts and
1422 disbursements of moneys in the fund, the purposes for which
1423 disbursements of moneys from the fund have been made, and the
314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

1424 availability and status of implementation of E911 service in
1425 this state.

1426 (d) By February 28, 2001, the board shall undertake and
1427 complete a study for submission by the department ~~office~~ to the
1428 Governor, the President of the Senate, and the Speaker of the
1429 House of Representatives which addresses:

1430 1. The total amount of E911 fee revenues collected by each
1431 provider, the total amount of expenses incurred by each provider
1432 to comply with the order, and the amount of moneys on deposit in
1433 the fund, all as of December 1, 2000.

1434 2. Whether the amount of the E911 fee and the allocation
1435 percentages set forth in s. 365.173 should be adjusted to comply
1436 with the requirements of the order, and, if so, a recommended
1437 adjustment to the E911 fee.

1438 3. Any other issues related to providing wireless E911
1439 services.

1440 Section 33. Subsections (2), (5), (6), and (9) of section
1441 445.049, Florida Statutes, are amended to read:

1442 445.049 Digital Divide Council.--

1443 (2) DIGITAL DIVIDE COUNCIL.--The Digital Divide Council is
1444 created in the Department of Management Services State
1445 ~~Technology Office~~. The council shall consist of:

1446 (a) The Secretary of Management Services or his or her
1447 designee ~~chief information officer in the State Technology~~
1448 ~~Office~~.

1449 (b) The director of the Office of Tourism, Trade, and
1450 Economic Development in the Executive Office of the Governor.

1451 (c) The president of Workforce Florida, Inc.

1452 (d) The director of the Agency for Workforce Innovation.

314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

- 1453 (e) The chair of itflorida.com, Inc.
1454 (f) The Commissioner of Education.
1455 (g) The chair of the Network Access Point of the Americas.
1456 (h) A representative of the information technology
1457 industry in this state appointed by the Speaker of the House of
1458 Representatives.
1459 (i) A representative of the information technology
1460 industry in this state appointed by the President of the Senate.
1461 (j) Two members of the House of Representatives, who shall
1462 be ex officio, nonvoting members of the council, appointed by
1463 the Speaker of the House of Representatives, one of whom shall
1464 be a member of the Republican Caucus and the other of whom shall
1465 be a member of the Democratic Caucus.
1466 (k) Two members of the Senate, who shall be ex officio,
1467 nonvoting members of the council, appointed by the President of
1468 the Senate, one of whom shall be a member of the Republican
1469 Caucus and the other of whom shall be a member of the Democratic
1470 Caucus.
1471 (5) ADMINISTRATIVE AND TECHNICAL SUPPORT; PAYMENT OF
1472 SUPPORT COSTS.--The Department of Management Services State
1473 ~~Technology Office~~ shall provide such administrative and
1474 technical support to the council as is reasonably necessary for
1475 the council to effectively and timely carry out its duties and
1476 responsibilities. All direct and indirect costs of providing
1477 such support and performing the other duties assigned to the
1478 Department of Management Services State ~~Technology Office~~
1479 related to design and implementation of the programs authorized
1480 by this section may be paid from appropriations authorized to be
1481 used for such purposes.

314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

1482 (6) POWERS AND DUTIES OF COUNCIL.--The council, through
1483 the Department of Management Services State Technology Office,
1484 is authorized and empowered to facilitate the design and
1485 implementation of programs that are aimed at achieving the
1486 objectives and goals stated in this section. The Department of
1487 Management Services State Technology Office shall present and
1488 demonstrate to the council the design characteristics and
1489 functional elements of each program proposed to be implemented
1490 to achieve the objectives and goals stated in this section and
1491 each such program shall be reviewed and approved by the council
1492 before being implemented. Such programs shall initially be
1493 implemented as pilot programs in a minimum of six different
1494 areas of the state to develop model programs that are likely to
1495 be successful if implemented throughout the state. The areas of
1496 the state where the pilot programs are implemented shall be
1497 selected by the council with the objectives of testing the
1498 merits of the programs in each geographic region of the state
1499 and providing equal exposure of the programs to urban and rural
1500 communities alike. Implementation of all such pilot and model
1501 programs shall be administered by and through the local
1502 workforce development boards and each such board shall
1503 coordinate and confirm the ready availability and timely
1504 delivery of all elements of such programs to ensure the highest
1505 probability of such programs achieving their intended results.

1506 (9) ANNUAL REPORT.--By March 1 each year, 2002, the
1507 council, through the Department of Management Services State
1508 Technology Office, shall report to the Executive Office of the
1509 Governor, the Speaker of the House of Representatives, and the
1510 President of the Senate the results of the council's monitoring,

314307
4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

1511 reviewing, and evaluating such programs since their inception
1512 and the council's recommendations as to whether such programs
1513 should be continued and expanded to achieve the objectives and
1514 goals stated in this section.

1515 Section 34. For fiscal year 2005-2006, 16 positions are
1516 authorized and \$2.0 million are appropriated from recurring
1517 General Revenue to the Florida Technology Council in the
1518 Department of Management Services to provide for personnel and
1519 other expenses necessary to implement the provisions of this
1520 act. The Executive Office of the Governor shall place these
1521 positions and funds in reserve until such time as the Department
1522 of Management Services submits an expenditure plan for approval
1523 to the Executive Office of the Governor, the House Fiscal
1524 Council, and the Senate Ways and Means Committee, pursuant to
1525 the provisions of s. 216.177, Florida Statutes.

1526 Section 35. This act shall take effect July 1, 2005.

1527
1528
1529 ===== T I T L E A M E N D M E N T =====

1530 Remove the entire title and insert:

1531 A bill to be entitled

1532 An act relating to information technology management;
1533 creating s. 282.0051, F.S.; providing legislative findings
1534 and intent; providing definitions; providing each agency
1535 use an information technology investment management
1536 process to support investment decisions; requiring each
1537 agency to submit its information technology portfolio as
1538 part of its legislative budget request; requiring that
1539 agencies implement and administer a project management

314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

1540 methodology; providing requirements for project
1541 administration; amending s. 20.22, F.S.; establishing the
1542 Technology Program in the Department of Management
1543 Services; creating the Florida Technology Council;
1544 removing duty of the State Technology Office to operate
1545 and manage the Technology Resource Center; repealing s.
1546 186.022, F.S., relating to Information technology
1547 strategic plans; amending s. 216.0446, F.S.; revising
1548 duties of the legislative Technology Review Workgroup to
1549 remove participation of the State Technology Office;
1550 conforming reference to a report; repealing s.
1551 216.292(1)(c), F.S., relating to provisions authorizing
1552 transfer of positions and appropriations in fiscal year
1553 2001-2002 for the purpose of consolidating information
1554 technology resources; amending s. 282.0041, F.S.; revising
1555 definitions for purposes of information resources
1556 management; defining the terms "department" and "Florida
1557 Technology Council"; deleting the Agency Annual Enterprise
1558 Resource Planning and Management Report; deleting the
1559 State Annual Report on Enterprise Resource Planning and
1560 Management; providing for appointment of an agency chief
1561 information officer by the agency head; repealing s.
1562 282.005, F.S., relating to Legislative findings and
1563 intent; creating s. 282.0055, F.S.; limiting actions by
1564 the Florida Technology Council and the department which
1565 affect a Cabinet officer; amending s. 282.102, F.S.;
1566 removing provisions for the creation, powers, and duties
1567 of the State Technology Office; removing provisions for a
1568 Chief Information Officer and a State Chief Privacy

314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

1569 Officer; removing provisions relating to information
1570 technology and enterprise resource management; providing
1571 powers, duties, and functions of the Department of
1572 Management Services for operating the statewide
1573 communications system; transferring powers and duties
1574 relating to communications systems from the State
1575 Technology Office to the Department of Management
1576 Services; authorizing the department to adopt rules;
1577 authorizing the department to set a fee for placement of
1578 certain telecommunications facilities on state property;
1579 creating s. 282.1065, F.S.; authorizing the department to
1580 provide SUNCOM services to hospitals or other facilities
1581 licensed under ch. 395, F.S.; amending ss. 282.103,
1582 282.104, 282.105, 282.106, 282.107, 282.1095, and 282.111,
1583 F.S., relating to the SUNCOM Network, the state agency law
1584 enforcement radio system and interoperability network, and
1585 the statewide system of regional law enforcement
1586 communications to conform references to changes made by
1587 the act; amending s. 282.20, F.S.; providing for operation
1588 and management of the Technology Resource Center by the
1589 Department of Management Services; amending s. 282.21,
1590 F.S.; authorizing the department to collect fees for
1591 providing remote electronic access; removing provisions
1592 for collection of such fees by the State Technology
1593 Office; amending s. 282.22, F.S.; providing for
1594 dissemination of materials, products, information, and
1595 services acquired or developed by or under the direction
1596 of the department; removing reference to the State
1597 Technology Office with respect to such materials,

314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

1598 products, information, and services; repealing s. 282.23,
1599 F.S., relating to establishment of a State Strategic
1600 Information Technology Alliance for the acquisition and
1601 use of information technology and related material;
1602 creating s. 282.3025, F.S.; providing for creation,
1603 powers, and duties of the Florida Technology Council
1604 within the Department of Management Services; providing
1605 for a State Chief Information Officer appointed by the
1606 Governor; providing for development of a Statewide
1607 Information Technology Strategic Plan, enterprise
1608 information technology policies, standards, guidelines,
1609 and procedures, a model agency information technology
1610 investment management process and an information
1611 technology investment portfolio, and memoranda on
1612 recommended guidelines and best practices for information
1613 technology; providing for review and recommendations to
1614 the Governor and the Legislature regarding agency
1615 information technology projects and plans; providing for
1616 preparation of state reports and memoranda; providing
1617 rulemaking authority; amending s. 282.3031, F.S.; deleting
1618 assignment of certain information technology functions to
1619 the State Technology Office; conforming terminology;
1620 repealing s. 282.3032, F.S., relating to guiding
1621 principles for development and implementation of
1622 information systems; amending s. 282.3055, F.S.; providing
1623 for appointment of the agency chief information officer by
1624 the agency head; providing for staffing and supporting of
1625 an agency information technology investment board;
1626 conforming terminology; repealing s. 282.3063, F.S.,

314307

4/27/2005 12:07:46 PM

Amendment No. (for drafter's use only)

1627 relating to the Agency Annual Enterprise Resource Planning
1628 and Management Report; repealing s. 282.310, F.S.,
1629 relating to the State Annual Report on Enterprise Resource
1630 Planning and Management; amending s. 282.315, F.S.;
1631 revising duties of the Agency Chief Information Officers
1632 Council; providing for the council to assist the Florida
1633 Technology Council for certain purposes, identify
1634 opportunities to meet specified information technology
1635 guidelines, and make certain recommendations to the
1636 Florida Technology Council; providing for the appointment
1637 and terms of officers; amending s. 282.318, F.S.; changing
1638 the popular name; removing responsibility of the State
1639 Technology Office; providing that each agency head is
1640 responsible and accountable for ensuring an adequate level
1641 of security for data and information; providing for
1642 certain security requirements to be determined by the
1643 department; conforming terminology; amending s. 282.322,
1644 F.S., removing a procedure to monitor certain information
1645 resources management projects; amending ss. 365.171 and
1646 365.172, F.S., relating to statewide emergency telephone
1647 number systems; designating duties of the State Technology
1648 Office as duties of the Department of Management Services;
1649 conforming requirements with respect thereto; amending s.
1650 445.049, F.S., relating to the Digital Divide Council;
1651 designating duties of the State Technology Office as
1652 duties of the Department of Management Services; providing
1653 an appropriation and authorizing positions; requiring
1654 certain notice with respect to budget actions; providing
1655 an effective date.

314307

4/27/2005 12:07:46 PM