

Committee Substitute for Senate Bill No. 940

An act relating to information resources management; amending s. 11.39, F.S.; revising the duties of the Legislative Information Technology Resource Committee; amending s. 120.52, F.S.; providing an additional exclusion to the definition of "rule"; amending ss. 186.021 and 186.022, F.S.; revising provisions relating to information resources management in state agency strategic plans and review thereof; creating s. 216.0446, F.S.; authorizing a mechanism for the review of portions of agency strategic plans and legislative budget requests that pertain to information resource management needs; naming this mechanism the Technology Review Workgroup; amending s. 216.181, F.S.; requiring review and approval of amendments to approved budgets which involve specified information resource management initiatives or projects; amending s. 282.003, F.S.; revising the short title of ch. 282, F.S.; creating s. 282.005, F.S.; providing legislative findings and intent with respect to information resources management; amending s. 282.303, F.S.; revising definitions; creating s. 282.3031, F.S.; providing for assignment of information resources management responsibilities; creating s. 282.3032, F.S.; providing guiding principles for development and implementation of information systems; creating s. 282.3041, F.S.; providing for information resources management responsibilities within state agencies; creating s. 282.3055, F.S.; creating the position of Chief Information Officer; providing duties; creating s. 282.3063, F.S.; requiring an Agency Annual Information Resources Management Report; creating s. 282.3091, F.S.; creating the State Technology Council; providing legislative intent; providing membership, powers, and duties; creating s. 282.3093, F.S.; creating the State Technology Office; providing legislative intent; providing powers and duties; creating s. 282.310, F.S.; requiring a State Annual Report on Information Resources Management; creating s. 282.315, F.S.; creating the Chief Information Officers Council; providing legislative intent; providing purposes, membership, and duties; amending s. 282.102, F.S.; authorizing the Division of Communications of the Department of Management Services to publish electronically a portfolio of its services; specifying the information to be included in the portfolio; requiring that the information also be provided in hard copy; repealing s. 282.1021, F.S., which requires the Division of Communications to develop a biennial plan for communication services; amending s. 282.20, F.S., relating to the Technology Resource Center; removing references to the Information Resource Commission; amending s. 282.313, F.S.; revising membership and duties of the data processing policy boards; amending s. 282.318, F.S.; revising security requirements for data and information technology resources; amending s. 282.322, F.S., relating to special monitoring for designated information resources management projects; providing for the assumption of specified responsibilities by the Technology Review Workgroup; amending s. 282.404, F.S., relating to the Geographic

Information Board; requiring the board to develop an annual strategic plan; removing references to the Information Resource Commission; revising the membership of the Geographic Information Advisory Council; repealing s. 282.004, F.S., relating to legislative intent with respect to information resources management and paperwork reduction; repealing s. 282.304, F.S., which provides for the creation of the Information Resource Commission; repealing s. 282.307, F.S., which requires each department to submit a strategic plan for information resources management; repealing s. 282.308, F.S., which requires each state university to prepare a strategic plan for information resources management; repealing s. 282.312, F.S., which requires the submission of annual performance reports to the Information Resource Commission; repealing s. 287.0735, F.S., which requires the review of contracts relating to the acquisition of information technology resources by the Information Resource Commission; repealing s. 287.073(5), (6), (7), and (8), F.S., which creates the Information Technology Resource Procurement Advisory Council within the Department of Management Services; repealing s. 216.0445, F.S., relating to budget evaluation by the Information Resource Commission; repealing s. 282.309, F.S., which requires the preparation of strategic plans for information resources management by the judicial branch; repealing s. 282.311, F.S., which provides for information resource managers; repealing s. 282.305, F.S., which provides powers and duties of the Information Resource Commission and the Board of Regents with respect to information resources management; repealing s. 282.3061, F.S., which provides for a State Strategic Plan for Information Resources Management; repealing s. 282.3062, F.S., which requires an annual report on information resources management by the Information Resource Commission; repealing s. 282.314, F.S., which creates the Information Resources Management Advisory Council; amending s. 215.90, F.S.; renaming the "Florida Fiscal Accounting Management Information System Act" the "Florida Financial Management Information System Act"; amending s. 215.91, F.S.; providing legislative intent; amending s. 215.92, F.S.; revising definitions; amending s. 215.93, F.S.; providing requirements with respect to the Florida Financial Management Information System and its subsystems; amending s. 215.94, F.S.; revising provisions with respect to the designation, duties, and responsibilities of the functional owners; amending s. 215.95, F.S.; renaming the Fiscal Accounting Information Board as the Financial Management Information Board and revising its duties; requiring the board to develop an annual strategic plan; amending s. 215.96, F.S.; revising provisions with respect to the coordinating council and its membership and duties; providing for design and coordination staff; amending s. 216.141, F.S.; revising provisions with respect to budget system procedures and planning and programming by state agencies; creating a Health Information Systems Council to facilitate coordination and sharing of health-related data; requiring the council to develop and approve an annual strategic plan; amending ss. 20.19, 20.316, and 20.41, F.S., to conform and correct cross-references; amending s. 112.3145, F.S.; removing voting members of the Information Technology Resource Procurement

Advisory Council from the definition of “specified state employee”; amending s. 216.031, F.S.; correcting a cross-reference; amending ss. 216.235 and 216.236, F.S., to conform; amending s. 287.042, F.S., relating to the powers, duties, and functions of the Division of Purchasing of the Department of Management Services, to conform; amending s. 287.073, F.S.; conforming the definition of “information technology resources”; amending s. 943.08, F.S.; requiring the Criminal and Juvenile Justice Information Systems Council to develop and approve an annual strategic plan; requiring that the current staff of the Information Resource Commission be given priority consideration for vacant or new positions; providing for storage of records and requiring that the records of the Information Resource Commission be transferred to the State Technology Office; providing for the repeal of the administrative rules of the Information Resource Commission on June 30, 1998; providing for the transfer of specified unexpended appropriations to the Technology Review Workgroup; providing for a reviser’s bill; providing a definition; specifying the types of information to be included in the collaborative systems; specifying participants in the collaborative systems; requiring a steering committee to govern each collaborative system; requiring a system security plan; authorizing collaborative system members to share client information; imposing restrictions to protect confidential client information; encouraging participation in the collaborative systems; providing effective dates.

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

Section 1. Subsection (2) of section 11.39, Florida Statutes, is amended to read:

11.39 Legislative Information Technology Resource Committee; membership; powers; duties.—

(2) The committee shall:

~~(a) Recommend to the Legislature, at least annually, needed legislation in the area of information technology resource use and management.~~

~~(a)(b)~~ Maintain a continuous review of the use and management of information technology resources by the various agencies.

(b) Evaluate recommendations proposed by the State Technology Council with respect to information resources management issues and solicit the council’s comments on proposed information resources management legislation.

(c) In consultation with the Joint Legislative Auditing Committee, review and assess the implementation of the information resources initiatives or projects identified in the agency strategic plans.

(d) Recommend to the Legislature, at least annually, needed legislation in the area of information technology resource use and management.

~~(e)(e) Assist standing committees of the Senate and of the House of Representatives with such services as the joint committee may deem necessary, including, but not limited to, review of agency information technology resource plans as provided in s. 282.307 and evaluation of the overall impact of resource acquisitions on the productivity and services of the agencies.~~

Section 2. Paragraph (c) of subsection (15) of section 120.52, Florida Statutes, 1996 Supplement, is amended to read:

120.52 Definitions.—As used in this act:

(15) “Rule” means each agency statement of general applicability that implements, interprets, or prescribes law or policy or describes the procedure or practice requirements of an agency and includes any form which imposes any requirement or solicits any information not specifically required by statute or by an existing rule. The term also includes the amendment or repeal of a rule. The term does not include:

(c) The preparation or modification of:

1. Agency budgets.
2. Statements, memoranda, or instructions to state agencies issued by the Comptroller as chief fiscal officer of the state and relating or pertaining to claims for payment submitted by state agencies to the Comptroller.
3. Contractual provisions reached as a result of collective bargaining.
4. Memoranda issued by the Executive Office of the Governor relating to information resources management.

Section 3. Subsections (1), (2), and (4) of section 186.021, Florida Statutes, are amended to read:

186.021 State agency strategic plans.—

(1) A state agency strategic plan shall be a statement of the priority directions an agency will take to carry out its mission within the context of the state comprehensive plan and any other statutory mandates and authorizations given to the agency. Each state agency strategic plan must identify infrastructure needs, capital improvement needs, and information resources management projects or initiatives that involve more than one agency, that have an outcome that impacts another agency, or that exceed \$500,000 in total cost over a 1-year period. ~~Each agency strategic plan needs associated with agency programs and shall specify those objectives against which will be judged the agency's achievement of its goals and the goals of the state comprehensive plan. The state agency strategic plan shall be consistent with and shall further the goals of the state comprehensive plan.~~

(2) A state agency strategic plan shall be developed with a 5-year outlook and shall provide the strategic framework within which an agency's legislative budget request is and the agency Strategic Information Resource Management Plan are developed. ~~An agency's budget and its Strategic Informa-~~

tion Resource Management Plan shall be designed to further the agency's strategic plan.

(4) The Department of Environmental Protection, with regard to the plan required by s. 373.036, and the state land planning agency, with regard to the plan defined in s. 380.031(17), ~~and the Information Resource Commission, with regard to the plan defined in s. 282.3061,~~ shall prepare revisions to such plans no later than 6 months after the adoption of revisions to the growth management portion of the state comprehensive plan or by June 1 of each even-numbered year, whichever is later.

Section 4. Subsection (3) of section 186.022, Florida Statutes, 1996 Supplement, is amended, and subsection (9) is added to that section, to read:

186.022 State agency strategic plans; preparation, form, and review.—

(3) The Executive Office of the Governor shall review the state agency strategic plans to ensure that they are consistent with the state comprehensive plan and other requirements as specified in the written instructions. In its review, the Executive Office of the Governor shall consider all comments received in formulating required revisions. This shall include:

(a) The findings of the Statewide Health Council's review of the consistency of the health components of agency strategic plans with the health element of the state comprehensive plan;

(b) The findings of the Technology Review Workgroup as to the consistency of the information resources management portion of agency strategic plans with the State Annual Report on Information Resources Management and statewide policies recommended by the State Technology Council review of the Information Resource Commission with respect to the strategic information resources management issues not covered under paragraph (d); and

(c) The findings of the Criminal and Juvenile Justice Information Systems Council's review with respect to public safety system strategic information ~~technology~~ resources management issues.

Within 60 days, reviewed plans shall be returned to the agency, together with any required revisions. However, any required revisions relating to information resources management needs identified in the agency strategic plans are subject to the notice and review procedures set forth in s. 216.177 and must be approved by the Administration Commission for the executive branch and the Chief Justice for the judicial branch.

(9) By March 1 of each year, the Geographic Information Board, the Financial Management Information Board, the Criminal and Juvenile Justice Information Systems Council, and the Health Information Systems Council shall each develop a strategic plan following the general statutory requirements that are applicable to agencies pursuant to s. 186.021(1), (2), and (3). The strategic plan shall be subject to the requirements, and the review and approval processes, set forth in subsections (2) through (7), with the following exceptions:

(a) The Executive Office of the Governor, after consultation with the President of the Senate and Speaker of the House of Representatives, may prescribe a specific format and content for the strategic plans of coordinating boards and councils.

(b) The time periods for review and return of any required strategic plan revisions, incorporation of such revisions by the boards or councils, and resolution of disputes shall be established by the Executive Office of the Governor, after consultation with the President of the Senate and the Speaker of the House of Representatives.

Section 5. Section 216.0446, Florida Statutes, is created to read:

216.0446 Review of information resources management needs.—

(1) The Executive Office of the Governor may contract with the Legislature to provide a mechanism for review of and recommendations with respect to the portion of agencies' strategic plans which pertains to information resources management needs and with respect to agencies' legislative budget requests for information resources management. This mechanism shall be referred to as the Technology Review Workgroup, which shall be headed by a senior-level manager.

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

(a) To evaluate the information resource management needs identified in the agency strategic plans for consistency with the State Annual Report on Information Resources Management and statewide policies recommended by the State Technology Council, and make recommendations to the Executive Office of the Governor, pursuant to s. 186.022(3).

(b) To review and make recommendations to the Executive Office of the Governor and the chairs of the legislative fiscal committees on notices of proposed action for budget items with respect to information resources management initiatives or projects that involve more than one agency, that have an outcome that impacts another agency, or that exceed \$500,000 in total cost over a 1-year period.

(c) To make recommendations to the Executive Office of the Governor on guidelines and best practices for information resources management based on information received from the State Technology Council.

Section 6. Present subsections (4) through (14) of section 216.181, Florida Statutes, 1996 Supplement, are renumbered as subsections (5) through (15), respectively, and a new subsection (4) is added to that section to read:

216.181 Approved budgets for operations and fixed capital outlay.—

(4) All amendments to the original approved operating budgets, regardless of funding source, are subject to the notice and review procedures set forth in s. 216.177 and must be approved by the Governor and Administration Commission as provided in this chapter for the executive branch and

the Chief Justice for the judicial branch if the amendment is for an information resources management project or initiative that involves more than one agency, has an outcome that impacts another agency, or exceeds \$500,000 in total cost over a 1-year period.

Section 7. Section 282.003, Florida Statutes, 1996 Supplement, is amended to read:

282.003 Short title.—This chapter may be cited as the “Information Technology Resources Management Act of 1997 ~~1996~~.”

Section 8. Section 282.005, Florida Statutes, is created to read:

282.005 Legislative findings and intent.—The Legislature finds that:

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

(2) The state makes significant investments in information technology resources in order to manage information and to provide services to its citizens.

(3) The head of each state agency has primary responsibility and accountability for the planning, budgeting, acquisition, development, implementation, use, and management of information technology resources within the agency.

(4) The expanding need for, use of, and dependence on information technology resources requires focused management attention and managerial accountability by state agencies and the state as a whole.

(5) The agency head has primary responsibility for the agency’s information technology resources and for their use in accomplishing the agency’s mission. However, each agency shall also use its information technology resources in the best interests of the state as a whole and thus contribute to and make use of shared data and related resources whenever appropriate.

(6) The state shall provide, by whatever means is most cost-effective and efficient, the information resources management infrastructure needed to collect, store, and process the state’s data and information, provide connectivity, and facilitate the exchange of data and information among both public and private parties.

(7) A necessary part of the state’s information resources management infrastructure is a statewide communications system for all types of signals, including voice, data, video, radio, and image.

(8) To ensure the best management of the state’s information technology resources, and notwithstanding other provisions of law to the contrary, the functions of information resources management are hereby assigned to the Board of Regents as the agency responsible for the development and implementation of policy, planning, management, rulemaking, standards, and guidelines for the State University System; to the State Board of Community Colleges as the agency responsible for establishing and developing rules

and policies for the State Community College System; to the Supreme Court, for the judicial branch; and to each state attorney and public defender.

Section 9. Section 282.303, Florida Statutes, is amended to read:

282.303 Definitions.—For the purposes of ss. 282.303-282.322, the term:

(1) “Agency” means those entities described in chapter 216.

(2) “State Technology Council” means the council created in s. 282.3091 to develop a statewide vision for, and make recommendations on, information resources management. “Commission” means the Information Resource Commission as created by s. 282.304.

(3) “Chief Information Officer” means the person appointed by the agency head to coordinate and manage the information resources management policies and activities within that agency. “Common applications” means separately identifiable information technology resources that are used to support an objective and are shared statewide or agencywide.

(4) “Chief Information Officers Council” means the council created in s. 282.315 to facilitate the sharing and coordination of information resources management issues and initiatives among the agencies. “Common data structure” means logical data items or attributes that are shared statewide or agencywide.

(5) “State Technology Office” means the office created in s. 282.3093 to support specified information resource management activities and to facilitate educational and training opportunities. “Computing component” means the part of the agency’s technology architecture for supporting its data processing hardware and the agency’s strategy to facilitate common applications.

(6) “Data processing hardware” means information technology equipment designed for the automated storage, manipulation, and retrieval of data by electronic or mechanical means, or both, and includes, but is not limited to, central processing units, front-end processing units, including miniprocessors and microprocessors, and related peripheral equipment such as data storage devices, document scanners, data entry, terminal controllers and data terminal equipment, computer-related word processing systems, and equipment and systems for computer networks.

(7) “Data processing services” means all services that include, but are not limited to, feasibility studies, systems design, software development, or time-sharing services.

(8) “Data processing software” means the programs and routines used to employ and control the capabilities of data processing hardware, including, but not limited to, operating systems, compilers, assemblers, utilities, library routines, maintenance routines, applications, and computer networking programs.

(9) “Agency Annual Information Resources Management Report” means the report prepared by the Chief Information Officer of each agency as

required by s. 282.3063. “Department” means the principal administrative unit within the executive branch of state government as defined in chapter 20. For the purposes of ss. 282.303-282.313, the State Board of Administration, the Executive Office of the Governor, and the Game and Fresh Water Fish Commission shall be considered departments.

(10) “State Annual Report on Information Resources Management” means the report prepared by the State Technology Office as defined in s. 282.3093. “Executive director” means the executive director of the Information Resource Commission as provided in s. 282.304.

(11) “Project” means an undertaking directed at the accomplishment of a strategic objective relating to information resources management or a specific appropriated program. “Information architecture” means the set of common applications and common data structures that are planned to support statewide or agency objectives.

(12) “Information resources management” means the planning, budgeting, acquiring, developing, organizing, directing, training, and control associated with government information resources. The term encompasses information and related resources, as well as the controls associated with their acquisition, development, dissemination, and use.

(13) “Information technology resources” means data processing hardware and software and services, communications, supplies, personnel, facility resources, maintenance, and training. ~~The commission shall determine, by rule, the process control devices to be excluded from this definition.~~

(14) “Information resources management infrastructure” means the hardware, software, networks, data, human resources, policies, standards, and facilities that are required to support the business processes of an agency. “Infrastructure component” means the training, personnel, facilities, and administrative support for implementing the agency’s computing and network components of the technology architecture.

(15) “Technology Review Workgroup” means the workgroup created in s. 216.0446 to review and make recommendations on agencies’ information resource management planning and budgeting proposals. “Manager” means the information resource manager appointed by each department.

(16) “Total cost” means all costs associated with information resources management projects or initiatives, including, but not limited to, value of hardware, software, service, maintenance, incremental personnel, and facilities. Total cost of a loan or gift of information technology resources to an agency includes the fair market value of the resources, except that the total cost of loans or gifts of information technology resources to state universities to be used in instruction or research does not include fair market value. “Network component” means the framework for employing data communications resources in support of the agency’s technology architecture, including local and wide area network capabilities, and the agency’s strategy for facilitating common application access to common data structures.

~~(17) "Project" means an undertaking directed at the accomplishment of a strategic objective relating to information resources management or a specific appropriated program.~~

~~(18) "Reporting requirement" means a statutory provision that specifically requires a state governmental entity to prepare or have prepared on a regular or periodic basis a written account or record for the purpose of informing persons outside of the state governmental entity of matters relevant to the official business of the state governmental entity. The term does not include requirements for the preparation of legislative budget requests or the preparation of brochures, newsletters, handbooks, manuals, pamphlets, flyers, directories, or other similar documents.~~

~~(19) "State governmental entity" means any department, agency, or other unit of organization of the executive branch of state government, a unit of organization of the legislative branch of state government, a unit of organization of the judicial branch of state government, the State Board of Community Colleges, the Board of Regents, and the Public Service Commission.~~

Section 10. Sections 282.3031, 232.3032, 282.3041, 282.3055, 282.3063, 282.3091, 282.3093, 282.310 and 282.315, Florida Statutes, are created to read:

282.3031 Assignment of information resources management responsibilities.—For purposes of ss. 282.303-282.322, to ensure the best management of state information technology resources, and notwithstanding other provisions of law to the contrary, the functions of information resources management are hereby assigned to the Board of Regents as the agency responsible for the development and implementation of policy, planning, management, rulemaking, standards, and guidelines for the State University System; to the State Board of Community Colleges as the agency responsible for establishing and developing rules and policies for the State Community College System; to the Supreme Court for the judicial branch; and to each state attorney and public defender.

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

(1) Cooperative planning by state governmental entities is a prerequisite for the effective development and implementation of information systems to enable sharing of data.

(2) The planning process, as well as coordination of development efforts, should include all principals from the outset.

(3) State governmental entities should be committed to maximizing information sharing and moving away from proprietary positions taken relative to data they collect and maintain.

(4) State governmental entities should maximize public access to data, while complying with legitimate security, privacy, and confidentiality requirements.

(5) State governmental entities should strive for electronic sharing of information via networks to the extent possible.

(6) To the extent that state government entities charge each other for data, this practice, insofar as possible, should be eliminated. Further, when the capture of data for mutual benefit can be accomplished, the costs for the development, capture, and network for access to that data should be shared.

(7) The redundant capture of data should, insofar as possible, be eliminated.

(8) Only data that are auditable, or that otherwise can be determined to be accurate, valid, and reliable, should be maintained.

(9) Methods of sharing data among different protocols should be developed without requiring major redesign or replacement of individual systems.

(10) Consistency of data elements should be achieved by establishing standard data definitions and formats when possible.

282.3041 State agency responsibilities.—The head of each state agency is responsible and accountable for information resources management within the agency in accordance with legislative intent and as defined in this chapter.

282.3055 Agency Chief Information Officer; appointment; duties.—

(1)(a) To assist the agency head in carrying out the information resources management responsibilities, the agency head shall appoint or contract for a Chief Information Officer at a level commensurate with the role and importance of information technology resources in the agency. This position may be full time or part time.

(b) The Chief Information Officer must, at a minimum, have knowledge and experience in both management and information technology resources.

(2) The duties of the Chief Information Officer include, but are not limited to:

(a) Coordinating and facilitating agency information resources management projects and initiatives.

(b) Preparing an agency annual report on information resources management pursuant to s. 282.3063.

(c) Developing and implementing agency information resources management policies, procedures, and standards, including specific policies and procedures for review and approval of the agency's purchases of information technology resources.

(d) Advising agency senior management as to the information resources management needs of the agency for inclusion in planning documents required by law.

(e) Assisting in the development and prioritization of the information resources management schedule of the agency's legislative budget request.

282.3063 Agency Annual Information Resources Management Report.—

(1) By November 1 of each year, and for the State University System within 90 days after completion of the expenditure analysis developed pursuant to s. 240.271(4), each Chief Information Officer shall prepare and submit to the State Technology Office an Agency Annual Information Resources Management Report. Following consultation with the State Technology Council and the Chief Information Officers Council, the Executive Office of the Governor and the fiscal committees of the Legislature shall jointly develop and issue instructions for the format and contents of the report.

(2) The Agency Annual Information Resources Management Report shall contain, at a minimum, the following:

(a) A forecast of information resources management priorities and initiatives for the ensuing 2 years.

(b) A description of the current information resources management infrastructure of the agency and planned changes for the ensuing 2 years.

(c) A status report on the major information resources management projects of the agency.

(d) An assessment of the progress made toward implementing the prior fiscal year legislative appropriation to the agency for information resources management.

(e) The estimated expenditures by the agency for information resources management for the prior fiscal year.

(f) An inventory list, by major categories, of the agency information technology resources, which specifically identifies the resources acquired during the previous fiscal year.

(g) An assessment of opportunities for the agency to share information resources management projects or initiatives with other governmental or private entities.

(h) A list of information resources management issues the agency has identified as statewide issues or critical information resources management issues for which the State Technology Council could provide future leadership or assistance.

282.3091 State Technology Council; creation.—

(1) The Legislature finds that it is in the state's interest to create a council consisting of state senior-level executive managers and representatives from the private sector to develop a statewide vision and to make recommendations on statewide policies for information resources management to the Executive Office of the Governor and the Legislature.

(2) There is created a State Technology Council. The council shall be placed, for administrative purposes, in the Department of Management Services.

(3) The council shall be composed of nine members as follows:

(a) The director of the Governor's Office of Planning and Budgeting, who shall serve as chair of the council.

(b) The Comptroller.

(c) The Commissioner of Education.

(d) The Secretary of State.

(e) The secretary of the Department of Management Services.

(f) Two state agency heads appointed by the Governor.

(g) Two private sector representatives, one appointed by the Speaker of the House of Representatives and one appointed by the President of the Senate, who are not current members of the Legislature. Private sector representatives shall, at a minimum, have a general knowledge of or experience in managing information technology resources. However, representatives of information technology resource vendors or any of their subsidiaries that sell products or services to the state shall not be appointed to serve as a private sector representative.

(4) Members of the council who are appointed shall serve 2-year terms beginning January 1 through December 31, except that their initial term shall be July 1, 1997, through December 31, 1998. A member may be removed by the appointing officer for cause or if such member is absent from three consecutive meetings. Any member appointed to fill a vacancy shall serve for the unexpired term of his or her predecessor.

(5) The council shall meet at least quarterly, but may meet upon the call of the chair. All actions taken by the council shall be based upon approval by a simple majority.

(6) Members of the council shall be reimbursed for per diem and travel expenses as provided in s. 112.061. Members who are state officers or employees may be reimbursed for such expenses by their respective agencies.

(7) The council shall have the following duties and responsibilities:

(a) To develop a statewide vision for information resources management which shall be reflected in the State Annual Report on Information Resources Management.

(b) To recommend statewide policies to the Executive Office of the Governor and to the Joint Legislative Information Technology Resource Committee.

(c) To recommend innovation in the state's use of technology to the Executive Office of the Governor and the Joint Legislative Information Technology Resource Committee.

(d) To identify, develop, and recommend solutions to address statewide technology issues to the Executive Office of the Governor and the Joint Legislative Information Technology Resource Committee.

(e) To create ad hoc issue-oriented workgroups to make recommendations to the council and to the Executive Office of the Governor. Such workgroups may include private and public sector representatives.

(f) To review, evaluate, and comment on proposals by the Joint Legislative Information Technology Resource Committee.

(g) To consult with the Chief Information Officers Council.

(h) To approve the State Annual Report on Information Resources Management.

(i) To recommend memoranda on guidelines and best practices to the Executive Office of the Governor.

282.3093 State Technology Office; legislative intent; powers and duties.—

(1) It is the intent of the Legislature that an office be created to provide support to specified organizations and workgroups and to facilitate state educational and training opportunities to enhance the state's use and management of information technology resources.

(2) There is created a State Technology Office in the Department of Management Services, which shall be headed by a senior-level manager, who may be in the Senior Management Service upon determination by the Department of Management Services that the duties and responsibilities of the office are comparable to other Senior Management Service positions.

(3) The duties of the State Technology Office include, but are not limited to, the following:

(a) Advising and providing administrative support to the State Technology Council.

(b) Providing administrative support to the Chief Information Officers Council.

(c) Providing administrative support for ad hoc issue-oriented workgroups created by the State Technology Council.

(d) Providing assistance, as needed, to the Technology Review Workgroup.

(e) Facilitating state educational and training opportunities for senior management, chief information officers, and agency technical staff.

(f) Preparing, on behalf of the Executive Office of the Governor, memoranda on recommended guidelines and best practices for information resource management, when requested.

(g) Preparing, publishing, and disseminating the State Annual Report on Information Resources Management pursuant to s. 282.310.

282.310 State Annual Report on Information Resources Management.—

(1) By March 1 of each year, the State Technology Office shall develop a State Annual Report on Information Resources Management.

(2) The State Annual Report on Information Resources Management shall contain, at a minimum, the following:

(a) The state vision for information resource management.

(b) A forecast of the state information resources management priorities and initiatives for the ensuing 2 years.

(c) A summary of major statewide policies recommended by the State Technology Council for information resources management.

(d) A summary of memoranda issued by the Executive Office of the Governor.

(e) An assessment of the overall progress on state information resources management initiatives and priorities for the past fiscal year.

(f) A summary of major statewide issues related to improving information resources management by the state.

(g) An inventory list, by major categories, of state information technology resources.

(h) A summary of the total expenditures for information resources management by each state agency.

(i) A summary of the opportunities for government agencies or entities to share information resource management projects or initiatives with other governmental or private sector entities.

(j) A list of the information resource management issues that have been identified as statewide or critical issues for which the State Technology Council could provide leadership or assistance.

The state annual report shall also include information resources management information from the annual reports prepared by the Board of Regents for the State University System, from the State Board of Community Colleges for the State Community College System, from the Supreme Court for the judicial branch, and from each state attorney and public defender. Expenditure information shall be taken from each agency's annual report as well as the annual reports of the Board of Regents, the State Board of Community Colleges, the Supreme Court, the state attorneys, and the public defenders.

(3) The state annual report shall be made available in writing or through electronic means to the Executive Office of the Governor, the President of

the Senate, the Speaker of the House of Representatives, the Joint Legislative Information Technology Resource Committee, and the Chief Justice of the Supreme Court.

282.315 Chief Information Officers Council; creation.—The Legislature finds that enhancing communication, consensus building, coordination, and facilitation of statewide information resources management issues is essential to improving state management of such resources.

(1) There is created a Chief Information Officers Council to:

(a) Enhance communication among the Chief Information Officers of state agencies by sharing information resources management experiences and exchanging ideas.

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

(c) Identify efficiency opportunities among state agencies.

(d) Serve as an educational forum for information resources management issues.

(e) Assist the State Technology Council in identifying critical statewide issues and, when appropriate, make recommendations for solving information resources management deficiencies.

(2) Members of the council shall include the Chief Information Officers of all state agencies, including the Chief Information Officers of the agencies and governmental entities enumerated in s. 282.3031, except that there shall be one Chief Information Officer selected by the state attorneys and one Chief Information Officer selected by the public defenders. The chairs, or their designees, of the Geographic Information Board, the Florida Financial Management Information System Coordinating Council, the Criminal and Juvenile Justice Information Systems Council, and the Health Information Systems Council shall represent their respective organizations on the Chief Information Officers Council as voting members.

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

Section 11. Subsection (1) of section 282.102, Florida Statutes, 1996 Supplement, is amended to read:

282.102 Powers and duties of Division of Communications of the Department of Management Services.—The Division of Communications of the Department of Management Services shall have the following powers, duties, and functions:

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

The division shall provide a hard copy of its portfolio of services upon request.

Section 12. Section 282.1021, Florida Statutes, is hereby repealed.

Section 13. Section 282.20, Florida Statutes, is amended to read:

282.20 Technology Resource Center.—

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

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

1. “Department” means the Department of Management Services.

2. “Division” means the Division of Information Services of the Department of Management Services.

3. “Information-system utility” means a full-service information-processing facility offering hardware, software, operations, integration, networking, and consulting services to state agencies.

(2) The division and the Technology Resource Center shall:

(a) Serve the department and other state agencies as an information-system utility.

(b) ~~Cooperate with the Information Resource Commission and with other state agencies to~~ Offer, develop, and support a wide range of services and applications needed by users of the Technology Resource Center.

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

(d) Cooperate with the Division of Communications of the department to facilitate interdepartmental networking and integration of network services for state agencies.

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

(3) The division may contract with state agencies to provide any combination of services necessary for agencies to fulfill their responsibilities and to serve their users.

(4)(a) There is created for the Technology Resource Center a data processing policy board as provided in s. 282.313.

(b) In addition to the members of the policy board provided in s. 282.313, the following ex officio members are appointed to the data processing policy board of the Technology Resource Center: ~~the Executive Director of the Information Resource Commission,~~ the Director of the Division of Communications of the Department of Management Services, and the chair of the

coordinating council to the Florida Fiscal Accounting Management Information System, as created in s. 215.96, or their respective designees. The ex officio members provided in this subsection shall vote and serve in the same manner as other policy board members.

(5) The Technology Resource Center may plan, design, establish pilot projects for, and conduct experiments with information technology resources, and may implement enhancements in services when such implementation is cost-effective. Funding for experiments and pilot projects shall be derived from service revenues and may not exceed 5 percent of the service revenues for the Technology Resource Center for any fiscal year. Any experiment, pilot project, plan, or design must be approved by the data processing policy board of the center.

(6) Notwithstanding the provisions of s. 216.272, the Technology Resource Center may spend the funds in the reserve account of its working capital trust fund for enhancements to center operations or for information technology resources. Any expenditure of reserve account funds must be approved by the data processing policy board of the center. Any funds remaining in the reserve account at the end of the fiscal year may be carried forward and spent as approved by the policy board.

Section 14. Section 282.313, Florida Statutes, is amended to read:

282.313 Data processing policy boards.—

(1) There is created a data processing policy board for each data processing center which derives 20 percent or more of its total yearly funding from departments other than the host department for the center. The Chief Information Officer ~~information resource manager~~ of each department utilizing the center, or his or her designee, shall serve as the representative on the policy board. The data center director shall serve in a nonvoting ex officio capacity. A designee of the director or the supervisor of the data processing center shall serve without voting rights as the secretary to the policy board. The secretary shall maintain minutes of each policy board meeting. Upon approval of the minutes by the policy board, the secretary shall file a copy with the commission. The policy board shall annually elect a chair from its membership and shall meet at the call of the chair or at the request of a majority of the members.

(2) Each data processing center shall review its information resources management needs in its agency strategic information technology resource plan with the policy board prior to the submission of the plan as prescribed by ss. ~~186.021 and 186.022~~ 282.307-282.309. The policy board may suggest modifications to that plan and ~~submit any suggested modifications as part of the plan.~~

(3) Actions taken by the data processing center to implement its approved plan shall be reviewed and approved by the policy board prior to implementation. These actions include, but are not limited to, setting policies and procedures governing the data processing center's rate structure and charging algorithm, information technology resource acquisitions above \$2,500, setting of work priorities, scheduling, and acceptance of new users.

(4) The data processing policy board may approve expenditures derived from the overall rate structure of the data processing center, not to exceed 5 percent of the gross services billings to all users in any fiscal year, to design, demonstrate, and conduct research and development for advanced information technology solutions to information processing problems. The data processing center may enter into agreements with private industry and federal, state, and local governments in designing, demonstrating, or developing such technologies which offer the potential to improve efficiency and reduce the cost of state operations. A majority vote of the policy board shall be required prior to all such expenditures. The data processing center shall report on such activities in its agency's department's annual performance report on information technology resources management pursuant to ~~s. 282.312~~.

(5) This section does not apply to those data centers created pursuant to chapter 216.

Section 15. Section 282.318, Florida Statutes, 1996 Supplement, is amended to read:

282.318 Security of data and information technology resources.—

(1) This section may be cited as the “Security of Data and Information Technology Resources Act.”

(2) ~~As used in this section, the term:~~

(a) ~~“Department” means the principal administrative unit within the executive branch of state government as defined in chapter 20. For the purposes of this section, the State Board of Administration, the Executive Office of the Governor, and the Game and Fresh Water Fish Commission shall be considered departments.~~

(b) ~~“Head of a department” means the individual or board in charge of the department.~~

(c) ~~“Information technology resources” means data processing hardware, software and services, supplies, personnel, facility resources, maintenance, training, or other related resources.~~

(2)(3)(a) Each agency ~~head of a department~~ is responsible and accountable for assuring an adequate level of security for all data and information technology resources of the agency within the department and, to carry out this responsibility, shall, at a minimum:

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

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

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

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

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

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

6. Include appropriate security requirements, as determined by the agency department, in the written specifications for the solicitation of information technology resources by the department.

~~7. Include as a part of the information resources management plan required in this chapter a general description of the existing security program and future plans for implementing information resources security policies and standards developed by the commission.~~

~~8. Certify annually to the Information Resource Commission that the security program for data and information technology resources conforms with the standards and policies developed by that commission and planned for implementation in the agency strategic plan for information resources management. If the department is unable to certify such conformance, it shall notify the Information Resource Commission in writing, stating the deficiencies and the reasons for its nonconformance. As part of the annual certification process, agencies shall also note the percentage of critical applications, as defined by the agency, that have a current, tested contingency plan in the event of a disaster.~~

~~(b) The Board of Regents is responsible for assuring an adequate level of security for the data and the information technology resources within the State University System. To carry out this responsibility for the State University System, the Board of Regents shall establish and maintain minimum security standards and rules to implement subparagraphs (a)1.-6. and perform the functions described in subparagraphs (d)2.-5.~~

~~(c) The Supreme Court is responsible for assuring an adequate level of security for the data and the information technology resources within the~~

judicial branch of government. To carry out this responsibility, at a minimum, the Supreme Court shall address the responsibilities prescribed in subparagraphs (a)1.-6. The Supreme Court shall develop written minimum standards and guidelines for the judicial branch to follow in developing its security program. The Supreme Court shall include as a part of the information resources management plan required by this chapter a general description of the existing security program and future plans for assuring the security of data and information technology resources.

(d) ~~The Information Resource Commission is responsible for providing centralized management and coordination of state policies relating to the security of data and information technology resources. To carry out this responsibility, the Information Resource Commission shall:~~

1. ~~Establish and maintain minimum security standards, rules, and regulations to implement subparagraphs (a)1.-8.~~

2. ~~Establish guidelines to assist agencies in identifying electronic data processing personnel who occupy positions of special trust or responsibility or sensitive locations as addressed in chapter 110.~~

3. ~~Establish rules and regulations for the exchange of data between data centers or departments by intercoupling or telecommunications to ensure that exchanges do not jeopardize data security and confidentiality.~~

4. ~~Coordinate and provide for a training program regarding security of data and information technology resources to serve the technical and managerial needs of government.~~

5. ~~Provide technical and managerial assistance relating to the security program upon request.~~

6. ~~Adopt rules to implement this section.~~

(e) ~~The Department of Management Services shall:~~

1. ~~Adopt rules and regulations for the physical security of central computer rooms consistent with the standards developed under subparagraph (d)1.~~

(b)2. ~~In those instances in which the Department of Management Services it develops state contracts for use by state all agencies, the department shall include appropriate security requirements, as established in paragraph (d), in the specifications for the solicitation for state contracts for procuring information technology resources.~~

Section 16. Section 282.322, Florida Statutes, is amended to read:

282.322 Special monitoring process for designated information resources management projects.—For each information resources management project which is designated for special monitoring in the General Appropriations Act, with a proviso requiring a contract with a project monitor, the Technology Review Workgroup established pursuant to s. 216.0446 ~~Information Resource Commission~~, in consultation with each affected agency, ~~or the~~

~~Board of Regents for each affected university,~~ shall be responsible for contracting with the project monitor. Upon contract award, funds equal to the contract amount shall be transferred to the Technology Review Workgroup Information Resource Commission or the ~~Board of Regents~~ as appropriate upon request and subsequent approval of a budget amendment pursuant to s. 216.292. With the concurrence of the Legislative Auditing Committee, the office of the Auditor General shall be the project monitor for other projects designated for special monitoring. However, nothing in this section precludes the Auditor General from conducting such monitoring on any project designated for special monitoring. In addition to monitoring and reporting on significant communications between a contracting agency and the appropriate federal authorities, the project monitoring process shall consist of evaluating each major stage of the designated project to determine whether the deliverables have been satisfied and to assess the level of risks associated with proceeding to the next stage of the project. The major stages of each designated project shall be determined based on the agency's information systems development methodology. Within 20 days after an agency has completed a major stage of its designated project, the project monitor shall issue a written report, including the findings and recommendations for correcting deficiencies, to the agency head, for review and comment. Within 20 days after receipt of the project monitor's report, the agency head shall submit a written statement of explanation or rebuttal concerning the findings and recommendations of the project monitor, including any corrective action to be taken by the agency. The project monitor shall include the agency's statement in its final report which shall be forwarded, within 7 days after receipt of the agency's statement, to the agency head, the inspector general's office of the agency, the Executive Office of the Governor, the appropriations committees of the Legislature, the Joint Legislative Auditing Committee, the Technology Review Workgroup, and the Legislative Information Technology Resource Committee. The Auditor General shall also receive a copy of the project monitor's report for those projects in which the Auditor General is not the project monitor.

Section 17. Section 282.404, Florida Statutes, 1996 Supplement, is amended to read:

282.404 Geographic information board; definition; membership; creation; duties; advisory council; membership; duties.—

(1) As used in this section, the term "geographic information" means information or data for which location or spatial distribution is an essential element, including, but not limited to, information pertaining to:

- (a) Land, air, water, and mineral resources;
- (b) The distribution of plant, animal, and human populations;
- (c) Real property interests;
- (d) The elements of the growth management comprehensive planning process under ss. 163.3177 and 163.3178;

(e) Political, jurisdictional, ownership, and other artificial divisions of geography; and

(f) Measured features listed in paragraphs (a)-(d) herein and geographic features produced pursuant to chapter 472.

(2)(a) The Florida Geographic Information Board is created in the Executive Office of the Governor. The purpose of the board is to facilitate the identification, coordination, collection, and sharing of geographic information among federal, state, regional, and local agencies, and the private sector. The board shall ~~develop review and recommend to the Information Resource Commission~~ solutions, policies, and standards to increase the value and usefulness of geographic information concerning Florida. In formulating and developing solutions, policies, and standards, the board shall provide for and consider input from other public agencies, such as the state universities, large and small municipalities, urban and rural county governments, and the private sector.

(b) The Geographic Information Board may issue guidelines on recommended best practices, including recommended policies and standards, for the identification, coordination, collection, and sharing of geographic information.

(c) The Geographic Information Board may contract for, accept, and make gifts, grants, loans, or other aid from and to any other governmental entity and to any person. Members may contribute, and the board may receive and expend, funds for board initiatives.

(3) The board consists of the Director of Planning and Budgeting within the Executive Office of the Governor, the executive director of the Game and Fresh Water Fish Commission, the executive director of the Department of Revenue, and the State Cadastral Surveyor, as defined in s. 177.503, or their designees, and the heads of the following agencies, or their designees: the Department of Agriculture and Consumer Services, the Department of Community Affairs, the Department of Environmental Protection, the Department of Transportation, and the Board of Professional Surveyors and Mappers. The Governor shall appoint to the board one member each to represent the counties, municipalities, regional planning councils, water management districts, and county property appraisers. The Governor shall initially appoint two members to serve 2-year terms and three members to serve 4-year terms. Thereafter, the terms of all appointed members must be 4 years and the terms must be staggered. Members may be appointed to successive terms and incumbent members may continue to serve the board until a new appointment is made. ~~The executive director of the Information Resource Commission, or the executive director's designee, and the chair of the Geographic Information Advisory Council shall serve without voting rights as an ex officio member members~~ on the board.

(4) The Director of Planning and Budgeting of the Executive Office of the Governor, or his or her designee, shall serve as the chair of the board. A majority of the membership of the board constitutes a quorum for the conduct of business. The board shall meet at least twice each year, and the chair may call a meeting of the board as often as necessary to transact business.

Administrative and clerical support to the board shall be provided by the Department of Management Services Information Resource Commission.

(5) The board shall:

(a) Promote the sharing of geographic information between the public sector and the private sector;

(b) Conduct a periodic assessment of geographic information and geographic information systems in this state to identify geographic information management activities and available resources in this state;

(c) Reduce redundancy of data acquisition by promoting the coordination of geographic data collection;

(d) Promote consistency of data elements by establishing standard data definitions and formats;

(e) Promote the adoption and use of standards that have broad application to the public and private sectors;

(f) Develop criteria, policies, and procedures for the prescribed and pre-planned electronic transmission of geographic information, including, but not limited to, transmissions between a local planning agency, as defined in s. 163.3164, and the state land planning agency;

(g) By March 1 of each year, develop and approve a strategic plan pursuant to the requirements set forth in s. 186.022(9). Copies of the plan shall be transmitted electronically or in writing to the Executive Office of the Governor, the Speaker of the House of Representatives, the President of the Senate, and the members of the Geographic Information Advisory Council as provided in subsection (7); Develop and submit to the Information Resource Commission a strategic information resources management plan for geographic information no later than May 1 of each even-numbered year, except that the first plan is due May 1, 1997. At a minimum, the plan must address the planning components and procedures described in s. 282.307;

(h) Promote the use and coordination of geographic information from sources such as universities, government organizations, nonprofit organizations, and the private sector;

(i) Promote the development and maintenance of a data directory in which geographic information is cataloged;

(j) Serve as liaison between this state and the Federal Government to promote the sharing of geographic information;

(k) Establish technical advisory committees to assist the board; and

(l) Promote regional coordination of geographic information.

(6) The Florida Geographic Information Advisory Council is created in the Executive Office of the Governor to provide technical assistance and recommendations to the board.

(7) The Geographic Information Advisory Council consists of one member each from the Office of Planning and Budgeting within the Executive Office of the Governor, the Game and Fresh Water Fish Commission, the Department of Revenue, ~~the Information Resource Commission~~, the Department of Agriculture and Consumer Services, the Department of Community Affairs, the Department of Environmental Protection, the Department of Transportation, the State Cadastral Surveyor, the State Geologist, the Board of Professional Surveyors and Mappers, counties, municipalities, regional planning councils, water management districts, and property appraisers, as appointed by the corresponding member of the board. The Governor shall appoint to the council one member each, as recommended by the respective organization, to represent the Department of Commerce, the Department of Children and Family Services, the Department of Health and Rehabilitative Services, the Florida Survey and Mapping Society, Florida Region of the American Society of Photogrammetry and Remote Sensing, Florida Association of Cadastral Mappers, The Florida Association of Professional Geologists, Florida Engineering Society, Florida Chapter of the Urban and Regional Information Systems Association, the forestry industry, the State University System survey and mapping academic research programs, and State University System geographic information systems academic research programs; and two members representing utilities, one from a regional utility, and one from a local or municipal utility. These persons must have technical expertise in geographic information issues. The Governor shall initially appoint six members to serve 2-year terms and six members to serve 4-year terms. Thereafter, the terms of all appointed members must be 4 years and must be staggered. Members may be appointed to successive terms and incumbent members may continue to serve the council until a successor is appointed. Representatives of the Federal Government may serve ~~without voting rights~~ as ex officio members without voting rights.

(8) A majority of the membership constitutes a quorum for the conduct of business and shall elect the chair of the advisory council biennially. The council shall meet at least twice a year, and the chair may call meetings as often as necessary to transact business or as directed by the board. Administrative and clerical support shall be provided by the Department of Management Services ~~Information Resource Commission~~.

(9) The advisory council shall:

- (a) Develop operational procedures for the conduct of business;
- (b) Make recommendations to the geographic information board for policies, procedures, standards, and technical solutions pertaining to the planning, coordination, sharing, consistency, development, and maintenance of geographic information;
- (c) Develop solutions that promote coordinated and cost-effective state-wide financing of geographic information;
- (d) Make recommendations for the reduction of unnecessary duplication of geographic information efforts among various state, federal, regional, and local agencies and the private sector;

(e) Seek information from the geographic information and mapping community in formulating priorities for the federal and state mapping and geographic information programs and activities; and

(f) Inform mapping and geographic information users in the state of programs, available materials and information, and standards and solutions pertaining to mapping and geographic information.

(10) If any specified state agency fails to comply with this section without good cause, the Executive Office of the Governor may withhold releases of appropriations of those portions of the agency's operating budget that pertain to the collection and analysis of geographic information.

(11) Local governments are encouraged to participate within their abilities and resources in order to facilitate implementation of this section.

Section 18. Section 287.0735, Florida Statutes, sections 282.004 and 282.312, Florida Statutes, as amended by chapter 94-340, Laws of Florida, section 282.304, Florida Statutes, as amended by chapters 94-226 and 94-340, Laws of Florida, section 282.307, Florida Statutes, as amended by chapters 94-226, 94-340, and 95-296, Laws of Florida, section 282.308, Florida Statutes, as amended by chapters 94-226, 94-340, 95-148, 95-243, and 95-392, Laws of Florida, subsections (5), (6), (7) and (8) of section 287.073, Florida Statutes, as amended by chapters 94-226, 94-340, and 95-148, Laws of Florida, section 282.309, Florida Statutes, as amended by chapters 95-148 and 96-388, Laws of Florida, sections 216.0445 and 282.311, Florida Statutes, as amended by chapters 94-226, 94-340, and 96-388, Laws of Florida, section 282.305, Florida Statutes, as amended by chapters 94-226, 94-340, and 96-390, Laws of Florida, section 282.3062, Florida Statutes, as amended by chapters 94-340, 96-388, and 96-390, Laws of Florida, and sections 282.3061 and 282.314, Florida Statutes, as amended by chapters 94-226, 94-340, 96-388, and 96-390, Laws of Florida, are repealed.

Section 19. Effective upon this act becoming a law, section 215.90, Florida Statutes, is amended to read:

215.90 Short title.—~~Sections 215.90-215.96 This act shall be known and may be cited as the “Florida Financial~~ Fiscal Accounting Management Information System Act.”

Section 20. Effective upon this act becoming a law, section 215.91, Florida Statutes, is amended to read:

215.91 Legislative intent.—

(1) It is the intent of the Legislature that for the executive branch of government, in consultation with the legislative fiscal appropriations committees, to specifically design and implement the Florida Financial Management Information System to be the primary means by which state government managers acquire and disseminate the information needed to plan and account for the delivery of services to the citizens in a timely, efficient, and effective manner.

(2) The Florida Financial Management Information System shall be a unified information system providing fiscal, management, and accounting support for state decisionmakers. It shall provide a means of coordinating fiscal management information and information that supports state planning, policy development, management, evaluation, and performance monitoring. The Florida Financial Management Information System shall be the primary information resource that provides accountability for public funds, resources, and activities.

(3) The Financial Management Information Board shall provide the overall framework within which the Florida Financial Management Information System will operate. The board, through the Florida Financial Management Information System Coordinating Council, shall adopt policies and procedures to:

(a) Strengthen and standardize the fiscal management and accounting practices of the state;

(b) Improve internal financial controls;

(c) Simplify the preparation of objective, accurate, and timely management and fiscal reports; and

(d) Provide the information needed in the development, management, and evaluation of public policy and programs.

(4) The council shall provide ongoing counsel to the board and act to resolve problems among or between the functional owner subsystems. The board, through the coordinating council, shall direct and manage the development, implementation, and operation of the information subsystems that together are the Florida Financial Management Information System. The coordinating council shall approve the information subsystems' designs prior to the development, implementation, and operation of the subsystems and shall approve subsequent proposed design modifications to the information subsystems subject to the guidelines issued by the council. The coordinating council shall ensure that the information subsystems' operations support the exchange of unified and coordinated data between information subsystems. The coordinating council shall establish the common data codes for financial management and it shall require and ensure the use of common data codes by the information subsystems that together constitute the Florida Financial Management Information System. The Comptroller shall adopt a chart of accounts consistent with the common financial management data codes established by the coordinating council. The board, through the coordinating council, shall establish the financial management policies and procedures for the executive branch of state government. The coordinating council shall notify in writing the chairs of the legislative fiscal committees and the Chief Justice of the Supreme Court regarding the adoption of, or modification to, a proposed financial management policy or procedure. The notice shall solicit comments from the chairs of the legislative fiscal committees and the Chief Justice of the Supreme Court at least 14 consecutive days before the final action by the coordinating council.

(5) The Florida Financial Management Information System and its functional owner information subsystems shall be compatible with the legislative appropriations system and they shall be designed to support the legislative oversight function. The Florida Financial Management Information System and its functional owner information subsystems shall be unified with the legislative information systems that support the legislative appropriations and legislative oversight functions. The Florida Financial Management Information System and its functional owner information subsystems shall exchange information with the legislative information systems that support the legislative appropriations and legislative oversight functions without conversion or modification. Any information maintained by the Florida Financial Management Information System and its functional owner information subsystems shall be available, upon request, to the information systems of the legislative branch.

(6) The Florida Financial Management Information System and its functional owner information subsystems shall be designed to incorporate the flexibility needed to respond to the dynamic demands of state government in a cost-conscious manner. The Florida Financial Management Information System shall include applications that will support an information retrieval system that will allow the user to ask general questions and receive accurate answers that include assessments concerning the qualifications of the data.

(7) The Florida Financial Management Information System and each of its functional owner information subsystems shall strive to employ a common set of operations that make the system accessible to agency program managers and statewide decisionmakers. Data shall be easily transferred from the functional owner information subsystems to Florida Financial Management Information System applications and also among the functional owner information subsystems. The functional owner information subsystems shall identify shared data-gathering needs in order to minimize the duplications of source-entry input. The coordinating council shall ensure that all organizations within the executive branch of state government have access to and use the Florida Financial Management Information System for the collection, processing, and reporting of financial management data required for the efficient and effective operation of state government.

(8) The Florida Financial Management Information System, through its functional owner subsystems, shall include a data-gathering and data-distribution facility that will support a management and decisionmaking information system that collects and stores agency and statewide financial, administrative, planning, and program information to assist agency program managers and statewide decisionmakers in carrying out their responsibilities a management information system utilizing a unified approach. The system is to strengthen and standardize management and accounting procedures; strengthen internal controls; enable the preparation of objective, accurate, and timely fiscal reports; report on the stewardship of officials who are responsible for public funds and property; and provide timely and accurate information for decisionmaking purposes.

Section 21. Effective upon this act becoming a law, section 215.92, Florida Statutes, is amended to read:

215.92 Definitions.—For the purposes of ss. 215.90-215.96 ~~this act~~:

(1) “Auditable” means the presence of features and characteristics that are needed to verify the proper functioning of controls in any given information subsystem.

(2) “Board” means the Financial Management Fiscal Accounting Information Board.

(3) “Coordinating council” or “council” means the Florida Financial Management Information System Coordinating Council.

~~(4)~~(3) “Data ~~or data~~ code” means representation of facts, concepts, or instructions in a formalized manner suitable for communication, interpretation, or processing by humans or by automatic means. The term includes any representations such as characters or analog quantities to which meaning is, or might be, assigned. a set of symbols which are used to represent various data items for data elements on a one-for-one basis.

~~(4)~~ “Data record” means ~~information which is processed or stored, or is to be processed, by a computer system, which may exist in any form, whether it be computer printouts, magnetic storage media, or internal storage in the memory of the computer.~~

(5) “Design and coordination staff” means the personnel responsible for providing administrative and clerical support to the board, coordinating council, and secretary to the board. The design and coordination staff shall function as the agency clerk for the board and the coordinating council. For administrative purposes, the design and coordination staff are assigned to the Department of Banking and Finance but they are functionally assigned to the board.

~~(6)~~(5) “Functional owner” means the agency, or that part of the judicial branch, which has the legal responsibility to design, implement, and operate an information subsystem as provided by ss. 215.90-215.96 ~~this act~~.

~~(7)~~(6) “Functional system specifications” means the detailed written description of an information subsystem. These specifications are prepared by the functional owner of the system; describe, in the functional owner’s language, what an information subsystem is required to do; and describe the features, characteristics, controls, and internal control measures to be incorporated into the information subsystem. Such specifications are the basis for the preparation of the technical system specifications by the functional owner.

~~(8)~~(7) “Information system” means a group of interrelated information subsystems.

~~(9)~~(8) “Information subsystem” means the entire collection of procedures, equipment, and people devoted to the generation, collection, evaluation, storage, retrieval, and dissemination of data and information within an organization or functional area in order to promote the flow of information from source to user.

(9) ~~“Overall costs” with respect to an electronic data processing system means the cost of designing, implementing, and operating such system and includes, but is not limited to, the cost of purchase, rental, maintenance, site preparation and installation, programming, employment and training of personnel, conversion, and communication lines.~~

Section 22. Effective upon this act becoming a law, section 215.93, Florida Statutes, is amended to read:

215.93 Florida Financial ~~Fiscal Accounting~~ Management Information System.—

(1) To provide the information necessary to carry out the intent of the Legislature, there shall be a Florida Financial ~~Fiscal Accounting~~ Management Information System. The Florida Financial ~~Fiscal Accounting~~ Management Information System shall be fully implemented and shall be upgraded as necessary to ensure the efficient operation of an integrated financial management information system and to provide necessary information for the effective operation of state government. Upon the recommendation of the coordinating council and approval of the board, the Florida Financial Management Information System may require data from any state agency information system or information subsystem or may request data from any judicial branch information system or information subsystem that the coordinating council and board have determined to have statewide financial management significance. Each functional owner information subsystem within the Florida Financial Management Information System shall be developed in such a fashion as to allow for timely, positive, preplanned, and prescribed data transfers between the Florida Financial Management Information System functional owner information subsystems and from other information systems. The principal unit of the system shall be the functional owner information subsystem, and the system shall originally include, but shall not be limited to, the following:

- (a) ~~Revenue and Regulations Subsystem.~~
- (a)(b) Planning and Budgeting Subsystem.
- (b)(c) Florida Accounting Information Resource ~~State Automated Management Accounting~~ Subsystem.
- (c)(d) Cash Management ~~Banking and Collateral Securities~~ Subsystem.
- (d)(e) ~~Management Services and Purchasing~~ Subsystem.
- (e)(f) Cooperative Personnel Employment ~~State Personnel Payroll~~ Information Subsystem.
- (g) ~~Investment and Debt Control~~ Subsystem.

(2) Each information subsystem shall have a functional owner, who may establish additional functions ~~components~~ for the subsystem unless specifically prohibited by ss. 215.90-215.96 ~~this act~~. However, without the express approval of the board upon recommendation of the coordinating council, no

functional owner nor any other agency shall have the authority to establish or maintain additional subsystems which duplicate any of the information subsystems of the Florida ~~Financial Fiscal Accounting~~ Management Information System. Each functional owner shall solicit input and responses from agencies utilizing the information subsystem. Each functional owner may contract with the other functional owners for assistance in the design, development, and implementation of their information systems and subsystems. Each functional owner shall include in its information subsystem functional specifications the data requirements and standards of the Florida Financial Management Information System as approved by the board. Each functional owner shall establish design teams that shall plan and coordinate the design and implementation of its subsystem within the framework established by the board. The design teams shall assist the design and coordination staff in carrying out the duties assigned by the board or the coordinating council. The coordinating council shall review and approve the work plans for these projects.

(3) The Florida ~~Financial Fiscal Accounting~~ Management Information System shall include financial management data and utilize identical data codes and the chart of accounts approved by the Comptroller used by the State Automated Management Accounting Subsystem. Common financial management data shall include, but not be limited to, data codes, titles, and definitions used by one or more of the functional owner subsystems. The Florida Financial Management Information System shall utilize common financial management data codes. The council shall recommend and the board shall adopt policies regarding the approval and publication of the financial management data. The Comptroller shall adopt policies regarding the approval and publication of the chart of accounts. The Comptroller's chart of accounts shall be consistent with the common financial management data codes established by the coordinating council. Further, all systems not a part of the Florida Financial Fiscal Accounting Management Information System which provide information to the system shall use the common identical data codes from and the Florida Financial Management Information System and the Comptroller's chart of accounts of the State Automated Management Accounting Subsystem. Data codes that which cannot be supplied by the Florida Financial Management Information System and the Comptroller's chart of accounts State Automated Management Accounting System and that which are required for use by the information subsystems shall be approved by the board upon recommendation of the coordinating council. However, board approval shall not be required for those data codes specified by the Auditor General under the provisions of s. 215.94(6)(8)(c).

(4) The Florida ~~Financial Fiscal Accounting~~ Management Information System shall be designed, installed, and operated in a fashion compatible with the legislative appropriations system, ~~so as to provide timely data for producing financial statements for the state in accordance with generally accepted accounting principles.~~

(5) Functional owners are legally responsible for the security and integrity validity of all data records existing within or transferred from their

information subsystems. Each agency and the judicial branch shall be responsible for the accuracy of the information entered into the Florida Financial Management Information System.

Section 23. Effective upon this act becoming a law, section 215.94, Florida Statutes, is amended to read:

215.94 Designation, duties, and responsibilities of functional owners.—

~~(1) The Department of Revenue shall be the functional owner of the Revenue and Regulation Subsystem. The department shall design, implement, and operate the subsystem in accordance with the provisions of this act. The subsystem shall include, but shall not be limited to, components for:~~

~~(a) Collecting detailed information regarding all revenues received by the state.~~

~~(b) Compiling and reporting statistical data for the estimation or projection of agency and judicial branch revenue sources in future periods.~~

~~(1)(2) The Executive Office of the Governor shall be the functional owner of the Planning and Budgeting Subsystem, which shall be designed, implemented, and operated in accordance with the provisions of ss. 215.90-215.96 this act and chapter 216. The Planning and Budgeting Subsystem shall include, but shall not be limited to, functions ~~components~~ for:~~

~~(a) Development and preparation of agency and judicial branch budget requests.~~

~~(b) Analysis and evaluation of agency and judicial branch budget requests and alternatives.~~

~~(c) Cash forecasting.~~

~~(d) Revenue and expenditure projections.~~

~~(c)(e) Controlling and tracking the allocation of appropriations, approved budget, and releases.~~

~~(d)(f) Performance-based program budgeting compliance evaluations, as provided in the legislative budget instructions pursuant to s. 216.023(3). Budgetary performance and compliance valuations.~~

~~(2)(3) The Department of Banking and Finance shall be the functional owner of the Florida Accounting Information Resource State Automated Management Accounting Subsystem established pursuant to ss. 11.46, 17.03, and 216.141, and 216.151 and further developed in accordance with the provisions of ss. 215.90-215.96 this act. The subsystem shall include, but shall not be limited to, the following functions ~~components~~:~~

~~(a) Departmental, agency, or judicial branch Accounting and reporting so as to provide timely data for producing financial statements for the state in accordance with generally accepted accounting principles.~~

- (b) Auditing and settling claims against the state ~~Cost accounting.~~
- (c) ~~Production control.~~
- (d) ~~State or central accounting and reporting.~~
- (e) ~~Warrant preparation.~~

(3)(4) The Treasurer shall be the functional owner of the Cash Management Banking and Collateral Securities Subsystem. The Treasurer shall design, implement, and operate the subsystem in accordance with the provisions of ss. 215.90-215.96 ~~this act~~. The subsystem shall include, but shall not be limited to, functions ~~components~~ for:

- (a) Recording and reconciling credits and debits to treasury fund accounts.
- (b) Monitoring cash levels and activities in state bank accounts.
- (c) Monitoring short-term investments of idle cash.
- (d) Administering the provisions of the Federal Cash Management Improvement Act of 1990 ~~Recording and monitoring securities pledged to and administered by the office of the Treasurer.~~

(4)(5) The Department of Management Services shall be the functional owner of the Management Services and Purchasing Subsystem. The department shall design, implement, and operate the subsystem in accordance with the provisions of ss. 215.90-215.96 ~~this act~~. The subsystem shall include, but shall not be limited to, functions ~~components~~ for:

- (a) commodity and service ~~procurement, inventory control, and warehousing.~~
- (b) ~~Facilities management and utilization.~~
- (c) ~~Construction bidding and monitoring.~~
- (d) ~~Controlling and operating centralized equipment pools.~~

(5)(6) The Department of Management Services shall be the functional owner of the Cooperative State Personnel Employment Payroll Information Subsystem. The department shall design, implement, and operate the subsystem in accordance with the provisions of s. 110.116 and ss. 215.90-215.96 ~~this act~~. The subsystem shall include, but shall not be limited to, functions ~~components~~ for:

- (a) Maintenance of employee and position data, including funding sources and percentages and salary lapse. The employee data shall include, but not be limited to, information to meet the payroll system requirements of the Department of Banking and Finance and to meet the employee benefit system requirements of the Division of State Employees Insurance in the Department of Management Services.

- (b) Recruitment and examination.
- (c) Time reporting.
- (d) Collective bargaining ~~Retirement contributions and certification.~~

~~(7) The State Board of Administration shall be the functional owner of the Investment and Debt Control Subsystem. The State Board of Administration shall design, implement, and operate the subsystem in accordance with the provisions of this act. The subsystem shall include, but shall not be limited to, components for:~~

~~(a) Recording purchases and liquidations of the investments administered by the State Board of Administration.~~

~~(b) Monitoring and evaluating the yield or return on state investments.~~

~~(c) Recording the sale of, the payment of interest on, and the redemption of state-supported bond issues.~~

~~(d) Monitoring state-supported bond issues so that the contractual and legal requirements relative to the bond issues are met.~~

(6)(8)(a) The Auditor General shall be advised by the functional owner of each information subsystem as to the date that the development or significant modification of its functional system specifications is to begin.

(b) Upon such notification, the Auditor General shall participate with each functional owner to the extent necessary to provide assurance that:

1. The accounting information produced by the information subsystem adheres to generally accepted accounting principles.

2. The information subsystem contains the necessary controls to maintain its integrity, within acceptable limits and at an acceptable cost.

3. The information subsystem is auditable.

(c) The Auditor General shall specify those additional features, characteristics, controls, and internal control measures deemed necessary to carry out the provisions of this subsection. Further, it shall be the responsibility of each functional owner to install and incorporate such specified features, characteristics, controls, and internal control measures within each information subsystem.

(7) The Auditor General shall provide to the board and the coordinating council the findings and recommendations of any audit regarding the provisions of ss. 215.90-215.96.

Section 24. Effective upon this act becoming a law, section 215.95, Florida Statutes, is amended to read:

215.95 Financial Management ~~Fiscal Accounting~~ Information Board.—

(1) There is created, as part of the Administration Commission, the Financial Management Fiscal Accounting Information Board. The board shall be composed of the Governor, the Comptroller, and the Treasurer. The Governor shall be chair of the board. The Governor or the Comptroller may call a meeting of the board at any time the need arises.

(2) To carry out its duties and responsibilities, the board shall by majority vote:

(a) Adopt such rules, policies, procedures, principles, and standards as deemed necessary to implement the Florida Financial Fiscal Accounting Management Information System.

(b) Oversee the actions of the coordinating council and issue orders to executive branch agencies to enforce implementation of and compliance with provisions relating to the Florida Financial Fiscal Accounting Management Information System.

(c) Manage and oversee the development of the Florida Financial Management Information System in such a fashion including, but not limited to, ensuring as to ensure compatibility and integration with the Legislative Appropriations System.

(d) By March 1 of each year, approve a strategic plan pursuant to the requirements set forth in s. 186.022(9). Submit to the Joint Legislative Auditing Committee an annual report containing, but not limited to, the following:

1. ~~Current status of all information subsystems.~~

2. ~~Detailed plans related to all information subsystems provided for in s. 215.96(3)(a).~~

Section 25. Effective upon this act becoming a law, section 215.96, Florida Statutes, is amended to read:

215.96 Coordinating council and design and coordination staff.—

(1) The Comptroller, as chief fiscal officer of the state, shall establish a coordinating council to function on a continuing basis. The coordinating council shall review and recommend to the board solutions and policy alternatives to ensure coordination between functional owners of the various information subsystems described in ss. 215.90-215.96 ~~this act~~ to the extent necessary to unify all the subsystems into a financial fiscal accounting management information system.

(2) The coordinating council shall consist of the Comptroller; the Treasurer; the secretary of the Department of Management Services; and the Director of Planning and Budgeting, Executive Office of the Governor; ~~the executive director of the Department of Revenue; and the executive director of the State Board of Administration,~~ or their designees. The Comptroller, or his or her designee, shall be chair of the coordinating council and the design and coordination staff shall provide administrative and clerical sup-

port to the council and the board. The design and coordination staff Comptroller shall maintain the minutes of each meeting and shall make such minutes available to any interested person. The Auditor General, the State Courts Administrator, an executive officer of the Florida Association of State Administrative Services Directors, and an executive officer of the Florida Association of State Budget Officers, and the executive director of the Information Resource Commission, or their designees, shall serve without voting rights as ex officio members on the coordinating council. The chair may call meetings of the coordinating council as often as necessary to transact business; however, the coordinating council shall meet at least once a year. Action of the coordinating council shall be by motion, duly made, seconded and passed by a majority of the coordinating council voting in the affirmative for approval of items that are to be recommended for approval to the Financial Management Information Board.

(3) The coordinating council, assisted by the design and coordination staff, shall have the following duties, powers, and responsibilities pertaining to the Florida Financial Fiscal Accounting Management Information System:

(a) To conduct such studies and to establish committees, workgroups, and teams to develop recommendations for rules, policies, procedures, principles, and standards to the board as necessary to assist the board in its efforts establish an information resources management plan to design, implement, and perpetuate a financial fiscal accounting management information system, including, but not limited to, the establishment of common data codes, the development of integrated financial management policies that address the information and management needs of the functional owner subsystems, and the development of a strategic plan pursuant to the requirements set forth in s. 186.022(9). At a minimum, the plan shall address the planning components described in s. 282.307(1). The plan shall be established and approved by the board no later than March 1 of each even-numbered year. The coordinating council shall make available forward a copy of the approved plan in writing or through electronic means to each of the coordinating council members the Information Resource Commission, the Executive Office of the Governor, the fiscal appropriations committees of the Legislature, the Joint Legislative Information Technology Resources Committee, and any interested person each department as defined in s. 282.303.

(b) To recommend to the board solutions, and policy alternatives, and legislative budget request issues that will ensure a framework for the timely, positive, preplanned, and prescribed data transfer between information subsystems and to recommend to the board solutions, policy alternatives, and legislative budget request issues that ensure the availability of data and information that support state planning, policy development, management, evaluation, and performance monitoring.

(c) To report to the board all actions taken by the coordinating council for final action.

(d) To review the annual work plans of the functional owner information subsystems by October 1 of each year. The review shall be conducted to

assess the status of the Florida Financial Management Information System and the functional owner subsystems in regard to the provisions of s. 215.91. The coordinating council, as part of the review process, may make recommendations for modifications to the functional owner information subsystems annual work plans.

Section 26. Effective upon this act becoming a law, section 216.141, Florida Statutes, is amended to read:

216.141 Budget system procedures; planning and programming by state agencies.—

(1) ~~The Executive Office of the Governor, in consultation with the appropriations committees of the Senate and House of Representatives and the Auditor General, and by utilizing the Florida Financial Management Information System management data and the Comptroller's chart of accounts coding system of the State Automated Management Accounting Subsystem,~~ shall prescribe a planning and budgeting system, pursuant to s. 215.94(1)(2), to provide for continuous planning and programming and for effective management practices for the efficient operations of all state agencies and the judicial branch. However, the planning and budgeting system shall be limited to the processing of information related to ss. 216.023, ~~216.0235, 216.031, 216.043, 216.102, 216.111, 216.121, 216.181, 216.182,~~ and 216.192 and those applications relating to part I of chapter 23 and part I of chapter 252 which are funded by the Legislature. The Executive Office of the Governor may contract with the Legislature to develop the planning and budgeting system and to provide services to the Legislature for the support and use of the legislative appropriations system. The contract shall include the policies and procedures for combining the legislative appropriations system with the planning and budgeting information system established pursuant to s. 215.94(1). At a minimum, the contract shall require the use of common data codes. The combined legislative appropriations and planning and budgeting information subsystem shall support the legislative appropriations and legislative oversight functions without data code conversion or modification.

(2) ~~The Florida Management Information Board Comptroller~~ shall notify the Auditor General of any changes or modifications to the Florida Financial Management Information System and its functional owner information subsystems ~~State Automated Management Accounting Subsystem.~~

(3) The Comptroller, as chief fiscal officer, shall use the Florida Accounting Information Resource Subsystem developed pursuant to s. 215.94(2) for account purposes in the performance of and accounting for all of his or her constitutional and statutory duties and responsibilities. However, state agencies and the judicial branch continue to be responsible for maintaining accounting records necessary for effective management of their programs and functions.

Section 27. Health Information Systems Council; legislative intent; creation, appointment, duties.—

(1) The Legislature finds that it is in the state's interest to create a council consisting of executive-level managers for the state's health-related entities, to facilitate the sharing and coordination of health-related data.

(2) There is created a Health Information Systems Council in the Department of Health to facilitate the identification, collection, standardization, sharing, and coordination of health-related data, including fraud and abuse data, and professional and facility licensing data among federal, state, local, and private entities. The Department of Health shall provide administrative support to the council.

(3) The council shall be composed of the following members or their senior executive-level designees:

(a) The secretary of the Department of Health;

(b) The secretary of the Department of Business and Professional Regulation;

(c) The secretary of the Department of Children and Family Services;

(d) The director of the Agency for Health Care Administration;

(e) The secretary of the Department of Corrections;

(f) The Attorney General;

(g) The executive director of the Correctional Medical Authority;

(h) Two members representing county health departments, one from a small county and one from a large county, appointed by the Governor; and

(i) A representative from the Florida Association of Counties.

Representatives of the Federal Government may serve without voting rights.

(4) Members of the council who are appointed by the Governor shall serve 2-year terms beginning January 1 through December 31, except that their initial term shall be July 1, 1997, through December 31, 1998. A member may be removed by the Governor for cause or if such member is absent from three consecutive meetings. Any member appointed to fill a vacancy shall serve for the unexpired term of his or her predecessor.

(5) The council shall annually elect its chair and other officers. The council shall meet at least quarterly or at the call of its chair, at the request of a majority of its membership, or at the request of a department. All actions taken by the council shall be based upon approval by a simple majority.

(6) Members of the council shall be reimbursed for per diem and travel expenses as provided in s. 112.061, Florida Statutes.

(7) The council's duties and responsibilities include, but are not limited to, the following:

(a) By March 1 of each year, to develop and approve a strategic plan pursuant to the requirements set forth in s. 186.022(9), Florida Statutes. Copies of the plan shall be transmitted electronically or in writing to the Executive Office of the Governor, the Speaker of the House of Representatives, and the President of the Senate.

(b) To develop a mission statement, goals, and plan of action, based on the guiding principles specified in s. 282.3032, Florida Statutes, for the identification, collection, standardization, sharing, and coordination of health-related data across federal, state, and local government and private-sector entities.

(c) To create ad hoc issue-oriented technical workgroups, on an as-needed basis, to make recommendations to the council.

Section 28. Paragraphs (a) and (b) of subsection (13) of section 20.19, Florida Statutes, 1996 Supplement, are amended to read:

20.19 Department of Children and Family Services.—There is created a Department of Children and Family Services.

(13) INFORMATION SYSTEMS.—

(a) ~~The secretary shall appoint a Chief Management Information Officer to serve as the department's information resource manager with the authority for agency development and management information systems maintenance, policies, and procedures as provided for in chapter 282 s. 282.311. The Chief Management Information Officer shall direct and promote information as a strategic asset and facilitate integration of data systems and agency and interagency resource sharing as allowed by applicable statutes. The Chief Management Information Officer serves at the pleasure of the secretary.~~

(b) ~~The Chief Management Information Officer is directly responsible for the management of the management information systems service center that provides primary information systems support for all entities within the department and maintains fee-for-service provisions for use by other agencies. The Chief Management Information Officer shall negotiate service-level agreements between the management information systems service center and users and shall facilitate integrated information systems practices and procedures throughout the service districts and with local service providers.~~

Section 29. Paragraph (c) of subsection (6) of section 20.316, Florida Statutes, 1996 Supplement, is amended to read:

20.316 Department of Juvenile Justice.—There is created a Department of Juvenile Justice.

(6) INFORMATION SYSTEMS.—

(c) The department shall implement a distributed system architecture which shall be defined in its agency strategic plan pursuant to s. 282.307.

Section 30. Subsection (6) of section 20.41, Florida Statutes, is amended to read:

20.41 Department of Elderly Affairs.—There is created a Department of Elderly Affairs.

(6) In accordance with the federal Older Americans Act of 1965, as amended, the department shall designate and contract with area agencies on aging in each of the department's planning and service areas. Area agencies on aging shall ensure a coordinated and integrated provision of long-term care services to the elderly and shall ensure the provision of prevention and early intervention services. The department shall have overall responsibility for information system planning. The department shall ensure, through the development of equipment, software, data, and connectivity standards, the ability to share and integrate information collected and reported by the area agencies in support of their contracted obligations to the state. ~~Information system plans developed in support of the area agencies shall be included in the department's strategic information resource management plan, as required by s. 282.307.~~

Section 31. Paragraph (b) of subsection (1) of section 112.3145, Florida Statutes, 1996 Supplement, is amended to read:

112.3145 Disclosure of financial interests and clients represented before agencies.—

(1) For purposes of this section, unless the context otherwise requires, the term:

(b) "Specified state employee" means:

1. Public counsel created by chapter 350, an assistant state attorney, an assistant public defender, a full-time state employee who serves as counsel or assistant counsel to any state agency, a judge of compensation claims, an administrative law judge, or a hearing officer.

2. Any person employed in the office of the Governor or in the office of any member of the Cabinet if that person is exempt from the Career Service System, except persons employed in clerical, secretarial, or similar positions.

3. Each appointed secretary, assistant secretary, deputy secretary, executive director, assistant executive director, or deputy executive director of each state department, commission, board, or council; unless otherwise provided, the division director, assistant division director, deputy director, bureau chief, and assistant bureau chief of any state department or division; or any person having the power normally conferred upon such persons, by whatever title.

4. The superintendent or institute director of a state mental health institute established for training and research in the mental health field or the superintendent or director of any major state institution or facility established for corrections, training, treatment, or rehabilitation.

5. Business managers, purchasing agents having the power to make any purchase exceeding \$1,000, finance and accounting directors, personnel officers, or grants coordinators for any state agency.

~~6. Any voting member of the Information Technology Resource Procurement Advisory Council established in the Department of Management Services by s. 287.073.~~

~~6.7.~~ Any person, other than a legislative assistant exempted by the presiding officer of the house by which the legislative assistant is employed, who is employed in the legislative branch of government, except persons employed in maintenance, clerical, secretarial, or similar positions.

~~7.8.~~ Each employee of the Commission on Ethics.

Section 32. Subsection (8) of section 216.031, Florida Statutes, is amended to read:

216.031 Budgets for operational expenditures.—A legislative budget request, reflecting the independent judgment of the head of the state agency, and of the Chief Justice of the Supreme Court, with respect to the needs of the agency and the judicial branch for operational expenditures during the next fiscal year, shall be submitted by each head of a state agency and by the Chief Justice of the Supreme Court and shall contain the following:

(8) An information resources management schedule showing the agency's or judicial branch's total budget request for information resources management. The schedule shall be in the format provided for in the legislative budget instructions. The budget request for information resources management shall identify, if applicable, which parts of the request are in response to any information resources management issues included in the legislative budget instructions pursuant to s. ~~282.305(1)~~. This subsection is applicable only to those state agencies which are under the purview of ss. 282.303-282.313 and to the judicial branch.

Section 33. Subsections (5), (6), and (10) of section 216.235, Florida Statutes, are amended to read:

216.235 Innovation Investment Program; definitions; intent; State Innovation Committee; responsibilities; procedures for innovative project submission, review, evaluation, and approval; criteria to be considered.—

(5) Except as otherwise provided in this act, innovative project proposals shall be submitted to the department no later than August 1. The department shall prescribe the format for proposals submitted pursuant to this section. Such proposals shall include, but not be limited to:

- (a) The identification of a specific innovative project.
- (b) The name of the innovative project administrator.
- (c) A cost/benefit analysis.

- (d) A plan to be used by the agency in evaluating the outcomes of the innovative project upon implementation.
- (e) A summary of how the innovative project produces a cost savings for the agency or improves the quality of the public services delivered by the agency.

All proposals shall have the approval of the agency head, the agency's budget director, the agency's inspector general or internal auditor, and, if the proposal involves information technology resources, the agency's Chief Information Officer ~~information resource manager~~ prior to submission to the department.

(6) Any agency submitting a proposal for an innovative project that involves information technology resources shall submit a draft proposal to the State Innovation Committee or its designee ~~Information Resource Commission~~ for review and consultation no later than June 1 and a final proposal no later than July 1. In addition to the requirements of subsection (5), such proposals shall include:

- (a) The identification of the specific project, as defined in s. 282.303.
- (b) A statement as to the innovative project's consistency with the agency's strategic plan ~~for information resources management~~.
- (c) The business case, which shall include how the funds are to be used, what specific processes will be affected, and how savings for improved efficiency of operations are to be achieved.
- (d) A planning and analysis methodology that provides a high level of confidence in successful implementation.
- (e) If applicable, a description of the transferability of the technology to other agencies.

Based on the components required by this subsection to be included in innovative project proposals, the State Innovation Committee or its designee ~~Information Resource Commission~~ shall evaluate the innovative project's technical feasibility and shall make recommendations to the review board. Proposals that involve the innovative application of information technology resources that have a transferable benefit to other agencies shall receive greater consideration by the committee or its designee ~~Information Resource Commission~~ than those applications that do not have a transferable benefit.

(10) The department shall monitor and evaluate the implementation of innovative projects to determine if the anticipated results were achieved. For innovative projects involving information technology resources, the agency's Chief Information Officer ~~Information Resource Commission~~ shall assist the department in monitoring and evaluating the implementation of the innovative project, and determining whether the anticipated results were achieved.

Section 34. Section 216.236, Florida Statutes, is amended to read:

216.236 Innovation Investment Program; funding; recordkeeping and reporting.—The amount of \$1 million of any funds appropriated from the General Revenue Fund for the purpose of funding the Innovation Investment Program shall be available on a payback basis. Innovative project proposals funded on a payback basis shall include the requirements of s. 216.235(5) and, if applicable, s. 216.235(6), and shall be submitted to the department no later than May 15. The State Innovation Committee or its designee Agencies submitting an innovative project proposal involving information technology resources shall not be required to submit a draft proposal to the Information Resource Commission; however, the Information Resource Commission shall review and evaluate such proposal as to its technical feasibility. Funds for the innovative project shall be available to the agency on July 1. Any of such funds which are not awarded by July 1 shall be used for funding innovative projects submitted for funding pursuant to section 3. Loans made under this section shall be repaid, without interest, from savings realized by the agency as a result of implementing the innovative project by no later than July 30 of the following fiscal year in which the funds were received by the agency. Any agency awarded funds pursuant to this section shall maintain detailed accounting records showing all expenses, loan transfers, savings, or other financial actions concerning the project. Any savings realized as a result of implementing the innovative project shall be quantified, validated, and verified by the agency. By July 1 of the following fiscal year in which the funds were received, a final report of the results of the implementation of each innovative project shall be submitted by each participating agency to the Governor's Office of Planning and Budgeting and the legislative appropriations committees, along with a budget amendment to reimburse the General Revenue Fund.

Section 35. Subsection (16) of section 287.042, Florida Statutes, 1996 Supplement, is amended to read:

287.042 Powers, duties, and functions.—The division shall have the following powers, duties, and functions:

(16)(a) To enter into joint agreements with governmental agencies, as defined in s. 163.3164(10), for the purpose of pooling funds for the purchase of commodities, information technology resources, or services that can be used by multiple agencies. However, the department may consult with the State Technology Office on joint agreements that involve the purchase of information technology resources must be coordinated with the Information Resource Commission. The Information Resource Commission may also provide administrative and technical support for those agreements involving the purchase of information technology resources, or the division may delegate complete authority for joint agreements involving information technology resources to the commission. Agencies entering into joint purchasing agreements with the division or the Information Resource Commission, as appropriate, shall authorize the division or commission to contract for such purchases on their behalf.

(b) Each agency that has been appropriated or has existing funds for such purchases, shall, upon contract award by the division, transfer their

portion of the funds into the division's Grants and Donations Trust Fund for payment by the division. These funds shall be transferred by the Executive Office of the Governor pursuant to the agency budget amendment request provisions in chapter 216.

~~(c) Notwithstanding paragraph (b), for joint agreements for information technology resources purchases that have been delegated by the division to the Information Resource Commission, agencies that have been appropriated or have existing funds for information technology resources purchases shall, upon contract award by the commission, transfer their portion of the funds into the Information Resource Commission's Grants and Donations Trust Fund for payment by the commission. These funds shall be transferred by the Executive Office of the Governor pursuant to the agency budget amendment request provisions in chapter 216.~~

~~(c)(d)~~ Agencies that sign such joint agreements are financially obligated for their portion of the agreed-upon funds. If any agency becomes more than 90 days delinquent in paying such funds, the Department of Management Services ~~or the Information Resource Commission, as applicable,~~ shall certify to the Comptroller the amount due, and the Comptroller shall transfer the amount due to the Grants and Donations Trust Fund of the division ~~or the Information Resource Commission, as appropriate,~~ from any of the agency's available funds. The Comptroller shall report all such transfers and the reasons for such transfers to the Executive Office of the Governor and the legislative appropriations committees.

Section 36. Subsection (1) of section 287.073, Florida Statutes, is amended to read:

287.073 Procurement of information technology resources.—

(1) For the purposes of this section, the term:

~~(a) "Information technology resources" has the same meaning ascribed in s. 282.303(13). means data processing hardware, software, services, supplies, personnel, facility resources, maintenance, and training but does not include those process control devices excluded from such definition by rule of the Information Resource Commission.~~

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

Section 37. Subsection (3) is added to section 943.08, Florida Statutes, 1996 Supplement, to read:

943.08 Duties; Criminal and Juvenile Justice Information Systems Council.—

(3) The council shall develop and approve a strategic plan pursuant to the requirements set forth in s. 186.022(9). Copies of the approved plan shall be transmitted, electronically or in writing, to the Executive Office of the Governor, the Speaker of the House of Representatives, the President of the Senate, and the council members.

Section 38. The current staff of the Information Resource Commission, which is abolished by this act, shall be afforded priority consideration for any positions created by the reorganization pursuant to the provisions of this act or for other vacant positions in state government in accordance with s. 20.02(7), Florida Statutes.

Section 39. All records, including electronic and paper records, of each entity abolished by this act must be appropriately stored within 30 days after the date of the abolishment of the entity, except that records of the Information Resource Commission may be transferred to the State Technology Office upon request of the office.

Section 40. The administrative rules of the Information Resource Commission shall remain in effect until June 30, 1998, at which time such rules are repealed. However, the judicial and legislative branches, the State University System, and the Community College System are not bound by any existing administrative rules adopted by the Information Resource Commission.

Section 41. All unexpended appropriations resulting from the repeal of the Information Resource Commission, which were designated for special monitoring pursuant to s. 282.322, Florida Statutes, shall be transferred by a type two transfer to the Technology Review Workgroup established pursuant to s. 216.0446, Florida Statutes.

Section 42. The Division of Statutory Revision of the Joint Legislative Management Committee may prepare a reviser's bill to conform any cross-references that are necessary as a result of this act.

Section 43. For the purposes of sections 43 through 47, the word "agency" has the meaning ascribed in section 119.011, Florida Statutes.

Section 44. Notwithstanding any general or special law to the contrary, the agencies of one or more local governments may establish a collaborative client information system. State agencies and private agencies may participate in the collaborative information system. Data related to the following areas may be included in the collaborative information system, although the system is not limited to only these types of information; criminal justice, juvenile justice, education, employment training, health, and human services.

Section 45. (1) The counties involved in the creation and administration of a collaborative client information system shall form a steering committee, consisting of representatives of all agencies and organizations participating in the system, to govern the organization and administration of the collaborative system. Each steering committee shall determine its procedures for governance of the organization, participation in the collaborative

information system, and administration of the data in the system. Each steering committee also must develop a security policy to be followed by all agencies participating in the collaborative system to ensure the integrity of the data in the collaborative information system and to guarantee the privacy, to the extent possible, of all clients served by an agency that participates in the collaborative system.

(2) Before sharing confidential information with other members of the information collaborative, each member of the steering committee shall sign an agreement specifying, at a minimum, the following information:

- (a) What information each agency will share with the collaborative;
- (b) How the information will be shared;
- (c) How clients will be notified that an agency participates in the collaborative;
- (d) Who in each agency will have access to the information;
- (e) The purposes to be served by sharing the information;
- (f) Assurances from each agency that it will maintain the confidentiality of the information as required by law; and
- (g) Other information decided upon by members of the information cooperative.

Section 46. Notwithstanding any law to the contrary, an agency that participates in the creation or administration of a collaborative client information system may share client information, including confidential client information, with other members of the collaborative system as long as the restrictions governing the confidential information are observed by any other agency granted access to the confidential information. An agency that participates in a collaborative information system is not required to have a release signed by its affected clients before sharing confidential information with other members of the collaborative system.

Section 47. An agency that receives moneys from a federal, state, or local agency is encouraged to participate in any collaborative client information system that is available within the service area of the agency.

Section 48. Except as otherwise provided herein, this act shall take effect July 1, 1997.

Became a law without the Governor's approval May 31, 1997.

Filed in Office Secretary of State May 30, 1997.