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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

DATE: April 1, 1997 Revised: \_\_\_\_\_

SUBJECT: Information Technology Resource Management; Executive Agencies

<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1. <u>Tinney</u>	<u>Wilson</u>	<u>GO</u>	<u>Favorable/CS</u>
2. _____	_____	<u>WM</u>	<u>Withdrawn</u>
3. _____	_____	<u>RC</u>	<u>Withdrawn</u>
4. _____	_____	_____	_____
5. _____	_____	_____	_____

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**I. Summary:**

The committee substitute would implement some of the recommendations made in an interim project report completed by the Joint Legislative Information Technology Resource Committee in February 1996 entitled *Information Technology Resources Governance in Florida State Government: A New Framework for Managing the State's Technology Investment*. The joint committee assigned its staff to continue the project of reviewing Florida's governance and management of information technology resources during the 1996-97 interim. Staff of the joint committee assembled a Workgroup designed to solicit and consider the input of various parties interested in the state's oversight of information technology resources and to incorporate that input. The bill makes comprehensive changes by repealing the statutes that create the Information Resource Commission (IRC), the Information Technology Resource Procurement Advisory Council (ITRPAC), and the Information Resource Management Advisory Council (IRMAC).

The committee substitute provides an alternative governance structure for the state's information resources management. The bill emphasizes the responsibility of state agency heads for effective information technology resource use and it establishes a State Technology Council to develop a statewide vision and make recommendations for statewide policies for information resources management to the Executive Office of the Governor and the Legislature. Similarly, the bill establishes a mechanism for closer scrutiny of agency strategic plans, legislative budget requests, and proposed budget amendments pertaining to information resource management projects or initiatives that involve more than one agency, that have an outcome that impacts another agency, or that exceed \$500,000 in total cost over a 1-year period. This increase in oversight, along with the creation of the State Technology Council, are intended to improve

effectiveness and to increase agency sharing and compatibility of information technology resources.

The bill amends the following sections of the Florida Statutes: 11.39, 20.19, 20.316, 20.41, 112.3145, 120.52, 186.021, 186.022, 215.90, 215.91, 215.92, 215.93, 215.94, 215.95, 215.96, 216.031, 216.141, 216.181, 216.235, 216.236, 282.003, 282.102, 282.20, 282.303, 282.313, 282.318, 282.322, 282.404, 287.042, 287.073, and 943.08.

The bill creates the following sections of the Florida Statutes: 216.0446, 282.005, 282.3031, 282.3032, 282.3041, 282.3055, 282.3063, 282.3091, 282.3093, 282.310, and 282.315.

The bill repeals the following sections of the Florida Statutes: 216.0445, 282.004, 282.1021, 282.304, 282.305, 282.3061, 282.3062, 282.307, 282.308, 282.309, 282.311, 282.312, 282.314, 287.073(5), (6), (7), and (8), and 287.0735.

## **II. Present Situation:**

During the 1995-1996 interim, the Legislative Information Technology Resource Committee conducted an interim project entitled, *A Review of Information Technology Resources Governance in Florida State Government*. Legislation resulting from the February 1996 report was not enacted by the 1996 Legislature. As a result, the joint committee assigned its staff to study the issue again during the 1996-97 interim. The staff assembled a workgroup of state employees representing all three branches of government to discuss the purchase and management of information technology resources. Representatives of the State University System and the Division of Community Colleges also participated with the workgroup.

The workgroup and joint committee staff found that, although major changes had been made to the structures and processes governing information technology, a comprehensive review had not been undertaken since the original legislation creating the Information Resource Commission had been enacted in 1983. The major provisions governing communications and information technology resources were originally codified in ch. 282, F.S., so the workgroup spent September-December 1996 reviewing the applicable laws and policies. The consensus of the workgroup was that technology and its impact on state agencies and programs has changed dramatically since 1983.

Under current law, responsibilities regarding the planning for, and the procurement and management of, information resources are shared by the Division of Purchasing and the Division of Communications, both of the Department of Management Services; the Information Resource Commission, the Information Technology Resource Procurement Advisory Council, and the Information Resources Management Advisory Council. Each agency also is required to have an information resource manager. The Legislative Information Technology Resource Committee, a joint standing committee of the Legislature, reviews many issues that affect information technology resources. The Office of the Auditor General and the chief internal auditors of each agency also review such projects in accomplishing their respective audit functions. The

workgroup also discussed issues pertaining to planning and reporting requirements, review of agency legislative budget requests for technology, and performance measurements of agency information technology resources.

### **The Information Resource Commission (IRC)**

Chapter 282, F.S., the “Information Resources Management Act of 1996,” establishes Florida’s policy with regard to communications and data processing. Section 282.304, F.S., creates the Information Resource Commission, the membership of which is the Governor and Cabinet. The IRC, created in 1983, is currently staffed with 14 FTEs, including an executive director, who heads the IRC staff. The IRC has a budget of approximately \$1.1 million in General Revenue Funds, and is housed within the Department of Management Services as a separate budget entity. While the IRC has many responsibilities, it is primarily charged with providing overall leadership and coordination of information resources management activities within the executive branch of government. The Chancellor of the Board of Regents performs this function for the state university system, and the Supreme Court performs this function for the state courts.

The IRC is assigned by s. 216.0445, F.S., to review and evaluate the portion of each executive agency’s annual budget request relating to information resources management, and to submit its review to the Office of Planning and Budgeting of the Executive Office of the Governor and to the appropriations committees of the Legislature. Essentially, the IRC reviews the information resource portion of each agency’s budget request to determine whether the respective requests are consistent and compatible with the agency’s approved Strategic Plan for Information Resources Management and the information resources management issues included in the legislative budget instructions.

### **Division of Communications of the Department of Management Services**

Section 282.102, F.S., 1996 Supp., outlines the powers and duties of the Division of Communications (DIVCOM). The division was created in 1969 to develop, implement, manage, and coordinate the communications services and facilities for state agencies, including local government entities, and designated nonprofit corporations. DIVCOM is responsible for the SUNCOM Network, the state’s long-distance network for voice and data. While state agencies are required to use DIVCOM’s services, it is optional for local governments and municipalities, although many local agencies also are subscribers.

As a result of the increasing role of technology in state agencies, the responsibilities of DIVCOM have increased over time. Today, DIVCOM’s role is primarily that of a contract administrator, i.e., for leasing and purchasing long-distance and data transfer services, although the division also has some planning and policy-making responsibilities, as well.

Section 282.1021, F.S., directs DIVCOM to develop a biennial state plan for the implementation of communications services. The DIVCOM plan is required to coordinate with the IRC State Strategic Plan for Information Resources Management. The plan is approved by the Governor and Cabinet, sitting as the IRC, by February 1 of each odd-numbered year.

### **The Information Resource Management Advisory Council (IRMAC)**

Section 282.314, F.S., creates the Information Resource Management Advisory Council to advise the executive director of the Information Resource Commission and the Secretary of the Department of Management Services on any matter relating to information resources management. There are 18 IRMAC members appointed or elected as follows: one information resource manager appointed by each of the Governor and Cabinet members, a representative of the Florida Fiscal Accounting Management Information System (FFAMIS) Coordinating Council, a representative of the Geographic Information Board (GIB), a representative from the Criminal and Juvenile Justice Information Systems Council, a representative of the Florida Information Resource Network Coordinating Council (FIRN), the information resource managers of the State Courts System and the State University System, one information resource manager selected by the state attorneys and one selected by the public defenders, and three information resource managers representing and selected by the information resource managers to represent the remaining departments. The IRMAC meets at least quarterly and staff support is provided to the council by the Information Resource Commission.

### **Information Technology Resource Procurement Advisory Council (ITRPAC)**

Section 287.073, F.S., creates the Information Technology Resource Procurement Advisory Council (ITRPAC). The council was created in 1983 to review agencies' proposed information technology resource procurements that are a single-source purchase with a 2-year total cost in excess of \$500,000, an invitation-to-bid or request-for-proposal with a 2-year total cost in excess of \$1 million. ITRPAC also reviews purchases proposed by any other method, i.e., state term contract, with a 2-year total cost in excess of \$500,000. ITRPAC members include the director of the Division of Purchasing of the Department of Management Services; the director of the Governor's Office of Planning and Budgeting; the director of the Division of Accounting and Auditing of the Department of Banking and Finance; and the executive director of the Information Resource Commission, or their designees. The primary responsibilities of ITRPAC are to review an agency's information technology resource needs, to examine the proposed method of acquisition, and to review procurement specifications to insure that they are appropriate to meet the agency's needs, support fair and open competition, and are not unduly restrictive.

### **Legislative Information Technology Resource Committee**

The 1983 law that created the IRC also created the Legislative Information Technology Resource Committee, a joint committee of the Legislature; the statutory provisions relating to the joint committee are contained in s. 11.39, F.S. The six-member joint committee is required annually to recommend needed legislation in the area of information technology use, and to maintain a continuous review of the use and management of information technology resources by state agencies. The joint committee also is directed by law to aid the standing committees of the Legislature, as needed.

### **1996 Information Resource Management Workgroup Findings**

The information resource management workgroup met over several months to identify and discuss critical information technology resources issues relating to the state's use and management of information technology resources as well as current trends affecting today's technology environment. The workgroup made recommendations on key issues that group members believe are critical to improving the state's effectiveness in managing its information technology resources. Some of the key issues the workgroup discussed and came to consensus on are summarized as follows:

- The current IRM process overemphasizes control of the agencies and detailed planning, reviewing, and reporting requirements, and yields too little value relative to the workload impact on the agencies. As a result, the agency strategic plan for information resources management should be abolished and agencies should include information resources management issues in their agency strategic plans.
- The mission of the IRC is too broad, with conflicting roles and responsibilities and, as a result, the IRC has not been able to perform its mission well. As a result, the Information Resource Commission should be abolished.
- Agency heads and their chief information officers should be responsible and accountable for their information resources management decisions and performance.
- Responsibility and accountability for information resources management should be assigned to the Board of Regents for the State University System, to the State Board of Community Colleges as the entity responsible for developing rules and policies for the State Community College System, to the Supreme Court for the judicial branch, and to each State Attorney and Public Defender.
- The Information Technology Resource Procurement Advisory Council (ITRPAC) is a paperwork-intensive process that yields too little value for the resources expended. As a result, ITRPAC should be abolished.
- Review of agency information resources management legislative budget requests should be performed by a newly-created group organized to satisfy the requirements of the individuals that use the recommendations of such a group; i.e., the Governor's Office of Planning and Budgeting, the Senate Ways and Means Committee, and the House Fiscal Responsibility Council.
- Special project monitoring of the state's most critical information technology resource projects should be retained; however, the contracting for such monitoring should be transferred to the newly-created Technology Review Workgroup.
- There should be some formal organization that allows the agency chief information officers to coordinate and share information, provides an opportunity for consensus-building,

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provides educational forums, and addresses critical or statewide information resources management issues. As a result, a Chief Information Officers Council is recommended.

### **Florida Fiscal Accounting Management Information System Act (FFAMIS)**

Sections 215.90-215.96, F.S., were enacted in 1980 to establish the Florida Fiscal Accounting Management Information System (FFAMIS). The intent was to direct the executive branch, in consultation with the legislative appropriations committees, to design and implement a management information system utilizing a unified approach. The system was designed to strengthen and standardize management and accounting procedures and strengthen internal controls throughout state government. FFAMIS is comprised of seven subsystems, with the subsystem “owner” being the agency in charge of operating the subsystem statewide. For example, the State Automated Management Accounting Subsystem (SAMAS) is operated by the Department of Banking and Finance, although all agencies use it to track their appropriations and expenditures. Although the original legislation established a mechanism, through FFAMIS, to link a number of statewide systems together to provide unified management and accounting information for the state’s decision makers, today, the state still lacks a totally unified system.

### **III. Effect of Proposed Changes:**

The committee substitute would abolish the Information Resource Commission (IRC), the Information Resource Management Advisory Council (IRMAC), and the Information Technology Resources Procurement Advisory Council (ITRPAC). The committee substitute would establish an alternative governance structure for the state’s information resources management which emphasizes the responsibility of state agency heads for effective information technology resource use.

The bill also would establish a State Technology Council to develop a statewide vision and to make recommendations on statewide policies for information resources management to the Executive Office of the Governor and the Legislature. There also would be a mechanism to provide closer scrutiny of agency proposed strategic plans, legislative budget requests, and proposed budget amendments pertaining to information resource management projects. Closer scrutiny also would be paid to information initiatives that involve more than one agency, that have an outcome that impacts more than one agency, or that exceed \$500,000 in total costs over a 1-year period.

Additionally, substantial revisions would be made to the Florida Fiscal Accounting Management Information System (FFAMIS). The amendments would reflect changes in state government since the original FFAMIS Act was adopted in 1980. The goal would be to foster policies and procedures to enhance the implementation of a unified management and accounting system for the state’s decision makers.

### **State Agency Responsibility**

The bill would clarify that the head of each state agency is both responsible and accountable for information resources management within his or her agency. For purposes of those sections in ch. 282, F.S., relating to information resources management, the responsibility and accountability for information resources management would be assigned to the Board of Regents for the State University System, to the State Board of Community Colleges as the entity responsible for developing rules and policies for the State Community College System, to the Supreme Court for the judicial branch, and to each State Attorney and Public Defender.

### **Chief Information Officer (CIO)**

The head of each state agency would be required to appoint or contract for a Chief Information Officer to assist the agency head in managing agency information technology resources. The CIO position would be at a level commensurate with the role and importance of information technology resources in the agency. The position could be full-time or part-time. The responsibilities of the CIO would include: coordinating and facilitating agency information resources management activities and policies; preparing an agency annual report on information resources management; developing and implementing agency information resources management policies, procedures, and standards, including specific policies to govern the agency's purchase of information technology resources; advising the agency head in developing the agency strategic plan or other constitutionally or statutorily required planning document; assisting in the development and prioritization of the agency's information resources management legislative budget requests; and any other technology-related activities delegated by the agency head.

The committee substitute would also include the chairs or their designees of the following advisory groups as voting members of the Chief Information Officers Council: the Geographic Information Board; the Florida Financial Management Information System Coordinating Council; the Criminal and Juvenile Justice Information System Council; and the Health Information Systems Council, which is newly created in this bill.

### **Agency Strategic Plans**

The committee substitute would abolish the requirement that each agency develop an Information Resource Management (IRM) Strategic Plan. However, agencies would be required to include as part of their agency strategic plans, data relating to specified information resource management projects. Information would be included in strategic plans relative to initiatives that involve more than one agency, that have an outcome that impacts another agency, or that exceed \$500,000 in total costs over a 1-year period.

The newly-created Technology Review Workgroup would review the information resource management portion of the agency strategic plans for consistency with the State Annual Report on Information Resources Management and statewide policies recommended by the State

Technology Council. The Executive Office of the Governor would then consider the workgroup's findings in formulating any required revisions to the agency strategic plans.

A new process would also be established to provide that any required revisions be submitted to the Legislature and to the Administration Commission for review and approval. This process would be similar to one currently used for review and approval of agency proposed budget amendments.

Additionally, various coordinating boards and councils, among them the Financial Management Information Board, the Geographic Information Board, the Criminal and Juvenile Justice Information Systems Council, and the Health Information System Council, also would be required to prepare strategic plans. Plans would be due March 1 to allow agencies time to review them prior to development of their own agency strategic plans, the drafts of which are due in the Executive Office of the Governor by June 1 of each year. These strategic plans would be subject to a review and approval process similar to the one currently used for agency strategic plans.

### **Division of Communications of the Department of Management Services**

Section 282.102, F.S., 1996 Supp., which outlines the powers and duties of the Division of Communications (DIVCOM) is amended to direct the division to publish its portfolio of services electronically. DIVCOM also would provide a copy of its portfolio in hard copy upon request.

Section 282.1021, F.S., which directs DIVCOM to develop a biennial state plan for the implementation of communications services is repealed.

### **Agency Annual Information Resources Management Report**

Currently, each agency information resource manager is required to prepare and submit to the Information Resource Commission an agency Annual Performance Report on Information Resources Management. Under the bill, the head of each state agency would be required to develop an Agency Annual Information Resources Management Report. The report would contain a forecast of the agency's information resources management priorities and initiatives for the ensuing 2 years; a description of the agency's current and planned infrastructure for the ensuing 2 years; a status report on the major technology projects in its agency strategic plan; an assessment of progress made toward implementing the agency's legislative appropriation for information resources management for the prior fiscal year; the agency's estimated expenditures for technology for the prior fiscal year; an inventory list of the agency's information technology resources; an annual assessment of opportunities for sharing technology initiatives with other governmental or private entities; and a list of technology issues the agency has identified over the past year which it believes are critical or statewide technology issues that require attention and assistance from the State Technology Council.



### **State Technology Council**

The committee substitute creates a State Technology Council to develop a statewide vision and to make recommendations on statewide policies for information resources management to the Executive Office of the Governor and the Legislature. The council, which would be housed in the Department of Management Services for administrative purposes, would be composed of nine members as follows: the Director of the Governor's Office of Planning and Budgeting who will serve as chair; the Comptroller; the Commissioner of Education; the Secretary of State; the Secretary of the Department of Management Services; two state agency heads appointed by the Governor; and two private-sector representatives who are not current members of the Florida Legislature, one appointed by the Senate President and one appointed by the House Speaker. The private sector members could not represent information technology resource vendors or their subsidiaries that sell products or services to the state.

Other duties of the council include: recommending innovations in the state's use of technology to the Executive Office of the Governor (EOG) and the Legislative Information Technology Resources Committee (LITRC); identifying, developing, and recommending solutions to address statewide technology issues; creating ad-hoc issue-oriented workgroups as needed; consulting with the Chief Information Officers Council; approving the State Annual Report on Information Resources Management and the State Implementation Plan for Communications; and recommending memoranda on guidelines and best practices to the Governor's Office.

### **State Technology Office**

The committee substitute creates a State Technology Office in the Department of Management Services, to be headed by a senior-level manager. The State Technology Office would provide administrative support to specified organizations and workgroups and facilitate state educational and training opportunities to enhance the state's use and management of information technology resources.

### **State Annual Report on Information Resources Management**

The committee substitute requires the State Technology Council to approve the State Annual Report on Information Resources Management by March 1 of each year. The State Technology Office would prepare, publish and disseminate the report. The report would contain: a state vision for information resources management; a forecast of the state's information resources management priorities and initiatives for the ensuing 2 years; a summary of major statewide policies recommended by the State Technology Council for information resources management; a summary of memoranda issued by the Governor's Office; an assessment of the state's overall progress in its information resources management initiatives and priorities for the past fiscal year; a summary and status of major statewide issues related to improving the state's information resources management; an inventory list, by major categories of the state's information resources; a summary of total expenditures for technology by each agency as well as the Board of Regents, State Board of Community Colleges, Supreme Court,

and each State Attorney and Public Defender; a summary of opportunities for government agencies or entities to share information resource management projects or initiatives; and a list of the information resource management issues which have been identified as statewide or critical issues with which the State Technology Council could provide leadership or assistance.

### **Technology Review Workgroup**

The committee substitute authorizes the Executive Office of the Governor to contract with the Legislature to provide a mechanism for review and recommendations with respect to the portion of agency strategic plans that pertain to information resources management needs and with respect to agency legislative budget requests for information resources management. This mechanism is named the “Technology Review Workgroup.”

The Technology Review Workgroup would have three primary responsibilities, although its duties could be expanded or modified by joint agreement of the Executive Office of the Governor and the legislative appropriations committees. The workgroup’s primary responsibilities are to:

- evaluate information resources management projects or initiatives—that meet specified thresholds and that are identified in agency strategic plans—for consistency with the State Annual Report on Information Resources Management and statewide policies, and provide its findings to the Executive Office of the Governor;
- review and make recommendations regarding agency legislative budget requests for information technology resources;
- review and make recommendations on agency proposed budget amendments for information technology resources which meet specified thresholds. The thresholds would include information resource management projects or initiatives that involve more than one agency, that have an outcome that impacts another agency, or that exceed \$500,000 in total cost over a 1-year period.

### **Chapter 216 Review and Approval Process**

Additionally, when revisions are required to IRM projects or initiatives included in agency strategic plans and when agency budget amendments are submitted for IRM projects or initiatives, the revisions and amendments would be subject to a process similar to that currently used for review and approval of agency budget amendments if they meet the specified threshold. This process would require review and approval by the Executive Office of the Governor and the Administration Commission for the executive branch, or the Chief Justice of the Supreme Court for the judicial branch, and the legislative appropriations committees when: the IRM projects or initiatives involve more than one agency, have an outcome that impacts another agency, or exceed \$500,000 in total costs over a 1-year period.

### **Chief Information Officers Council**

A Chief Information Officers Council is created to provide a forum for enhancing communication, consensus building, coordination, and facilitation of statewide information resources management issues. The council would serve to enhance communication among the state's chief information officers; facilitate the sharing of best practices and exemplary technology applications; identify efficiency opportunities; serve as an educational forum; and to assist the State Technology Council in identifying critical statewide issues and possible solutions.

Members of the Chief Information Officers Council include the chief information officers of all state agencies, including chief information officers of the Board of Regents, State Board of Community Colleges, and judicial branch. The State Attorneys and Public Defenders would each elect a member to represent them. The chairs or their designees of the Geographic Information Board, the Florida Financial Management Information System Coordinating Council, the Criminal and Juvenile Justice Information System Council, and the Health Information Systems Council also would serve on the Chief Information Officers Council.

### **Florida Financial Management Information System (FFMIS)**

Substantial revisions are made to the Florida Fiscal Accounting Management Information System which is renamed as the Florida Financial Management Information System. The revisions update the law to reflect changes in state government since passage of the original FFAMIS Act in 1980. Additionally, the revisions strengthen the organizational structure to enhance the implementation of a unified management and accounting system for the state's decision makers. The Fiscal Accounting Information Board is renamed as the Financial Management Information Board, although the board retains its current membership, including the Governor, Comptroller, and Treasurer. The board could adopt policies, procedures, principles, and standards needed to implement the FFMIS and it would oversee the actions of the coordinating council. The Florida Fiscal Accounting Management Information System Coordinating Council is renamed as the Florida Financial Management Information System Coordinating Council. The council would make recommendations to the board relative to solutions and policy alternatives to insure coordination between the functional owners of the various information subsystems.

### **Section-by-Section Analysis**

**Section 1:** Amends s. 11.39, F.S., by revising the duties of the Legislative Information Technology Resource Committee to include evaluating proposals and recommendations made by the State Technology Council and consulting with the Joint Legislative Auditing Committee on the review and assessment of the implementation of information resources initiatives or projects identified in agency strategic plans.

**Section 2:** Amends s. 120.52, F.S., of the Administrative Procedure Act, to clarify that the word "rule" does not include memoranda issued by the Executive Office of the Governor relating to information resources management.

**Section 3:** Amends s. 186.021(1), (2), and (4), F.S., to delete references to the agency strategic information resource management plan and its relationship to the agency strategic plan. Deletes the current requirement that the Information Resource Commission (IRC) make revisions to the State Strategic Plan for Information Resources Management (IRM) after the adoption of revisions to the growth management portion of the state comprehensive plan.

Specifies that agency strategic plans identify information resource management projects or initiatives that involve more than one agency, that have an outcome that impacts another agency, or that exceed \$500,000 in total costs over a 1-year period.

**Section 4:** Amends s. 186.022 F.S., relating to agency strategic plans to repeal provisions relating to the Information Resource Commission. Requires the newly-established Technology Review Workgroup to review the consistency of the information resources portion of agency strategic plans with the State Annual Report on Information Resource Management and statewide policies. Requires that revisions to the strategic plans be submitted through the review and approval process provided in s. 216.177, F.S.

Creates a new subsection (9) to establish a process for review and approval of strategic plans submitted by the Geographic Information Board, the Financial Management Information Board, the Criminal and Juvenile Justice Information Systems Council, and the Health Information System Council. Subjects the strategic plans to a similar review and approval process as agency strategic plans with two exceptions: (1) requires the Executive Office of the Governor, after consultation with the Senate President and House Speaker, to prescribe the format and content for the strategic plans of coordinating boards and councils, and (2) allows the Executive Office of the Governor to establish the time periods for review and return of any required plan revisions.

**Section 5:** Creates s. 216.0446, F.S., to authorize the Executive Office of the Governor to contract with the Legislature to establish a procedure for reviewing and making recommendations relative to that portion of agency strategic plans that pertain to information resources management needs. EOG and the legislative budget committees also would contract regarding a review process for agency budget requests for information technology resources. The mechanism would be entitled the Technology Review Workgroup. Requires the Technology Review Workgroup also to review and make recommendations relative to budget amendments for information resources management projects or initiatives that involve more than one agency, that have an outcome that impacts another agency, or that exceed \$500,000 in total cost over a 1-year period. The Technology Review Workgroup also would make recommendations to the Governor's Office on guidelines and best practices for information resources management.

**Section 6:** Amends s. 216.181, F.S. to establish a review and approval process for budget amendments, regardless of funding source, for information resources management projects or initiatives that involve more than one agency, that have an outcome that impacts another agency, or that exceed a total cost of \$500,000 over a 1-year period.

**Section 7:** Amends s. 282.003, F.S., to rename chapter 282, F.S., as the “Information Resources Management Act of 1997.”

**Section 8:** Creates s. 282.005, F.S., to provide legislative intent and findings with respect to information resources management.

**Section 9:** Repeals s. 282.1021, F.S., which directs DIVCOM to present its biennial State Implementation Plan for Communications to the IRC for approval.

**Section 10:** Amends s. 282.102, F.S., 1996 Supp., relating to the duties and powers of DIVCOM. The division is directed to publish an electronic portfolio of its services, including the division’s policies governing usage of the SUNCOM network and a forecast of the division’s future priorities and initiatives. The division also would provide a hard copy of its portfolio upon request.

**Section 11:** Amends s. 282.303, F.S., relating to definitions. Deletes, revises, and creates definitions to conform to provisions of the committee substitute.

**Section 12.** Creates new sections 282.3031, 282.3032, 282.3041, 282.3055, 282.3063, 282.3091, 282. 3093, 282.310, and 282.315, F.S.

- Section 282.3031, F.S., is created to assign information resources management functions to the Board of Regents as the agency responsible for the development and implementation of policy, planning, management, rulemaking, standards, and guidelines for the State University System; to the State Board of Community Colleges as the entity responsible for establishing and developing rules and policies for the State Community College System; to the Supreme Court for the judicial branch; and to each State Attorney and Public Defender.
- Section 282.3032, F.S., is created to provide guiding principles for use in the development and implementation of information systems. Requires cooperative planning by state governmental entities to facilitate data sharing; specifies that the planning processes include all principles from the outset; directs agencies to eschew proprietary positions relative to data they collect; specifies that redundant data be eliminated, to the extent possible; and directs state agencies to strive toward sharing their electronic information via networks.
- Section 282.3041, F.S., is created to clarify that each agency head is responsible for information resources management within his or her agency.
- Section 282.3055, F.S., is created to provide that each agency head appoint or contract for the services of an agency Chief Information Officer to assist in carrying out the information resources management responsibilities of the agency. Such position may be full-time or part-time. Establishes duties for the Chief Information Officer.

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- Section 282.3063, F.S., is created to require each Agency Chief Information Officer to develop an Agency Annual Information Resources Management Report by November 1. Specifies the information to be included in the report.
  - Section 282.3091, F.S., is created to establish a nine-member State Technology Council. Members include: the Director of the Governor's Office of Planning and Budgeting; Comptroller; Commissioner of Education; Secretary of State; Secretary of the Department of Management Services; two state agency heads appointed by the Governor; and two private sector representatives, one appointed by the Senate President and one by the House Speaker. Legislative appointees may not be legislative members and may not represent information technology vendors or any of their subsidiaries that sell products or services to the state. Appointed members would serve 2-year terms. The Council would be responsible for developing a statewide vision and for making recommendations on statewide policies for information resources management to the Executive Office of the Governor and the Legislature, among other duties.
  - Section 282.3093, F.S., is created to establish a State Technology Office within the Department of Management Services. The head of the office would be a senior-level manager. The office would be primarily responsible for providing administrative support to specified organizations and workgroups, and facilitating state educational and training opportunities for the state's use and management of information technology resources.
  - Section 282.310, F.S., is created to require a State Annual Report on Information Resources Management (IRM) by March 1 of each year. The State Technology Office would prepare the report, based on information received from the agencies Annual Report on IRM. The state annual report would be approved by the State Technology Council. Specified content is established for the report.
  - Section 282.315, F.S., is created to establish the Chief Information Officers Council to enhance communication and provide for consensus building, coordination, and facilitation of information resources management issues among the agency chief information officers. Members include each state agency chief information officer, including the chief information officers of the Board of Regents, the State Board of Community Colleges, and the judicial branch. The State Attorneys and Public Defenders would each elect a member to the council. The chairs or their designees of the Geographic Information Board, the Florida Financial Management Information System Coordinating Council, the Criminal and Juvenile Justice Information System Council, and the Health Information Systems Council would represent their respective organizations on the Chief Information Officers Council as voting members.

**Section 13:** Amends s. 282.20, F.S., relating to the Technology Resource Center (TRC). Repeals references to the Information Resource Commission.

**Section 14:** Amends s. 282.313, F.S., relating to data processing policy boards. Requires each data processing center to review the portion of its agency strategic plan with the policy board prior to submission of the plan as prescribed in ch. 186, F.S. Provides conforming changes.

**Section 15:** Amends s. 282.318, F.S., relating to the security of data and information technology resources. Deletes redundant definitions. Streamlines the process and makes the agency head accountable and responsible for assuring an adequate level of security for agency information technology resources.

**Section 16:** Amends s. 282.322, F.S., relating to the special monitoring process for information resources management projects designated in proviso language in the General Appropriations Act. Requires that the Technology Review Group, rather than the Information Resource Commission, contract for such monitors.

**Section 17:** Amends s. 282.404, F.S., relating to the Geographic Information Board. Repeals provisions relating to the Information Resource Commission. Authorizes the board to issue guidelines on recommended best practices for the coordinating and sharing of geographic information. Requires the Geographic Information Board to approve a strategic plan by March 1 of each year. Conforms the name change of the Department of Health and Rehabilitative Services to the “Department of Children and Family Services” and the “Department of Health,” in effect, adding an additional member to the Council. Requires the Department of Management Services to provide administrative support to the board.

**Section 18:** The following sections are repealed:

- Repeals s. 216.0445, F.S., which requires the Information Resource Commission to evaluate state agency budget requests for information resources management.
- Repeals sections 282.004, F.S., relating to legislative intent with respect to information resources management. (New intent language is created.)
- Repeals s. 282.304, F.S., which creates the Information Resource Commission.
- Repeals s. 282.305, F.S., which enumerates the powers and duties of the Information Resource Commission and Board of Regents as it relates to information resources management.
- Repeals s. 282.3061, F.S., relating to the requirement for a state strategic plan for information resources management.
- Repeals s. 282.3062, F.S., which requires the Information Resource Commission to prepare an annual report on the information resources management activities of state government.
- Repeals s. 282.307, F.S., which requires each department to submit to the Information Resource Commission a Strategic Plan for Information Resource Management.

- Repeals s. 282.308, F.S., which requires each state university to prepare a strategic plan for information resources management and have it approved by the Chancellor of the State University System.
- Repeals s. 282.309, F.S., which requires the Supreme Court, district courts of appeal, and circuit courts to prepare a strategic plan for Information Resources Management and have it approved by the Supreme Court. Also repeals requirement that the Justice Administration Commission, each state attorney and each public defender prepare a strategic plan for Information Resources Management and have it approved by the Information Resource Commission.
- Repeals s. 282.311, F.S., which requires each agency to appoint an information resource manager.
- Repeals s. 282.312, F.S., which requires each agency information resource manager (IRM) to prepare and submit to the IRC an annual report describing the agency's information resource management activities for the previous year.
- Repeals s. 282.314, F.S., which creates the Information Resources Management Advisory Council.
- Repeals s. 287.073(5),(6),(7), and (8), F.S., which creates and assigns duties to the Information Technology Resource Procurement Advisory Council.
- Repeals s. 287.0735, F.S., relating to the Information Resource Commission's review of state term contracts for information technology resources.

**Section 19:** Amends s. 215.90, F.S., to rename the Florida Financial Fiscal Accounting Management Information System Act and as the "Florida Financial Management Information System Act."

**Section 20:** Amends s. 215.91, F.S., the legislative intent regarding the Florida Financial Management Information System (FFMIS). Requires FFMIS to be the primary means by which state government managers acquire and disseminate the information needed to plan and account for the delivery of services to the citizens in a timely, efficient, and effective manner. Requires FFMIS to be a unified information system for supporting the work of the state's decision makers. Requires the Financial Management Information Board to provide the overall framework within which the system will operate and the Florida Financial Management Information System Coordinating Council to adopt policies and procedures for operation of the system.

**Section 21:** Amends s. 215.92, F.S., relating to definitions. Adds the terms "Florida Financial Management Information System Coordinating Council" and "Design and coordination staff." Deletes the terms "data record" and "overall costs" from the list of definitions. Revises the definition of "data code."



**Section 22:** Amends s. 215.93, F.S., regarding the Florida Fiscal Accounting Management Information System. Authorizes the Florida Financial Management Information System to require data from state agency or judicial branch information systems which have been determined to have statewide financial management significance. Deletes the Revenue and Regulations Subsystem and the Investment and Debt Control Subsystem from the Florida Financial Management Information System because they are not statewide systems and their data is available from other systems. Renames the State Automated Management Accounting Subsystem as the Florida Accounting Information Resource Subsystem. Renames the Banking and Collateral Subsystem as the Cash Management Subsystem. Renames the Management Services and Purchasing Subsystem as the Purchasing Subsystem. Renames the State Personnel Payroll Information Subsystem as the Cooperative Personnel Employment Subsystem. Establishes the use of common financial management data codes for the Florida Financial Management Information System. Requires the use of a chart of accounts approved by the Comptroller and requires the chart of accounts to be consistent with the common financial management data codes.

**Section 23:** Amends s. 215.94, F.S., relating to the designation and duties of functional owners. Makes conforming changes to delete the Revenue and Regulations Subsystem and the Investment and Debt Control Subsystem from the Florida Management Information System. Amends the duties and responsibilities of the functional owner subsystems of the Florida Financial Management Information System.

Revises the Planning and Budgeting Subsystem functions to include controlling and tracking the approved budget and releases and performance-based program budgeting compliance evaluations. Deletes the Planning and Budgeting Subsystem requirements for cash forecasting and revenue and expenditure projections.

Revises the functions of the Florida Accounting Information Resource Subsystem to include accounting and reporting so that timely data can be provided to produce State financial statements, and to facilitate auditing and settling claims against the state. Deletes functions relating to departmental, agency, or judicial branch accounting, cost accounting, production control, state or central accounting and reporting, and warrant preparation.

Revises the functions of the Cash Management Subsystem to include administering the provisions of the Federal Cash Management Improvement Act of 1990.

Revises the functions of the Purchasing Subsystem to include not only commodity procurements, but services as well. Deletes the Purchasing Subsystem functions relating to inventory control, warehousing, facilities management and utilization, construction bidding and monitoring, and controlling and operating centralized equipment pools.

Revises the functions of the Cooperative Personnel Employment Subsystem to include collective bargaining data and employee data, including funding sources and percentages, salary lapse, payroll, and employee benefits.

Requires the Office of the Auditor General to provide to the Financial Management Information Board and the Florida Financial Management Information System Coordinating Council the findings and recommendations of any audit regarding the provisions of ss. 215.90-215.96, F.S.

**Section 24:** Amends s. 215.95, F.S., relating to the Fiscal Accounting Information Board. Makes conforming change to the Financial Management Information Board. Revises the duties of the board. Requires the board to approve an annual strategic plan and to adopt policies, procedures, principles, and standards necessary to implement the Florida Financial Management Information System.

**Section 25:** Amends s. 215.96, F.S., relating to the Florida Financial Management Information System Coordinating Council (coordinating council). Adds design and coordination staff to the title. Provides that the Coordinating Council members include the Comptroller, Treasurer, Secretary of the Department of Management Services, and the Director of the Governor's Office of Planning and Budgeting. Adds as ex officio, non voting members, the State Courts Administrator, the Florida Association of State Administrative Services Directors, and the Florida Association of State Budget Officers. Revises the duties of the coordinating council and provides it will be assisted by the design and coordination staff.

**Section 26:** Amends s. 216.141, F.S., relating to budget system procedures. Revises the requirements for the planning and budgeting system. Revises the requirements for notifying the Office of the Auditor General of changes or significant modifications to the Florida Financial Management Information System. Requires that the contract between the Executive Office of the Governor and the Legislature for the support and use of the legislative appropriations system, include policies and procedures for combining the legislative appropriations system with the planning and budgeting subsystem. Requires the combined legislative appropriations system and the planning and budgeting subsystem to use common data codes and to support the legislative oversight and appropriations processes. Requires the Comptroller to utilize the Florida Accounting Information Resource Subsystem for accounting purposes in the performance of and accounting for his constitutional and statutory duties and responsibilities.

**Section 27:** Creates a Health Information Systems Council. Provides legislative intent, appointment and duties. Directs that the Health Information Systems Council be created in the Department of Health to facilitate the identification, collection, standardization, sharing, and coordination of health-related data, including fraud and abuse data, and professional and facility licensing data among federal, state, local, and private entities. Provides for 10 members.

**Section 28:** Amends s. 20.19(13), F.S., relating to the Department of Children and Family Services, to correct a cross-reference.

**Section 29:** Amends s. 20.316(6), F.S., relating to the Department of Juvenile Justice, to correct a cross-reference.

**Section 30:** Amends s. 20.41(6), F.S., relating to the Department of Elderly Affairs, to repeal language made obsolete by the committee substitute and to clarify that the Legislature designates the planning and service areas of the department.

**Section 31:** Amends s. 112.3145(1), F.S., relating to the disclosure of financial interests and clients represented before the Legislature. Repeals references to the ITRPAC.

**Section 32:** Amends s. 216.031, F.S., relating to budgets, to correct a cross-reference.

**Section 33:** Amends s. 216.235(5), (6), and (10), F.S., relating to the Innovation Investment Program. Current law requires that proposals for innovation investment monies that involve information technology resources have approval of the agency information resource managers. Makes conforming changes. Deletes the requirement that innovative proposals be submitted to the Information Resource Commission. Requires, instead, that such proposals be submitted to the State Innovation Committee or its designee. Requires the State Innovation Committee or its designee, rather than the Information Resource Commission, to evaluate the innovative project's technical feasibility and make recommendations to the review board.

**Section 34:** Amends s. 216.236, F.S., relating to the Innovation Investment Program. Provides that the State Innovation Committee, or its designee, rather than the Information Resource Commission, review and evaluate proposals involving information technology resources.

**Section 35:** Amends s. 287.042(16), F.S., relating to the powers and duties of the Division of Purchasing of the Department of Management Services to repeal references to the Information Resource Commission's authority to assist multiple agencies in jointly pooling their resources for the purchase of information technology resources. Such authority, however, would continue to remain with the Division of Purchasing.

**Section 36:** Amends s. 287.073(1), F.S., relating to the procurement of information technology resources. Revises cites and deletes definitions made obsolete by committee substitute.

**Section 37:** Amends s. 943.08, F.S., relating to the Criminal and Juvenile Justice Information Systems Council. Requires the council to develop a strategic plan by March 1 of each year.

**Section 38:** Directs that the current staff of the Information Resource Commission be afforded priority consideration for any vacant or new positions created by the reorganization proposed by the committee substitute.

**Section 39:** Provides that all records of each entity repealed by this act be appropriately stored, except that the records of the Information Resource Commission be transferred to the State Technology Office, upon request.

**Section 40:** Requires that all administrative rules of the Information Resource Commission remain in effect until June 30, 1998, at which time they are repealed unless memoranda issued

by the Governor's Office conflicts with an existing administrative rule of the Information Resource Commission prior to that date, in which case, the memorandum shall prevail.

**Section 41:** Provides that all unexpended appropriations designated for special monitoring, pursuant to s. 282.322, F.S., be transferred from the Information Resource Commission to the Technology Review Workgroup.

**Section 42:** Directs the Division of Statutory Revision of the Joint Legislative Management Committee to conform necessary cross-references.

**Section 43:** Provides an effective date of July 1, 1997, except that sections 18 through 25, relating to the Florida Financial Management Information System, are effective upon becoming law.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

#### **V. Economic Impact and Fiscal Note:**

##### **A. Tax/Fee Issues:**

None.

##### **B. Private Sector Impact:**

None.

##### **C. Government Sector Impact:**

- Information resources management reporting requirements and processes are streamlined, resulting in reduced workload requirements for state governmental entities.
- The \$1,066,600 in General Revenue Funds appropriated to the Information Resource Commission for FY 1996-97, would be available for re-appropriation or partial re-

appropriation to fund the new governance structure that would be created by this bill. The IRC would be abolished by the bill.

- An additional \$40,000 in General Revenue Funds currently appropriated to the Division of Purchasing of the Department of Management Services for administrative functions associated with the Information Technology Resource Procurement Advisory Council (ITRPAC) would also be available for re-appropriation since ITRPAC would be abolished, as well.

Based on the FY 1996-97 appropriations, the total funds that would be available for re-appropriation are \$1,106,600.

#### **VI. Technical Deficiencies:**

None.

#### **VII. Related Issues:**

During the 1996-1997 interim, staff of the Legislative Information Technology Resource Committee, as one of its assigned interim projects, established a workgroup to continue to identify, discuss and reach consensus on critical information resources management issues. The workgroup consisted of staff from the Senate Ways and Means Committee; the former House Appropriations Committee, now the Fiscal Responsibility Council; Senate Governmental Reform and Oversight Committee; House Governmental Operations Committee; Executive Office of the Governor; Board of Regents; State Board of Community Colleges; Supreme Court; Information Resource Commission; Information Resources Management Advisory Council; Auditor General's Office; Department of Management Services; and the Comptroller's Office. A consultant for the joint committee, with expertise in information resources management governance structures in the public and private sectors, provided advice and helped facilitate the workgroup meetings. The workgroup met numerous times over several months and validated their consensus at the beginning of each meeting.

Some of the issues that were studied by the workgroup include the Information Resource Commission (IRC), the Information Technology Resource Procurement Advisory Council (ITRPAC), and the Information Resource Management Advisory Council (IRMAC). The workgroup also discussed issues pertaining to planning and reporting requirements, review of agency legislative budget requests for technology, and performance measurements of agency information technology resources.

While many of the changes the workgroup recommended are incorporated in the committee substitute, further refinements were made as suggestions for improvement were brought to the attention of the Legislative Information Technology Resource Committee during the initial committee hearing on the bill.

Additionally, amendments were proposed by the Fiscal Accounting Information Board, in the Legislative Information Technology Resource Committee's final hearing on the bill. The board recommended that the bill revise the statutes creating the Florida Fiscal Accounting Management Information System (FFAMIS) to update and reflect changes in state government since the original FFAMIS Act was adopted in 1980. The changes are designed to enhance the ability of the board to implement a unified financial and management system for the state's decision makers. Also, amendments were proposed to address concerns related to the need for a health-care-related information systems sharing council to promote better coordination and facilitation in the exchange of health care data among various state and local government entities.

**VIII. Amendments:**

None.