

Committee Substitute for
Committee Substitute for Senate Bill No. 1974

An act relating to state information technology; creating s. 14.204, F.S.; creating the Agency for Enterprise Information Technology within the Executive Office of the Governor; providing for the Governor and Cabinet to be the head of the agency; requiring that the agency be a separate budget entity that is not subject to the control of the Executive Office of the Governor; providing for an executive director of the agency to be subject to confirmation by the Senate; providing for the executive director to be the chief information officer of the state and the executive sponsor for all enterprise information technology projects; specifying the duties and responsibilities of the agency, which include defining architecture standards for information technology and developing a strategic enterprise information technology plan; requiring each state agency and the Agency Chief Information Officers Council to participate in the activities of the Agency for Enterprise Information Technology; amending s. 20.22, F.S.; removing the State Technology Office within the Department of Management Services; providing for a Technology Program within the department; amending s. 216.0446, F.S.; revising the duties of the Technology Review Workgroup within the Legislature to conform to the transfer of duties concerning the management of information technology for state agencies; amending s. 282.0041, F.S.; revising and providing definitions; creating s. 282.0055, F.S.; providing for the Agency for Enterprise Information Technology to oversee information technology services that are common to all executive branch agencies and for agency information technology services to be responsible for information technology within an individual state agency; creating s. 282.0056, F.S.; requiring the Agency for Enterprise Information Technology to develop a work plan; requiring that the work plan be approved by the Governor and Cabinet and submitted to the Legislature; requiring that certain specified policies be included in the initial work plan; requiring that the agency develop policy recommendations and strategies for consolidating computer rooms and data centers; requiring each state agency to provide assistance in the development of the work plan upon request; amending s. 282.20, F.S.; transferring management of the Technology Resource Center from the State Technology Office to the Department of Management Services; revising the duties of the center to conform to changes made by the act; requiring that the center submit its service rates and cost-allocation plan to the Agency for Enterprise Information Technology for review; amending s. 282.3055, F.S.; revising the duties of the agency chief information officers; amending s. 282.315, F.S.; revising the duties of the Agency Chief Information Officers Council; requiring that the council assist the Agency for Enterprise Information Technology in developing strategies for information technology services and projects and make policy recommendations; revising the membership of the council;

providing for the appointment of a chair, vice chair, and secretary; amending s. 282.318, F.S.; providing duties of the Agency for Enterprise Information Technology with respect to the security of data and information technology resources; requiring state agencies to conduct a comprehensive risk analysis at specified intervals, develop and update internal policies and procedures, and ensure compliance with certain security requirements; requiring the Agency for Enterprise Information Technology to designate a chief information security officer, develop standards for risk analyses and security audits, and provide training for agency information security managers; providing rulemaking authority; deleting provisions specifying duties of the Department of Management Services to conform to changes made by the act; amending s. 282.322, F.S.; requiring that the Agency for Enterprise Information Technology perform contract monitoring duties formerly performed by the Enterprise Project Management Office of the State Technology Office; amending s. 216.023, F.S.; requiring that certain legislative budget requests include the statutory reference to the policy requiring a new information technology project; amending s. 943.0313, F.S., relating to the Domestic Security Oversight Council; conforming terminology to changes made by the act; providing for the transfer of specified duties from the State Technology Office to the Department of Management Services; repealing ss. 186.022, 282.005, 282.101, 282.23, 282.3031, 282.3032, 282.3063, 282.310, and 287.057(24), F.S., relating to information technology strategic plans, duties of the State Technology Office, the State Strategic Information Technology Alliance, information resources management responsibilities, guiding principles, the Agency Annual Enterprise Resource Planning and Management Report, the State Annual Report on Enterprise Resource Planning and Management, and state strategic information technology alliances; amending ss. 215.95, 215.96, 282.102, 282.103, 282.107, 339.155, 381.90, 403.973, 408.05, 420.0003, 420.511, and 943.08, F.S., relating to the Financial Management Information Board and its coordination council, the State Technology Office, the SUNCOM Network, transportation planning, the Health Information Systems Council, expedited permitting, the Florida Center for Health Information and Policy Analysis, the state housing strategy and the Florida Housing Finance Corporation, the Criminal and Juvenile Justice Information System Council, and the public broadcasting program system; conforming cross-references and other references to provisions repealed by the act; providing appropriations and authorizing additional positions; providing an effective date.

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

Section 1. Section 14.204, Florida Statutes, is created to read:

14.204 Agency for Enterprise Information Technology.—The Agency for Enterprise Information Technology is created within the Executive Office of the Governor. The head of the agency shall be the Governor and Cabinet, which shall take action by majority vote consisting of at least three affirmative votes with the Governor on the prevailing side. The agency shall be a

separate budget entity that is not subject to control, supervision, or direction by the Executive Office of the Governor in any manner, including, but not limited to, purchasing, transactions involving real or personal property, personnel, or budgetary matters.

(1) The executive director of the agency shall be appointed by the Governor and Cabinet, is subject to confirmation by the Senate, and shall serve at the pleasure of the Governor and Cabinet. The executive director shall be the chief information officer of the state and the executive sponsor for all enterprise information technology projects. The executive director must have a degree from an accredited postsecondary institution, and at least 7 years of executive-level experience in managing information technology organizations.

(2) The agency shall have the following duties and responsibilities:

(a) Develop and implement strategies for the design, delivery, and management of the enterprise information technology services established in law.

(b) Monitor the delivery and management of the enterprise information technology services as established in law.

(c) Make recommendations to the agency head and the Legislature concerning other information technology services that should be designed, delivered, and managed at the enterprise level as defined in s. 282.0041(8).

(d) Plan and establish policies for managing proposed statutorily authorized enterprise information technology services, which includes developing business cases that, when applicable, include the components identified in s. 287.0574; establishing and coordinating project-management teams; establishing formal risk-assessment and mitigation processes; and providing for independent monitoring of projects for recommended corrective actions.

(e) Not earlier than July 1, 2008, define the architecture standards for enterprise information technology and develop implementation approaches for statewide migration to those standards.

(f) Develop and publish a strategic enterprise information technology plan that identifies and recommends strategies for how enterprise information technology will deliver effective and efficient government services to state residents and improve the operations of state agencies.

(3) The agency shall operate in such a manner as to ensure participation and representation of state agencies and the Agency Chief Information Officers Council established in s. 282.315.

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

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

(1) The head of the Department of Management Services is the Secretary of Management Services, who shall be appointed by the Governor, subject

to confirmation by the Senate, and shall serve at the pleasure of the Governor.

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

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

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

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

Section 3. Section 216.0446, Florida Statutes, is amended to read:

216.0446 Review of information technology 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 technology resources ~~management~~ needs and with respect to agencies' legislative budget requests for information technology and related resources. The Technology Review Workgroup shall report such recommendations, together with the findings and conclusions on which such recommendations are based, to the Legislative Budget Commission. ~~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 technology resource management needs identified in the agency long-range program plans ~~for consistency with the State Annual Report on Enterprise Resource Planning and Management and statewide policies recommended by the State Technology Office,~~ and make recommendations to the Legislative Budget Commission.

(b) To review and make recommendations to the Legislative Budget Commission on proposed budget amendments and agency transfers associated with information technology initiatives or projects that involve more than one agency, that have an outcome that impacts another agency, 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 4. Section 282.0041, Florida Statutes, is amended to read:

282.0041 Definitions.—For the purposes of this part, the term:

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

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

~~(2)(3)~~ “Agency Chief Information Officer” means the person appointed by the agency head State Technology Office to coordinate and manage the information technology functions policies and responsibilities activities applicable to that agency and to participate and represent his or her agency in developing strategies for implementing enterprise information technology services identified in law and developing recommendations for enterprise information technology policy.

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

~~(4)~~ “Agency for Enterprise Information Technology” means the agency created in s. 14.204.

~~(5)~~ “Agency information technology service” means a service that directly helps the agency fulfill its statutory or constitutional responsibilities and policy objectives and is usually associated with the agency’s primary or core business functions.

~~(6)~~ “Customer relationship management” or “CRM” means the business processes, software, and Internet capabilities that can help state agencies manage customer relationships of the organization at the enterprise level.

~~(7)~~ “Enterprise level” means all executive branch agencies created or authorized in statute to perform legislatively delegated functions.

~~(8)~~ “Enterprise information technology service” means an information technology service that is used in all agencies or a subset of agencies and is established in law to be designed, delivered, and managed at the enterprise level.

(9) “E-mail, messaging, and calendaring service” means the enterprise information technology service that enables users to send, receive, file, store, manage, and retrieve electronic messages, attachments, appointments, and addresses.

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

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

~~(10)(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.~~

(11) “Information technology policy” means statements that describe clear choices for how information technology will deliver effective and efficient government services to residents and improve state agency operations. Such a policy may relate to investments, business applications, architecture, or infrastructure. A policy describes its rationale, implications of compliance or noncompliance, the timeline for implementation, metrics for determining compliance, and the accountable structure responsible for its implementation.

(12)(8) “Project” means an endeavor that has a defined start and end point; is undertaken to create or modify a unique product, service, or result; and has specific objectives that, when attained, signify completion ~~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. 282.102.~~

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

~~(11) “State Technology Office” or “office” means the office created in s. 282.102.~~

(14)(12) “Total cost” means all costs associated with information technology 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 to state universities to be used in instruction or research does not include fair market value.

Section 5. Section 282.0055, Florida Statutes, is created to read:

282.0055 Assignment of information technology.—In order to ensure the most effective and efficient use of the state’s information technology and information technology resources and notwithstanding other provisions of law to the contrary, policies for the design, planning, project management, and implementation of the enterprise information technology services defined in s. 282.0041(8) shall be the responsibility of the Agency for Enterprise Information Technology for executive branch agencies created or authorized in statute to perform legislatively delegated functions. The supervision, design, delivery, and management of agency information technology defined in s. 282.0041(5) shall remain within the responsibility and control of the individual state agency.

Section 6. Section 282.0056, Florida Statutes, is created to read:

282.0056 Development of work plan; development of implementation plans; and policy recommendations.—

(1) For purposes of carrying out its responsibilities set forth in s. 282.0055, the Agency for Enterprise Information Technology shall develop a work plan describing the activities that the agency intends to undertake and the proposed outcomes. The work plan must be approved by the Governor and Cabinet and submitted to the President of the Senate and the Speaker of the House of Representatives. The work plan may be amended as needed to ensure that the enterprise information technology services will be provided in an efficient, effective, and accountable manner. For the 2007-2008 fiscal year, the agency’s work plan shall include the development of recommended enterprise information technology policies, as defined in s. 282.0041(11).

(2) For the fiscal year beginning in 2008-2009, the agency shall develop implementation plans for up to three of the following proposed enterprise information technology services to be established in law:

(a) Consolidation of the deployment, management, and operation of state-owned or state-operated computer rooms and data centers.

(b) A shared or consolidated enterprise information technology service delivery and support model for the e-mail, messaging, and calendaring service defined in s. 282.0041(9).

(c) Information security.

(d) A shared customer relationship management system that consolidates agency requirements for receiving, managing, responding to, tracking, and reporting on telephone, e-mail, personnel, and other communications received from citizens.

(e) Consideration of a planned replacement cycle for computer equipment.

(3) In developing policy recommendations and implementation plans for established and proposed enterprise information technology services, the agency shall describe the scope of operation, conduct costs and requirements analyses, conduct an inventory of all existing information technology resources that are associated with each service, and develop strategies and timeframes for statewide migration. For purposes of consolidating state-owned or state-operated computer rooms and data centers, the Agency for Enterprise Information Technology shall develop a migration plan prior to initiating any consolidation effort.

(4) For the purpose of completing its work activities, each state agency shall provide to the Agency for Enterprise Information Technology all requested information, including, but not limited to, the agency's costs, service requirements, and equipment inventories.

Section 7. Section 282.20, Florida Statutes, is amended to read:

282.20 Technology Resource Center.—

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

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

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

2. “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.~~

(c)(d) Cooperate with the Agency for Enterprise Information Technology office to identify and facilitate interdepartmental networking and integration of network services for its customers.

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

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

(4) 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 Agency for Enterprise Information Technology Chief Information Officer.

(5) Beginning in the 2007-2008 fiscal year and annually thereafter, the Technology Resource Center shall submit to the Agency for Enterprise Information Technology for its review a copy of its current and proposed services and service rates and cost-allocation plan. When appropriate, the Agency for Enterprise Information Technology shall request review and comment from the customers and Agency Chief Information Officers Council concerning the center's current and proposed rate and services structure.

~~(5) Notwithstanding the provisions of s. 216.272, the Technology Resource Center may spend funds in the reserve account of the Technology Enterprise Operating 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. 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, provided that such approval conforms to any applicable provisions of chapter 216.~~

Section 8. Section 282.3055, Florida Statutes, is amended to read:

282.3055 Agency chief information officer; appointment; duties.—

(1)(a) Each agency head shall ~~To assist the State Technology Officer in carrying out the enterprise resource planning and management responsibilities, the Chief Information Officer may appoint or contract for an agency chief information officer. 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 the agency enterprise resource planning and management of agency information technology services projects and initiatives.~~

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

(b)(c) Developing and Implementing agency information technology enterprise resource planning and management policies, procedures, guidelines, and standards that are consistent with the procedures and standards adopted by the Agency for Enterprise Information Technology, 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.~~

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

~~(d)(e) Assisting in the development and prioritization of the information technology enterprise resource needs for planning and management schedule of the agency's legislative budget request.~~

~~(e) Assisting the Agency for Enterprise Information Technology in the development of strategies for implementing the enterprise information technology services established in law and developing recommendations for enterprise information technology policy.~~

Section 9. Section 282.315, Florida Statutes, is amended to read:

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

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

(a) Enhance communication and collaboration among the Agency Chief Information Officers and the Agency for Enterprise Information Technology by sharing enterprise resource planning and management experiences and exchanging ideas.

(b) Identify and recommend ~~Facilitate the sharing of~~ best practices that are characteristic of highly successful technology organizations, as well as exemplary information technology applications for use by of state agencies, and assist the Agency for Enterprise Information Technology in developing strategies for implementing the enterprise information technology services established in law and developing recommendations for enterprise information technology policy.

(c) Identify efficiency opportunities among state agencies and make recommendations for action to the Agency for Enterprise Information Technology.

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

~~(d)(e) Assist the Agency for Enterprise Information Technology State Technology Office in identifying critical enterprise information technology 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, 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 council shall appoint a chair, vice chair, and secretary from among its members to a 1-year term each. The council shall establish procedures governing council business. The chairs, or their designees, of 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 Agency for Enterprise Information Technology State Technology Office~~ shall provide administrative support to the council.

Section 10. Section 282.318, Florida Statutes, 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 Infrastructure Resources Act.”

(2)(a) ~~The Agency for Enterprise Information Technology State Technology Office~~, in consultation with each agency head, is responsible and ~~accountable~~ for assessing and recommending minimum operating procedures for ensuring assuring an adequate level of security for all data and information technology resources for executive branch agencies created or authorized in statute to perform legislatively delegated functions. To assist the agency in carrying out this responsibility, of each agency head and, to carry out this responsibility, shall, at a minimum:

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

2. Conduct, and ~~periodically~~ update every 3 years, a comprehensive risk analysis to determine the security threats to the data, information, and information technology resources of the ~~each~~ 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 and the Agency for Enterprise Information Technology in performing his or her ~~his or her~~ postauditing duties.

3. Develop, and periodically update, written internal policies and procedures, which shall include procedures for notifying the Agency for Enterprise Information Technology when an information security incident occurs or data is compromised. Such policies and procedures must be consistent with the standard operating procedures adopted by the Agency for Enterprise Information Technology in order to ensure to assure the security of the data, information, and information technology resources of the ~~each~~ agency. The internal policies and procedures that 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 and the Agency for Enterprise Information Technology 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, information, and information technology resources of the ~~each~~ agency.

5. Ensure that periodic internal audits and evaluations of the agency's ~~each~~ security program for the data, information, 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 and the Agency for Enterprise Information Technology in performing ~~his or her~~ postauditing duties.

6. Include appropriate security requirements, ~~as determined by the State Technology Office, in consultation with each agency head,~~ in the written specifications for the solicitation of information technology and information technology resources which are consistent with the standard security operating procedures adopted by the Agency for Enterprise Information Technology.

(b) In those instances under this subsection in which the state agency or department State Technology Office develops state contracts for use by state agencies, the state agency or department office shall include appropriate security requirements in the specifications for the solicitation for state contracts for procuring information technology or information technology resources.

(3) The Agency for Enterprise Information Technology shall designate a chief information security officer.

(4) The Agency for Enterprise Information Technology shall develop standards and templates for conducting comprehensive risk analyses and information security audits by state agencies, assist agencies in their compliance with the provisions of this section, pursue appropriate funding provided for the purpose of enhancing domestic security, establish minimum guidelines and procedures for the recovery of information technology following a disaster, and provide training for agency information security managers. Standards, templates, guidelines, and procedures shall be published annually, no later than September 30 each year, to enable agencies to incorporate them in their planning for the following fiscal year.

(5) The Agency for Enterprise Information Technology may adopt rules pursuant to ss. 120.536(1) and 120.54 relating to information security and to administer the provisions of this section.

~~(3) Notwithstanding subsection (2), the Department of Management Services, hereafter referred to as the "department," in consultation with each agency head, is responsible for coordinating, assessing, and recommending~~

minimum operating procedures for ensuring an adequate level of security for data and information technology resources. To assist the department in carrying out this responsibility, each agency shall, at a minimum:

(a) ~~Designate an information security manager who shall administer the security program of the agency for its data and information technology resources.~~

(b) ~~Conduct, and update every 3 years, a comprehensive risk analysis to determine the security threats to the data, information, and information technology resources of the agency. The risk analysis information made confidential and exempt under subparagraph (2)(a)2, shall be available to the Auditor General in performing his or her postauditing duties.~~

(c) ~~Develop, and periodically update, written internal policies and procedures that are consistent with the standard operating procedures recommended by the department to ensure the security of the data and information technology resources of the agency. The internal policies and procedures that, if disclosed, could facilitate the unauthorized modification, disclosure, or destruction of data or information technology resources made confidential and exempt under subparagraph (2)(a)3, shall be available to the Auditor General in performing his or her postauditing duties.~~

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

(e) ~~Ensure that periodic internal audits and evaluations of the security program for the data, information, and information technology resources of the agency are conducted. The results of such internal audits and evaluations made confidential and exempt under subparagraph (2)(a)5, shall be available to the Auditor General in performing his or her postauditing duties.~~

(f) ~~Include appropriate security requirements in the written specifications for the solicitation of information technology resources that are consistent with the standard security operating procedures as recommended by the department.~~

(g) ~~This subsection expires July 1, 2007.~~

~~In those instances under this subsection in which the department develops state contracts for use by state agencies, the department shall include appropriate security requirements in the specifications for the solicitation for state contracts for procuring information technology resources.~~

(4) ~~In order to ensure the security of data, information, and information technology resources, the department shall establish the Office of Information Security and shall designate a Chief Information Security Officer as the head of the office. The office shall coordinate its activities with the Agency Chief Information Officers Council as established in s. 282.315. The office is responsible for developing a strategic plan for information technology security which shall be submitted by March 1, 2007, to the Executive Office~~

of the Governor, the President of the Senate, and the Speaker of the House of Representatives; developing standards and templates for conducting comprehensive risk analyses and information security audits by state agencies; assisting agencies in their compliance with the provisions of this section; establishing minimum standards for the recovery of information technology following a disaster; and conducting training for agency information security managers. This subsection expires July 1, 2007.

Section 11. Subsection (2) of section 282.322, Florida Statutes, is amended to read:

282.322 Special monitoring process for designated information resources management projects.—

(2) ~~The Agency for Enterprise Information Technology Project Management Office of the State Technology Office shall report on any information technology project that the Legislature 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 Agency for Enterprise Information Technology 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 12. Paragraph (a) of subsection (4) of section 216.023, Florida Statutes, is amended to read:

216.023 Legislative budget requests to be furnished to Legislature by agencies.—

(4)(a) The legislative budget request must contain for each program:

1. The constitutional or statutory authority for a program, a brief purpose statement, and approved program components.

2. Information on expenditures for 3 fiscal years (actual prior-year expenditures, current-year estimated expenditures, and agency budget requested expenditures for the next fiscal year) by appropriation category.

3. Details on trust funds and fees.

4. The total number of positions (authorized, fixed, and requested).

5. An issue narrative describing and justifying changes in amounts and positions requested for current and proposed programs for the next fiscal year.

6. Information resource requests.

7. Supporting information, including applicable cost-benefit analyses, business case analyses, performance contracting procedures, service comparisons, and impacts on performance standards for any request to outsource or privatize agency functions. The cost-benefit and business case

analyses must include an assessment of the impact on each affected activity from those identified in accordance with paragraph (b). Performance standards must include standards for each affected activity and be expressed in terms of the associated unit of activity.

8. An evaluation of any major outsourcing and privatization initiatives undertaken during the last 5 fiscal years having aggregate expenditures exceeding \$10 million during the term of the contract. The evaluation shall include an assessment of contractor performance, a comparison of anticipated service levels to actual service levels, and a comparison of estimated savings to actual savings achieved. Consolidated reports issued by the Department of Management Services may be used to satisfy this requirement.

9. Supporting information for any proposed consolidated financing of deferred-payment commodity contracts including guaranteed energy performance savings contracts. Supporting information must also include narrative describing and justifying the need, baseline for current costs, estimated cost savings, projected equipment purchases, estimated contract costs, and return on investment calculation.

10. For projects that exceed \$10 million in total cost, the statutory reference of the existing policy or the proposed substantive policy that establishes and defines the project's governance structure, planned scope, main business objectives that must be achieved, and estimated completion timeframes. Information technology budget requests for the continuance of existing hardware and software maintenance agreements, renewal of existing software licensing agreements, or the replacement of desktop units with new technology that is similar to the technology currently in use are exempt from this requirement.

Section 13. Paragraph (a) of subsection (1) of section 943.0313, Florida Statutes, is amended to read:

943.0313 Domestic Security Oversight Council.—The Legislature finds that there exists a need to provide executive direction and leadership with respect to terrorism prevention, preparation, protection, response, and recovery efforts by state and local agencies in this state. In recognition of this need, the Domestic Security Oversight Council is hereby created. The council shall serve as an advisory council pursuant to s. 20.03(7) to provide guidance to the state's regional domestic security task forces and other domestic security working groups and to make recommendations to the Governor and the Legislature regarding the expenditure of funds and allocation of resources related to counter-terrorism and domestic security efforts.

(1) MEMBERSHIP.—

(a) The Domestic Security Oversight Council shall consist of the following voting members:

1. The executive director of the Department of Law Enforcement.
2. The director of the Division of Emergency Management within the Department of Community Affairs.

3. The Attorney General.
4. The Commissioner of Agriculture.
5. The Secretary of Health.
6. The Commissioner of Education.
7. The State Fire Marshal.
8. The adjutant general of the Florida National Guard.
9. ~~The state chief information officer of the State Technology Office within the Department of Management Services.~~
10. Each sheriff or chief of police who serves as a co-chair of a regional domestic security task force pursuant to s. 943.0312(1)(b).
11. Each of the department's special agents in charge who serve as a co-chair of a regional domestic security task force.
12. Two representatives of the Florida Fire Chiefs Association.
13. One representative of the Florida Police Chiefs Association.
14. One representative of the Florida Prosecuting Attorneys Association.
15. The chair of the Statewide Domestic Security Intelligence Committee.
16. One representative of the Florida Hospital Association.
17. One representative of the Emergency Medical Services Advisory Council.
18. One representative of the Florida Emergency Preparedness Association.
19. One representative of the Florida Seaport Transportation and Economic Development Council.

Section 14. Unless otherwise specified in this act, the Department of Management Services, established in s. 20.22, Florida Statutes, shall assume the duties and responsibilities of the State Technology Office as set forth in ss. 215.322(2), 282.102, 282.103, 282.104, 282.105, 282.106, 282.107, 282.1095, 282.111, 282.21, 282.22, 288.1092, 288.1093, 365.171, 365.172, and 365.173, Florida Statutes.

Section 15. Sections 186.022, 282.005, 282.101, 282.23, 282.3031, 282.3032, 282.3063, and 282.310, Florida Statutes, and subsection (24) of section 287.057, Florida Statutes, are repealed.

Section 16. Paragraph (d) of subsection (2) of section 215.95, Florida Statutes, is amended to read:

215.95 Financial Management Information Board.—

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

~~(d) By March 1 of each year, approve a strategic plan pursuant to the requirements set forth in s. 186.022(9).~~

Section 17. Paragraph (a) of subsection (3) of section 215.96, Florida Statutes, is amended to read:

215.96 Coordinating council and design and coordination staff.—

(3) The coordinating council, assisted by the design and coordination staff, shall have the following duties, powers, and responsibilities pertaining to the Florida Financial 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 to design, implement, and perpetuate a financial management information system, including, but not limited to, the establishment of common data codes, and 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.~~ The coordinating council shall make available a copy of the approved plan in writing or through electronic means to each of the coordinating council members, the fiscal committees of the Legislature, and any interested person.

Section 18. Section 282.102, Florida Statutes, is amended to read:

~~282.102 Creation of the State Technology Office; Powers and duties.— There is created a State Technology Office within the Department of Management Services. The office shall be a separate budget entity, and 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 department office, including pricing information; the policies and procedures of the state communications network office governing usage of available services; and a forecast of the priorities and initiatives for the state communications system for the ensuing 2 years.

~~(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.~~

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

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

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

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

~~(3)(8) To enter into agreements related to information technology with state agencies and political subdivisions of the state.~~

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

~~(4)(10) To purchase from or contract with information technology providers for information technology, including private line services.~~

~~(5)(11) To apply for, receive, and hold, and to 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.~~

~~(6)(12) To purchase, lease, or otherwise acquire and to hold, sell, transfer, license, or otherwise dispose of real, personal, and intellectual property, including, but not limited to, patents, trademarks, copyrights, and service marks.~~

~~(7)(13) To cooperate with any federal, state, or local emergency management agency in providing for emergency communications services.~~

~~(8)(14) To delegate, as necessary, to state agencies the authority to purchase, lease, or otherwise acquire and to use information technology or, as necessary, To control and approve the purchase, lease, or acquisition and the use of all information technology, 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 ownership, possession, custody, and control of existing communications equipment and facilities, including all right, title, interest, and equity therein, as necessary, to carry out the purposes of this part. 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.~~

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

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

~~(10)~~(18) To apply for and accept federal funds for any of the purposes of this part as well as gifts and donations from individuals, foundations, and private organizations.

~~(11)~~(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.

~~(12)~~(20) Unless delegated to the agencies by the department 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 service level agreements executed with state agencies.

~~(13)~~(21) To plan, design, and conduct experiments for communications information technology services, equipment, and technologies, and to implement enhancements in the state communications network 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. New services offered as a result of this subsection shall not affect existing rates for facilities or services.

~~(14)~~(22) To enter into contracts or agreements, with or without competitive bidding or procurement, to make available, on a fair, reasonable, and nondiscriminatory basis, property and other structures under departmental 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 department 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 department office and a wireless provider or telecommunications company may negotiate the reduction or elimination of a fee in consideration of services provided to the department office by the wireless provider or telecommunications company. All such fees collected by the department office shall be deposited directly into the Law Enforcement Radio Operating Trust Fund, and may be used by the department 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 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 19. Subsection (1) of section 282.103, Florida Statutes, is amended to read:

282.103 SUNCOM Network; exemptions from the required use.—

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

serve as the state communications system for providing local and long-distance communications services to state agencies, political subdivisions of the state, municipalities, state universities, and nonprofit corporations pursuant to ~~ss. 282.102-282.111~~ 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.

Section 20. Subsections (1) and (2) of section 282.107, Florida Statutes, are amended to read:

282.107 SUNCOM Network; criteria for usage.—

(1) ~~The Department of Management Services State Technology Office~~ shall periodically review the qualifications of subscribers using the state SUNCOM Network and shall terminate services provided to any facility not qualified pursuant to ~~ss. 282.102-282.111~~ ss. 282.101-282.111 or rules adopted hereunder. In the event of nonpayment of invoices by subscribers whose SUNCOM Network invoices are paid from sources other than legislative appropriations, such nonpayment represents good and sufficient reason to terminate service.

(2) ~~The Department of Management Services State Technology Office~~ shall adopt rules for implementing and operating the state SUNCOM Network, which shall include ~~setting forth~~ its procedures for withdrawing and restoring authorization to use the state SUNCOM Network. Such rules shall provide a minimum of 30 days' notice to affected parties prior to termination of voice communications service.

Section 21. Paragraph (b) of subsection (3) and subsection (4) of section 339.155, Florida Statutes, are amended to read:

339.155 Transportation planning.—

(3) **FORMAT, SCHEDULE, AND REVIEW.**—The Florida Transportation Plan shall be a unified, concise planning document that clearly defines the state's long-range transportation goals and objectives and documents the department's short-range objectives developed to further such goals and objectives. The plan shall include a glossary that clearly and succinctly defines any and all phrases, words, or terms of art included in the plan, with which the general public may be unfamiliar and shall consist of, at a minimum, the following components:

(b) A short-range component documenting the short-term objectives and strategies necessary to implement the goals and long-term objectives contained in the long-range component. The short-range component must define the relationship between the long-range goals and the short-range objectives, specify those objectives against which the department's achievement of such goals will be measured, and identify transportation strategies necessary to efficiently achieve the goals and objectives in the plan. It must provide a policy framework within which the department's legislative budget request, the strategic information resource management plan, and

the work program are developed. The short-range component shall serve as the department's annual agency strategic plan pursuant to s. 186.021. The short-range component shall be developed ~~consistent with the requirements of s. 186.022 and~~ consistent with available and forecasted state and federal funds. ~~In addition to those entities listed in s. 186.022,~~ The short-range component shall also be submitted to the Florida Transportation Commission.

(4) ANNUAL PERFORMANCE REPORT.—The department shall develop an annual performance report evaluating the operation of the department for the preceding fiscal year. The report, ~~which shall meet the requirements of s. 186.022,~~ shall also include a summary of the financial operations of the department and shall annually evaluate how well the adopted work program meets the short-term objectives contained in the short-range component of the Florida Transportation Plan. ~~In addition to the entities listed in s. 186.022,~~ This performance report shall also be submitted to the Florida Transportation Commission and the legislative appropriations and transportation committees.

Section 22. Subsection (7) of section 381.90, Florida Statutes, is amended to read:

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

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

~~(a) By June 1 of each year, to develop and approve a strategic plan pursuant to the requirements set forth in s. 186.022.~~

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

~~(b)(e)~~ To develop a review process to ensure cooperative planning among agencies that collect or maintain health-related data.

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

Section 23. Subsection (4) of section 403.973, Florida Statutes, is amended to read:

403.973 Expedited permitting; comprehensive plan amendments.—

~~(4) The office may delegate to a Quick Permitting County designated under s. 288.1093 the responsibility for convening regional permit teams and, in consultation with the office, for certifying as eligible for expedited review projects that meet the criteria of subsection (3) and that are consistent with the economic goals of the county. In order to receive such a delegation, the Quick Permitting County must hold the public hearing required~~

~~under subsection (7) and agree to execute a memorandum of agreement for each qualified project.~~

Section 24. Paragraph (h) of subsection (8) of section 408.05, Florida Statutes, is amended to read:

408.05 Florida Center for Health Information and Policy Analysis.—

(8) STATE CONSUMER HEALTH INFORMATION AND POLICY ADVISORY COUNCIL.—

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

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

2. To develop a review process to ensure cooperative planning among agencies that collect or maintain health-related data.

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

Section 25. Paragraph (b) of subsection (4) of section 420.0003, Florida Statutes, is amended to read:

420.0003 State housing strategy.—

(4) IMPLEMENTATION.—The Department of Community Affairs and the Florida Housing Finance Corporation in carrying out the strategy articulated herein shall have the following duties:

(b) The agency strategic plan of the Department of Community Affairs, ~~prepared pursuant to the provisions of ss. 186.021 and 186.022~~, shall include specific goals, objectives, and strategies that implement the housing policies in this section and shall include the strategic plan for housing production prepared by the corporation pursuant to s. 420.511.

Section 26. Subsection (2) of section 420.511, Florida Statutes, is amended to read:

420.511 Business plan; strategic plan; annual report.—

(2) The corporation, in equal partnership with the department, shall develop annually a strategic plan for the provision of affordable housing in Florida as part of the department's agency strategic plan required pursuant to chapter 186. In part, the plan shall include provisions that maximize the abilities of the corporation and the department to implement the state housing strategy established under s. 420.0003, to respond to federal housing initiatives, and to develop programs in a manner that is more responsive to the needs of public and private partners. The plan shall be developed on a schedule consistent with that established by s. ss. 186.021 and 186.022. For

purposes of this act, the executive director or his or her designee shall serve as the corporation's representative to achieve a coordinated and integrated planning relationship with the department.

Section 27. Subsection (3) of section 943.08, Florida Statutes, is amended to read:

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

(3) The council shall develop and approve a long-range program strategic plan pursuant to the requirements set forth in s. 186.021 s. 186.022. 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 28. For the 2007-2008 fiscal year, the sum of \$1,100,160 in recurring funds is appropriated from the General Revenue Fund and 10 full-time equivalent positions with an associated salary rate of 732,000 are authorized to the Agency for Enterprise Information Technology to carry out the duties as provided in this act.

Section 29. For the 2007-2008 fiscal year, the sum of \$581,751 in recurring funds is appropriated from the General Revenue Fund and five full-time equivalent positions with an associated salary rate of 342,577 are authorized to the Agency for Enterprise Information Technology to carry out the duties of information security as provided in this act.

Section 30. The unexpended balance of funds provided in Specific Appropriation 2243A of chapter 2006-25, Laws of Florida, shall revert July 1, 2007, and is appropriated for the 2007-2008 fiscal year for any efforts to consolidate data center operations at the Technology Resource Center which are cost-effective or for the purpose of offsetting any temporary revenue shortfalls of the Technology Resource Center during the transition to a full cost-recovery plan.

Section 31. For the 2007-2008 fiscal year, the sum of \$350,000 from nonrecurring funds is appropriated from the General Revenue Fund to the Agency for Enterprise Information Technology to contract for a feasibility study for a customer relationship management system that defines and establishes all state agency requirements for receiving, managing, responding to, tracking, and reporting on telephone, e-mail, personnel, and other communications received from the public.

Section 32. For the 2007-2008 fiscal year, the sum of \$300,000 from nonrecurring funds is appropriated from the General Revenue Fund to the Executive Office of the Governor to contract for services to develop a process to review and analyze nonenterprise agency information technology requests.

Section 33. This act shall take effect July 1, 2007.

Approved by the Governor June 12, 2007.

Filed in Office Secretary of State June 12, 2007.