

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Allen offered the following:

3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

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

7 282.0051 Information technology management.--

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

753843

Amendment No. (for drafter's use only)

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

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

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

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

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

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

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

40       (d) "Information technology services" means the strategic  
41 and nonstrategic information technology services used to enable

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

42 agency business processes and as further defined in the  
43 legislative budget instructions developed pursuant to s.  
44 216.023.

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

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

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

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

66 (a) The investment management process shall:

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

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

- 69        2. Define initiatives using a comprehensive, uniform  
70 format.
- 71        3. Evaluate initiatives using an objective framework.
- 72        4. Prioritize initiatives and match initiatives to  
73 resources.
- 74        5. Manage the portfolio and the process proactively.
- 75        (b) Agency-approved initiatives which become information  
76 technology projects are subject to the requirements of  
77 subsection (4). New initiatives requiring funding shall be  
78 submitted in the agency's legislative budget request pursuant to  
79 s. 216.023.
- 80        (c) The agency shall prepare an information technology  
81 portfolio in a format prescribed in the legislative budget  
82 instructions pursuant to s. 216.023. The portfolio shall  
83 include, but need not be limited to:
- 84        1. A summary statement of the agency's mission, goals, and  
85 objectives for information technology which are supported  
86 through the agency's information technology portfolio.
- 87        2. Identification of projects and resources required to  
88 meet the objectives of the portfolio.
- 89        3. The agency information technology services catalog with  
90 services linked to business processes or business needs.
- 91        4. Implementation schedules estimating the time and  
92 funding required to implement information technology projects.
- 93        5. Funding needed to implement information technology  
94 services identified in the information technology services  
95 catalog.

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

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

100        (4) INFORMATION TECHNOLOGY PROJECT MANAGEMENT.--

101        (a) Each agency shall implement the project management  
102 methodology developed pursuant to s. 282.3025(2)(c). The agency  
103 may make adjustment based on their specific organizational needs  
104 and subject to the approval of the Agency Chief Information  
105 Officers Council.

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

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

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

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

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

122 needed project planning and management requirements are  
123 fulfilled.

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

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

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

139 20.22 Department of Management Services.--There is created  
140 a Department of Management Services.

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

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

147 (a) Facilities Program.

148 (b) State Technology Program Office.

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

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

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

159 (3)~~(4)~~ The duties of the Chief Labor Negotiator shall be  
160 determined by the Secretary of Management Services, and must  
161 include, but need not be limited to, the representation of the  
162 Governor as the public employer in collective bargaining  
163 negotiations pursuant to the provisions of chapter 447.

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

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

167 216.0446 Review of information resources management  
168 needs.--

169 (1) There is created within the Legislature the Technology  
170 Review Workgroup. The workgroup ~~and the State Technology Office~~  
171 shall ~~independently~~ review and make recommendations with respect  
172 to the portion of agencies' long-range program plans which  
173 pertains to information technology ~~resources management~~ needs  
174 and with respect to agencies' legislative budget requests for  
175 information technology and related resources. The Technology

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

176 Review Workgroup shall report such recommendations, together  
177 with the findings and conclusions on which such recommendations  
178 are based, to the Legislative Budget Commission. ~~The State  
179 Technology Office shall report such recommendations, together  
180 with the findings and conclusions on which such recommendations  
181 are based, to the Executive Office of the Governor and to the  
182 chairs of the legislative appropriations committees.~~

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

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

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

753843

4/26/2005 4:01:13 PM



Amendment No. (for drafter's use only)

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

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

206           282.0041 Definitions.--For the purposes of this part, the  
207 term:

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

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

213           (2)(3) "Agency chief information officer" means the person  
214 appointed by the agency head State Technology Office to  
215 coordinate and manage the information technology policies and  
216 activities applicable to that agency.

217           (3)(4) "Agency Chief Information Officers Council" means  
218 the council created in s. 282.315 to facilitate the sharing and  
219 coordination of information technology issues and initiatives  
220 among the agencies.

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

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

225           (6)(7) "Information technology" means equipment, hardware,  
226 software, firmware, programs, systems, networks, infrastructure,  
227 media, and related material used to automatically,

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

228 | electronically, and wirelessly collect, receive, access,  
229 | transmit, display, store, record, retrieve, analyze, evaluate,  
230 | process, classify, manipulate, manage, assimilate, control,  
231 | communicate, exchange, convert, converge, interface, switch, or  
232 | disseminate information of any kind or form.

233 |       ~~(7)(5)~~ "Information technology Enterprise resources  
234 | ~~management~~ infrastructure" means the hardware, software,  
235 | networks, data, human resources, policies, standards,  
236 | facilities, maintenance, and related materials and services that  
237 | are required to support the business processes of an agency or  
238 | state enterprise.

239 |       ~~(8)(6)~~ "Information technology Enterprise resource  
240 | planning and management" means the planning, budgeting,  
241 | acquiring, developing, organizing, directing, training, control,  
242 | and related services associated with government information  
243 | technology. The term encompasses information and related  
244 | resources, as well as the controls associated with their  
245 | acquisition, development, dissemination, and use.

246 |       ~~(9)(8)~~ "Project" means an undertaking directed at the  
247 | implementation accomplishment of information technology to  
248 | achieve a strategic objective relating to enterprise resources  
249 | ~~management~~ or a specific appropriated program.

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

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

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

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

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

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

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

270 282.0055 Limitation with respect to cabinet  
271 personnel.--The Florida Technology Council and the department  
272 may not take action affecting the supervision, control,  
273 management, or coordination of information technology and  
274 information technology personnel that any cabinet officer listed  
275 in s. 4, Art. IV of the State Constitution deems necessary for  
276 the exercise of his or her statutory or constitutional duties.

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

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

279           282.102 ~~Creation of the State Technology Office; Powers~~  
280 ~~and duties of the department.--There is created a State~~  
281 ~~Technology Office within~~ The powers and duties of the department  
282 include Department of Management Services. The office shall be a  
283 ~~separate budget entity, and shall be headed by a Chief~~  
284 ~~Information Officer who is appointed by the Governor and is in~~  
285 ~~the Senior Management Service. The Chief Information Officer~~  
286 ~~shall be an agency head for all purposes. The Department of~~  
287 ~~Management Services shall provide administrative support and~~  
288 ~~service to the office to the extent requested by the Chief~~  
289 ~~Information Officer. The office may adopt policies and~~  
290 ~~procedures regarding personnel, procurement, and transactions~~  
291 ~~for State Technology Office personnel. The office shall have the~~  
292 ~~following powers, duties, and functions:~~

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

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

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

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

305        (2)(4) To advise and render aid to state agencies and  
306 political subdivisions of the state as to systems or methods to  
307 be used for organizing and meeting communications information  
308 ~~technology~~ requirements efficiently and effectively.

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

311        (3)(6) To adopt technical standards for the state  
312 communications information technology system which will assure  
313 the interconnection of computer networks and information systems  
314 of agencies.

315        (4)(7) To assume management responsibility for any  
316 consolidated communications system ~~integrated information~~  
317 ~~technology system~~ or service when determined jointly by the  
318 department and the agency office to be economically efficient or  
319 performance-effective.

320        (5)(8) To enter into agreements ~~related to information~~  
321 ~~technology~~ with state agencies and political subdivisions of the  
322 state for services provided herein.

323        (6)(9) To use and acquire, with agency concurrence,  
324 communications facilities ~~information technology~~ now owned or  
325 operated by any agency.

326        (7)(10) To purchase from or contract with information  
327 technology providers for communications facilities and services  
328 ~~information technology~~, including private line services.

329        (8)(11) To apply for, receive, and hold, and to assist  
330 agencies in applying for, receiving, or holding, such  
331 authorizations, patents, copyrights, trademarks, service marks,

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

332 licenses, and allocations or channels and frequencies to carry  
333 out the purposes of this part.

334 ~~(9)(12)~~ To purchase, lease, or otherwise acquire and to  
335 hold, sell, transfer, license, or otherwise dispose of real,  
336 personal, and intellectual property, including, but not limited  
337 to, patents, trademarks, copyrights, and service marks.

338 ~~(10)(13)~~ To cooperate with any federal, state, or local  
339 emergency management agency in providing for emergency  
340 communications services.

341 ~~(11)(14)~~ To delegate, as necessary, to state agencies the  
342 authority to purchase, lease, or otherwise acquire and to use  
343 communications equipment, facilities, and services ~~information~~  
344 ~~technology~~ or, as necessary, to control and approve the  
345 purchase, lease, or acquisition and the use of all  
346 communications equipment, services, and facilities ~~information~~  
347 ~~technology~~, including, but not limited to, communications  
348 services provided as part of any other total system to be used  
349 by the state or any of its agencies.

350 ~~(12)(15)~~ To acquire ownership, possession, custody, and  
351 control of existing communications equipment and facilities,  
352 including all right, title, interest, and equity therein, as  
353 necessary, to carry out the purposes of this part. However, the  
354 provisions of this subsection shall in no way affect the rights,  
355 title, interest, or equity in any such equipment or facilities  
356 owned by, or leased to, the state or any state agency by any  
357 telecommunications company.

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

358        (13)~~(16)~~ To adopt rules pursuant to ss. 120.536(1) and  
359 120.54 relating to information technology ~~and~~ to administer the  
360 provisions of this part.

361        (14)~~(17)~~ To provide a means whereby political subdivisions  
362 of the state may use state information technology systems upon  
363 such terms and under such conditions as the department ~~office~~  
364 may establish.

365        (15)~~(18)~~ To apply for and accept federal funds for any of  
366 the purposes of this part as well as gifts and donations from  
367 individuals, foundations, and private organizations.

368        (16)~~(19)~~ To monitor issues relating to communications  
369 facilities and services before the Florida Public Service  
370 Commission and, when necessary, prepare position papers, prepare  
371 testimony, appear as a witness, and retain witnesses on behalf  
372 of state agencies in proceedings before the commission.

373        (17)~~(20)~~ Unless delegated to the agencies ~~by the Chief~~  
374 ~~Information Officer~~, to manage and control, but not intercept or  
375 interpret, communications within the SUNCOM Network by:

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

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

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

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

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

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

387 ~~(18)(21)~~ To plan, design, and conduct experiments for  
388 information technology services, equipment, and technologies,  
389 and to implement enhancements in the state information  
390 technology system when in the public interest and cost-  
391 effective. Funding for such experiments shall be derived from  
392 SUNCOM Network service revenues and shall not exceed 2 percent  
393 of the annual budget for the SUNCOM Network for any fiscal year  
394 or as provided in the General Appropriations Act. New services  
395 offered as a result of this subsection shall not affect existing  
396 rates for facilities or services.

397 ~~(19)(22)~~ To enter into contracts or agreements, with or  
398 without competitive bidding or procurement, to make available,  
399 on a fair, reasonable, and nondiscriminatory basis, property and  
400 other structures under department ~~office~~ control for the  
401 placement of new facilities by any wireless provider of mobile  
402 service as defined in 47 U.S.C. s. 153(n) or s. 332(d) and any  
403 telecommunications company as defined in s. 364.02 when it is  
404 determined to be practical and feasible to make such property or  
405 other structures available. The department ~~office~~ may, without  
406 adopting a rule, charge a just, reasonable, and  
407 nondiscriminatory fee for the placement of the facilities,  
408 payable annually, based on the fair market value of space used  
409 by comparable communications facilities in the state. The  
410 department ~~office~~ and a wireless provider or telecommunications

753843

4/26/2005 4:01:13 PM



Amendment No. (for drafter's use only)

411 company may negotiate the reduction or elimination of a fee in  
412 consideration of services provided to the department office by  
413 the wireless provider or telecommunications company. All such  
414 fees collected by the department office shall be deposited  
415 directly into the Law Enforcement Radio Operating Trust Fund,  
416 and may be used by the department office to construct, maintain,  
417 or support the system.

418 ~~(20)(23)~~ To provide an integrated electronic system for  
419 deploying government products, services, and information to  
420 individuals and businesses which reflects cost-effective  
421 deployment strategies in keeping with industry standards and  
422 practices and includes protections and security of private  
423 information as well as maintenance of public records.

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

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

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

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

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

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

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

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

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

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

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

454       282.103   SUNCOM Network; exemptions from the required  
455 use.--

456       (1) There is created within the Department of Management  
457 Services ~~State Technology Office~~ the SUNCOM Network which shall  
458 be developed to serve as the state communications system for  
459 providing local and long-distance communications services to  
460 state agencies, political subdivisions of the state,  
461 municipalities, state universities, and nonprofit corporations  
462 pursuant to ss. 282.101-282.111. The SUNCOM Network shall be  
463 developed to transmit all types of communications signals,

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

464 including, but not limited to, voice, data, video, image, and  
465 radio. State agencies shall cooperate and assist in the  
466 development and joint use of communications systems and  
467 services.

468 (2) The department ~~State Technology Office~~ shall design,  
469 engineer, implement, manage, and operate through state  
470 ownership, commercial leasing, or some combination thereof, the  
471 facilities and equipment providing SUNCOM Network services, and  
472 shall develop a system of equitable billings and charges for  
473 communication services.

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

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

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

490           282.104 Use of state SUNCOM Network by  
491 municipalities.--Any municipality may request the department  
492 ~~State Technology Office~~ to provide any or all of the SUNCOM  
493 Network's portfolio of communications services upon such terms  
494 and under such conditions as the department ~~office~~ may  
495 establish. The requesting municipality shall pay its share of  
496 installation and recurring costs according to the published  
497 rates for SUNCOM Network services and as invoiced by the  
498 department ~~office~~. Such municipality shall also pay for any  
499 requested modifications to existing SUNCOM Network services, if  
500 any charges apply.

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

503           282.105 Use of state SUNCOM Network by nonprofit  
504 corporations.--

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

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

514           (b) Receive only a small portion of its total revenues  
515 from any source other than a state agency, a municipality, or a

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

516 political subdivision of the state during the period of time  
517 SUNCOM Network services are requested.

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

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

527 (4) Institutions qualified to participate in the William  
528 L. Boyd, IV, Florida Resident Access Grant Program pursuant to  
529 s. 1009.89 shall be eligible to use the state SUNCOM Network,  
530 subject to the terms and conditions of the department office.  
531 Such entities shall not be required to satisfy the other  
532 criteria of this section.

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

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

539 282.106 Use of SUNCOM Network by libraries.--The  
540 department State Technology Office may provide SUNCOM Network  
541 services to any library in the state, including libraries in  
542 public schools, community colleges, state universities, and

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

543 nonprofit private postsecondary educational institutions, and  
544 libraries owned and operated by municipalities and political  
545 subdivisions.

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

548 282.1065 Use of SUNCOM Network by hospitals.-- The  
549 department may provide SUNCOM Network services to hospitals or  
550 other facilities licensed under chapter 395 and their state  
551 associations who currently contract with or provide services on  
552 behalf of state or local governments.

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

555 282.107 SUNCOM Network; criteria for usage.--

556 (1) The department ~~State Technology Office~~ shall  
557 periodically review the qualifications of subscribers using the  
558 state SUNCOM Network and shall terminate services provided to  
559 any facility not qualified pursuant to ss. 282.101-282.111 or  
560 rules adopted hereunder. In the event of nonpayment of invoices  
561 by subscribers whose SUNCOM Network invoices are paid from  
562 sources other than legislative appropriations, such nonpayment  
563 represents good and sufficient reason to terminate service.

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

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

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

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

574 282.1095 State agency law enforcement radio system and  
575 interoperability network.--

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

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

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

594 2. A representative of the Division of Florida Highway  
595 Patrol of the Department of Highway Safety and Motor Vehicles

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

596 | who shall be appointed by the executive director of the  
597 | department.

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

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

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

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

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

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

614 |         (b) Each appointed member of the joint task force shall  
615 | serve at the pleasure of the appointing official. Any vacancy on  
616 | the joint task force shall be filled in the same manner as the  
617 | original appointment. Any joint task force member may, upon  
618 | notification to the chair prior to the beginning of any  
619 | scheduled meeting, appoint an alternative to represent the  
620 | member on the task force and vote on task force business in his  
621 | or her absence.

753843

4/26/2005 4:01:13 PM



Amendment No. (for drafter's use only)

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

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

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

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

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

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

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

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

674 |         (3) Upon appropriation, moneys in the trust fund may be  
675 | used by the department ~~office~~ to acquire by competitive

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

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

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

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

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

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

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

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

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

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

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

725 (b) The department State Technology Office, in  
726 consultation with the Joint Task Force on State Agency Law  
727 Enforcement Communications, and in conjunction with the  
728 Department of Law Enforcement and the Division of Emergency  
729 Management of the Department of Community Affairs, shall

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

730 establish policies, procedures, and standards to incorporate  
731 into a comprehensive management plan for the use and operation  
732 of the interoperability network.

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

735 282.111 Statewide system of regional law enforcement  
736 communications.--

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

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

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

755 (b) An interagency communications provision which shall  
756 depict the communication interfaces between municipal, county,

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

757 and state law enforcement entities which operate within the  
758 region.

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

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

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

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

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

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

783 282.20 Technology Resource Center.--

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

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

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

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

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

794           (2) The Technology Resource Center shall:

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

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

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

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

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

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

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

813           (4) The Technology Resource Center may plan, design,  
814 establish pilot projects for, and conduct experiments with  
815 information technology resources, and may implement enhancements  
816 in services when such implementation is cost-effective. Funding  
817 for experiments and pilot projects shall be derived from service  
818 revenues and may not exceed 5 percent of the service revenues  
819 for the Technology Resource Center for any single fiscal year.  
820 Any experiment, pilot project, plan, or design must be approved  
821 by the secretary of the department ~~Chief Information Officer~~.

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

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

834           282.21 ~~The State Technology Office's~~ Electronic access  
835 services of the department.--The department ~~State Technology~~  
836 ~~Office~~ may collect fees for providing remote electronic access

753843

4/26/2005 4:01:13 PM



Amendment No. (for drafter's use only)

837 pursuant to s. 119.07(2). The fees may be imposed on individual  
838 transactions or as a fixed subscription for a designated period  
839 of time. All fees collected under this section shall be  
840 deposited in the appropriate trust fund of the program or  
841 activity that made the remote electronic access available.

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

844 282.22 ~~State Technology Office~~; Production, dissemination,  
845 and ownership of materials and products.--

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

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

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

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

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

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

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

887           282.3025 Florida Technology Council; powers and duties.--

888           (1) There is created a Florida Technology Council within  
889 the Department of Management Services. The council shall be

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

890 headed by a State Chief Information Officer who is appointed by  
891 the Governor. The Department of Management Services shall  
892 provide administrative support and services to the council.

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

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

902 1. Aligns state information technology resources and  
903 assets to achieve an enterprise perspective and focus state  
904 investments on initiatives that provide significant improvements  
905 in statewide service delivery and business operations.

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

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

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

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

914 (b) Develop enterprise information technology policies,  
915 standards, guidelines, and procedures in consultation with and  
916 subject to the approval of the Agency Chief Information Officers

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

917 Council, the Technology Review Workgroup, and the department,  
918 relating to enterprise architecture, enterprise Internet portal,  
919 business continuity and disaster recovery, security, computing,  
920 networks, desktop equipment, and communications.

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

927 (d) Develop, in consultation with and subject to the  
928 approval of the Agency Chief Information Officers Council and  
929 the Technology Review Workgroup, a model agency information  
930 technology investment management process and an information  
931 technology investment portfolio. The model process shall be  
932 adopted by September 30, 2005, for distribution to the agencies.

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

938 (f) Review each agency information technology investment  
939 portfolio and make recommendations to the Governor and the  
940 Legislature regarding opportunities consistent with s.  
941 282.0051(1).

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

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

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

948        Section 23. Section 282.3031, Florida Statutes, is amended  
949 to read:

950        282.3031 Assignment of information technology planning and  
951 ~~resources~~ management responsibilities.--For purposes of ss.  
952 282.3032-282.322 ~~282.303-282.322~~, to ensure the best management  
953 of state information technology resources, and notwithstanding  
954 other provisions of law to the contrary, the functions of  
955 information technology planning and ~~resources~~ management are  
956 assigned to the university boards of trustees for the  
957 development and implementation of planning, management,  
958 rulemaking, standards, and guidelines for the state  
959 universities; to the community college boards of trustees for  
960 establishing and developing rules for the community colleges; to  
961 the Supreme Court for the judicial branch; to each state  
962 attorney and public defender; and to the agency head ~~State~~  
963 ~~Technology Office~~ for the agencies within the executive branch  
964 of state government.

965        Section 24. Section 282.3032, Florida Statutes, is  
966 repealed.

967        Section 25. Section 282.3055, Florida Statutes, is amended  
968 to read:

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

969           282.3055 Agency chief information officer; appointment;  
970 duties.--

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

977           (b) The agency chief information officer must, at a  
978 minimum, have knowledge and experience in both management and  
979 information technology resources.

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

982           (a) Coordinating and facilitating agency information  
983 technology ~~enterprise resource~~ planning and management projects  
984 and initiatives.

985           (b) Preparing the an agency annual information technology  
986 investment portfolio report ~~on enterprise resource planning and~~  
987 ~~management~~ pursuant to the provisions of s. 282.0051 s.  
988 282.3063.

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

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

996 (d) Advising agency senior management as to the  
997 information technology enterprise resource planning and  
998 management and the information technology investment needs of  
999 the agency ~~for inclusion in planning documents required by law.~~

1000 (e) Staffing and supporting an agency information  
1001 technology investment management process.

1002 ~~(e) Assisting in the development and prioritization of the~~  
1003 ~~enterprise resource planning and management schedule of the~~  
1004 ~~agency's legislative budget request.~~

1005 Section 26. Section 282.3063, Florida Statutes, is  
1006 repealed.

1007 Section 27. Section 282.310, Florida Statutes, is  
1008 repealed.

1009 Section 28. Section 282.315, Florida Statutes, is amended  
1010 to read:

1011 282.315 Agency Chief Information Officers Council;  
1012 creation.--The Legislature finds that enhancing communication,  
1013 consensus building, coordination, and facilitation of statewide  
1014 enterprise information technology resource planning and  
1015 management issues are ~~is~~ essential to improving state management  
1016 of such resources.

1017 (1) There is created an Agency Chief Information Officers  
1018 Council to:

1019 (a) Enhance communication among the agency chief  
1020 information officers and the Florida Technology Council ~~by~~  
1021 ~~sharing enterprise resource planning and management experiences~~  
1022 ~~and exchanging ideas.~~

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

1023           (b) Identify and recommend ~~Facilitate the sharing of~~ best  
1024 practices that are characteristic of highly successful  
1025 technology organizations, as well as exemplary information  
1026 technology applications of state agencies, and assist the  
1027 Florida Technology Council in the development of policies,  
1028 standards, guidelines, and procedures for use by all state  
1029 agencies.

1030           (c) Identify efficiency opportunities among state agencies  
1031 to fulfill the guidelines in s. 282.3032 and make  
1032 recommendations for action to the Florida Technology Council.

1033           (d) Serve as an educational forum for enterprise  
1034 information technology ~~resource~~ planning and management issues.

1035           (e) Identify ~~Assist the State Technology Office in~~  
1036 ~~identifying~~ critical statewide issues and, when appropriate,  
1037 make recommendations to the Florida Technology Council for  
1038 solving information technology ~~enterprise resource planning and~~  
1039 ~~management~~ deficiencies.

1040           (2) Members of the council shall include the agency chief  
1041 information officers, including the chief information officers  
1042 of the agencies and governmental entities enumerated in s.  
1043 282.3031, except that there shall be one chief information  
1044 officer selected by the state attorneys and one chief  
1045 information officer selected by the public defenders. The  
1046 chairs, or their designees, of the Florida Financial Management  
1047 Information System Coordinating Council, the Criminal and  
1048 Juvenile Justice Information Systems Council, and the Health  
1049 Information Systems Council shall represent their respective

753843

4/26/2005 4:01:13 PM



Amendment No. (for drafter's use only)

1050 organizations on the Agency Chief Information Officers Council  
1051 as voting members. The council shall appoint a chair, a vice  
1052 chair, and a secretary from its members to serve a 1-year term  
1053 each. The council shall establish procedures to govern council  
1054 business.

1055 (3) The Florida Technology Council ~~State Technology Office~~  
1056 shall provide administrative support to the council.

1057 Section 29. Section 282.318, Florida Statutes, is amended  
1058 to read:

1059 282.318 Security of data and information technology  
1060 resources.--

1061 (1) This section may be cited as the "Security of Data and  
1062 Information Technology Infrastructure Resources Act."

1063 (2)(a) ~~The State Technology Office, in consultation with~~  
1064 Each agency head, is responsible and accountable for assuring an  
1065 adequate level of security for all data and information  
1066 technology infrastructure resources of each agency and, to carry  
1067 out this responsibility, shall, at a minimum:

1068 1. Designate an information security manager who shall  
1069 administer the security program of each agency for its data and  
1070 information technology resources.

1071 2. Conduct, and periodically update, a comprehensive risk  
1072 analysis to determine the security threats to the data and  
1073 information technology infrastructure resources of each agency.  
1074 The risk analysis information is confidential and exempt from  
1075 the provisions of s. 119.07(1), except that such information

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

1076 shall be available to the Auditor General in performing his or  
1077 her postauditing duties.

1078 3. Develop, and periodically update, written internal  
1079 policies and procedures to assure the security of the data and  
1080 information technology infrastructure ~~resources~~ of each agency.  
1081 The internal policies and procedures which, if disclosed, could  
1082 facilitate the unauthorized modification, disclosure, or  
1083 destruction of data or information technology infrastructure  
1084 ~~resources~~ are confidential information and exempt from the  
1085 provisions of s. 119.07(1), except that such information shall  
1086 be available to the Auditor General in performing his or her  
1087 postauditing duties.

1088 4. Implement appropriate cost-effective safeguards to  
1089 reduce, eliminate, or recover from the identified risks to the  
1090 data and information technology infrastructure ~~resources~~ of each  
1091 agency.

1092 5. Ensure that periodic internal audits and evaluations of  
1093 each security program for the data and information technology  
1094 infrastructure ~~resources~~ of the agency are conducted. The  
1095 results of such internal audits and evaluations are confidential  
1096 information and exempt from the provisions of s. 119.07(1),  
1097 except that such information shall be available to the Auditor  
1098 General in performing his or her postauditing duties.

1099 6. Include appropriate security requirements, as  
1100 determined by the agency ~~State Technology Office~~, in  
1101 consultation with the Department of Law Enforcement ~~each agency~~

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

1102 ~~head~~, in the written specifications for the solicitation of  
1103 information technology resources.

1104 (b) In those instances in which the department ~~State~~  
1105 ~~Technology Office~~ develops state contracts for use by state  
1106 agencies, the department ~~office~~ shall include appropriate  
1107 security requirements in the specifications for the solicitation  
1108 for state contracts for procuring information technology  
1109 infrastructure resources.

1110 Section 30. Section 282.322, Florida Statutes, is amended  
1111 to read:

1112 282.322 Special monitoring process for designated  
1113 information resources management projects.--

1114 ~~(1)~~ For each information resources management project  
1115 which is designated for special monitoring in the General  
1116 Appropriations Act, with a proviso requiring a contract with a  
1117 project monitor, the Technology Review Workgroup established  
1118 pursuant to s. 216.0446, in consultation with each affected  
1119 agency, shall be responsible for contracting with the project  
1120 monitor. Upon contract award, funds equal to the contract amount  
1121 shall be transferred to the Technology Review Workgroup upon  
1122 request and subsequent approval of a budget amendment pursuant  
1123 to s. 216.292. With the concurrence of the Legislative Auditing  
1124 Committee, the office of the Auditor General shall be the  
1125 project monitor for other projects designated for special  
1126 monitoring. However, nothing in this section precludes the  
1127 Auditor General from conducting such monitoring on any project  
1128 designated for special monitoring. In addition to monitoring and

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

1129 reporting on significant communications between a contracting  
1130 agency and the appropriate federal authorities, the project  
1131 monitoring process shall consist of evaluating each major stage  
1132 of the designated project to determine whether the deliverables  
1133 have been satisfied and to assess the level of risks associated  
1134 with proceeding to the next stage of the project. The major  
1135 stages of each designated project shall be determined based on  
1136 the agency's information systems development methodology. Within  
1137 20 days after an agency has completed a major stage of its  
1138 designated project or at least 90 days, the project monitor  
1139 shall issue a written report, including the findings and  
1140 recommendations for correcting deficiencies, to the agency head,  
1141 for review and comment. Within 20 days after receipt of the  
1142 project monitor's report, the agency head shall submit a written  
1143 statement of explanation or rebuttal concerning the findings and  
1144 recommendations of the project monitor, including any corrective  
1145 action to be taken by the agency. The project monitor shall  
1146 include the agency's statement in its final report, which shall  
1147 be forwarded, within 7 days after receipt of the agency's  
1148 statement, to the agency head, the inspector general's office of  
1149 the agency, the Executive Office of the Governor, the  
1150 appropriations committees of the Legislature, the Joint  
1151 Legislative Auditing Committee, the Technology Review Workgroup,  
1152 the President of the Senate, the Speaker of the House of  
1153 Representatives, and the Office of Program Policy Analysis and  
1154 Government Accountability. The Auditor General shall also  
1155 receive a copy of the project monitor's report for those

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

1156 projects in which the Auditor General is not the project  
1157 monitor.

1158 ~~(2) The Enterprise Project Management Office of the State~~  
1159 ~~Technology Office shall report any information technology~~  
1160 ~~projects the office identifies as high risk to the Executive~~  
1161 ~~Office of the Governor, the President of the Senate, the Speaker~~  
1162 ~~of the House of Representatives, and the chairs of the~~  
1163 ~~appropriations committees. Within the limits of current~~  
1164 ~~appropriations, the Enterprise Project Management Office shall~~  
1165 ~~monitor and report on such high-risk information technology~~  
1166 ~~projects, and assess the levels of risks associated with~~  
1167 ~~proceeding to the next stage of the project.~~

1168 Section 31. Paragraph (a) of subsection (3), subsections  
1169 (4), (5), (7), (9), (10), and (12), and paragraph (a) of  
1170 subsection (13) of section 365.171, Florida Statutes, are  
1171 amended to read:

1172 365.171 Emergency telephone number "911."--

1173 (3) DEFINITIONS.--As used in this section:

1174 (a) "Department Office" means the Department of Management  
1175 Services State Technology Office.

1176 (4) STATE PLAN.--The department office shall develop a  
1177 statewide emergency telephone number "911" system plan. The plan  
1178 shall provide for:

1179 (a) The establishment of the public agency emergency  
1180 telephone communications requirements for each entity of local  
1181 government in the state.

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

1182 (b) A system to meet specific local government  
1183 requirements. Such system shall include law enforcement,  
1184 firefighting, and emergency medical services and may include  
1185 other emergency services such as poison control, suicide  
1186 prevention, and emergency management services.

1187 (c) Identification of the mutual aid agreements necessary  
1188 to obtain an effective "911" system.

1189 (d) A funding provision which shall identify the cost  
1190 necessary to implement the "911" system.

1191 (e) A firm implementation schedule which shall include the  
1192 installation of the "911" system in a local community within 24  
1193 months after the designated agency of the local government gives  
1194 a firm order to the telephone utility for a "911" system.

1195  
1196 The department ~~office~~ shall be responsible for the  
1197 implementation and coordination of such plan. The department  
1198 ~~office~~ shall adopt any necessary rules and schedules related to  
1199 public agencies for implementing and coordinating such plan,  
1200 pursuant to chapter 120. The public agency designated in the  
1201 plan shall order such system within 6 months after publication  
1202 date of the plan if the public agency is in receipt of funds  
1203 appropriated by the Legislature for the implementation and  
1204 maintenance of the "911" system. Any jurisdiction which has  
1205 utilized local funding as of July 1, 1976, to begin the  
1206 implementation of the state plan as set forth in this section  
1207 shall be eligible for at least a partial reimbursement of its

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

1208 direct cost when, and if, state funds are available for such  
1209 reimbursement.

1210 (5) SYSTEM DIRECTOR.--The secretary ~~director~~ of the  
1211 department ~~office~~ or his or her designee is designated as the  
1212 director of the statewide emergency telephone number "911"  
1213 system and, for the purpose of carrying out the provisions of  
1214 this section, is authorized to coordinate the activities of the  
1215 system with state, county, local, and private agencies. The  
1216 secretary ~~director~~ is authorized to employ not less than five  
1217 persons, three of whom will be at the professional level, one at  
1218 the secretarial level, and one to fill a fiscal position, for  
1219 the purpose of carrying out the provisions of this section. The  
1220 secretary ~~director~~ in implementing the system shall consult,  
1221 cooperate, and coordinate with local law enforcement agencies.

1222 (7) TELEPHONE INDUSTRY COORDINATION.--The department  
1223 ~~office~~ shall coordinate with the Florida Public Service  
1224 Commission which shall encourage the Florida telephone industry  
1225 to activate facility modification plans for a timely "911"  
1226 implementation.

1227 (9) SYSTEM APPROVAL.--No emergency telephone number "911"  
1228 system shall be established and no present system shall be  
1229 expanded without prior approval of the department ~~office~~.

1230 (10) COMPLIANCE.--All public agencies shall assist the  
1231 department ~~office~~ in their efforts to carry out the intent of  
1232 this section, and such agencies shall comply with the developed  
1233 plan.

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

1234 (12) FEDERAL ASSISTANCE.--The secretary of the department  
1235 ~~office~~ or his or her designee may apply for and accept federal  
1236 funding assistance in the development and implementation of a  
1237 statewide emergency telephone number "911" system.

1238 (13) "911" FEE.--

1239 (a) Following approval by referendum as set forth in  
1240 paragraph (b), or following approval by a majority vote of its  
1241 board of county commissioners, a county may impose a "911" fee  
1242 to be paid by the local exchange subscribers within its  
1243 boundaries served by the "911" service. Proceeds from the "911"  
1244 fee shall be used only for "911" expenditures as set forth in  
1245 subparagraph 6. The manner of imposing and collecting said  
1246 payment shall be as follows:

1247 1. At the request of the county subscribing to "911"  
1248 service, the telephone company shall, insofar as is practicable,  
1249 bill the "911" fee to the local exchange subscribers served by  
1250 the "911" service, on an individual access line basis, at a rate  
1251 not to exceed 50 cents per month per line (up to a maximum of 25  
1252 access lines per account bill rendered). However, the fee may  
1253 not be assessed on any pay telephone in this state. A county  
1254 collecting the fee for the first time may collect the fee for no  
1255 longer than 36 months without initiating the acquisition of its  
1256 "911" equipment.

1257 2. Fees collected by the telephone company pursuant to  
1258 subparagraph 1. shall be returned to the county, less the costs  
1259 of administration retained pursuant to paragraph (c). The county

753843

4/26/2005 4:01:13 PM



Amendment No. (for drafter's use only)

1260 shall provide a minimum of 90 days' written notice to the  
1261 telephone company prior to the collection of any "911" fees.  
1262         3. Any county that currently has an operational "911"  
1263 system or that is actively pursuing the implementation of a  
1264 "911" system shall establish a fund to be used exclusively for  
1265 receipt and expenditure of "911" fee revenues collected pursuant  
1266 to this section. All fees placed in said fund, and any interest  
1267 accrued thereupon, shall be used solely for "911" costs  
1268 described in subparagraph 6. The money collected and interest  
1269 earned in this fund shall be appropriated for "911" purposes by  
1270 the county commissioners and incorporated into the annual county  
1271 budget. Such fund shall be included within the financial audit  
1272 performed in accordance with s. 218.39. A report of the audit  
1273 shall be forwarded to the department ~~office~~ within 60 days of  
1274 its completion. A county may carry forward on an annual basis  
1275 unspent moneys in the fund for expenditures allowed by this  
1276 section, or it may reduce its fee. However, in no event shall a  
1277 county carry forward more than 10 percent of the "911" fee  
1278 billed for the prior year. The amount of moneys carried forward  
1279 each year may be accumulated in order to allow for capital  
1280 improvements described in this subsection. The carryover shall  
1281 be documented by resolution of the board of county commissioners  
1282 expressing the purpose of the carryover or by an adopted capital  
1283 improvement program identifying projected expansion or  
1284 replacement expenditures for "911" equipment and service  
1285 features, or both. In no event shall the "911" fee carryover  
1286 surplus moneys be used for any purpose other than for the "911"

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

1287 equipment, service features, and installation charges authorized  
1288 in subparagraph 6. Nothing in this section shall prohibit a  
1289 county from using other sources of revenue for improvements,  
1290 replacements, or expansions of its "911" system. A county may  
1291 increase its fee for purposes authorized in this section.  
1292 However, in no case shall the fee exceed 50 cents per month per  
1293 line. All current "911" fees shall be reported to the department  
1294 office within 30 days of the start of each county's fiscal  
1295 period. Any fee adjustment made by a county shall be reported to  
1296 the department office. A county shall give the telephone company  
1297 a 90-day written notice of such fee adjustment.

1298 4. The telephone company shall have no obligation to take  
1299 any legal action to enforce collection of the "911" fee. The  
1300 telephone company shall provide quarterly to the county a list  
1301 of the names, addresses, and telephone numbers of any and all  
1302 subscribers who have identified to the telephone company their  
1303 refusal to pay the "911" fee.

1304 5. The county subscribing to "911" service shall remain  
1305 liable to the telephone company for any "911" service,  
1306 equipment, operation, or maintenance charge owed by the county  
1307 to the telephone company.

1308  
1309 ~~As used in this paragraph, "telephone company" means an exchange~~  
1310 ~~telephone service provider of "911" service or equipment to any~~  
1311 ~~county within its certificated area.~~

1312 6. It is the intent of the Legislature that the "911" fee  
1313 authorized by this section to be imposed by counties will not

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

1314 necessarily provide the total funding required for establishing  
1315 or providing the "911" service. For purposes of this section,  
1316 "911" service includes the functions of database management,  
1317 call taking, location verification, and call transfer. The  
1318 following costs directly attributable to the establishment  
1319 and/or provision of "911" service are eligible for expenditure  
1320 of moneys derived from imposition of the "911" fee authorized by  
1321 this section: the acquisition, implementation, and maintenance  
1322 of Public Safety Answering Point (PSAP) equipment and "911"  
1323 service features, as defined in the Florida Public Service  
1324 Commission's lawfully approved "911" and related tariffs and/or  
1325 the acquisition, installation, and maintenance of other "911"  
1326 equipment, including call answering equipment, call transfer  
1327 equipment, ANI controllers, ALI controllers, ANI displays, ALI  
1328 displays, station instruments, "911" telecommunications systems,  
1329 teleprinters, logging recorders, instant playback recorders,  
1330 telephone devices for the deaf (TDD) used in the "911" system,  
1331 PSAP backup power systems, consoles, automatic call  
1332 distributors, and interfaces (hardware and software) for  
1333 computer-aided dispatch (CAD) systems; salary and associated  
1334 expenses for "911" call takers for that portion of their time  
1335 spent taking and transferring "911" calls; salary and associated  
1336 expenses for a county to employ a full-time equivalent "911"  
1337 coordinator position and a full-time equivalent staff assistant  
1338 position per county for the portion of their time spent  
1339 administrating the "911" system; training costs for PSAP call  
1340 takers in the proper methods and techniques used in taking and

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

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

1362 7. It is the goal of the Legislature that enhanced "911"  
1363 service be available throughout the state. Expenditure by  
1364 counties of the "911" fees authorized by this section should  
1365 support this goal to the greatest extent feasible within the  
1366 context of local service needs and fiscal capability. Nothing in  
1367 this section shall be construed to prohibit two or more counties

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

1368 from establishing a combined emergency "911" telephone service  
1369 by interlocal agreement and utilizing the "911" fees authorized  
1370 by this section for such combined "911" service.

1371  
1372 As used in this paragraph, "telephone company" means an exchange  
1373 telephone service provider of "911" service or equipment to any  
1374 county within its certificated area.

1375 Section 32. Paragraph (d) of subsection (2), paragraph (f)  
1376 of subsection (3), subsection (4), paragraph (a) of subsection  
1377 (5), and paragraphs (c) and (d) of subsection (6) of section  
1378 365.172, Florida Statutes, are amended to read:

1379 365.172 Wireless emergency telephone number "E911."--

1380 (2) FINDINGS, PURPOSE, AND LEGISLATIVE INTENT.--The  
1381 Legislature finds and declares that:

1382 (d) The revenues generated by the E911 fee imposed under  
1383 this section are required to fund the efforts of the counties,  
1384 the Wireless 911 Board under the Department of Management  
1385 Services State Technology Office, and commercial mobile radio  
1386 service providers to improve the public health, safety, and  
1387 welfare and serve a public purpose by providing emergency  
1388 telephone assistance through wireless communications.

1389 (3) DEFINITIONS.--As used in this section and ss. 365.173  
1390 and 365.174, the term:

1391 (f) "Department Office" means the Department of Management  
1392 Services State Technology Office.

1393 (4) POWERS AND DUTIES OF THE DEPARTMENT OFFICE.--The  
1394 department office shall oversee the administration of the fee

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

1395 imposed on subscribers of statewide E911 service under  
1396 subsection (8).

1397 (5) THE WIRELESS 911 BOARD.--

1398 (a) The Wireless 911 Board is established to administer,  
1399 with oversight by the department ~~office~~, the fee imposed under  
1400 subsection (8), including receiving revenues derived from the  
1401 fee; distributing portions of such revenues to providers,  
1402 counties, and the department ~~office~~; accounting for receipts,  
1403 distributions, and income derived by the funds maintained in the  
1404 fund; and providing annual reports to the Governor and the  
1405 Legislature for submission by the department ~~office~~ on amounts  
1406 collected and expended, the purposes for which expenditures have  
1407 been made, and the status of wireless E911 service in this  
1408 state. In order to advise and assist the department ~~office~~ in  
1409 carrying out the purposes of this section, the board, which  
1410 shall have the power of a body corporate, shall have the powers  
1411 enumerated in subsection (6).

1412 (6) AUTHORITY OF THE BOARD; ANNUAL REPORT.--

1413 (c) By February 28 of each year, the board shall prepare a  
1414 report for submission by the department ~~office~~ to the Governor,  
1415 the President of the Senate, and the Speaker of the House of  
1416 Representatives which reflects, for the immediately preceding  
1417 calendar year, the quarterly and annual receipts and  
1418 disbursements of moneys in the fund, the purposes for which  
1419 disbursements of moneys from the fund have been made, and the  
1420 availability and status of implementation of E911 service in  
1421 this state.

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

1422 (d) By February 28, 2001, the board shall undertake and  
1423 complete a study for submission by the department office to the  
1424 Governor, the President of the Senate, and the Speaker of the  
1425 House of Representatives which addresses:

1426 1. The total amount of E911 fee revenues collected by each  
1427 provider, the total amount of expenses incurred by each provider  
1428 to comply with the order, and the amount of moneys on deposit in  
1429 the fund, all as of December 1, 2000.

1430 2. Whether the amount of the E911 fee and the allocation  
1431 percentages set forth in s. 365.173 should be adjusted to comply  
1432 with the requirements of the order, and, if so, a recommended  
1433 adjustment to the E911 fee.

1434 3. Any other issues related to providing wireless E911  
1435 services.

1436 Section 33. Subsections (2), (5), (6), and (9) of section  
1437 445.049, Florida Statutes, are amended to read:

1438 445.049 Digital Divide Council.--

1439 (2) DIGITAL DIVIDE COUNCIL.--The Digital Divide Council is  
1440 created in the Department of Management Services State  
1441 Technology Office. The council shall consist of:

1442 (a) The Secretary of Management Services or his or her  
1443 designee chief information officer in the State Technology  
1444 Office.

1445 (b) The director of the Office of Tourism, Trade, and  
1446 Economic Development in the Executive Office of the Governor.

1447 (c) The president of Workforce Florida, Inc.

1448 (d) The director of the Agency for Workforce Innovation.

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

- 1449 (e) The chair of itflorida.com, Inc.
- 1450 (f) The Commissioner of Education.
- 1451 (g) The chair of the Network Access Point of the Americas.
- 1452 (h) A representative of the information technology
- 1453 industry in this state appointed by the Speaker of the House of
- 1454 Representatives.
- 1455 (i) A representative of the information technology
- 1456 industry in this state appointed by the President of the Senate.
- 1457 (j) Two members of the House of Representatives, who shall
- 1458 be ex officio, nonvoting members of the council, appointed by
- 1459 the Speaker of the House of Representatives, one of whom shall
- 1460 be a member of the Republican Caucus and the other of whom shall
- 1461 be a member of the Democratic Caucus.
- 1462 (k) Two members of the Senate, who shall be ex officio,
- 1463 nonvoting members of the council, appointed by the President of
- 1464 the Senate, one of whom shall be a member of the Republican
- 1465 Caucus and the other of whom shall be a member of the Democratic
- 1466 Caucus.
- 1467 (5) ADMINISTRATIVE AND TECHNICAL SUPPORT; PAYMENT OF
- 1468 SUPPORT COSTS.--The Department of Management Services State
- 1469 ~~Technology Office~~ shall provide such administrative and
- 1470 technical support to the council as is reasonably necessary for
- 1471 the council to effectively and timely carry out its duties and
- 1472 responsibilities. All direct and indirect costs of providing
- 1473 such support and performing the other duties assigned to the
- 1474 Department of Management Services State ~~Technology Office~~
- 1475 related to design and implementation of the programs authorized

753843

4/26/2005 4:01:13 PM



Amendment No. (for drafter's use only)

1476 | by this section may be paid from appropriations authorized to be  
1477 | used for such purposes.

1478 |       (6) POWERS AND DUTIES OF COUNCIL.--The council, through  
1479 | the Department of Management Services State Technology Office,  
1480 | is authorized and empowered to facilitate the design and  
1481 | implementation of programs that are aimed at achieving the  
1482 | objectives and goals stated in this section. The Department of  
1483 | Management Services State Technology Office shall present and  
1484 | demonstrate to the council the design characteristics and  
1485 | functional elements of each program proposed to be implemented  
1486 | to achieve the objectives and goals stated in this section and  
1487 | each such program shall be reviewed and approved by the council  
1488 | before being implemented. Such programs shall initially be  
1489 | implemented as pilot programs in a minimum of six different  
1490 | areas of the state to develop model programs that are likely to  
1491 | be successful if implemented throughout the state. The areas of  
1492 | the state where the pilot programs are implemented shall be  
1493 | selected by the council with the objectives of testing the  
1494 | merits of the programs in each geographic region of the state  
1495 | and providing equal exposure of the programs to urban and rural  
1496 | communities alike. Implementation of all such pilot and model  
1497 | programs shall be administered by and through the local  
1498 | workforce development boards and each such board shall  
1499 | coordinate and confirm the ready availability and timely  
1500 | delivery of all elements of such programs to ensure the highest  
1501 | probability of such programs achieving their intended results.

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

1502 (9) ANNUAL REPORT.--By March 1 each year, ~~2002~~, the  
 1503 council, through the Department of Management Services State  
 1504 ~~Technology Office~~, shall report to the Executive Office of the  
 1505 Governor, the Speaker of the House of Representatives, and the  
 1506 President of the Senate the results of the council's monitoring,  
 1507 reviewing, and evaluating such programs since their inception  
 1508 and the council's recommendations as to whether such programs  
 1509 should be continued and expanded to achieve the objectives and  
 1510 goals stated in this section.

1511 Section 34. This act shall take effect July 1, 2005.

1512  
 1513 ===== T I T L E A M E N D M E N T =====

1514 Remove the entire title and insert:

1515 A bill to be entitled  
 1516 An act relating to information technology management;  
 1517 creating s. 282.0051, F.S.; providing legislative findings  
 1518 and intent; providing definitions; providing each agency  
 1519 use an information technology investment management  
 1520 process to support investment decisions; requiring each  
 1521 agency to submit its information technology portfolio as  
 1522 part of its legislative budget request; requiring that  
 1523 agencies implement and administer a project management  
 1524 methodology; providing requirements for project  
 1525 administration; amending s. 20.22, F.S.; establishing the  
 1526 Technology Program in the Department of Management  
 1527 Services; creating the Florida Technology Council;  
 1528 removing duty of the State Technology Office to operate

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

1529 and manage the Technology Resource Center; repealing s.  
1530 186.022, F.S., relating to Information technology  
1531 strategic plans; amending s. 216.0446, F.S.; revising  
1532 duties of the legislative Technology Review Workgroup to  
1533 remove participation of the State Technology Office;  
1534 conforming reference to a report; repealing s.  
1535 216.292(1)(c), F.S., relating to provisions authorizing  
1536 transfer of positions and appropriations in fiscal year  
1537 2001-2002 for the purpose of consolidating information  
1538 technology resources; amending s. 282.0041, F.S.; revising  
1539 definitions for purposes of information resources  
1540 management; defining the terms "department" and "Florida  
1541 Technology Council"; deleting the Agency Annual Enterprise  
1542 Resource Planning and Management Report; deleting the  
1543 State Annual Report on Enterprise Resource Planning and  
1544 Management; providing for appointment of an agency chief  
1545 information officer by the agency head; repealing s.  
1546 282.005, F.S., relating to Legislative findings and  
1547 intent; creating s. 282.0055, F.S.; limiting actions by  
1548 the Florida Technology Council and the department which  
1549 affect a Cabinet officer; amending s. 282.102, F.S.;  
1550 removing provisions for the creation, powers, and duties  
1551 of the State Technology Office; removing provisions for a  
1552 Chief Information Officer and a State Chief Privacy  
1553 Officer; removing provisions relating to information  
1554 technology and enterprise resource management; providing  
1555 powers, duties, and functions of the Department of

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

1556 Management Services for operating the statewide  
1557 communications system; transferring powers and duties  
1558 relating to communications systems from the State  
1559 Technology Office to the Department of Management  
1560 Services; authorizing the department to adopt rules;  
1561 authorizing the department to set a fee for placement of  
1562 certain telecommunications facilities on state property;  
1563 creating s. 282.1065, F.S.; authorizing the department to  
1564 provide SUNCOM services to hospitals or other facilities  
1565 licensed under ch. 395, F.S.; amending ss. 282.103,  
1566 282.104, 282.105, 282.106, 282.107, 282.1095, and 282.111,  
1567 F.S., relating to the SUNCOM Network, the state agency law  
1568 enforcement radio system and interoperability network, and  
1569 the statewide system of regional law enforcement  
1570 communications to conform references to changes made by  
1571 the act; amending s. 282.20, F.S.; providing for operation  
1572 and management of the Technology Resource Center by the  
1573 Department of Management Services; amending s. 282.21,  
1574 F.S.; authorizing the department to collect fees for  
1575 providing remote electronic access; removing provisions  
1576 for collection of such fees by the State Technology  
1577 Office; amending s. 282.22, F.S.; providing for  
1578 dissemination of materials, products, information, and  
1579 services acquired or developed by or under the direction  
1580 of the department; removing reference to the State  
1581 Technology Office with respect to such materials,  
1582 products, information, and services; repealing s. 282.23,

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

1583 F.S., relating to establishment of a State Strategic  
1584 Information Technology Alliance for the acquisition and  
1585 use of information technology and related material;  
1586 creating s. 282.3025, F.S.; providing for creation,  
1587 powers, and duties of the Florida Technology Council  
1588 within the Department of Management Services; providing  
1589 for a State Chief Information Officer appointed by the  
1590 Governor; providing for development of a Statewide  
1591 Information Technology Strategic Plan, enterprise  
1592 information technology policies, standards, guidelines,  
1593 and procedures, a model agency information technology  
1594 investment management process and an information  
1595 technology investment portfolio, and memoranda on  
1596 recommended guidelines and best practices for information  
1597 technology; providing for review and recommendations to  
1598 the Governor and the Legislature regarding agency  
1599 information technology projects and plans; providing for  
1600 preparation of state reports and memoranda; providing  
1601 rulemaking authority; amending s. 282.3031, F.S.; deleting  
1602 assignment of certain information technology functions to  
1603 the State Technology Office; conforming terminology;  
1604 repealing s. 282.3032, F.S., relating to guiding  
1605 principles for development and implementation of  
1606 information systems; amending s. 282.3055, F.S.; providing  
1607 for appointment of the agency chief information officer by  
1608 the agency head; providing for staffing and supporting of  
1609 an agency information technology investment board;

753843

4/26/2005 4:01:13 PM

Amendment No. (for drafter's use only)

1610 conforming terminology; repealing s. 282.3063, F.S.,  
1611 relating to the Agency Annual Enterprise Resource Planning  
1612 and Management Report; repealing s. 282.310, F.S.,  
1613 relating to the State Annual Report on Enterprise Resource  
1614 Planning and Management; amending s. 282.315, F.S.;  
1615 revising duties of the Agency Chief Information Officers  
1616 Council; providing for the council to assist the Florida  
1617 Technology Council for certain purposes, identify  
1618 opportunities to meet specified information technology  
1619 guidelines, and make certain recommendations to the  
1620 Florida Technology Council; providing for the appointment  
1621 and terms of officers; amending s. 282.318, F.S.; changing  
1622 the popular name; removing responsibility of the State  
1623 Technology Office; providing that each agency head is  
1624 responsible and accountable for ensuring an adequate level  
1625 of security for data and information; providing for  
1626 certain security requirements to be determined by the  
1627 department; conforming terminology; amending s. 282.322,  
1628 F.S., removing a procedure to monitor certain information  
1629 resources management projects; amending ss. 365.171 and  
1630 365.172, F.S., relating to statewide emergency telephone  
1631 number systems; designating duties of the State Technology  
1632 Office as duties of the Department of Management Services;  
1633 conforming requirements with respect thereto; amending s.  
1634 445.049, F.S., relating to the Digital Divide Council;  
1635 designating duties of the State Technology Office as

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4/26/2005 4:01:13 PM

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HOUSE AMENDMENT

Bill No. CS/CS/SB 1494

Amendment No. (for drafter's use only)

1636

duties of the Department of Management Services; providing

1637

an effective date.

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