

STORAGE NAME: h1811b.fpr.doc

DATE: April 4, 2001

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
FISCAL POLICY & RESOURCES
ANALYSIS**

BILL #: HB 1811 (PCB IT 01-04)

RELATING TO: Information Technology/State Technology Office

SPONSOR(S): Committee on Information Technology, Representative Hart & others

TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) INFORMATION TECHNOLOGY YEAS 9 NAYS 1
 - (2) FISCAL POLICY & RESOURCES YEAS 12 NAYS 0
 - (3) COUNCIL FOR READY INFRASTRUCTURE
 - (4)
 - (5)
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I. SUMMARY:

House Bill 1811 amends Chapters 20, 110, 186, 216 and 282, F.S., to expand the roles, duties and activities of the State Technology Office (STO). Chapter 2000-164, Laws of Florida, created the STO, established the position of Chief Information Officer, and provided the STO with a mandate to create an integrated system of information technology (IT) to allow citizens to effectively interact with State government and that the STO establish the organization necessary to support that system. This bill provides additional authority and resources to enable the STO to accomplish its mandate by authorizing the STO to establish the necessary organization to integrate information technology staff and resources across the executive branch of state government.

HB 1811 provides for the following:

- Clarifies the agency status of the STO and provides additional authority with regards to its internal operations;
- Establishes the role of the STO in the review and approval processes for planning and budgeting purposes under Chapter 216, F.S. with regards to large information technology purchases
- Expands the role, duties and activities of the STO in developing, acquiring, securing and operating information technology resources that span all executive branch agencies;
- Clarifies the role, duties and activities of state agencies in developing, acquiring, and operating agency-specific information technology resources;
- Establishes the relationship between the STO and state agencies in the transfer and consolidation of information technology resources from state agencies to the STO; and
- Provides for reporting requirements of the STO concerning high-risk information technology projects.

There does not appear to be a fiscal impact on the State.

The bill provides an effective date of July 1, 2001.

There is a series of amendments traveling with the bill. Please see Section VI of this analysis for details.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Creation of the State Technology Office

Section 9, Chapter 97-286, Laws of Florida (LOF), created ss. 282.003-282.404, F.S., the Information Resources Management Act of 1997 (the Act) and established the State Technology Offices (STO). Subsequently, Chapter 2000-164, LOF, amended the Act and significantly revised and expanded the powers, duties and responsibilities to the STO, and created the position of Chief Information Officer to head the STO. This Officer serves at the pleasure of the Governor.

Chapter 2000-164, LOF, also set forth legislative findings and intent regarding the purposes for which the STO was created. The findings stated that STO was created to ensure the best management of information resources across the executive branch of state government by providing support and guidance to enhance the state's use and management of information technology resources; designing, procuring and deploying the state's information technology resources; and managing cost effective deployment of information technology resources by state agencies.

Powers and Responsibilities of the STO

Chapter 2000-164, LOF, established the powers and responsibilities on the STO to, among others things:

- Coordinate the acquisition and use of information technology resources for state agencies;
- Integrate the information technology systems and services of state agencies and adopt technical standards for the state information technology system that assure interconnection of computer networks and information systems of state agencies;
- Assume management responsibility for any integrated information technology system or service when the STO determines that it would be economically efficient or performance-effective to do so;
- Standardize policies and procedures for the use of information technology services of state agencies;
- Direct and approve the acquisition and use of all information technology equipment, services and facilities; and

- Adopt rules relating to information technology and to administer the Act.

Although Chapter 2000-164, LOF, increased the visibility, responsibility and authority of the STO, it appears that the Act was insufficient to confer adequate authority and resources to the STO to enable it to effectively serve the expressed legislative purposes for which it was created. For example, the Act provides that the head of each state agency has primary responsibility and accountability for planning, budgeting, acquiring, developing implementing using and managing information technology resources within the agency and that the agency has primary responsibility to determine the use of such resources in accomplishing the agency's mission. Additionally, the Act limits the STO to the use or acquisition of information technology facilities or communications equipment and facilities owned or operated by a state agency when the agency concurs in such use or acquisition.

Conclusions of the IT Task Force

The Information Service Technology Development Task Force ("Task Force"), in its 2001 Annual Report to the Legislature, emphasized the importance of integration, consolidation and an enterprise approach to information technology management across state government. See 2001 Annual Report to the Legislature, Information Service Technology Development Task Force § 7.4.2, available at http://www.itflorida.com/pdfs/2001_legislative_report.pdf (February 14, 2001). The Task Force stated, in pertinent part:

In its 2000 Annual Report to the Legislature, the Task Force recommended that the State of Florida create a centralized information technology organization. The Task Force identified the creation of a centralized IT organization as high impact, achievable, and an essential step toward the cost-effective deployment of technology across the enterprise.

During the 2000 Legislative Session, the Florida Legislature took action on this recommendation in the form of SB 1334. Prior to the passage of the 2000 legislation, each state agency was responsible for the management of its own IT resources, its applications, its data, its asset management, its budgeting, its staff. This translated into:

- 4700 + IT workers with over 500 vacancies
- \$811 + million budget
- 27 different data centers
- 90,000 PCs
- 1000 + legacy databases
- 150 + different agency web sites

This type of IT management structure facilitated, from the citizen's perspective, the following:

- an inability to identify an appropriate state contact point for a particular governmental service;
- an inability to achieve economics of scale in procurements and operations;
- an inability to provide IT services with speed and agility; and
- an inability for citizens to enjoy/benefit from their experience with state government

Clearly one of the advantages of a centralized IT organizational structure is the ability to consolidate and maximize resources. Prior to the centralization of information technology in Florida, the money lost to purchasing inefficiencies and lack of coordination can be demonstrated. Currently the State spends more than \$1 billion a year on information

technology. It is critical to leverage purchasing power to create eGovernment efficiencies. Through the 2000 legislation, the State Technology Office was charged with the development of mechanisms for online procurement; one component being online bidding (s. 287.057(22)(a) F.S.). The State Technology Office has initially pursued one specific aspect of online bidding, that being the online bidding of commodities and contractual services. The State Technology Office engaged in one of the first ever online bidding pilot projects by a state government and successfully conducted four bidding events. Overall, the 90-day pilot yielded an estimated \$3.8 million in savings; equating to an average savings of 13%.

The benefits of leveraging resources come from the State's ability to negotiate volume pricing, decrease acquisition-processing costs, decrease support and training costs by supporting fewer systems, improve the enterprise's ability to share data and applications, and increase end-user availability due to faster resolution of common problems. In addition, the flexible use of resources will occur at an enterprise level. Existing resources and technologies will then be employed more effectively.

Government is being driven to adapt enterprise methods in delivering services to its' customers. These driving forces include increasing demands from taxpayers, emergence of the Internet, economic development and global competition, and the need to improve government efficiency. Technology is producing rapid, continuous change, and the emergence of the digital citizen has created a requirement for rapid, continuous transformation in government. Florida's businesses and citizens are demanding better, faster and cheaper services. In an effort to make these services available, Florida government is being transformed by implementing an enterprise model. With 40 separate entities being viewed as a single enterprise, the model ensures the focus of government is on its' customers--the citizens and businesses of Florida. The enterprise model also ensures redundant business functions are eliminated while increasing productivity and value by leveraging similar services across the enterprise.

The State of Florida, consisting of 140,000 employees throughout the enterprise and a \$51 billion state budget, is Florida's largest "corporation." By implementing an Enterprise approach that treats state government as a single enterprise, Florida is making government simpler, more efficient, and better able to serve the citizens of the state.

C. EFFECTS OF PROPOSED CHANGES:

House Bill 1811 provides the STO with the authority and resources required to establish the organization to integrate information technology and consolidates IT staff and resources across the executive branch of state government. The bill:

- Establishes the STO as a separate budget entity within the Department of Management Services (Chapter 20 and Chapter 282);
- Reclassifies certain STO employees from Career Service to the Select Exempt Class (Chapter 110);
- Directs the STO, in consultation with the legislative appropriations committees and the Executive Office of the Governor, with revitalizing and approving developments of information technology resource strategic plans (Chapter 186);
- Directs the STO to review and make recommendations to the legislative appropriations committees and the Executive Office of the Governor on the part of agencies' long-range program plans that relate to information technology (Chapter 216);
- Authorizes the transfer of IT positions and appropriations identified in the STO's Agency Technology Agreements (Chapter 216) from state agencies to the STO;

- Revises, supplements and clarifies the powers and duties of the STO to facilitate its establishment of uniform procedures for the acquisition and use of information technology by state agencies within the executive branch (Chapter 282).

The provisions of the bill are designed to advance the following core purposes:

- The adoption of an enterprise-wide vision and mission for the development, deployment and utilization of information technology across state government, including architecture and security protocols, systems design, project management, licensing and procurement;
- The consolidation of the management of information technology in state government;
- The adoption of collaborative decision-making on IT issues and elimination of the “silos” mentality among and between agencies;
- A reduction in the turnover rate of the State’s information technology employees and an increase in the State’s ability to competitively recruit and retain these employees;
- The consolidation of information technology asset management and aggregated, enterprise-wide procurement and cost recovery;
- The implementation of policies that make state government consistently more responsive to the needs of Florida’s citizens and businesses; and
- A reduction in the cost of state government to the taxpayers.

D. SECTION-BY-SECTION ANALYSIS:

Where applicable, comments as to the present situation and the effect of the proposed changes are noted.

Section 1. Amends s. 20.22, F.S., to establish the STO as a separate budget entity within the Department of Management Services and directs the STO to manage the Technology Resource Center.

Section 2. Amends s. 110.205, F.S., to reclassify certain STO employees from Career Service class to the Select Exempt Class.

Section 3. Amends s. 186.022, F.S., to direct the STO, in consultation with the legislative appropriations committees and the Executive Office of the Governor, in the review and approval of the development of information technology resource strategic plans.

Section 4. Amends s. 216.013, F.S., to substitute the STO for the Technology Review Workgroup as the reporter of findings in the review of the information technology component of agency long-range program plans.

Section 5. Amends s. 216.0446, F.S., to substitute the STO for the Technology Review Workgroup and directs the STO with the review and reporting of recommendations to the legislative appropriations committees and the Executive Office of the Governor on the parts of agencies’ long-range program plans that relate to information technology resources and information technology projects. Also establishes the title of the State Annual Report on Enterprise Resource Planning and Management.

Section 6. Amends s. 216.181, F.S., to substitute the STO for the Technology Review Workgroup and provides for STO review of IT-related budget amendments, approved pursuant to the requirements of Chapter 216, F.S., that expand the original approved operating budget for the IT project or initiative.

Section 7. Amends s. 216.235, F.S., to transfer the Innovation Investment Program from the Department of Management Services to the Office of Tourism, Trade and Economic Development (“OTTED”) and adds three members to the State Innovation Committee: the Chief Information Officer of STO, the Director of OTTED and the Chair of itflorida.com., Inc.

Section 8. Amends s. 216.292, F.S., to authorize the transfer of IT positions and appropriations identified in the STO’s Agency Technology Agreements from state agencies to the STO.

Section 9. Amends s. 282.005, F.S., to revise and supplement the legislative intent expressed in s. 282.005 to clarify the STO’s mission and role in state government. Amends subsections (4), (6), (9), and (10) to replace the term “information resources” with the term “information technology” to be consistent with the definition for “information technology” found elsewhere in the bill. Amends subsection (5) to provide that the STO, rather than each agency head, has primary responsibility for providing information technology to the agency. Amends subsection (5) to provide that STO shall use the state’s information technology in the best interests of the state as a whole and shall make use of shared data and related resources whenever appropriate. Repeals subsection (7) and renumber the remaining subsections accordingly. Amends subsection (8) to provide that STO is the agency charged with the duty to develop and operate the state’s information technology planning and management, and enterprise resource infrastructure management functions.

Effect of Proposed Changes. Section 9 provides for Legislature’s findings and intent concerning the state’s information technology resources. The changes found in this section provide that is the STO, rather than the agency, which would be viewed as the state’s expert in providing information technology. Agencies, within the executive branch of state government would be STO’s customers and would negotiate agreements with the STO for the information technology services. The amendments to this section give the charge to the STO of eliminating redundancy in the state’s information technology resources and focusing on enterprise-wide resource utilization effectiveness.

Section 10. Renumbers s. 282.303, F.S., as 282.041, and revises and reorders definitions found therein. Amends the definition of “Agency” to correct an erroneous cross-reference. Renames and redefines “Chief Information Officer” to “Agency Chief Information Officer” to conform to changes proposed in the bill. Renames “Chief Information Officers Council” as “Agency Chief Information Officers Council.”

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

Eliminates definitions for “data processing software,” “information technology hardware,” “information technology services,” and “information technology resources.” Repeals the definition of “Technology Review Workgroup.”

Effect of proposed change. The broad definition of information technology is intended to encompass all current and future notions of what constitutes information technology. Note that the definition does not include personnel or facilities.

Section 11. Amends s. 282.102, F.S., to revise the current organizational structure within of the STO to make STO a separate budget entity within the Department of Management Services and provides that the STO is not be subject to the control, supervision, or direction of Department. Amends s. 282.102 to provide that the CIO, as the head of the STO, is the agency head for all purposes.

Revises subsection (2) to permit STO to adopt policies and procedures implementing best practices to be followed by agencies in acquiring, using or disposing of information technology. Creates a new subsection (3) of s. 282.102, F.S., to state that STO, in consultation with each state agency, shall perform the enterprise resource planning and management function for the agency. Amends subsections (11) and (12) to permit STO to apply for, receive, and hold patents, copyrights, trademarks, and service marks and authorize STO to assist state agencies in acquiring these types of intellectual property. Clarifies the language in subsection (14) of s. 282.102 to allow STO to delegate the authority to acquire information technology to agencies as deemed necessary by STO. Also amends subsection (15) of s. 282.102 to allow STO to acquire ownership of communications equipment and facilities without the concurrence of the agency that currently possesses the equipment and facilities, as the STO deems necessary to carry out its duties as provided in Ch. 282.

Effect of proposed changes. Currently the STO is only charged with the ability to coordinate the purchase, lease and use of information technology by agencies. Amendments found in this section strengthen the STO's role to ensure that information technology resources are standardized across all state agencies and that state agencies acquire resources from vendors who have formed strategic alliances with the state.

Section 12. Amends subsection (3) of s. 282.103, F.S., to provide that if the STO is unable to meet an agency's requirements by enhancing Suncom service, the STO may grant the agency an exemption from the required use of Suncom. Makes conforming changes to s. 282.103 to ensure consistency with other provisions in the bill.

Section 13. Amends s. 282.104, F.S., to conform with other proposed changes in the bill.

Section 14. Amends s. 282.105, F.S., to remove the phrase "of the Department of Management Services" from references to the STO.

Section 15. Amends s. 282.106, F.S., to remove the phrase "of the Department of Management Services" from references to the STO.

Section 16 Amends subsection (2)(f) and (2)(g) of s. 282.1095, F.S., to rename the State Agency Law Enforcement Radio System Trust Fund as the Law Enforcement Operating Trust Fund. Also amends subsection (3) of s. 282.106 to remove the authority of the Joint Task Force on State Agency Law Enforcement Communications to appropriate monies from the trust fund to law enforcement agencies to enhance their communications systems beyond their existing budgets. Repeals subsection (5)(b) of s. 282.106. Amends s. 282.1095, F.S., to remove the phrase "of the Department of Management Services" from references to the STO.

Section 17. Amends a. 282.111 to remove the phrase "of the Department of Management Services" from references to the STO.

Section 18. Repeals subsection (1)(b)1 of s. 282.20 F.S., a definition of office specific to this section. Also removes subsection (4) of s. 282.20 and renumbers the remaining subsections accordingly. Amends subsection (6) of s. 282.20 to rename the working capital trust fund described

therein as the Technology Enterprise Operating Trust Fund. Also removes the phrase “of the Department of Management Services” from references to the STO.

Section 19. Amends s. 282.21, F.S., to remove the phrase “of the Department of Management Services” from references to the STO.

Section 20. Amends s. 282.22, F.S., to revise the section title. Amends subsection (2) to remove the limitation on those the STO is authorized to sell its services. Remove reference to the Department of Management Services from references to the STO.

Effect of proposed changes. The amendments found in this section remove prohibitions that only entities authorized to use the Suncom network can utilize the products and services that STO develops. As the evolution of digital government progresses, the STO will be charged with developing an array products and services for Florida citizens. Other state governments seeking to offer similar services to their citizens could use many of these products and services. The STO is authorized to recover development costs by charging outside entities for use of the product or service. By broadening its customer base, the STO could reduce the burden on Florida government entities by lowering technology costs. The changes found in this section however retain the requirement that such charges shall only be those sufficient to recover the essential cost of producing and disseminating the product or service.

Section 21. Creates s. 282.32 to permit the STO, in consultation with the Department of Management Services, to form State Strategic Information Technology Alliances for the acquisition of information technology in accordance with the competitive procurement practices established in Ch. 287, F.S.

Effect of proposed change. According to the STO, significant time and effort is spent re-training and educating information technology vendors about the needs of state government. The alliances would serve to maintain continuity and to allow vendors to gain expertise in providing information technology to the state. In creating such an alliance, the STO would establish qualifications for vendors seeking to become an alliance member. The STO would, through the competitive procurement process, select several vendors to provide an array of services to the state. Once selected, vendors would be permitted to enter into long-term contracts with the STO to provide state government with information technology rather than being required to go through the competitive procurement process for each individual project.

Section 22. Repeals s. 282.3041, F.S.

Section 23. Revises s. 282.3055, F.S., and defines the duties of the chief information officer in each agency. Provides for an Agency Chief Information Officer for each state agency subject to STO and for appointment of these officers by the Chief Information Officer rather than by the head of each such agency. Amends s. 282.3055(2)(c), F.S., to ensure that Agency Chief Information Officers implement policies, procedures, and standards in accord with the STO’s policies and procedures.

Section 24. Amends s. 282.3063, F.S., to conform this section to the changes proposed above in s. 282.3055, F.S.

Section 25. Amends s. 282.315 F.S., to conform this section to the changes proposed above in 282.3055, F.S. Removes the chair of the Geographic Information Board from the membership.

Section 26. Amend s. 282.318, F.S., to provide that the STO, in consultation with each agency head, would be responsible for assuring an adequate level of security for all data and

information technology resources. Currently, agency heads, in consultation with the STO, are required to assure the security of their data and information technology systems. Because the STO will own and design the systems and employ the personnel that service the systems, requiring that the STO ensure the security of the data and systems is consistent with the STO's mission.

Section 27. Amends s. 282.322 to provide that the Enterprise Project Management Office within the STO would report to the Governor and the Legislature on any information technology project that the STO identifies as "high-risk" and that the STO would assess the levels of risk associated with proceeding to the next stage of the project.

Section 28. Incorporates proviso language found in the General Appropriations Act to authorize the transfer of IT personnel and resources identified in agreements with the State Technology Office from state agencies to the STO.

Section 29. Repeals s. 282.404, F.S.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

The implementation of HB 1811 appears to require no additional expenditures by the state. The bill authorizes the transfer of certain existing personnel and funds to the STO.

The consolidation and integration of IT functions and resources in the STO will likely generate cost savings for the state.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require counties or municipalities to spend funds or to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the authority that counties or municipalities have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

The bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

There are provisions in the bill that provide for the STO to promulgate statements affecting how outside parties will conduct themselves with regards to the development, acquisition, and operation of information technology resources. It appears that the effect of these provisions may meet the definition of rule as found in s. 120.52(15). It is suggested that the STO be authorized to adopt rules to implement these provisions, thereby removing any cloud over the authority of the STO to implement the powers and duties described in the bill.

C. OTHER COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

At its April 4, 2001, meeting, the Committee on Fiscal Policy & Resources adopted six amendments to the bill. These amendments are traveling with the bill.

Amendment one restores and expands authority to the Legislature's Technology Review Workgroup (TRW) to independently review agency requests for technology and information management resources and provides for additional duties for the TRW. It provides reporting requirements for the TRW and the STO regarding these agency requests. Finally the amendment provides for reporting requirements of the Enterprise Project Management Office of the STO to report to the Legislative Officers and appropriations chairs, and the Governor's Office on those projects identified by the STO as high-risk projects and to, within the limits of current appropriations, monitor and report on such projects and to assess the levels of risks associated with proceeding to the next stage of the project.

Amendment two authorizes the STO to adopt rules to implement best management practices in the acquisition, use, modifications, and disposal of information technology.

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Amendment three removes from the bill language renaming the State Agency Law Enforcement Radio System Trust Fund.

Amendment four clarifies the requirement that procurement of information technology be made pursuant to Chapter 287, F.S.

Amendment five authorizes the STO, in consultation with the Department of Management Services, to adopt rules implementing the policies and procedures applicable to establishing the strategic alliances with approved contractors for the purchases of information technologies.

Amendment six corrects cross-references and makes technical changes to other statutes impact by the substantive changes of this bill.

At its March 20, 2001 meeting, the Committee on Information Technology adopted one amendment to its proposed committee bill. The amendment incorporates proviso language found in the General Appropriations Act relating to the transfer of agency personnel and resources to the STO. It was incorporated into the body of the bill upon filing.

VII. SIGNATURES:

COMMITTEE ON HOUSE INFORMATION TECHNOLOGY:

Prepared by:

Staff Director:

John A. Barley, Chief Legislative Analyst

Charles Davidson

AS REVISED BY THE COMMITTEE ON FISCAL POLICY & RESOURCES:

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