

Bill No. CS for CS for SB 1494

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Proposed Committee Substitute by the Committee on General
Government Appropriations

1 A bill to be entitled
2 An act relating to information technology
3 management; providing legislative intent that
4 each state agency use a governance process and
5 structure for managing its information
6 technology operations and investments in order
7 to ensure alignment with the business needs and
8 policy requirements of the agency; providing
9 definitions; providing a governance process for
10 information technology which includes
11 management of the agency's information
12 technology portfolio along with project
13 management; specifying the purpose of
14 information technology portfolio management;
15 requiring each agency to submit its information
16 technology portfolio as part of its legislative
17 budget request; requiring that agencies
18 implement and administer a project management
19 methodology; requiring that each agency
20 implement a management process; amending s.
21 20.22, F.S.; renaming an office within the
22 Department of Management Services; repealing s.
23 110.205(2)(e) and (w), F.S., relating to
24 personnel of the State Technology Office;
25 repealing s. 186.022, F.S., relating to
26 information technology strategic plans;
27 repealing s. 216.292(1)(c), F.S., relating to
28 transfer of positions or appropriations for
29 fiscal year 2001-2002; amending s. 282.0041,
30 F.S.; revising definitions; repealing s.
31 282.005, F.S., relating to legislative findings

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1 and intent concerning information technology;
2 creating s. 282.0055, F.S.; prohibiting the
3 Department of Management Services and the
4 Florida Technology Council from taking certain
5 actions with respect to the information
6 technology personnel of cabinet officers;
7 amending s. 282.102, F.S.; eliminating the
8 State Technology Office and transferring
9 responsibilities of the office to the
10 Department of Management Services; revising
11 various responsibilities relating to
12 information technology; amending ss. 282.103,
13 282.104, 282.105, 282.106, and 282.107, F.S.;
14 transferring responsibilities relating to the
15 SUNCOM Network from the State Technology Office
16 to the Department of Management Services;
17 amending ss. 282.1095 and 282.111, F.S.;
18 transferring responsibilities relating to
19 various law enforcement radio systems from the
20 office to the department; amending s. 282.20,
21 F.S.; revising the duties of the Technology
22 Resource Center; amending s. 282.21, F.S.;
23 transferring authorization to collect fees for
24 provision of remote electronic access services
25 from the office to the department; amending s.
26 282.22, F.S.; transferring responsibilities
27 relating to production, dissemination, and
28 ownership of various materials or products from
29 the office to the department; repealing s.
30 282.23, F.S., relating to the State Strategic
31 Information Technology Alliance; creating s.

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1 282.3025, F.S.; creating the Florida Technology
2 Council within the Department of Management
3 Services; providing for the State Technology
4 Officer to head the council; requiring that the
5 council develop a statewide information
6 technology strategic plan, in consultation with
7 the Agency Chief Information Officers Council;
8 providing requirements for the plan; requiring
9 that the council assist state agencies in
10 implementing the information technology
11 portfolio management process; requiring the
12 council to provide status reports to the
13 Administration Commission; amending s.
14 282.3031, F.S.; deleting provisions assigning
15 responsibility for information resources
16 management to the State Technology Office;
17 repealing s. 282.3055, F.S., relating to
18 personnel of the State Technology Office;
19 repealing s. 282.3063, F.S., relating to the
20 Agency Annual Enterprise Resource Planning and
21 Management Report; repealing s. 282.310, F.S.,
22 relating to the State Annual Report on
23 Enterprise Resource Planning and Management;
24 amending s. 282.315, F.S.; revising certain
25 duties of the Agency Chief Information Officers
26 Council; specifying an additional
27 responsibility; amending s. 282.318, F.S.;
28 transferring various responsibilities relating
29 to security of data and information technology
30 resources from the State Technology Office to
31 each agency head or the Department of

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1 Management Services; repealing s. 282.322(2),
 2 F.S., relating to information technology
 3 projects identified as high-risk; amending s.
 4 287.042, F.S.; transferring responsibilities
 5 from the State Technology Office to the
 6 Department of Management Services; deleting
 7 provisions requiring consultation between the
 8 department and the office; repealing s.
 9 287.057(24), F.S., relating to strategic
 10 information technology alliances; amending s.
 11 445.049, F.S.; transferring responsibilities
 12 relating to the Digital Divide Council from the
 13 State Technology Office to the Department of
 14 Management Services or the secretary of the
 15 department; providing an appropriation and
 16 authorizing positions; requiring that certain
 17 notice with respect to budget actions be given
 18 to the Legislative Budget Commission; providing
 19 an effective date.
 20

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

22
 23 Section 1. Information technology management.--
 24 (1) LEGISLATIVE INTENT.--It is the intent of the
 25 Legislature that each state agency use a governance process
 26 and structure for the management of information technology in
 27 order to plan, manage, and implement its information
 28 technology operations and investments and to ensure that the
 29 operations and investments are aligned with the business needs
 30 and policy requirements of the agency.

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

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1 (a) "Agency information technology investment
2 management" means an analytical decisionmaking process that is
3 used to systematically select and manage information
4 technology investments for the agency. The process must ensure
5 that the agency information technology portfolio is
6 implemented in a manner that is consistent with fiscal and
7 substantive policies established by the Legislature.

8 (b) "Information technology investment" means the cost
9 associated with agency resources, hardware, software, or
10 contracted services that are required to provide information
11 technology services as identified in the agency information
12 technology service catalog and to initiate approved
13 information technology projects.

14 (c) "Information technology portfolio" means the
15 information technology services and the project management
16 methodology that is used to plan, manage, and implement
17 information technology projects in order to ensure alignment
18 of information technology investments with agency business
19 needs. The term includes the analysis and proper mitigation of
20 information technology investment risks.

21 (d) "Information technology services catalog" means a
22 written statement describing each information technology
23 service that an agency invests in, manages, and uses to enable
24 day-to-day business processes. The catalog is comprised of the
25 definitions and descriptions of strategic and nonstrategic
26 information technology services.

27 (e) "Nonstrategic information technology service"
28 means a utility-type information technology service, as
29 defined in the legislative budget request instructions
30 provided for in section 216.023, Florida Statutes, which is
31 common among several agencies and which facilitates the

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1 day-to-day agency activities.

2 (f) "Project management" means a set of disciplines
3 required for planning, organizing, managing, implementing, and
4 controlling organizational and fiscal resources in order to
5 complete specific project goals and objectives.

6 (g) "Service level agreement" means a written
7 agreement between a service provider and the agency which
8 describes each service to be provided and documents the
9 required service objectives and service levels for a service.
10 Service providers include external providers, internal
11 providers, and other agency providers.

12 (h) "Strategic information technology service" means a
13 service that directly helps the agency to fulfill its specific
14 statutory or constitutional responsibilities and policy
15 objectives and that is associated with the agency's primary or
16 core business functions. The process for identifying an
17 agency's strategic information technology services shall be
18 prescribed in the legislative budget request instructions
19 provided for in section 216.023, Florida Statutes.

20 (3) INFORMATION TECHNOLOGY GOVERNANCE PROCESS.--For
21 the purpose of establishing an information technology
22 management process that integrates the agency's fiscal and
23 programmatic activities, each agency shall implement
24 information technology portfolio management and project
25 management.

26 (a) The information technology portfolio management
27 process, as defined in this section, shall be used as the
28 primary tool to support the information technology investment
29 decisions of each agency. The project management requirements
30 for agencies may vary based on the size and nature of their
31 information technology projects. Projects that refresh desktop

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1 units or infrastructure equipment with new technology that is
2 similar to the technology currently in use are exempt from the
3 project planning and reporting requirements in this section
4 unless otherwise specified in the General Appropriations Act.

5 1. For projects with a total cost ranging from
6 \$500,000 to \$1,999,999, agencies must appoint a dedicated
7 project manager to implement the agency's project management
8 methodology and ensure that needed project planning and
9 management requirements are fulfilled.

10 2. For projects with a total cost ranging from
11 \$500,000 to \$10 million which involve routine hardware or
12 software upgrades for a single agency, the agency must appoint
13 a project manager to implement the agency's project management
14 methodology and ensure that needed project planning and
15 management requirements are fulfilled.

16 3. For projects with a total cost ranging from \$2
17 million to \$10 million which will impact the general public or
18 which can change or affect an agency's organizational
19 structure, headcount, business processes, or service delivery
20 model, the agency must appoint a dedicated project manager and
21 project management team and ensure that all project management
22 provisions of this section are implemented.

23 4. For any project with a total cost greater than \$10
24 million, the agency must appoint a dedicated project manager
25 and project management team and ensure that all project
26 management provisions of this section are implemented.

27 (b) The purposes of information technology portfolio
28 management are to:

29 1. Link information technology investments in the
30 agency's approved information technology services catalog to
31 agency functions, plans, goals, and objectives that justify

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1 information technology investments on the basis of validated
2 business cases.

3 2. Establish and implement formal risk assessment and
4 risk mitigation associated with the implementation of
5 information technology projects and investments.

6 3. Identify information technology projects that span
7 multiple programs or multiple agencies in order to leverage
8 resources.

9 4. Analyze the effect of proposed new information
10 technology investments on existing infrastructure and business
11 functions.

12 (c) The information technology portfolio shall
13 include, but need not be limited to:

14 1. The agency's information technology services
15 catalog as defined in this section.

16 2. A summary statement of the agency's mission, goals,
17 and objectives for information technology which are supported
18 through the agency's information technology portfolio.

19 3. Identification of projects and resources required
20 to meet the objectives of the portfolio.

21 4. Estimated schedules and funding required to
22 implement approved information technology projects and to
23 provide information technology services identified in the
24 information technology services catalog.

25 (d) The agency shall submit its information technology
26 portfolio as part of its legislative budget request in the
27 manner and form prescribed in the legislative budget request
28 instructions as provided in section 216.023, Florida Statutes.

29 (e) The agency shall implement and administer a
30 project management methodology that:

31 1. Contains a narrative description of the project's

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1 major business objectives to be obtained, major deliverables
2 to be produced, major milestones or activities to be
3 completed, and any significant project assumptions or
4 constraints.

5 2. Provides a summary-level description of all tasks
6 required to complete the project.

7 3. Describes the planned project schedule and
8 specifies major milestones, deliverables, tasks, and
9 activities.

10 4. Describes all estimated expenditures and baseline
11 costs expected to be incurred by the project during each
12 fiscal year.

13 5. Describes the project's organizational structure
14 and the major roles and responsibilities of project team
15 members, project sponsors, the project steering committee, and
16 user advisory groups. If the project involves multiple
17 agencies, the project organization shall include appropriate
18 representation from all affected agencies. These entities
19 together are accountable for the successful implementation of
20 the project. The roles and responsibilities for these entities
21 shall include identification and resolution of project issues
22 and assessment and mitigation of project risks.

23 6. Describes the process and procedures used to
24 identify and manage the project's risks.

25 7. Describes the processes and procedures used to
26 manage the change requirements of the project. When a project
27 exceeds its approved scope, schedule or budget by more than 25
28 percent, the agency shall prepare a project recovery plan.

29 8. Directs the project team to:

30 a. Develop a comprehensive list of issues and problems
31 requiring resolution;

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1 b. Prepare a list that identifies all required
2 corrective actions necessary to successfully recover the
3 project; and

4 c. Prepare a fully resourced schedule that identifies
5 major milestones and deliverables needed to complete the
6 project's recovery and successfully complete the project.

7
8 Based upon analysis of the project recovery plan as provided
9 for in this subsection and all relevant project status
10 reports, if the agency determines that an information
11 technology project cannot be recovered, the agency shall
12 implement steps needed to terminate the project. Written
13 notice of the agency's intent to terminate shall be provided
14 to the Director of the Office of Policy and Budget and the
15 chairs of the legislative appropriations committees.

16 (f) Prior to proceeding with any major information
17 technology project, an agency shall submit the required
18 feasibility study documentation or other required
19 documentation as prescribed in the legislative budget request
20 instructions provided for in section 216.023, Florida
21 Statutes.

22 (4) INFORMATION TECHNOLOGY MANAGEMENT PROCESS.--The
23 agency information technology investment management process
24 shall be administered by the agency head and include executive
25 managers from across the agency's program areas.

26 Section 2. Subsections (2) and (3) of section 20.22,
27 Florida Statutes, are amended to read:

28 20.22 Department of Management Services.--There is
29 created a Department of Management Services.

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

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- 1 (a) Facilities Program.
- 2 (b) ~~State Technology Program Office.~~
- 3 (c) Workforce Program.
- 4 (d)1. Support Program.
- 5 2. Federal Property Assistance Program.
- 6 (e) Administration Program.
- 7 (f) Division of Administrative Hearings.
- 8 (g) Division of Retirement.
- 9 (h) Division of State Group Insurance.

10 (3) The ~~State Technology Program Office~~ shall operate
 11 and manage the Technology Resource Center.

12 Section 3. Paragraphs (e) and (w) of subsection (2) of
 13 section 110.205, Florida Statutes, are repealed.

14 Section 4. Section 186.022, Florida Statutes, is
 15 repealed.

16 Section 5. Pursuant to section 216.351, Florida
 17 Statutes, paragraph (c) of subsection (1) of section 216.292,
 18 Florida Statutes, is repealed.

19 Section 6. Section 282.0041, Florida Statutes, is
 20 amended to read:

21 282.0041 Definitions.--For the purposes of this part,
 22 the term:

23 (1) "Agency" means those entities described in s.
 24 216.011(1)(qq) .

25 ~~(2) "Agency Annual Enterprise Resource Planning and~~
 26 ~~Management Report" means the report prepared by each Agency~~
 27 ~~Chief Information Officer as required by s. 282.3063.~~

28 ~~(3) "Agency Chief Information Officer" means the~~
 29 ~~person appointed by the State Technology Office to coordinate~~
 30 ~~and manage the information technology policies and activities~~
 31 ~~applicable to that agency.~~

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1 ~~(2)(4)~~ "Agency Chief Information Officers Council"
2 means the council created in s. 282.315 to facilitate the
3 sharing and coordination of information technology issues and
4 initiatives among the agencies.

5 (3) "Department" means the Department of Management
6 Services.

7 ~~(4)(5)~~ "Enterprise resources management
8 infrastructure" means the hardware, software, networks, data,
9 human resources, policies, standards, facilities, maintenance,
10 and related materials and services that are required to
11 support the business processes of an agency or state
12 enterprise.

13 ~~(5)(6)~~ "Enterprise resource planning and management"
14 means the planning, budgeting, acquiring, developing,
15 organizing, directing, training, control, and related services
16 associated with government information technology. The term
17 encompasses information and related resources, as well as the
18 controls associated with their acquisition, development,
19 dissemination, and use.

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

29 ~~(7)(8)~~ "Project" means an undertaking directed at the
30 accomplishment of a strategic objective relating to enterprise
31 resources management or a specific appropriated program.

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

4 (8)~~(10)~~ "Standards" means the use of current, open,
5 nonproprietary, or non-vendor-specific technologies.

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

8 (9)~~(12)~~ "Total cost" means all costs associated with
9 information technology projects or initiatives, including, but
10 not limited to, value of hardware, software, service,
11 maintenance, incremental personnel, and facilities. Total
12 cost of a loan or gift of information technology resources to
13 an agency includes the fair market value of the resources,
14 except that the total cost of loans or gifts of information
15 technology to state universities to be used in instruction or
16 research does not include fair market value.

17 Section 7. Section 282.005, Florida Statutes, is
18 repealed.

19 Section 8. Section 282.0055, Florida Statutes, is
20 created to read:

21 282.0055 Limitation with respect to cabinet
22 personnel.--The department and the Florida Technology Council
23 may not take any action affecting the supervision, control,
24 management, or coordination of information technology and
25 information technology personnel that any cabinet officer
26 listed in s. 4, Art. IV of the State Constitution deems
27 necessary for the exercise of his or her statutory or
28 constitutional duties.

29 Section 9. Section 282.102, Florida Statutes, is
30 amended to read:

31 ~~282.102 Creation of the State Technology Office;~~

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1 Powers and duties of the department.--~~There is created a State~~
2 ~~Technology Office within The powers and duties of the~~
3 ~~department include of Management Services. The office shall be~~
4 ~~a separate budget entity, and shall be headed by a Chief~~
5 ~~Information Officer who is appointed by the Governor and is in~~
6 ~~the Senior Management Service. The Chief Information Officer~~
7 ~~shall be an agency head for all purposes. The Department of~~
8 ~~Management Services shall provide administrative support and~~
9 ~~service to the office to the extent requested by the Chief~~
10 ~~Information Officer. The office may adopt policies and~~
11 ~~procedures regarding personnel, procurement, and transactions~~
12 ~~for State Technology Office personnel. The office shall have~~
13 ~~the following powers, duties, and functions:~~

14 (1) To publish electronically the portfolio of
15 services available from the office, including pricing
16 information; the policies and procedures of the office
17 governing usage of available services; and a forecast of the
18 priorities and initiatives for the state communications system
19 for the ensuing 2 years.

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

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

26 (4) ~~To advise and render aid to state agencies and~~
27 ~~political subdivisions of the state as to systems or methods~~
28 ~~to be used for organizing and meeting information technology~~
29 ~~requirements efficiently and effectively.~~

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

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1 ~~(6) To adopt technical standards for the state~~
2 ~~information technology system which will assure the~~
3 ~~interconnection of computer networks and information systems~~
4 ~~of agencies.~~

5 ~~(7) To assume management responsibility for any~~
6 ~~integrated information technology system or service when~~
7 ~~determined by the office to be economically efficient or~~
8 ~~performance-effective.~~

9 (2)~~(8)~~ To enter into service-level agreements ~~related~~
10 ~~to information technology~~ with state agencies and political
11 subdivisions of the state for use of the Technology Resource
12 Center.

13 ~~(9) To use and acquire, with agency concurrence,~~
14 ~~information technology now owned or operated by any agency.~~

15 (3)~~(10)~~ To purchase from or contract with information
16 technology providers for information technology, including
17 private line services.

18 (4)~~(11)~~ To apply for, receive, and hold, and to assist
19 agencies in applying for, receiving, or holding, such
20 authorizations, patents, copyrights, trademarks, service
21 marks, licenses, and allocations or channels and frequencies
22 to carry out the purposes of this part.

23 (5)~~(12)~~ To purchase, lease, or otherwise acquire and
24 to hold, sell, transfer, license, or otherwise dispose of
25 real, personal, and intellectual property, including, but not
26 limited to, patents, trademarks, copyrights, and service
27 marks.

28 (6)~~(13)~~ To cooperate with any federal, state, or local
29 emergency management agency in providing for emergency
30 communications services.

31 (7)~~(14)~~ To delegate, as necessary, to state agencies

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1 the authority to purchase, lease, or otherwise acquire and to
2 use information technology or, as necessary, to control and
3 approve the purchase, lease, or acquisition and the use of all
4 information technology, including, but not limited to,
5 communications services provided as part of any other total
6 system to be used by the state or any of its agencies.

7 ~~(8)(15)~~ To acquire ownership, possession, custody, and
8 control of existing communications equipment and facilities,
9 including all right, title, interest, and equity therein, as
10 necessary, to carry out the purposes of this part. However,
11 the provisions of this subsection shall in no way affect the
12 rights, title, interest, or equity in any such equipment or
13 facilities owned by, or leased to, the state or any state
14 agency by any telecommunications company.

15 ~~(9)(16)~~ To adopt rules pursuant to ss. 120.536(1) and
16 120.54 relating to information technology and to administer
17 the provisions of this part.

18 ~~(10)(17)~~ To provide a means whereby political
19 subdivisions of the state may use state information technology
20 systems upon such terms and under such conditions as the
21 department ~~office~~ may establish.

22 ~~(11)(18)~~ To apply for and accept federal funds for any
23 of the purposes of this part as well as gifts and donations
24 from individuals, foundations, and private organizations.

25 ~~(12)(19)~~ To monitor issues relating to communications
26 facilities and services before the Florida Public Service
27 Commission and, when necessary, prepare position papers,
28 prepare testimony, appear as a witness, and retain witnesses
29 on behalf of state agencies in proceedings before the
30 commission.

31 ~~(13)(20)~~ Unless delegated to the agencies by the

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1 department ~~Chief Information Officer~~, to manage and control,
2 but not intercept or interpret, communications within the
3 SUNCOM Network by:

4 (a) Establishing technical standards to physically
5 interface with the SUNCOM Network.

6 (b) Specifying how communications are transmitted
7 within the SUNCOM Network.

8 (c) Controlling the routing of communications within
9 the SUNCOM Network.

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

12 (e) Ensuring orderly and reliable communications
13 services in accordance with the service level agreements
14 executed with state agencies.

15 ~~(14)~~ ~~(21)~~ To plan, design, and conduct experiments for
16 information technology services, equipment, and technologies,
17 and to implement enhancements in the state information
18 technology system when in the public interest and
19 cost-effective. Funding for such experiments shall be derived
20 from SUNCOM Network service revenues and shall not exceed 2
21 percent of the annual budget for the SUNCOM Network for any
22 fiscal year or as provided in the General Appropriations Act.
23 New services offered as a result of this subsection shall not
24 affect existing rates for facilities or services.

25 ~~(15)~~ ~~(22)~~ To enter into contracts or agreements, with
26 or without competitive bidding or procurement, to make
27 available, on a fair, reasonable, and nondiscriminatory basis,
28 property and other structures under office control for the
29 placement of new facilities by any wireless provider of mobile
30 service as defined in 47 U.S.C. s. 153(n) or s. 332(d) and any
31 telecommunications company as defined in s. 364.02 when it is

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1 determined to be practical and feasible to make such property
 2 or other structures available. The department office may,
 3 without adopting a rule, charge a just, reasonable, and
 4 nondiscriminatory fee for the placement of the facilities,
 5 payable annually, based on the fair market value of space used
 6 by comparable communications facilities in the state. The
 7 department office and a wireless provider or
 8 telecommunications company may negotiate the reduction or
 9 elimination of a fee in consideration of services provided to
 10 the department office by the wireless provider or
 11 telecommunications company. All such fees collected by the
 12 department office shall be deposited directly into the Law
 13 Enforcement Radio Operating Trust Fund, and may be used by the
 14 department office to construct, maintain, or support the
 15 system.

16 ~~(16)(23)~~ To provide an integrated electronic system
 17 for deploying government products, services, and information
 18 to individuals and businesses which reflects cost-effective
 19 deployment strategies in keeping with industry standards and
 20 practices and includes protections and security of private
 21 information, as well as maintenance of public records.

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

26 ~~(b) The office shall provide a method for assessing~~
 27 ~~fiscal accountability for the integrated electronic system and~~
 28 ~~shall establish the organizational structure required to~~
 29 ~~implement this system.~~

30 ~~(24) To provide administrative support to the Agency~~
 31 ~~Chief Information Officers Council and other workgroups~~

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1 ~~created by the Chief Information Officer.~~

2 ~~(25) To facilitate state information technology~~
3 ~~education and training for senior management and other agency~~
4 ~~staff.~~

5 ~~(26) To prepare, on behalf of the Executive Office of~~
6 ~~the Governor, memoranda on recommended guidelines and best~~
7 ~~practices for information resources management, when~~
8 ~~requested.~~

9 ~~(27) To prepare, publish, and disseminate the State~~
10 ~~Annual Report on Enterprise Resource Planning and Management~~
11 ~~under s. 282.310.~~

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

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

17 ~~(17)(30)~~ To designate a State Chief Privacy Officer
18 who shall be responsible for the continual review of policies,
19 laws, rules, and practices of state agencies which may affect
20 the privacy concerns of state residents.

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

23 282.103 SUNCOM Network; exemptions from the required
24 use.--

25 (1) There is created within the department ~~State~~
26 ~~Technology Office~~ the SUNCOM Network, which shall be developed
27 to serve as the state communications system for providing
28 local and long-distance communications services to state
29 agencies, political subdivisions of the state, municipalities,
30 state universities, and nonprofit corporations pursuant to ss.
31 282.101-282.111. The SUNCOM Network shall be developed to

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1 transmit all types of communications signals, including, but
2 not limited to, voice, data, video, image, and radio. State
3 agencies shall cooperate and assist in the development and
4 joint use of communications systems and services.

5 (2) The department ~~State Technology Office~~ shall
6 design, engineer, implement, manage, and operate through state
7 ownership, commercial leasing, or some combination thereof,
8 the facilities and equipment providing SUNCOM Network
9 services, and shall develop a system of equitable billings and
10 charges for communication services.

11 (3) All state agencies and state universities are
12 required to use the SUNCOM Network for agency and state
13 university communications services as the services become
14 available; however, no agency or university is relieved of
15 responsibility for maintaining communications services
16 necessary for effective management of its programs and
17 functions. If a SUNCOM Network service does not meet the
18 communications requirements of an agency or university, the
19 agency or university shall notify the department ~~State~~
20 ~~Technology Office~~ in writing and detail the requirements for
21 that communications service. If the department ~~office~~ is
22 unable to meet an agency's or university's requirements by
23 enhancing SUNCOM Network service, the department ~~office~~ may
24 grant the agency or university an exemption from the required
25 use of specified SUNCOM Network services.

26 Section 11. Section 282.104, Florida Statutes, is
27 amended to read:

28 282.104 Use of state SUNCOM Network by
29 municipalities.--Any municipality may request the department
30 ~~State Technology Office~~ to provide any or all of the SUNCOM
31 Network's portfolio of communications services upon such terms

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1 and under such conditions as the department office may
 2 establish. The requesting municipality shall pay its share of
 3 installation and recurring costs according to the published
 4 rates for SUNCOM Network services and as invoiced by the
 5 department office. Such municipality shall also pay for any
 6 requested modifications to existing SUNCOM Network services,
 7 if any charges apply.

8 Section 12. Subsections (1) and (4) of section
 9 282.105, Florida Statutes, are amended to read:

10 282.105 Use of state SUNCOM Network by nonprofit
 11 corporations.--

12 (1) The department State Technology Office shall
 13 provide a means whereby private nonprofit corporations under
 14 contract with state agencies or political subdivisions of the
 15 state may use the state SUNCOM Network, subject to the
 16 limitations in this section. In order to qualify to use the
 17 state SUNCOM Network, a nonprofit corporation shall:

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

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

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

31 Section 13. Section 282.106, Florida Statutes, is

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1 amended to read:

2 282.106 Use of SUNCOM Network by libraries.--The
3 ~~department State Technology Office~~ may provide SUNCOM Network
4 services to any library in the state, including libraries in
5 public schools, community colleges, state universities, and
6 nonprofit private postsecondary educational institutions, and
7 libraries owned and operated by municipalities and political
8 subdivisions.

9 Section 14. Subsections (1) and (2) of section
10 282.107, Florida Statutes, are amended to read:

11 282.107 SUNCOM Network; criteria for usage.--

12 (1) The ~~department State Technology Office~~ shall
13 periodically review the qualifications of subscribers using
14 the state SUNCOM Network and shall terminate services provided
15 to any facility not qualified pursuant to ss. 282.101-282.111
16 or rules adopted hereunder. In the event of nonpayment of
17 invoices by subscribers whose SUNCOM Network invoices are paid
18 from sources other than legislative appropriations, such
19 nonpayment represents good and sufficient reason to terminate
20 service.

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

26 Section 15. Subsections (1), (3), (4), (5), and (6) of
27 section 282.1095, Florida Statutes, and paragraphs (f), (g),
28 and (h) of subsection (2) of that section, are amended to
29 read:

30 282.1095 State agency law enforcement radio system and
31 interoperability network.--

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1 (1) The department ~~State Technology Office~~ may acquire
2 and implement a statewide radio communications system to serve
3 law enforcement units of state agencies, and to serve local
4 law enforcement agencies through mutual aid channels. The
5 Joint Task Force on State Agency Law Enforcement
6 Communications is established in the department ~~State~~
7 ~~Technology Office~~ to advise the department ~~office~~ of
8 member-agency needs for the planning, designing, and
9 establishment of the joint system. The State Agency Law
10 Enforcement Radio System Trust Fund is established in the
11 department ~~State Technology Office~~. The trust fund shall be
12 funded from surcharges collected under ss. 320.0802 and
13 328.72.

14 (2)

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

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

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

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

25 (3) Upon appropriation, moneys in the trust fund may
26 be used by the department ~~office~~ to acquire by competitive
27 procurement the equipment; software; and engineering,
28 administrative, and maintenance services it needs to
29 construct, operate, and maintain the statewide radio system.
30 Moneys in the trust fund collected as a result of the
31 surcharges set forth in ss. 320.0802 and 328.72 shall be used

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1 to help fund the costs of the system. Upon completion of the
2 system, moneys in the trust fund may also be used by the
3 department office to provide for payment of the recurring
4 maintenance costs of the system.

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

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

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

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

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1 may:

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

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

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

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

24 Section 16. Section 282.111, Florida Statutes, is
25 amended to read:

26 282.111 Statewide system of regional law enforcement
27 communications.--

28 (1) It is the intent and purpose of the Legislature
29 that a statewide system of regional law enforcement
30 communications be developed whereby maximum efficiency in the
31 use of existing radio channels is achieved in order to deal

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

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

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

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

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

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

27 (4) The secretary ~~Chief Information Officer~~ of the
 28 department ~~State Technology Office~~ or his or her designee is
 29 designated as the director of the statewide system of regional
 30 law enforcement communications and, for the purpose of
 31 carrying out ~~the provisions of~~ this section, is authorized to

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1 coordinate the activities of the system with other interested
2 state agencies and local law enforcement agencies.

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

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

11 Section 17. Section 282.20, Florida Statutes, is
12 amended to read:

13 282.20 Technology Resource Center.--

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

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

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

20 2. "Customer" means a state agency or other entity
21 which is authorized to use ~~utilize~~ the SUNCOM Network pursuant
22 to this part.

23 (2) The Technology Resource Center shall:

24 (a) Serve ~~the office and other~~ customers as an
25 information-system utility.

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

29 (c) Cooperate with the Florida Legal Resource Center
30 of the Department of Legal Affairs and other state agencies to
31 develop and provide access to repositories of legal

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1 information throughout the state.

2 (d) ~~Cooperate with the office to~~ Facilitate
3 interdepartmental networking and integration of network
4 services for its customers.

5 (e) Assist customers in testing and evaluating new and
6 emerging technologies that could be used to meet the needs of
7 the state.

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

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

21 ~~(5) Notwithstanding the provisions of s. 216.272, the~~
22 ~~Technology Resource Center may spend funds in the reserve~~
23 ~~account of the Technology Enterprise Operating Trust Fund for~~
24 ~~enhancements to center operations or for information~~
25 ~~technology resources. Any expenditure of reserve account funds~~
26 ~~must be approved by the Chief Information Officer. Any funds~~
27 ~~remaining in the reserve account at the end of the fiscal year~~
28 ~~may be carried forward and spent as approved by the Chief~~
29 ~~Information Officer, provided that such approval conforms to~~
30 ~~any applicable provisions of chapter 216.~~

31 Section 18. Section 282.21, Florida Statutes, is

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1 amended to read:

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

11 Section 19. Section 282.22, Florida Statutes, is
12 amended to read:

13 282.22 ~~State Technology Office~~, Production,
14 dissemination, and ownership of materials and products.--

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

24 (2) To accomplish this objective the department may
25 ~~office is authorized to~~ publish or partner with private sector
26 entities to produce or have produced materials and products
27 and to make them readily available for appropriate use. The
28 department may ~~office is authorized to~~ charge an amount or
29 receive value-added services adequate to cover the essential
30 cost of producing and disseminating such materials,
31 information, services, or products and may is authorized to

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1 sell services.

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

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

24 Section 20. Section 282.23, Florida Statutes, is
25 repealed.

26 Section 21. Section 282.3025, Florida Statutes, is
27 created to read:

28 282.3025 Florida Technology Council; duties and
29 functions.--

30 (1) There is created the Florida Technology Council
31 within the Department of Management Services. The council

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1 shall be headed by the State Technology Officer who is
2 appointed by and reports to the Administration Commission. The
3 Department of Management Services shall provide administrative
4 support and services to the council.

5 (2) The council shall have the following duties and
6 functions:

7 (a) Develop and submit to the Administration
8 Commission by January 15, 2006, a Statewide Information
9 Technology Strategic Plan consistent with the provisions of
10 sections 216.023 and 282.3032, Florida Statutes, in
11 consultation with the Agency Chief Information Officers
12 Council. The plan must describe how the state should align its
13 information technology resources and assets to an enterprise
14 perspective that will allow the state to focus its investments
15 on those information technology initiatives that will enable
16 significant improvements in statewide service delivery and
17 business operations. The plan must include, but need not be
18 limited to, a description of how the state can deploy
19 information technology that will:

20 1. Make state governmental information and services
21 more accessible to residents and the state's clients;

22 2. Implement common business applications and systems
23 to improve governmental efficiency and cost-effectiveness; and

24 3. Lower costs and improve the security and
25 performance of the state's information technology
26 infrastructure.

27
28 The council shall identify actions required to implement the
29 plan and improve the application of information technology
30 across state government.

31 (b) Provide assistance to state agencies in

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1 implementing the information technology portfolio management
2 process and the project planning and management requirements
3 as required by section 1 of this act. The council shall
4 provide quarterly status reports to the Administration
5 Commission detailing the status of each agency's compliance
6 with section 1 of this act.

7 Section 22. Section 282.3031, Florida Statutes, is
8 amended to read:

9 282.3031 Assignment of information resources
10 management responsibilities.--For purposes of ss.
11 282.303-282.322, to ensure the best management of state
12 information technology resources, and notwithstanding other
13 provisions of law to the contrary, the functions of
14 information resources management are assigned to the
15 university boards of trustees for the development and
16 implementation of planning, management, rulemaking, standards,
17 and guidelines for the state universities; to the community
18 college boards of trustees for establishing and developing
19 rules for the community colleges; to the Supreme Court for the
20 judicial branch; and to each state attorney and public
21 defender; ~~and to the State Technology Office for the agencies~~
22 ~~within the executive branch of state government.~~

23 Section 23. Section 282.3055, Florida Statutes, is
24 repealed.

25 Section 24. Section 282.3063, Florida Statutes, is
26 repealed.

27 Section 25. Section 282.310, Florida Statutes, is
28 repealed.

29 Section 26. Subsections (1) and (3) of section
30 282.315, Florida Statutes, are amended to read:

31 282.315 Agency Chief Information Officers Council;

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1 creation.--The Legislature finds that enhancing communication,
 2 consensus building, coordination, and facilitation of
 3 statewide enterprise resource planning and management issues
 4 is essential to improving state management of such resources.

5 (1) There is created an Agency Chief Information
 6 Officers Council to:

7 (a) Enhance communication among the Agency Chief
 8 Information Officers by sharing enterprise resource planning
 9 and management experiences and exchanging ideas.

10 (b) Facilitate the sharing of best practices that are
 11 characteristic of highly successful technology organizations,
 12 as well as exemplary information technology applications of
 13 state agencies.

14 (c) Identify efficiency opportunities among state
 15 agencies.

16 (d) Serve as an educational forum for enterprise
 17 resource planning and management issues.

18 (e) Assist the Florida Technology Council ~~State~~
 19 ~~Technology Office~~ in identifying critical statewide issues
 20 and, when appropriate, make recommendations for solving
 21 enterprise resource planning and management deficiencies which
 22 would improve delivery of information technology services in
 23 the state.

24 ~~(3) The State Technology Office shall provide~~
 25 ~~administrative support to the council.~~

26 Section 27. Subsection (2) of section 282.318, Florida
 27 Statutes, is amended to read:

28 282.318 Security of data and information technology
 29 resources.--

30 (2) (a) Each agency head ~~The State Technology Office,~~
 31 in consultation with the Department of Law Enforcement ~~each~~

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1 ~~agency head~~, is responsible and accountable for assuring an
2 adequate level of security for all data and information
3 technology resources of each agency and, to carry out this
4 responsibility, shall, at a minimum:

5 1. Designate an information security manager who shall
6 administer the security program of each agency for its data
7 and information technology resources.

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

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

24 4. Implement appropriate cost-effective safeguards to
25 reduce, eliminate, or recover from the identified risks to the
26 data and information technology resources of each agency.

27 5. Ensure that periodic internal audits and
28 evaluations of each security program for the data and
29 information technology resources of the agency are conducted.
30 The results of such internal audits and evaluations are
31 confidential information and exempt from ~~the provisions of~~ s.

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1 119.07(1), except that such information shall be available to
 2 the Auditor General in performing his or her postauditing
 3 duties.

4 6. Include appropriate security requirements, as
 5 determined by the agency State Technology Office, in
 6 consultation with the Department of Law Enforcement ~~each~~
 7 ~~agency head~~, in the written specifications for the
 8 solicitation of information technology resources.

9 (b) In those instances in which the department State
 10 ~~Technology Office~~ develops state contracts for use by state
 11 agencies, the department ~~office~~ shall include appropriate
 12 security requirements in the specifications for the
 13 solicitation for state contracts for procuring information
 14 technology resources.

15 Section 28. Subsection (2) of section 282.322, Florida
 16 Statutes, is repealed.

17 Section 29. Paragraph (b) of subsection (4), paragraph
 18 (a) of subsection (15), and subsection (16) of section
 19 287.042, Florida Statutes, are amended to read:

20 287.042 Powers, duties, and functions.--The department
 21 shall have the following powers, duties, and functions:

22 (4)

23 (b) To prescribe, ~~in consultation with the State~~
 24 ~~Technology Office~~, procedures for procuring information
 25 technology and information technology consultant services
 26 which provide for public announcement and qualification,
 27 competitive solicitations, contract award, and prohibition
 28 against contingent fees. Such procedures must ~~shall~~ be limited
 29 to information technology consultant contracts for which the
 30 total project costs, or planning or study activities, are
 31 estimated to exceed the threshold amount provided for in s.

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1 287.017, for CATEGORY TWO.

2 (15) (a) To enter into joint agreements with
3 governmental agencies, as defined in s. 163.3164(10), for the
4 purpose of pooling funds for the purchase of commodities or
5 information technology that can be used by multiple agencies.
6 ~~However, the department shall consult with the State~~
7 ~~Technology Office on joint agreements that involve the~~
8 ~~purchase of information technology.~~ Agencies entering into
9 joint purchasing agreements with the department ~~or the State~~
10 ~~Technology Office~~ shall authorize the department ~~or the State~~
11 ~~Technology Office~~ to contract for such purchases on their
12 behalf.

13 (16) ~~(a)~~ To evaluate contracts let by the Federal
14 Government, another state, or a political subdivision for the
15 provision of commodities and contract services, and, when it
16 is determined in writing to be cost-effective and in the best
17 interest of the state, to enter into a written agreement
18 authorizing an agency to make purchases under a contract
19 approved by the department and let by the Federal Government,
20 another state, or a political subdivision.

21 ~~(b) For contracts pertaining to the provision of~~
22 ~~information technology, the State Technology Office, in~~
23 ~~consultation with the department, shall assess the~~
24 ~~technological needs of a particular agency, evaluate the~~
25 ~~contracts, and determine whether to enter into a written~~
26 ~~agreement with the letting federal, state, or political~~
27 ~~subdivision body to provide information technology for a~~
28 ~~particular agency.~~

29 Section 30. Subsection (24) of section 287.057,
30 Florida Statutes, is repealed.

31 Section 31. Subsections (2), (5), (6), and (9) of

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1 section 445.049, Florida Statutes, are amended to read:

2 445.049 Digital Divide Council.--

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

6 (a) The Secretary of Management Services or his or her
7 ~~designee chief information officer in the State Technology~~
8 ~~Office~~.

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

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

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

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

15 (f) The Commissioner of Education.

16 (g) The chair of the Network Access Point of the
17 Americas.

18 (h) A representative of the information technology
19 industry in this state appointed by the Speaker of the House
20 of Representatives.

21 (i) A representative of the information technology
22 industry in this state appointed by the President of the
23 Senate.

24 (j) Two members of the House of Representatives, who
25 shall be ex officio, nonvoting members of the council,
26 appointed by the Speaker of the House of Representatives, one
27 of whom shall be a member of the Republican Caucus and the
28 other of whom shall be a member of the Democratic Caucus.

29 (k) Two members of the Senate, who shall be ex
30 officio, nonvoting members of the council, appointed by the
31 President of the Senate, one of whom shall be a member of the

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1 Republican Caucus and the other of whom shall be a member of
2 the Democratic Caucus.

3 (5) ADMINISTRATIVE AND TECHNICAL SUPPORT; PAYMENT OF
4 SUPPORT COSTS.--The Department of Management Services State
5 ~~Technology Office~~ shall provide such administrative and
6 technical support to the council as is reasonably necessary
7 for the council to effectively and timely carry out its duties
8 and responsibilities. All direct and indirect costs of
9 providing such support and performing the other duties
10 assigned to the Department of Management Services State
11 ~~Technology Office~~ related to design and implementation of the
12 programs authorized by this section may be paid from
13 appropriations authorized to be used for such purposes.

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

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1 the programs to urban and rural communities alike.

2 Implementation of all such pilot and model programs shall be
3 administered by and through the local workforce development
4 boards and each such board shall coordinate and confirm the
5 ready availability and timely delivery of all elements of such
6 programs to ensure the highest probability of such programs
7 achieving their intended results.

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

17 Section 32. For the 2005-2006 fiscal year, the sum of
18 \$1.2 million in recurring funds is appropriated from the
19 General Revenue Fund and ten positions are authorized to the
20 Florida Technology Council to provide for personnel and other
21 expenses necessary to implement the council's responsibilities
22 pursuant to this act. Budget actions taken pursuant to this
23 section are subject to section 216.177, Florida Statutes, and
24 at least 14 days' notice shall be given to the chair and vice
25 chair of the Legislative Budget Commission.

26 Section 33. This act shall take effect July 1, 2005.

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