

House Bill No. 1811

An act relating to information technology; amending s. 20.22, F.S.; creating the State Technology Office within the Department of Management Services; requiring the office to operate and manage the Technology Resource Center; amending s. 110.205, F.S.; providing that specified officers within the State Technology Office are exempt from career service; providing that the office shall set the salaries and benefits for such officers in accordance with the rules of the Senior Management Service; providing for the personal secretary to specified officers within the State Technology Office to be exempt from career service; providing for all managers, supervisors, and confidential employees of the State Technology Office to be exempt from career service; providing that the office shall set the salaries and benefits for those positions in accordance with the rules of the Selected Exempt Service; amending s. 186.022, F.S.; revising the entities required to annually develop and submit an information technology strategic plan; providing for the State Technology Office to administer and approve development of information technology strategic plans; amending s. 216.013, F.S.; revising provisions relating to the review of long-range program plans for executive agencies by the Executive Office of the Governor; providing that the Executive Office of the Governor shall consider the findings of the State Technology Office with respect to the State Annual Report on Enterprise Resource Planning and Management and statewide policies adopted by the State Technology Office; amending s. 216.0446, F.S.; relating to review of agency information resources management needs; providing that the Technology Review Workgroup and the State Technology Office shall independently review specified long-range program plans and make recommendations with respect thereto; providing reporting requirements; revising powers and duties of the Technology Review Workgroup; amending s. 216.181, F.S.; relating to approved budgets for operations and fixed capital outlay; providing requirements with respect to an amendment to the original operating budget for specified information technology projects or initiatives; amending s. 216.235, F.S.; transferring specified responsibilities with respect to the Innovation Investment Program Act from the Department of Management Services to the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor; revising the membership of the State Innovation Committee; amending s. 216.292, F.S.; authorizing state agencies to transfer positions and appropriations for fiscal year 2001-2002 for the purpose of consolidating information technology resources to the State Technology Office; amending s. 282.005, F.S.; revising legislative findings and intent with respect to the Information Resources Management Act of 1997; providing that the State Technology Office has primary responsibility and accountability for information technology matters within the state; providing that the office shall take no action with respect to specified information technology and information technology personnel deemed necessary by

cabinet officers; amending and renumbering s. 282.303, F.S.; revising definitions; defining "information technology"; amending s. 282.102, F.S.; revising powers and duties of the State Technology Office; providing that the office shall be a separate budget entity within the Department of Management Services; providing that the Chief Information Officer shall be considered an agency head; providing for administrative support and service from Department of Management Services; authorizing the office to perform, in consultation with a state agency, the enterprise resource planning and management for the agency; authorizing the office to apply for, receive, and hold specified patents, copyrights, trademarks, and service marks; authorizing the office to purchase, lease, hold, sell, transfer, license, and dispose of specified real, personal, and intellectual property; providing for deposit of specified fees in the Law Enforcement Radio Operating Trust Fund; providing for a State Chief Privacy Officer; amending s. 282.103, F.S., to conform; authorizing the State Technology Office to grant an agency exemption from required use of specified SUNCOM Network services; amending s. 282.104, F.S., to conform; amending s. 282.105, F.S., to conform; amending s. 282.106, F.S., to conform; amending s. 282.1095, F.S., relating to the state agency law enforcement radio system; providing conforming amendments; renaming the State Agency Law Enforcement Radio System Trust Fund as the Law Enforcement Radio Operating Trust Fund; requiring the office to establish policies, procedures, and standards for a comprehensive plan for a statewide radio communications system; eliminating provisions relating to establishment and funding of specified positions; amending s. 282.111, F.S., to conform; amending s. 282.20, F.S., relating to the Technology Resource Center; providing conforming amendments; removing provisions relating to the acceptance of new customers by the center; authorizing the center to spend funds in the reserve account of the Technology Enterprise Operating Trust Fund; amending s. 282.21, F.S., to conform; amending s. 282.22, F.S.; revising terminology; removing specified restrictions on the office's authority to sell services; creating s. 282.23, F.S.; authorizing the State Technology Office, in consultation with the Department of Management Services, to establish a State Strategic Information Technology Alliance; providing purposes of the alliance; providing for the establishment of policies and procedures; repealing s. 282.3041, F.S., which provides that the head of each state agency is responsible and accountable for enterprise resource planning and management within the agency; amending s. 282.3055, F.S.; authorizing the Chief Information Officer to appoint or contract for Agency Chief Information Officers to assist in carrying out enterprise resource planning and management responsibilities; amending s. 282.3063, F.S.; requiring Agency Chief Information Officers to prepare and submit an Agency Annual Enterprise Resource Planning and Management Report; amending s. 282.315, F.S.; renaming the Chief Information Officers Council as the Agency Chief Information Officers Council; revising the voting membership of the council; amending amending s. 282.318, F.S., to conform; amending s. 282.322, F.S.; requiring the Enterprise Project

Management Office of the State Technology Office to report on, monitor, and assess risk levels of specified high-risk technology projects; amending s. 216.163, F.S.; providing that the Governor's recommended budget shall include recommendations for specified high-risk information technology projects; amending s. 119.07, F.S.; defining "information technology resources" and "data processing software"; amending ss. 119.083, F.S.; correcting cross references; requiring certain state agencies to transfer described positions and administrative support personnel to the State Technology Office by specified dates; providing limits on the number of positions and administrative support personnel transferred; providing that the State Technology Office and the relevant agencies are authorized to request subsequent transfers of positions, subject to approval by the Legislative Budget Commission; providing requirements with respect to transferred resources which were dedicated to a federally funded system; providing appropriations; repealing s. 282.404, F.S.; abolishing the Florida Geographic Information Board within the State Technology Office; amending s. 11.90, F.S.; requiring the Legislative Budgeting Commission to review specified information resources management needs, State Technology Office policies, and specified budget amendments; providing an effective date.

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

Section 1. Paragraph (b) of subsection (2) and subsection (3) of section 20.22, Florida Statutes, are amended to read:

20.22 Department of Management Services.—There is created a Department of Management Services.

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

(b) State Technology Office ~~Information Technology Program~~.

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

Section 2. Subsection (2) of section 110.205, Florida Statutes, is amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions which are not covered by this part include the following, provided that no position, except for positions established for a limited period of time pursuant to paragraph (i) ~~(h)~~, shall be exempted if the position reports to a position in the career service:

(a) All officers of the executive branch elected by popular vote and persons appointed to fill vacancies in such offices. Unless otherwise fixed by law, the salary and benefits for any such officer who serves as the head of

a department shall be set by the department in accordance with the rules of the Senior Management Service.

(b) All members, officers, and employees of the legislative branch, except for the members, officers, and employees of the Florida Public Service Commission.

(c) All members, officers, and employees of the judicial branch.

(d) All officers and employees of the State University System and the Correctional Education Program within the Department of Corrections, and the academic personnel and academic administrative personnel of the Florida School for the Deaf and the Blind. In accordance with the provisions of chapter 242, the salaries for academic personnel and academic administrative personnel of the Florida School for the Deaf and the Blind shall be set by the board of trustees for the school, subject only to the approval of the State Board of Education. The salaries for all instructional personnel and all administrative and noninstructional personnel of the Correctional Education Program shall be set by the Department of Corrections, subject to the approval of the Department of Management Services.

(e) The Chief Information Officer, deputy chief information officers, chief technology officers, and deputy chief technology officers in the State Technology Office. Unless otherwise fixed by law, the State Technology Office shall set the salary and benefits of these positions in accordance with the rules of the Senior Management Service.

~~(f)~~(e) All members of state boards and commissions, however selected. Unless otherwise fixed by law, the salary and benefits for any full-time board or commission member shall be set by the department in accordance with the rules of the Senior Management Service.

~~(g)~~(f) Judges, referees, and receivers.

~~(h)~~(g) Patients or inmates in state institutions.

~~(i)~~(h) All positions which are established for a limited period of time for the purpose of conducting a special study, project, or investigation and any person paid from an other-personal-services appropriation. Unless otherwise fixed by law, the salaries for such positions and persons shall be set in accordance with rules established by the employing agency for other-personal-services payments pursuant to s. 110.131.

~~(j)~~(i) The appointed secretaries, assistant secretaries, deputy secretaries, and deputy assistant secretaries of all departments; the executive directors, assistant executive directors, deputy executive directors, and deputy assistant executive directors of all departments; and the directors of all divisions and those positions determined by the department to have managerial responsibilities comparable to such positions, which positions include, but are not limited to, program directors, assistant program directors, district administrators, deputy district administrators, the Director of Central Operations Services of the Department of Children and Family Services, and the State Transportation Planner, State Highway Engineer, State Public Transportation Administrator, district secretaries, district directors of planning

and programming, production, and operations, and the managers of the offices specified in s. 20.23(3)(d)2., of the Department of Transportation. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules of the Senior Management Service.

(k)(j) The personal secretary to the incumbent of each position exempted in paragraphs ~~paragraph (a), (e), and (j).~~ and to each appointed secretary, assistant secretary, deputy secretary, executive director, assistant executive director, and deputy executive director of each department under paragraph (i). Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules of the Selected Exempt Service.

(l)(k) All officers and employees in the office of the Governor, including all employees at the Governor's mansion, and employees within each separate budget entity, as defined in chapter 216, assigned to the Governor. Unless otherwise fixed by law, the salary and benefits of these positions shall be set by the department as follows:

1. The chief of staff, the assistant or deputy chief of staff, general counsel, Director of Legislative Affairs, chief inspector general, Director of Cabinet Affairs, Director of Press Relations, Director of Planning and Budgeting, director of administration, director of state-federal relations, Director of Appointments, Director of External Affairs, Deputy General Counsel, Governor's Liaison for Community Development, Chief of Staff for the Lieutenant Governor, Deputy Director of Planning and Budgeting, policy coordinators, and the director of each separate budget entity shall have their salaries and benefits established by the department in accordance with the rules of the Senior Management Service.

2. The salaries and benefits of positions not established in sub-subparagraph a. shall be set by the employing agency. Salaries and benefits of employees whose professional training is comparable to that of licensed professionals under paragraph (r) ~~(q)~~, or whose administrative responsibility is comparable to a bureau chief shall be set by the Selected Exempt Service. The department shall make the comparability determinations. Other employees shall have benefits set comparable to legislative staff, except leave shall be comparable to career service as if career service employees.

(m)(l) All assistant division director, deputy division director, and bureau chief positions in any department, and those positions determined by the department to have managerial responsibilities comparable to such positions, which positions include, but are not limited to, positions in the Department of Health, the Department of Children and Family Services, and the Department of Corrections that are assigned primary duties of serving as the superintendent or assistant superintendent, or warden or assistant warden, of an institution; positions in the Department of Corrections that are assigned primary duties of serving as the circuit administrator or deputy circuit administrator; positions in the Department of Transportation that are assigned primary duties of serving as regional toll managers and manag-

ers of offices as defined in s. 20.23(3)(d)3. and (4)(d); positions in the Department of Environmental Protection that are assigned the duty of an Environmental Administrator or program administrator; those positions described in s. 20.171 as included in the Senior Management Service; and positions in the Department of Health that are assigned the duties of Environmental Administrator, Assistant County Health Department Director, and County Health Department Financial Administrator. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules established for the Selected Exempt Service.

~~(n)(m)~~1.a. In addition to those positions exempted by other paragraphs of this subsection, each department head may designate a maximum of 20 policymaking or managerial positions, as defined by the department and approved by the Administration Commission, as being exempt from the Career Service System. Career service employees who occupy a position designated as a position in the Selected Exempt Service under this paragraph shall have the right to remain in the Career Service System by opting to serve in a position not exempted by the employing agency. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules of the Selected Exempt Service; provided, however, that if the agency head determines that the general counsel, chief Cabinet aide, public information administrator or comparable position for a Cabinet officer, inspector general, or legislative affairs director has both policymaking and managerial responsibilities and if the department determines that any such position has both policymaking and managerial responsibilities, the salary and benefits for each such position shall be established by the department in accordance with the rules of the Senior Management Service.

b. In addition, each department may designate one additional position in the Senior Management Service if that position reports directly to the agency head or to a position in the Senior Management Service and if any additional costs are absorbed from the existing budget of that department.

2. If otherwise exempt, employees of the Public Employees Relations Commission, the Commission on Human Relations, and the Unemployment Appeals Commission, upon the certification of their respective commission heads, may be provided for under this paragraph as members of the Senior Management Service, if otherwise qualified. However, the deputy general counsels of the Public Employees Relations Commission shall be compensated as members of the Selected Exempt Service.

~~(o)(n)~~ The executive director, deputy executive director, general counsel, official reporters, and division directors within the Public Service Commission and the personal secretary and personal assistant to each member of the Public Service Commission. Unless otherwise fixed by law, the salary and benefits of the executive director, deputy executive directors, general counsel, Director of Administration, Director of Appeals, Director of Auditing and Financial Analysis, Director of Communications, Director of Consumer Affairs, Director of Electric and Gas, Director of Information Processing, Director of Legal Services, Director of Records and Reporting, Director of Research, and Director of Water and Sewer shall be set by the department

in accordance with the rules of the Senior Management Service. The salary and benefits of the personal secretary and the personal assistant of each member of the commission and the official reporters shall be set by the department in accordance with the rules of the Selected Exempt Service, notwithstanding any salary limitations imposed by law for the official reporters.

(p)~~(o)~~1. All military personnel of the Department of Military Affairs. Unless otherwise fixed by law, the salary and benefits for such military personnel shall be set by the Department of Military Affairs in accordance with the appropriate military pay schedule.

2. The military police chiefs, military police officers, firefighter trainers, firefighter-rescuers, and electronic security system technicians shall have salary and benefits the same as career service employees.

(q)~~(p)~~ The staff directors, assistant staff directors, district program managers, district program coordinators, district subdistrict administrators, district administrative services directors, district attorneys, and the Deputy Director of Central Operations Services of the Department of Children and Family Services and the county health department directors and county health department administrators of the Department of Health. Unless otherwise fixed by law, the department shall establish the salary range and benefits for these positions in accordance with the rules of the Selected Exempt Service.

(r)~~(q)~~ All positions not otherwise exempt under this subsection which require as a prerequisite to employment: licensure as a physician pursuant to chapter 458, licensure as an osteopathic physician pursuant to chapter 459, licensure as a chiropractic physician pursuant to chapter 460, including those positions which are occupied by employees who are exempted from licensure pursuant to s. 409.352; licensure as an engineer pursuant to chapter 471, which are supervisory positions except for such positions in the Department of Transportation; or for 12 calendar months, which require as a prerequisite to employment that the employee have received the degree of Bachelor of Laws or Juris Doctor from a law school accredited by the American Bar Association and thereafter membership in The Florida Bar, except for any attorney who serves as an administrative law judge pursuant to s. 120.65 or for hearings conducted pursuant to s. 120.57(1)(a). Unless otherwise fixed by law, the department shall set the salary and benefits for these positions in accordance with the rules established for the Selected Exempt Service.

(s)~~(r)~~ The statewide prosecutor in charge of the Office of Statewide Prosecution of the Department of Legal Affairs and all employees in the office. The Department of Legal Affairs shall set the salary of these positions.

(t)~~(s)~~ The executive director of each board or commission established within the Department of Business and Professional Regulation or the Department of Health. Unless otherwise fixed by law, the department shall establish the salary and benefits for these positions in accordance with the rules established for the Selected Exempt Service.

~~(u)(t)~~ All officers and employees of the State Board of Administration. The State Board of Administration shall set the salaries and benefits of these positions.

~~(v)(u)~~ Positions which are leased pursuant to a state employee lease agreement expressly authorized by the Legislature pursuant to s. 110.191.

(w) All managers, supervisors, and confidential employees of the State Technology Office. The State Technology Office shall set the salaries and benefits of these positions in accordance with the rules established for the Selected Exempt Service.

Section 3. Section 186.022, Florida Statutes, is amended to read:

186.022 Information technology resource strategic plans.—By June 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 and submit to the State Technology Office an information technology resource strategic plan to the Executive Office of the Governor in a form and manner prescribed in written instructions from prepared by the State Technology Office Executive Office of the Governor in consultation with the Executive Office of the Governor and the legislative appropriations committees. The State Technology Office Executive Office of the Governor shall review each such the strategic plan and may provide comments within 30 days. In its review, the Executive Office of the Governor shall determine consider all comments and findings of the Technology Review Workgroup as to whether each such the plan is consistent with the State Annual Report on Enterprise Resource Planning and Information Resources Management and statewide policies adopted by the State Technology Office, and by July 1 of each year shall develop and transmit to each such board and council a written expression of its findings, conclusions, and required changes, if any, with respect to each such strategic plan recommended by the State Technology Council. If any change to any such strategic plan is revisions are required, each affected board boards and council shall revise its strategic plan to the extent necessary to incorporate such required changes councils have 30 days to incorporate those revisions and shall resubmit its strategic return the plan to the State Technology Office for final approval and acceptance Executive Office of the Governor.~~

Section 4. Subsection (4) of section 216.013, Florida Statutes, is amended to read:

216.013 Long-range program plan.—

(4) The Executive Office of the Governor shall review the long-range program plans for executive agencies to ensure that they are consistent with the state's goals and objectives and other requirements as specified in the written instructions and that they provide the framework and context for the agency's budget request. In its review, the Executive Office of the Governor shall consider the findings of the State Technology Office Technology Review Workgroup as to the consistency of the information technology portion of long-range program plans with the State Annual Report on Enter-

prise Resource Planning and Information Resources Management and state-wide policies adopted recommended by the State Technology Office Council and the state's plan for facility needs pursuant to s. 216.0158. Based on the results of the review, the Executive Office of the Governor may require an agency to revise the plan.

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

216.0446 Review of information resources management needs.—

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

(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 long-range program plans for consistency with the State Annual Report on Enterprise Resource Planning and Information Resources Management and statewide policies recommended by the State Technology Office Council, and make recommendations to the Legislative Budget Commission chairs of the legislative appropriations committees.

(b) To review and make recommendations to the Legislative Budget Commission chairs of the legislative appropriations committees on proposed budget amendments and agency transfers associated with information technology 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, or that are requested by the Legislative Budget Commission to be reviewed.~~

Section 6. Subsection (5) of section 216.181, Florida Statutes, is amended to read:

216.181 Approved budgets for operations and fixed capital outlay.—

(5) An amendment to the original operating budget for an information technology 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, except for those projects that are a continuation of hardware or software maintenance or software licensing

agreements, or that are for desktop replacement that is similar to the technology currently in use must be reviewed by the Technology Review Workgroup pursuant to s. 216.0466 and approved by the Executive Office of the Governor for the executive branch or by the Chief Justice for the judicial branch, and shall be subject to the notice and review procedures set forth in s. 216.177.

Section 7. Section 216.235, Florida Statutes, is amended to read:

216.235 Innovation Investment Program; intent; definitions; composition and responsibilities of State Innovation Committee; responsibilities of the Office of Tourism, Trade, and Economic Development ~~Department of Management Services, the Information Resource Commission,~~ and the review board; procedures for innovative project submission, review, evaluation, and approval; criteria to be considered.—

(1) This section shall be cited as the “Innovation Investment Program Act.”

(2) The Legislature finds that each state agency should be encouraged to pursue innovative investment projects which demonstrate a novel, creative, and entrepreneurial approach to conducting the agency’s normal business processes; effectuate a significant change in the accomplishment of the agency’s activities; address an important problem of public concern; and have the potential of being replicated by other state agencies. The Legislature further finds that investment in innovation can produce longer-term savings and that funds for such investment should be available to assist agencies in investing in innovations that produce a cost savings to the state or improve the quality of services delivered. The Legislature also finds that any eligible savings realized as a result of investment in innovation should be available for future investment in innovation.

(3) For purposes of this section:

(a) “Agency” means an official, officer, commission, authority, council, committee, department, division, bureau, board, section, or other unit or entity of the executive branch.

(b) “Commission” means the Information Resource Commission.

(c) “Committee” means the State Innovation Committee.

(d) “Office” means the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor. ~~“Department” means the Department of Management Services.~~

(e) “Review board” means a nonpartisan board composed of private citizens and public employees who evaluate the projects and make funding recommendations to the committee.

(4) There is hereby created the State Innovation Committee, which shall have final approval authority as to which innovative investment projects submitted under this section shall be funded. Such committee shall be com-

prised of seven ~~five~~ members. Appointed members shall serve terms of 1 year and may be reappointed. The committee shall include:

- (a) The Lieutenant Governor.
- (b) The director of the Governor's Office of Planning and Budgeting.
- (c) The Chief Information Officer in the State Technology Office.

~~(d)(e)~~ The Comptroller.

~~(e)(d)~~ One representative of the private sector appointed by the Commission on Government Accountability to the People.

~~(f)(e)~~ The director of the Office of Tourism, Trade, and Economic Development. ~~One representative appointed by Enterprise Florida, Inc.~~

~~(g)~~ The Chair of IT Florida.com, Inc.

~~The Secretary of Management Services shall serve as an alternate in the event a member is unable to attend the committee meeting.~~

(5) Agencies shall submit proposed innovative investment projects to the Office of Tourism, Trade, and Economic Development ~~department~~ by a date established and in the format prescribed by the office ~~department~~. Such innovative investment project proposals shall include, but not be limited to:

- (a) The identification of a specific innovative investment project.
- (b) The name of the agency's innovative investment project administrator.

(c) A cost/benefit analysis which is a financial summary of how the innovative investment project will produce a cost savings for the agency or improve the quality of the public services delivered by the agency. The analysis shall include a breakdown of each project cost category, including, but not limited to: the costs associated with hiring of other-personal-services staff, re-engineering efforts, purchase of equipment, maintenance agreements, training, consulting services, travel, acquisition of information technology resources; any monetary or in-kind contributions made by the agency, another public entity, or the private sector; and available baseline data, performance measures, and outcomes as defined in s. 216.011(1).

(d) The approval of the agency head, the agency's budget director, the agency's inspector general or internal auditor, and, if the innovative investment project involves information technology resources, the information resource manager.

(6) Any agency developing an innovative investment project proposal that involves information technology resources may consult with and seek technical assistance from the commission. The office ~~department~~ shall consult with the commission for any project proposal that involves information resource technology. The commission is responsible for evaluating these projects and for advising the committee and review board of the technical

feasibility and any transferable benefits of the proposed technology. In addition to the requirements of subsection (5), the agencies shall provide to the commission any information requested by the commission to aid in determining that the proposed technology is appropriate for the project's success.

(7) The ~~office department~~ shall select a review board composed of private and public members. Terms of review board members shall be for 1 year beginning on a date established by the ~~office department~~. Review board members may serve more than one term. ~~The board shall evaluate innovative investment projects and shall make recommendations to the committee as to which innovative projects should be considered for funding.~~

(8) When evaluating projects, the committee and the review board shall consider whether the innovative investment project meets the following criteria:

- (a) Increases the quality of public services by the agency.
- (b) Reduces costs for the agency.
- (c) Involves a cooperative effort with another public entity or the private sector.

(d) Reduces the need for hiring additional employees or avoids other operating costs incurred by the agency in the future.

(9) The committee shall allocate funds based on a competitive evaluation process and award funds to agencies for innovative investment projects demonstrating quantifiable savings to the state, or improved customer service delivery.

(10) The awarded agency shall monitor and evaluate the projects to determine if the anticipated results were achieved.

(11) Funds appropriated for the Innovation Investment Program shall be distributed by the Executive Office of the Governor subject to notice, review, and objection procedures set forth in s. 216.177. The ~~office department~~ may transfer funds from the annual appropriation as necessary to administer the program.

Section 8. Paragraph (c) is added to subsection (1) of section 216.292, Florida Statutes, to read:

216.292 Appropriations nontransferable; exceptions.—

(1)

(c) Notwithstanding any other provision of this section or the provisions of s. 216.351, for fiscal year 2001-2002, state agencies may transfer positions and appropriations as necessary to comply with any provision of the General Appropriations Act, or any other provision of law, that requires or specifically authorizes the transfer of positions and appropriations in the consolidation of information technology resources to the State Technology Office.

Section 9. Section 282.005, Florida Statutes, is amended 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) An office must be created to provide support and guidance to enhance the state's use and management of information technology resources and to design, procure, and deploy, on behalf of the state, information technology resources.

(4) The cost-effective deployment of information technology ~~and information resources~~ by state agencies can best be managed by a Chief Information Officer.

(5) ~~The head of each state agency, in consultation with~~ The State Technology Office, has primary responsibility and accountability for the planning, budgeting, acquisition, development, implementation, use, and management of information technology resources within the state agency. The State Technology Office shall use the state's information technology in the best interest of the state as a whole and shall contribute to and make use of shared data and related resources whenever appropriate. Each agency head has primary responsibility and accountability for setting agency priorities, identifying business needs, and determining agency services and programs to be developed as provided by law. The State Technology Office, through service level agreements with each agency, shall provide the information technology needed for the agency to accomplish its mission.

(6) 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.

~~(7) The agency head, in consultation with the State Technology Office, 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.~~

~~(7)(8)~~ The state, through the State Technology Office, shall provide, by whatever means is most cost-effective and efficient, the information technology, enterprise resource planning and management, and enterprise resource management infrastructure ~~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.

~~(8)(9)~~ A necessary part of the state's information technology resources ~~management~~ infrastructure is a statewide communications system for all

types of signals, including, but not limited to, voice, data, video, radio, telephone, wireless, and image.

~~(9)(10)~~ 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 technology resources management are hereby assigned to the Board of Regents as the agency responsible for the development and implementation of policy, planning, management, rule-making, 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 Florida Community College System; to the Supreme Court, for the judicial branch; to each state attorney and public defender; and to the State Technology Office for the executive branch of state government.

~~(10)~~ The State Technology Office shall take no action affecting the supervision, control, management or coordination of information technology and information technology personnel, that any cabinet officer listed in s. 4 Art. IV of the State Constitution deems necessary for the exercise of his or her statutory or constitutional duties.

~~(11)~~ Notwithstanding anything to the contrary contained in this act, the State Technology Office shall take no action affecting the supervision or control of the personnel or data processing equipment that the Comptroller deems necessary for the exercise of his or her official constitutional duties as set forth in s. 4(d) and (e), Art. IV of the State Constitution.

~~(12)~~ Notwithstanding anything to the contrary contained in this act, the State Technology Office shall take no action affecting the supervision and control of the personnel or data processing equipment which the Attorney General deems necessary for the exercise of his or her official constitutional duties as set forth in s. 4(c), Art. IV of the State Constitution.

Section 10. Section 282.303, Florida Statutes, is renumbered as section 282.0041, Florida Statutes, and amended to read:

282.0041 ~~282.303~~ Definitions.—For the purposes of this part ss. 282.303-282.322, the term:

(1) “Agency” means those entities described in s. 216.011(1)(~~qq~~)(~~mm~~).

~~(2)(8)~~ “Agency Annual Enterprise Resource Planning and Management Report” means the report prepared by each Agency ~~the~~ Chief Information Officer ~~of each agency~~ as required by s. 282.3063.

~~(3)(2)~~ “Agency Chief Information Officer” means the person appointed by ~~the agency head, in consultation with~~ the State Technology Office, to coordinate and manage the information technology resources management policies and activities applicable to within that agency.

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

~~(5)(43)~~ “Enterprise resources management infrastructure” means the hardware, software, networks, data, human resources, policies, standards, and facilities, maintenance, and related materials and services that are required to support the business processes of an agency or state enterprise.

~~(5)~~ “~~Information technology hardware~~” means ~~equipment designed for the automated storage, manipulation, and retrieval of data, voice or video, by electronic or mechanical means, or both, and includes, but is not limited to, central processing units, front-end processing units, including mini-processors and microprocessors, and related peripheral equipment such as data storage devices, document scanners, data entry, terminal controllers and data terminal equipment, word processing systems, equipment and systems for computer networks, personal communication devices, and wireless equipment.~~

~~(6)(41)~~ “Enterprise resource planning and management” means the planning, budgeting, acquiring, developing, organizing, directing, training, and control, and related services associated with government information technology resources. The term encompasses information and related resources, as well as the controls associated with their acquisition, development, dissemination, and use.

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

~~(6)~~ “~~Information technology services~~” means ~~all services that include, but are not limited to, feasibility studies, systems design, software development, enterprise resource planning, application service provision, consulting, or time-sharing services.~~

~~(7)~~ “~~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.

~~(8)(40)~~ “Project” means an undertaking directed at the accomplishment of a strategic objective relating to enterprise resources management or a specific appropriated program.

~~(9)~~ “State Annual Report on Enterprise Resource Planning and Management” means the report prepared by the State Technology Office as defined in s. 282.3093.

~~(10)(46)~~ “Standards” means the use of current, open, nonproprietary, or non-vendor-specific technologies.

~~(11)(4) “State Technology Office” or “office” means the office created in s. 282.102 to support and coordinate cost-effective deployment of technology and information resources and services across state government.~~

~~(12)(15) “Total cost” means all costs associated with information technology 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.~~

~~(12) “Information technology resources” means data processing hardware and software and services, communications, supplies, personnel, facility resources, maintenance, and training.~~

~~(14) “Technology Review Workgroup” means the workgroup created in s. 216.0446 to review and make recommendations on agencies’ information resources management planning and budgeting proposals.~~

Section 11. Section 282.102, Florida Statutes, is amended to read:

282.102 Creation of the State Technology Office; powers and duties of the State Technology Office of the Department of Management Services.—There is created a State Technology Office, administratively placed within the Department of Management Services. The office shall be a separate budget entity, and which shall be headed by a Chief Information Officer who is appointed by the Governor and is in the Senior Management Service. The Chief Information Officer shall be an agency head for all purposes. The Department of Management Services shall provide administrative support and service to the office to the extent requested by the Chief Information Officer. The office may adopt policies and procedures regarding personnel, procurement, and transactions for State Technology Office personnel. The office shall have the following powers, duties, and functions:

(1) To publish electronically the portfolio of services available from the office, including pricing information; the policies and procedures of the office governing usage of available services; and a forecast of the priorities and initiatives for the state communications system for the ensuing 2 years. The office shall provide a hard copy of its portfolio of services upon request.

(2) To adopt rules implementing policies and procedures providing best practices to be followed by agencies in acquiring, using, upgrading, modifying, replacing, or disposing of information technology. To coordinate the purchase, lease, and use of all information technology services for state agencies, including communications services provided as part of any other total system to be used by the state or any of its agencies.

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

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

(5)(4) To integrate the information technology systems and services of state agencies.

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

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

(8)(7) To enter into agreements related to ~~for the support and use of the~~ information technology with ~~services of~~ state agencies and of political subdivisions of the state.

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

~~(9) To standardize policies and procedures for the use of such services.~~

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

(11) To apply for, receive, and hold, and to ~~or~~ assist agencies in applying for, receiving, or holding, such authorizations, patents, copyrights, trademarks, service marks, licenses, and allocations or channels and frequencies to carry out the purposes of this part ss. 282.101-282.109.

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

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

(14) To delegate, as necessary, to state agencies the authority to purchase, lease, or otherwise acquire and to use powers of acquisition and utilization of information technology equipment, facilities, and services or, as necessary, to control and approve the purchase, lease, or acquisition and the use of all information technology equipment, services, and facilities, including, but not limited to, communications services provided as part of any other total system to be used by the state or any of its agencies.

(15) To acquire ~~take~~ ownership, possession, custody, and control of existing communications equipment and facilities, ~~with agency concurrence~~, including all right, title, interest, and equity therein, as necessary, to carry out the purposes of this part ss. 282.101-282.109. However, the provisions of this subsection shall in no way affect the rights, title, interest, or equity in any

such equipment or facilities owned by, or leased to, the state or any state agency by any telecommunications company.

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

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

(18) To apply for and accept federal funds for any of the purposes of this part ~~ss. 282.101-282.109~~ as well as gifts and donations from individuals, foundations, and private organizations.

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

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

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

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

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

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

(e) Ensuring orderly and reliable communications services in accordance with ~~the standards and policies of all state agencies and the service level agreements executed with state agencies.~~

(21) To plan, design, and conduct experiments for information technology services, equipment, and technologies, and to implement enhancements in the state information technology system when in the public interest and cost-effective. Funding for such experiments shall be derived from SUNCOM Network service revenues and shall not exceed 2 percent of the annual budget for the SUNCOM Network for any fiscal year or as provided in the General Appropriations Act ~~for fiscal year 2000-2001~~. New services offered as a result of this subsection shall not affect existing rates for facilities or services.

(22) To enter into contracts or agreements, with or without competitive bidding or procurement, to make available, on a fair, reasonable, and non-discriminatory basis, property and other structures under office control for the placement of new facilities by any wireless provider of mobile service as defined in 47 U.S.C. s. 153(n) or s. 332(d) and any telecommunications

company as defined in s. 364.02 when it is determined to be practical and feasible to make such property or other structures available. The office may, without adopting a rule, charge a just, reasonable, and nondiscriminatory fee for the placement of the facilities, payable annually, based on the fair market value of space used by comparable communications facilities in the state. The office and a wireless provider or telecommunications company may negotiate the reduction or elimination of a fee in consideration of services provided to the office by the wireless provider or telecommunications company. All such fees collected by the office shall be deposited directly into the ~~State Agency Law Enforcement Radio~~ Operating System Trust Fund, and may be used by the office to construct, maintain, or support the system.

(23) To provide an integrated electronic system for deploying government products, services, and information to individuals and businesses.

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

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

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

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

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

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

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

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

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

Section 12. Section 282.103, Florida Statutes, is amended to read:

282.103 SUNCOM Network; exemptions from the required use.—

(1) There is created within the State Technology Office ~~of the Department of Management Services~~ the SUNCOM Network which shall be devel-

oped to serve as the state communications system for providing local and long-distance communications services to state agencies, political subdivisions of the state, municipalities, and nonprofit corporations pursuant to ss. 282.101-282.111. The SUNCOM Network shall be developed to transmit all types of communications signals, including, but not limited to, voice, data, video, image, and radio. State agencies shall cooperate and assist in the development and joint use of communications systems and services.

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

(3) All state agencies are required to use the SUNCOM Network for agency communications services as the services become available; however, no agency is relieved of responsibility for maintaining communications services necessary for effective management of its programs and functions. If a SUNCOM Network service does not meet the communications requirements of an agency, the agency shall notify the State Technology Office ~~of the Department of Management Services~~ in writing and detail the requirements for that communications service. If the office is unable to meet an agency's requirements by enhancing SUNCOM Network service, the office ~~may~~ shall grant the agency an exemption from the required use of specified SUNCOM Network services.

Section 13. Section 282.104, Florida Statutes, is amended to read:

282.104 Use of state SUNCOM Network by municipalities.—Any municipality may request the State Technology Office ~~of the Department of Management Services~~ to provide any or all of the SUNCOM Network's portfolio of communications services upon such terms and under such conditions as the office department may establish. The requesting municipality shall pay its share of installation and recurring costs according to the published rates for SUNCOM Network services and as invoiced by the office. Such municipality shall also pay for any requested modifications to existing SUNCOM Network services, if any charges apply.

Section 14. Subsection (1) of section 282.105, Florida Statutes, is amended to read:

282.105 Use of state SUNCOM Network by nonprofit corporations.—

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

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

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

Section 15. Section 282.106, Florida Statutes, is amended to read:

282.106 Use of SUNCOM Network by libraries.—The State Technology Office of the Department of Management Services may provide SUNCOM Network services to any library in the state, including libraries in public schools, community colleges, the State University System, and nonprofit private postsecondary educational institutions, and libraries owned and operated by municipalities and political subdivisions.

Section 16. Subsection (1), paragraphs (f) and (g) of subsection (2), and subsections (3), (4), and (5) of section 282.1095, Florida Statutes, are amended to read:

282.1095 State agency law enforcement radio system.—

(1) The State Technology Office of the Department of Management Services may acquire and implement a statewide radio communications system to serve law enforcement units of state agencies, and to serve local law enforcement agencies through a mutual aid channel. The Joint Task Force on State Agency Law Enforcement Communications is established in the State Technology Office of the Department of Management Services to advise the office of member-agency needs for the planning, designing, and establishment of the joint system. The State Agency Law Enforcement Radio System Trust Fund is established in the State Technology Office of the Department of Management Services. The trust fund shall be funded from surcharges collected under ss. 320.0802 and 328.72.

(2)

(f) The State Technology Office of the Department of Management Services is hereby authorized to rent or lease space on any tower under its control. The office may also rent, lease, or sublease ground space as necessary to locate equipment to support antennae on the towers. The costs for use of such space shall be established by the office for each site, when it is determined to be practicable and feasible to make space available. The office may refuse to lease space on any tower at any site. All moneys collected by the office for such rents, leases, and subleases shall be deposited directly into the State Agency Law Enforcement Radio Operating System Trust Fund and may be used by the office to construct, maintain, or support the system.

(g) The State Technology Office of the Department of Management Services is hereby authorized to rent, lease, or sublease ground space on lands acquired by the office for the construction of privately owned or publicly owned towers. The office may, as a part of such rental, lease, or sublease agreement, require space on said tower or towers for antennae as may be necessary for the construction and operation of the state agency law enforcement radio system or any other state need. The positions necessary for the office to accomplish its duties under this paragraph and paragraph (f) shall

be established in the General Appropriations Act and shall be funded by the State Agency Law Enforcement Radio Operating System Trust Fund.

(3) Upon appropriation, moneys in the trust fund may be used by the office to acquire by competitive procurement the equipment; software; and engineering, administrative, and maintenance services it needs to construct, operate, and maintain the statewide radio system. Moneys in the trust fund collected as a result of the surcharges set forth in ss. 320.0802 and 328.72 shall be used to help fund the costs of the system. Upon completion of the system, moneys in the trust fund may also be used by the office to provide for payment of the recurring maintenance costs of the system. ~~Moneys in the trust fund may be appropriated to maintain and enhance, over and above existing agency budgets, existing radio equipment systems of the state agencies represented by the task force members, in an amount not to exceed 10 percent per year per agency, of the existing radio equipment inventory until the existing radio equipment can be replaced pursuant to implementation of the statewide radio communications system.~~

(4)(a) ~~The office joint task force~~ shall establish policies, procedures, and standards which shall be incorporated into a comprehensive management plan for the use and operation of the statewide radio communications system.

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

(5)(a) ~~The State Technology office of the Department of Management Services~~ shall provide technical support to the joint task force and shall bear the overall responsibility for the design, engineering, acquisition, and implementation of the statewide radio communications system and for ensuring the proper operation and maintenance of all system common equipment.

~~(b) The positions necessary for the office to accomplish its duties under this section shall be established through the budgetary process and shall be funded by the State Agency Law Enforcement Radio System Trust Fund.~~

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

282.111 Statewide system of regional law enforcement communications.—

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

(2) The State Technology Office ~~of the Department of Management Services~~ is hereby authorized and directed to develop and maintain a statewide

system of regional law enforcement communications. In formulating such a system, the office shall divide the state into appropriate regions and shall develop a program which shall include, but not be limited to, the following provisions:

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

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

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

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

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

(5) No law enforcement communications system shall be established or present system expanded without the prior approval of the State Technology Office of the Department of Management Services.

(6) Within the limits of its capability, the Department of Law Enforcement is encouraged to lend assistance to the State Technology Office of the Department of Management Services in the development of the statewide system of regional law enforcement communications proposed by this section.

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

282.20 Technology Resource Center.—

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

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

1. “Office” means the State Technology Office of the Department of Management Services.

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

2.3. “Customer” means a state agency or other entity which is authorized to utilize the SUNCOM Network pursuant to this part.

(2) The Technology Resource Center shall:

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

(b) Cooperate with customers 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 office to facilitate interdepartmental networking and integration of network services for its customers.

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

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

~~(4) Acceptance of any new customer other than a state agency which is expected to pay during the initial 12 months of use more than 5 percent of the previous year's revenues of the Technology Resource Center shall be contingent upon approval of the Office of Planning and Budgeting in a manner similar to the budget amendment process in s. 216.181.~~

~~(4)(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 single fiscal year. Any experiment, pilot project, plan, or design must be approved by the Chief Information Officer of the State Technology Office.~~

~~(5)(6) Notwithstanding the provisions of s. 216.272, the Technology Resource Center may spend the funds in the reserve account of the Technology Enterprise Operating Trust Fund 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 Chief Information Officer of the State Technology Office. Any funds remaining in the reserve account at the end of the fiscal year may be carried forward and spent as approved by the Chief Information Officer of the State Technology Office, provided that such approval conforms to any applicable provisions of chapter 216.~~

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

282.21 The State Technology ~~Office's Office of the Department of Management Services'~~ Office of the Department of Management Services electronic access services.—The State Technology Office ~~of the Department of Management Services~~ may collect fees for providing

remote electronic access pursuant to s. 119.085. The fees may be imposed on individual transactions or as a fixed subscription for a designated period of time. All fees collected under this section shall be deposited in the appropriate trust fund of the program or activity that made the remote electronic access available.

Section 20. Subsections (1) and (2) of section 282.22, Florida Statutes, are amended to read:

~~282.22 The State Technology Office; of the Department of Management Services production, and dissemination, and ownership of materials and products.—~~

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

(2) To accomplish this objective the office is authorized to publish or partner with private sector entities to produce or have produced materials and products and to make them readily available for appropriate use. The office is authorized to charge an amount or receive value-added services adequate to cover the essential cost of producing and disseminating such materials, information, services, or products and is authorized to sell services, ~~when appropriate, to any entity who is authorized to use the SUN-COM Network pursuant to this part and to the public.~~

Section 21. Section 282.23, Florida Statutes, is created to read:

282.23 State Strategic Information Technology Alliance.—

(1) The State Technology Office, in consultation with the Department of Management Services, may establish a State Strategic Information Technology Alliance for the acquisition and use of information technology and related material in accordance with competitive procurement provisions of chapter 287.

(2) The State Technology Office, in consultation with the Department of Management Services, shall adopt rules implementing policies and procedures applicable to establishing the strategic alliances with prequalified contractors or partners to provide the state with efficient, cost-effective, and advanced information technology.

Section 22. Section 282.3041, Florida Statutes, is repealed:

~~282.3041—State agency responsibilities.—The head of each state agency, in consultation with the State Technology Office, is responsible and accountable for enterprise resource planning and management within the agency in accordance with legislative intent and as defined in this part.~~

Section 23. Section 282.3055, Florida Statutes, is amended to read:

282.3055 Agency Chief Information Officer; appointment; duties.—

(1)(a) To assist the State Technology Officer agency head in carrying out the enterprise resource planning and management responsibilities, the Chief Information Officer may agency head ~~shall appoint, in consultation with the State Technology Office,~~ or contract for an Agency 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 Agency Chief Information Officer must, at a minimum, have knowledge and experience in both management and information technology resources.

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

(a) Coordinating and facilitating agency enterprise resource planning and management projects and initiatives.

(b) Preparing an agency annual report on enterprise resource planning and management pursuant to s. 282.3063.

(c) Developing and implementing agency enterprise resource planning and management policies, procedures, and standards, including specific policies and procedures for review and approval of the agency's purchases of information technology resources in accordance with the office's policies and procedures.

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

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

Section 24. Subsection (1) of section 282.3063, Florida Statutes, is amended to read:

282.3063 Agency Annual Enterprise Resource Planning and Management Report.—

(1) By September 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 Agency Chief Information Officer shall prepare and submit to the State Technology Office an Agency Annual Enterprise Resource Planning and Management Report. Following consultation with the State Technology Office and the Agency 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.

Section 25. Subsections (1) and (2) of section 282.315, Florida Statutes, are amended to read:

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

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

(a) Enhance communication among the Agency Chief Information Officers ~~of state agencies~~ by sharing enterprise resource planning and 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 enterprise resource planning and management issues.

(e) Assist the State Technology Office in identifying critical statewide issues and, when appropriate, make recommendations for solving enterprise resource planning and management deficiencies.

(2) Members of the council shall include the Agency 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.

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

282.318 Security of data and information technology resources.—

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

1. Designate an information security manager who shall administer the security program of each ~~the~~ agency 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 ~~each~~ 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 ~~each~~ 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 ~~each~~ the agency.

5. Ensure that periodic internal audits and evaluations of ~~each~~ 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 State Technology Office, in consultation with ~~each~~ the agency head, in the written specifications for the solicitation of information technology resources.

(b) In those instances in which the State Technology Office ~~of the Department of Management Services~~ develops state contracts for use by state agencies, the office ~~department~~ shall include appropriate security requirements in the specifications for the solicitation for state contracts for procuring information technology resources.

Section 27. Section 282.322, Florida Statutes, is amended to read:

282.322 Special monitoring process for designated information resources management projects.

(1) 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, in consultation with each affected agency, 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 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 or at least 90 days, 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, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability. 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.

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

Section 28. Paragraph (f) of subsection (2) of section 216.163, Florida Statutes, is amended to read:

216.163 Governor's recommended budget; form and content; declaration of collective bargaining impasses.—

(2) The Governor's recommended budget shall also include:

(f) The Governor's recommendations for high-risk ~~critical~~ information ~~technology resource management~~ projects which should be subject to special monitoring under s. 282.322. These recommendations shall include proviso language which specifies whether funds are specifically provided to contract for project monitoring, or whether the Auditor General will conduct such project monitoring. When funds are recommended for contracting with a project monitor, such funds may equal 1 percent to 5 percent of the project's estimated total costs. These funds shall be specifically appropriated and nonrecurring.

Section 29. Paragraph (b) of subsection (1) and paragraph (o) of subsection (3) of section 119.07, Florida Statutes, are amended to read:

119.07 Inspection, examination, and duplication of records; exemptions.—

(1)

(b) If the nature or volume of public records requested to be inspected, examined, or copied pursuant to this subsection is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the agency involved, or both, the agency may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service that is actually incurred by the agency or attributable to the agency for the clerical and supervisory assistance required, or both. “Information technology resources” means data processing hardware and software and services, communications, supplies, personnel, facility resources, maintenance, and training shall have the same meaning as in s. 282.303(12).

(3)

(o) Data processing software obtained by an agency under a licensing agreement which prohibits its disclosure and which software is a trade secret, as defined in s. 812.081, and agency-produced data processing software which is sensitive are exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution. The designation of agency-produced software as sensitive shall not prohibit an agency head from sharing or exchanging such software with another public agency. As used in this paragraph:

1. “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 has the same meaning as in s. 282.303(7).

2. “Sensitive” means only those portions of data processing software, including the specifications and documentation, used to:

a. Collect, process, store, and retrieve information which is exempt from the provisions of subsection (1);

b. Collect, process, store, and retrieve financial management information of the agency, such as payroll and accounting records; or

c. Control and direct access authorizations and security measures for automated systems.

Section 30. Paragraph (b) of subsection (1) of section 119.083, Florida Statutes, is amended to read:

119.083 Definitions; copyright of data processing software created by governmental agencies; fees; prohibited contracts.—

(1) As used in this section:

(b) “Data processing software” has the same meaning as in s. 119.07(3)(o) 282.303.

Section 31. (1) Each state agency that entered into a memorandum of agreement with the State Technology Office by March 15, 2001, regarding consolidation of information technology resources and staff, shall transfer the positions identified in the memoranda and the associated rate and the amount of approved budget to the State Technology Office on October 1, 2001. The total number of positions transferred to the State Technology Office shall not exceed 1,760 full-time positions. Such transfers shall be subject to approval by the Legislative Budget Commission pursuant to chapter 216, Florida Statutes.

(2) Each state agency required to transfer positions pursuant to subsection (1) shall also transfer administrative support personnel and associated rate and the amount of approved budget to the State Technology Office. The number of administrative support positions transferred by each agency shall not exceed 5 percent of the number of positions transferred pursuant to subsection (1). Such transfers shall take effect July 15, 2001. Such transfers shall be subject to approval by the Legislative Budget Commission pursuant to chapter 216, Florida Statutes.

(3) The State Technology Office and the individual agencies may request subsequent transfers of full-time positions and associated rate and funds during the fiscal year to meet the levels of service agreed to between the State Technology Office and the agencies. Such transfers shall be subject to approval by the Legislative Budget Commission pursuant to chapter 216, Florida Statutes.

(4) The State Technology Office is authorized to charge back to each participating agency an amount equal to the total of all direct and indirect costs of administering the agreement with the agency and the total of all direct and indirect costs of rendering the performances required of the State Technology Office under such agreements.

(5) Any resources transferred to the State Technology Office which were dedicated to a federally funded system shall remain allocated to that system until the appropriate federal agency or authority confirms in writing that another plan for supporting the system will not result in federal sanctions.

(6) The corresponding amounts necessary to execute subsections (1)-(3) are appropriated to the state agencies for transfer to the State Technology Office. Such amounts and specific funds shall be equivalent to the amount of approved budget reduced from state agencies in subsections (1)-(3), subject to approval by the Legislative Budget Commission.

Section 32. Section 282.404, Florida Statutes, is repealed.

Section 33. Subsection (6) is added to section 11.90, Florida Statutes, to read:

(6) The Commission shall review information resources management needs identified in agency long-range program plans for consistency with the State Annual Report on Enterprise Resource Planning and Management and statewide policies adopted by the State Technology Office. The Commission shall also review proposed budget amendments associated with information technology that involve more than one agency, that have an outcome that impacts another agency, or that exceed \$500,000 in total cost over 1-year period.

Section 34. This act shall take effect July 1, 2001.

Approved by the Governor June 15, 2001.

Filed in Office Secretary of State June 15, 2001.