

By Senator Ring

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1 A bill to be entitled
2 An act relating to state technology; transferring,
3 renumbering, and amending s. 14.204, F.S.; creating
4 the Department of State Technology; providing the
5 organizational structure of the department; creating a
6 Technology Advisory Council and providing for
7 membership; reordering and amending s. 282.0041, F.S.;
8 revising and providing definitions for terms used in
9 the Enterprise Information Technology Services
10 Management Act; amending s. 282.0055, F.S.; requiring
11 the department to develop a long-range plan; providing
12 the powers and duties of the department; amending s.
13 282.0056, F.S.; conforming provisions to changes made
14 by the act; deleting the requirement that the
15 department's work plan be presented at a public
16 hearing; expressly exempting certain entities from
17 data center consolidation; creating s. 282.0057, F.S.;
18 providing a schedule for the initiation of department
19 information technology projects; specifying tasks to
20 be approved and completed; repealing s. 282.201, F.S.,
21 relating to the state data center system; amending s.
22 282.203, F.S.; conforming provisions to changes made
23 by the act; providing for future repeal; repealing s.
24 282.204, F.S., relating to the Northwood Shared
25 Resource Center; repealing s. 282.205, F.S., relating
26 to the Southwood Shared Resource Center; creating s.
27 282.206, F.S.; establishing the Fletcher Shared
28 Resource Center within the Department of Financial
29 Services to provide enterprise information technology

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30 services to the department, to provide colocation
31 services to the Department of Legal Services and the
32 Department of Agriculture and Consumer Services, and
33 to host the Legislative Appropriations System/Planning
34 and Budgeting Subsystem; providing for governance of
35 the center; authorizing the Department of Legal
36 Affairs and the Department of Agriculture and Consumer
37 Services to move data center equipment to the center;
38 amending s. 282.318, F.S.; conforming provisions to
39 changes made by the act; repealing s. 282.33, F.S.,
40 relating to objective standards for data center energy
41 efficiency; repealing s. 282.34, F.S., relating to
42 enterprise e-mail service; amending ss. 282.604,
43 282.702, 282.703, 17.0315, 20.22, 110.205, 215.22,
44 215.322, 215.96, 216.292, 287.012, 318.18, 320.0802,
45 328.72, 364.0135, 365.171, 365.172, 365.173, 365.174,
46 401.013, 401.015, 401.018, 401.021, 401.024, 401.027,
47 445.011, 445.045, and 668.50, F.S.; conforming
48 provisions to changes made by the act; transferring
49 the personnel, functions, and funds of the Agency for
50 Enterprise Information Technology to the Department of
51 State Technology; transferring specified personnel,
52 functions, funds, trust funds, administrative orders,
53 contracts, and rules relating to technology programs
54 from the Department of Management Services to the
55 Department of State Technology; transferring the
56 Northwood Shared Resource Center and the Southwood
57 Shared Resource Center to the department; providing
58 that the status of any employee positions transferred

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59 to the department is retained; providing an
60 appropriation; providing effective dates.

61

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

63

64 Section 1. Section 14.204, Florida Statutes, is
65 transferred, renumbered as section 20.61, Florida Statutes, and
66 amended to read:

67 (Substantial rewording of section. See
68 s. 14.204, F.S. for present text)

69 20.61 Department of State Technology; powers and duties.-

70 The Department of State Technology is hereby created as an
71 executive agency under the Governor.

72 (1) The department shall have a secretary, who shall be
73 appointed by the Governor. The secretary must be confirmed by
74 the Senate and shall serve at the pleasure of the Governor. The
75 secretary shall be the state's Chief Information Officer.

76 (2) The Technology Advisory Council consisting of nine
77 members shall be established and maintained pursuant to s.
78 20.052. Four members of the council shall be appointed by the
79 Governor, of which two members must be from the private sector;
80 three members shall be appointed by the Cabinet; one member
81 shall be appointed by the President of the Senate; and one
82 member shall be appointed by the Speaker of the House of
83 Representatives. Upon initial establishment of the council, two
84 of the Governor's appointments and two of the Cabinet's
85 appointments shall be for 2-year terms. Thereafter, all
86 appointments shall be for 4-year terms.

87 (a) The council shall consider and make recommendations to

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88 the secretary on such matters as enterprise information
89 technology policies, standards, services, and architecture.

90 (b) The secretary shall consult with the council with
91 regard to executing the duties and responsibilities of the
92 department related to statewide information technology strategic
93 planning and policy.

94 (3) The following divisions and offices are established
95 within the department:

96 (a) The Division of Information Management.

97 (b) The Division of Enterprise Information Technology
98 Services.

99 (c) The Office Of Information Security.

100 (d) The Office of Strategic Planning.

101 (4) There shall be a Chief Operations Officer, a Chief
102 Planning Officer, a Chief Security Officer, and a Deputy Chief
103 Information Officer, all of whom serve at the pleasure of the
104 secretary.

105 (a) The Chief Operations Officer is responsible for the
106 operation and delivery of enterprise information technology
107 services, including management of telecommunication services and
108 data center operations.

109 (b) The Chief Planning Officer is responsible for
110 establishing and maintaining enterprise information technology
111 policy, planning, standards, project management, oversight, and
112 procurement.

113 (c) The Chief Security Officer is responsible for
114 establishing and maintaining the enterprise strategy and program
115 for ensuring information assets are adequately protected.

116 (d) The Deputy Chief Information Officer is responsible for

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117 establishing and maintaining the enterprise strategy for
118 enterprise information technology services.

119 (5) The following deputy Chief Information Officer
120 positions, each of which is responsible for the following core
121 agency groups, shall be appointed and serve at the pleasure of
122 the secretary:

123 (a) Deputy Information Officer of Human Services:

- 124 1. Department of Elder Affairs.
- 125 2. Agency for Health Care Administration.
- 126 3. Agency for Persons with Disabilities.
- 127 4. Department of Children and Families.
- 128 5. Department of Health.
- 129 6. Department of Veterans' Affairs.

130 (b) Deputy Information Officer of Criminal and Civil
131 Justice:

- 132 1. Department of Juvenile Justice.
- 133 2. Parole Commission.
- 134 3. Department of Corrections.
- 135 4. Board of Executive Clemency.
- 136 5. Department of Law Enforcement.
- 137 6. Department of Highway Safety and Motor Vehicles.

138 (c) Deputy Information Officer of Education:

- 139 1. Department of Education.
- 140 2. State Board of Education.
- 141 3. Board of Governors of the State University System.

142 (d) Deputy Information Officer of Business Operations:

- 143 1. Department of Revenue.
- 144 2. Department of Business and Professional Regulation.
- 145 3. Department of the Lottery.

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146 4. Department of Economic Opportunity.
 147 (e) Deputy Information Officer of Community Services:
 148 1. Department of Military Affairs.
 149 2. Department of Transportation.
 150 3. Department of State.
 151 4. Division of Emergency Management.
 152 (f) Deputy Information Officer of Natural Resources:
 153 1. Department of Environmental Protection.
 154 2. Fish and Wildlife Conservation Commission.
 155 3. Department of Citrus.
 156 (g) Deputy Information Officer of Executive and
 157 Administrative Support Service:
 158 1. Department of Financial Services.
 159 2. Department of Management Services.
 160 3. Department of Legal Affairs.
 161 4. Department of Agriculture and Consumer Services.
 162 (6) In order to optimize the efficiency and utility of
 163 information technology systems within core agency groups, the
 164 secretary may require the participation of programs within a
 165 state agency to work with a deputy chief information officer
 166 outside of the agency's assigned core group.
 167 (7) The secretary may obtain administrative services
 168 through the Department of Management Services pursuant to a
 169 memorandum of understanding.
 170 Section 2. Section 282.0041, Florida Statutes, is reordered
 171 and amended to read:
 172 282.0041 Definitions.—As used in this chapter, the term:
 173 ~~(1) "Agency" has the same meaning as in s. 216.011(1)(qq),~~
 174 ~~except that for purposes of this chapter, "agency" does not~~

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175 ~~include university boards of trustees or state universities.~~

176 ~~(2) "Agency for Enterprise Information Technology" means~~
177 ~~the agency created in s. 14.204.~~

178 ~~(1)(3)~~ "Agency information technology service" means a
179 service that directly helps a state ~~an~~ agency fulfill its
180 statutory or constitutional responsibilities and policy
181 objectives and is usually associated with the state agency's
182 primary or core business functions.

183 ~~(4) "Annual budget meeting" means a meeting of the board of~~
184 ~~trustees of a primary data center to review data center usage to~~
185 ~~determine the apportionment of board members for the following~~
186 ~~fiscal year, review rates for each service provided, and~~
187 ~~determine any other required changes.~~

188 ~~(2)(5)~~ "Breach" has the same meaning as in s. 817.5681(4).

189 ~~(3)(6)~~ "Business continuity plan" means a plan for disaster
190 recovery which provides for the continued functioning of a
191 shared resource center or primary data center during and after a
192 disaster.

193 ~~(4)(7)~~ "Computing facility" means a state agency site ~~space~~
194 containing fewer than ~~a total of~~ 10 physical or logical servers,
195 any of which supports a strategic or nonstrategic information
196 technology service, as described in budget instructions
197 developed pursuant to s. 216.023, but excluding
198 telecommunications and voice gateways and clustered pairs of
199 servers operating as a single logical server to provide file,
200 print, security, and endpoint management services ~~single,~~
201 ~~logical-server installations that exclusively perform a utility~~
202 ~~function such as file and print servers.~~

203 (5) "Computing service" means an information technology

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204 service that is used in all state agencies or a subset of
205 agencies.

206 ~~(8) "Customer entity" means an entity that obtains services~~
207 ~~from a primary data center.~~

208 ~~(6)(9)~~ "Data center" means state agency space containing 10
209 or more physical or logical servers, any of which supports a
210 strategic or nonstrategic information technology service, as
211 described in budget instructions developed pursuant to s.
212 216.023.

213 ~~(7)(10)~~ "Department" means the Department of State
214 Technology Management Services.

215 ~~(9)(11)~~ "Enterprise information technology service" means
216 an information technology service that is used in all state
217 agencies or a subset of state agencies and is established in law
218 to be designed, delivered, and managed at the enterprise level.

219 ~~(8)(12)~~ "E-mail, messaging, and calendaring service" means
220 the enterprise information technology service that enables users
221 to send, receive, file, store, manage, and retrieve electronic
222 messages, attachments, appointments, and addresses. ~~The e-mail,~~
223 ~~messaging, and calendaring service must include e-mail account~~
224 ~~management; help desk; technical support and user provisioning~~
225 ~~services; disaster recovery and backup and restore capabilities;~~
226 ~~antispam and antivirus capabilities; archiving and e-discovery;~~
227 ~~and remote access and mobile messaging capabilities.~~

228 ~~(10)(13)~~ "Information-system utility" means an information
229 processing ~~a full-service information-processing~~ facility
230 offering hardware, software, operations, integration,
231 networking, floor space, and consulting services.

232 ~~(12)(14)~~ "Information technology resources" means

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233 equipment, hardware, software, firmware, programs, systems,
234 networks, infrastructure, media, and related material used to
235 automatically, electronically, and wirelessly collect, receive,
236 access, transmit, display, store, record, retrieve, analyze,
237 evaluate, process, classify, manipulate, manage, assimilate,
238 control, communicate, exchange, convert, converge, interface,
239 switch, or disseminate information of any kind or form, and
240 includes the human resources to perform such duties except for
241 application developers and logical database administrators.

242 (11) ~~(15)~~ "Information technology policy" means statements
243 that describe clear choices for how information technology will
244 deliver effective and efficient government services to residents
245 and improve state agency operations. A policy may relate to
246 investments, business applications, architecture, or
247 infrastructure. A policy describes its rationale, implications
248 of compliance or noncompliance, the timeline for implementation,
249 metrics for determining compliance, and the accountable
250 structure responsible for its implementation.

251 (13) "Local area network" means any telecommunications
252 network through which messages and data are exchanged only
253 within a single building or contiguous campus.

254 (14) "Memorandum of understanding" means a written
255 agreement between the department and a state agency which
256 specifies the scope of services provided, service level,
257 duration of the agreement, responsible parties, and service
258 costs. A memorandum of understanding is not a rule pursuant to
259 chapter 120.

260 (15) "Other public sector organizations" means entities of
261 the legislative and judicial branches, the State University

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262 System, the Florida College System, counties, and
263 municipalities. Such organizations may elect to participate in
264 the information technology programs, services, or contracts
265 offered by the department, including information technology
266 procurement, in accordance with general law, policies, and
267 administrative rules.

268 ~~(16) "Performance metrics" means the measures of an~~
269 ~~organization's activities and performance.~~

270 ~~(16)~~(17) "Primary data center" means a data center that is
271 a recipient entity ~~for consolidation of state agency information~~
272 technology resources and provides contracted services to the
273 agency nonprimary data centers and computing facilities and that
274 is established by law.

275 ~~(17)~~(18) "Project" means an endeavor that has a defined
276 start and end point; is undertaken to create or modify a unique
277 product, service, or result; and has specific objectives that,
278 when attained, signify completion.

279 ~~(18)~~(19) "Risk analysis" means the process of identifying
280 security risks, determining their magnitude, and identifying
281 areas needing safeguards.

282 ~~(19)~~(20) "Service level" means the key performance
283 indicators (KPI) of an organization or service which must be
284 regularly performed, monitored, and achieved.

285 ~~(21) "Service level agreement" means a written contract~~
286 ~~between a data center and a customer entity which specifies the~~
287 ~~scope of services provided, service level, the duration of the~~
288 ~~agreement, the responsible parties, and service costs. A~~
289 ~~service-level agreement is not a rule pursuant to chapter 120.~~

290 (20) "Shared resource center" means a primary data center

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291 that is state controlled.

292 (21)~~(22)~~ "Standards" means required practices, controls,
293 components, or configurations established by an authority.

294 (22) "State agency" has the same meaning as in s.
295 216.011(1), but does not include the Department of Legal
296 Affairs, the Department of Financial Services, and the
297 Department of Agriculture and Consumer Services.

298 (23) "State agency site" means a single, contiguous local
299 area network segment that does not traverse a metropolitan area
300 network or wide area network.

301 (24)~~(23)~~ "SUNCOM Network" means the state enterprise
302 telecommunications system that provides all methods of
303 electronic or optical telecommunications beyond a single
304 building or contiguous building complex and used by entities
305 authorized as network users under this part.

306 (25)~~(24)~~ "Telecommunications" means the science and
307 technology of communication at a distance, including electronic
308 systems used in the transmission or reception of information.

309 (26)~~(25)~~ "Threat" means any circumstance or event that may
310 cause harm to the integrity, availability, or confidentiality of
311 information technology resources.

312 (27)~~(26)~~ "Total cost" means all costs associated with
313 information technology projects or initiatives, including, but
314 not limited to, the value of hardware, software, service,
315 maintenance, incremental personnel, and facilities. Total cost
316 of a loan or gift of information technology resources to a state
317 ~~an~~ agency includes the fair market value of the resources.

318 (28)~~(27)~~ "Usage" means the billing amount charged by the
319 shared resource ~~primary data~~ center, minus ~~less~~ any pass-through

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320 charges, to the customer entity.

321 ~~(29)(28)~~ "Usage rate" means a customer entity's usage or
322 billing amount as a percentage of total usage.

323 (30) "Wide area network" means a telecommunications network
324 or components thereof through which messages and data are
325 exchanged outside of a local area network.

326 Section 3. Section 282.0055, Florida Statutes, is amended
327 to read:

328 282.0055 Assignment of information technology; long-range
329 plan; powers and duties.~~The department shall design, plan,~~
330 develop, implement, and manage state enterprise information
331 technology services and infrastructure to achieve the use of
332 cost-effective and cost-efficient common technology. ~~In order to~~
333 ~~ensure the most effective and efficient use of the state's~~
334 ~~information technology and information technology resources and~~
335 ~~notwithstanding other provisions of law to the contrary,~~
336 ~~policies for the design, planning, project management, and~~
337 ~~implementation of enterprise information technology services~~
338 ~~shall be the responsibility of the Agency for Enterprise~~
339 ~~Information Technology for executive branch agencies created or~~
340 ~~authorized in statute to perform legislatively delegated~~
341 ~~functions.~~ The supervision, design, delivery, and management of
342 state agency information technology shall remain within the
343 responsibility and control of the individual state agency.

344 (1) To assist with achieving these objectives, the
345 department shall biennially develop and coordinate a
346 comprehensive long-range plan for the state's information
347 technology resources, which includes opportunities for
348 coordinating with other public sector organizations; ensures the

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349 proper management of such resources; provides for the
350 development of agency budget requests for submission to the
351 Legislature; and provides for the delivery of enterprise
352 information technology services. In developing the plan, the
353 department shall identify best practices from executive branch
354 agencies and other public and private sector entities in order
355 to develop, replicate, and implement such information technology
356 best practices and standards into the state's technology
357 services and infrastructure.

358 (2) The department has the following powers and duties:

359 (a) Setting state technology policy.

360 (b) The development, design, planning, project management,
361 implementation, delivery, and management of enterprise
362 information technology services.

363 (c) Establishing architecture for the state's technology
364 infrastructure in order to promote economic development and the
365 efficient use of resources.

366 (d) Preparing fiscal impact statements relating to
367 necessary modifications and the delivery of technology to
368 support policies required by proposed legislation.

369 (e) Coordinating technology resource acquisition planning
370 and assisting the Division of Purchasing of the Department of
371 Management Services in using aggregate buying methodologies
372 whenever possible and with procurement negotiations for hardware
373 and software products and services in order to improve the
374 efficiency and reduce the cost of enterprise information
375 technology services.

376 (f) Upon request, advising, supporting, and collaborating
377 with the Division of Purchasing of the Department of Management

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378 Services in establishing best practices for the procurement of
379 information technology products in order to achieve savings for
380 the state.

381 (g) Upon request, supporting and collaborating with the
382 Division of Purchasing of the Department of Management Services
383 in conducting procurement negotiations for information
384 technology products that will be used by multiple state
385 agencies.

386 (h) Providing oversight or project management for all
387 technology resources for projects exceeding an annual investment
388 of \$2.5 million to accomplish goals of technology portfolio
389 management.

390 (i) Establishing performance measurement standards and
391 metrics regarding the success of technology projects and
392 services across the enterprise.

393 (j) Establishing standards for state agencies to submit
394 information technology reports or updates as necessary to
395 support the duties of the agency. At a minimum, such standards
396 must address content, format, and frequency of updates.

397 (k) Establishing and collecting fees and charges for data
398 and delivery of enterprise information technology services to
399 state agencies on a cost-sharing basis.

400 (l) Developing a cost-recovery plan to recover both the
401 costs, and the accrual of funds sufficient for reinvesting in
402 new services and better technologies. This plan shall be
403 developed in consultation with state agencies and approved by
404 the Legislature.

405 (m) At the discretion of the department, collecting and
406 maintaining an inventory of the information technology resources

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407 in state agencies and the data maintained by each such agency.
408 The department may develop standards for data elements.

409 (n) Assuming ownership or custody and control of
410 information processing equipment, supplies, and positions in
411 order to carry out the department's duties and responsibilities.

412 (o) Adopting rules and policies for the efficient, secure,
413 and economical management and operation of enterprise
414 information technology services.

415 (p) Providing other public sector organizations with access
416 to the services provided by the department taking into
417 consideration the department's ability to support those
418 services. Access shall be provided on the same cost basis as
419 applies to state agencies.

420 (q) Establishing statewide practices and policies to ensure
421 that data that is confidential and exempt from s. 119.07(1) and
422 s. 24(a), Art. I of the State Constitution, or that is otherwise
423 confidential under state or federal law, remains protected. This
424 provision does not affect a transfer of ownership of data from a
425 department, agency, board, bureau, commission, or authority to a
426 state agency.

427 (r) Conducting periodic assessments of state agencies for
428 compliance with statewide information technology policies and
429 recommending to the Governor or the Financial Management
430 Information Board statewide policies for information technology.

431 (s) Establishing and maintaining a single website as
432 provided under s. 215.985.

433 (t) Maintaining the official Internet state portal.

434 Section 4. Section 282.0056, Florida Statutes, is amended
435 to read:

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436 282.0056 Development of work plan; development of
437 implementation plans; and policy recommendations.—

438 (1) For the purposes of carrying out its responsibilities
439 under s. 282.0055, the department ~~Agency for Enterprise~~
440 ~~Information Technology~~ shall develop an annual work plan within
441 60 days after the beginning of the fiscal year describing the
442 activities that the department ~~agency~~ intends to undertake for
443 that year, including proposed outcomes and completion timeframes
444 for the planning and implementation of all enterprise
445 information technology services. The work plan must be ~~presented~~
446 ~~at a public hearing and~~ approved by the Governor ~~and Cabinet~~,
447 and thereafter submitted to the President of the Senate and the
448 Speaker of the House of Representatives. The work plan may be
449 amended as needed, subject to approval by the Governor ~~and~~
450 ~~Cabinet~~.

451 (2) The department ~~agency~~ may develop and submit to the
452 President of the Senate, the Speaker of the House of
453 Representatives, and the Governor by October 1 of each year
454 implementation plans for proposed enterprise information
455 technology services to be established in law.

456 (3) In developing policy recommendations and implementation
457 plans for established and proposed enterprise information
458 technology services, the department ~~agency~~ shall describe the
459 scope of operation, conduct costs and requirements analyses,
460 conduct an inventory of all existing information technology
461 resources that are associated with each service, and develop
462 strategies and timeframes for statewide migration.

463 (4) For the purpose of completing its work activities, each
464 state agency shall provide to the department ~~agency~~ all

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465 requested information, including, but not limited to, the state
466 agency's costs, service requirements, and equipment inventories.

467 (5) Within 60 days after the end of each fiscal year, the
468 department agency shall report to the Governor ~~and Cabinet~~, the
469 President of the Senate, and the Speaker of the House of
470 Representatives on what was achieved or not achieved in the
471 prior year's work plan.

472 (6) The Department of Law Enforcement, the Department of
473 the Lottery's Gaming System, Systems Design and Development in
474 the Office of Policy and Budget, the State Board of
475 Administration, state attorneys, public defenders, criminal
476 conflict and civil regional counsel, capital collateral regional
477 counsel, the Florida Clerks of Court Operations Corporation, the
478 Department of Legal Affairs, the Department of Financial
479 Services, the Agriculture Management Information Center and the
480 Division of Licensing of the Department of Agriculture and
481 Consumer Services, the Justice Administrative Commission, the
482 Division of Administrative Hearings, and the Florida Housing
483 Finance Corporation are exempt from data center consolidation
484 unless specifically directed by the Legislature. The exempt
485 entities shall provide any information requested by the
486 department which is reasonably necessary for an analysis
487 relating to the feasibility and cost of data center
488 consolidation.

489 Section 5. Section 282.0057 Florida Statutes, is created to
490 read:

491 282.0057 Information technology project initiation
492 schedule; reporting.-

493 (1) Beginning January 1, 2016, the department shall:

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494 (a) In cooperation with the Governor's Office of Policy and
495 Budget, publish a report on its current and planned information
496 technology expenditures, including, but not limited to, line-
497 item detail expenditures for systems development, personnel
498 services, and equipment from the previous fiscal year and
499 anticipated expenditures for the upcoming fiscal year; a
500 prioritization of information technology initiatives to address
501 unmet needs and opportunities for significant efficiencies or
502 improved effectiveness within the state information technology
503 enterprise; and a prioritized funding schedule for all major
504 projects or initiatives, as well as cost estimates of the fiscal
505 impact of the recommended initiatives.

506 (b) Coordinate state agencies in developing and
507 implementing data sharing. The department shall determine and
508 implement statewide efforts to standardize data elements and
509 shall determine data ownership assignments among state agencies.

510 (c) Include in its legislative budget requests a
511 recommendation for consolidating state agency data in order to
512 provide better access for private and government use.

513 (d) Oversee the expanded use and implementation of project
514 and contract management principles as they relate to information
515 technology projects. Funded projects within state agencies must
516 use the project and contract management methodologies specified
517 by the department.

518 (2) Beginning January 1, 2017, the department shall:

519 (a) Develop systems and methodologies to review, evaluate,
520 and prioritize existing information technology projects and
521 develop a plan for leveraging technology across state agencies.
522 The department shall report to the Governor, the President of

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523 the Senate, and the Speaker of the House of Representatives on
524 the status of information technology projects and the
525 department's recommendations for project development on a
526 semiannual basis. Such recommendations shall be incorporated
527 into the state agency's legislative budget requests for
528 technology projects.

529 (b) Develop standards for application development,
530 including, but not limited to, a standard methodology and cost-
531 benefit analysis that state agencies shall use for application
532 development activities.

533 (3) Beginning January 1, 2019, the department shall review
534 and approve technology purchases made by state agencies.
535 Approval must be based on technology policies and standards
536 established by the department and approved by the Legislature.

537 Section 6. Section 282.201, Florida Statutes, is repealed.

538 Section 7. Paragraphs (c), (e), (h), (i), and (m) of
539 subsection (1), paragraph (e) of subsection (2), and paragraphs
540 (b), (e), (h), and (k) of subsection (3) of section 282.203,
541 Florida Statutes, are amended, and a new subsection (4) is added
542 to that section, to read:

543 282.203 Primary data centers.—

544 (1) DATA CENTER DUTIES.—Each primary data center shall:

545 (c) Comply with rules adopted by the department ~~Agency for~~
546 ~~Enterprise Information Technology~~, pursuant to this section, and
547 coordinate with the department ~~agency~~ in the consolidation of
548 data centers.

549 (e) Provide transparent financial statements, which must be
550 based on current law and current appropriations, to customer
551 entities and the department ~~Agency for Enterprise Information~~

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552 ~~Technology~~. The financial statements shall be provided as
553 follows:

554 1. Annually, by July 30 for the current fiscal year and by
555 December 1 for the subsequent fiscal year, the data center must
556 provide the total annual budgeted costs by major expenditure
557 category, including, but not limited to, salaries, expense,
558 operating capital outlay, contracted services, or other
559 personnel services, which directly relate to the provision of
560 each service and which separately indicate the administrative
561 overhead allocated to each service.

562 2. Annually, by July 30 for the current fiscal year and by
563 December 1 for the subsequent fiscal year, the data center must
564 provide total projected billings for each customer entity which
565 are required to recover the costs of the data center.

566 3. Annually, by January 31, the data center must provide
567 updates of the financial statements required under subparagraphs
568 1. and 2. for the current fiscal year.

569
570 ~~The financial information required under subparagraphs 1., 2.,~~
571 ~~and 3. must be based on current law and current appropriations.~~

572 (h) Develop a business continuity plan and conduct a live
573 exercise of the plan at least annually. The plan must be
574 approved by the board and the department ~~Agency for Enterprise~~
575 ~~Information Technology~~.

576 (i) Enter into a service-level agreement with each customer
577 entity to provide services as defined and approved by the board.
578 A service-level agreement may not have a term exceeding 3 years
579 but may include an option to renew for up to 3 years contingent
580 on approval by the board.

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- 581 1. A service-level agreement, at a minimum, must:
- 582 a. Identify the parties and their roles, duties, and
- 583 responsibilities under the agreement.
- 584 b. Identify the legal authority under which the service-
- 585 level agreement was negotiated and entered into by the parties.
- 586 c. State the duration of the contractual term and specify
- 587 the conditions for contract renewal.
- 588 d. Prohibit the transfer of computing services between
- 589 primary data center facilities without at least 180 days' notice
- 590 of service cancellation.
- 591 e. Identify the scope of work.
- 592 f. Identify the products or services to be delivered with
- 593 sufficient specificity to permit an external financial or
- 594 performance audit.
- 595 g. Establish the services to be provided, the business
- 596 standards that must be met for each service, the cost of each
- 597 service, and the process by which the business standards for
- 598 each service are to be objectively measured and reported.
- 599 h. Identify applicable funds and funding streams for the
- 600 services or products under contract.
- 601 i. Provide a timely billing methodology for recovering the
- 602 cost of services provided to the customer entity.
- 603 j. Provide a procedure for modifying the service-level
- 604 agreement to address changes in projected costs of service.
- 605 k. Provide that a service-level agreement may be terminated
- 606 by either party for cause only after giving the other party and
- 607 the department ~~Agency for Enterprise Information Technology~~
- 608 notice in writing of the cause for termination and an
- 609 opportunity for the other party to resolve the identified cause

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610 within a reasonable period.

611 1. Provide for mediation of disputes by the Division of
612 Administrative Hearings pursuant to s. 120.573.

613 2. A service-level agreement may include:

614 a. A dispute resolution mechanism, including alternatives
615 to administrative or judicial proceedings;

616 b. The setting of a surety or performance bond for service-
617 level agreements entered into with ~~agency~~ primary data centers
618 established by law; or

619 c. Additional terms and conditions as determined advisable
620 by the parties if such additional terms and conditions do not
621 conflict with the requirements of this section or rules adopted
622 by the department ~~Agency for Enterprise Information Technology~~.

623 3. The failure to execute a service-level agreement within
624 60 days after service commencement shall, in the case of an
625 existing customer entity, result in a continuation of the terms
626 of the service-level agreement from the prior fiscal year,
627 including any amendments that were formally proposed to the
628 customer entity by the primary data center within the 3 months
629 before service commencement, and a revised cost-of-service
630 estimate. If a new customer entity fails to execute an agreement
631 within 60 days after service commencement, the data center may
632 cease services.

633 (m) Assume administrative access rights to the resources
634 and equipment, such as servers, network components, and other
635 devices that are consolidated into the primary data center.

636 1. Upon the date of each consolidation specified in ~~s.~~
637 ~~282.201~~, the General Appropriations Act, or the Laws of Florida,
638 each agency shall relinquish all administrative access rights to

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639 such resources and equipment.

640 2. Each primary data center shall provide its customer
641 agencies with the appropriate level of access to applications,
642 servers, network components, and other devices necessary for
643 agencies to perform their core business activities and
644 functions.

645 (2) BOARD OF TRUSTEES.—Each primary data center shall be
646 headed by a board of trustees as defined in s. 20.03.

647 (e) The executive director of the department ~~Agency for~~
648 ~~Enterprise Information Technology~~ shall be the advisor to the
649 board.

650 (3) BOARD DUTIES.—Each board of trustees of a primary data
651 center shall:

652 (b) Establish procedures for the primary data center to
653 ensure that budgeting and accounting procedures, cost-recovery
654 methodologies, and operating procedures are in compliance with
655 laws governing the state data center system, rules adopted by
656 the department ~~Agency for Enterprise Information Technology~~, and
657 applicable federal regulations, including 2 C.F.R. part 225 and
658 45 C.F.R.

659 (e) Ensure the sufficiency and transparency of the primary
660 data center financial information by:

661 1. Establishing policies that ensure that cost-recovery
662 methodologies, billings, receivables, expenditure, budgeting,
663 and accounting data are captured and reported timely,
664 consistently, accurately, and transparently and, upon adoption
665 of rules by the department ~~Agency for Enterprise Information~~
666 ~~Technology~~, are in compliance with such rules.

667 2. Requiring execution of service-level agreements by the

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668 data center and each customer entity for services provided by
669 the data center to the customer entity.

670 3. Requiring cost recovery for the full cost of services,
671 including direct and indirect costs. The cost-recovery
672 methodology must ensure that no service is subsidizing another
673 service without an affirmative vote of approval by the customer
674 entity providing the subsidy.

675 4. Establishing special assessments to fund expansions
676 based on a methodology that apportions the assessment according
677 to the proportional benefit to each customer entity.

678 5. Providing rebates to customer entities when revenues
679 exceed costs and offsetting charges to those who have subsidized
680 other customer entity costs based on actual prior year final
681 expenditures. Rebates may be credited against future billings.

682 6. Approving all expenditures committing over \$50,000 in a
683 fiscal year.

684 7. Projecting costs and revenues at the beginning of the
685 third quarter of each fiscal year through the end of the fiscal
686 year. If in any given fiscal year the primary data center is
687 projected to earn revenues that are below costs for that fiscal
688 year after first reducing operating costs where possible, the
689 board shall implement any combination of the following remedies
690 to cover the shortfall:

691 a. The board may direct the primary data center to adjust
692 current year chargeback rates through the end of the fiscal year
693 to cover the shortfall. The rate adjustments shall be
694 implemented using actual usage rate and billing data from the
695 first three quarters of the fiscal year and the same principles
696 used to set rates for the fiscal year.

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697 b. The board may direct the primary data center to levy
698 one-time charges on all customer entities to cover the
699 shortfall. The one-time charges shall be implemented using
700 actual usage rate and billing data from the first three quarters
701 of the fiscal year and the same principles used to set rates for
702 the fiscal year.

703 c. The customer entities represented by each board member
704 may provide payments to cover the shortfall in proportion to the
705 amounts each entity paid in the prior fiscal year.

706 8. Providing a plan for consideration by the Legislative
707 Budget Commission if a billing rate schedule is used after the
708 start of the fiscal year which increases any agency's costs for
709 that fiscal year.

710 (h) By July 1 of each year, submit to the department ~~Agency~~
711 ~~for Enterprise Information Technology~~ proposed cost-recovery
712 mechanisms and rate structures for all customer entities for the
713 fiscal year including the cost-allocation methodology for
714 administrative expenditures and the calculation of
715 administrative expenditures as a percent of total costs.

716 (k) Coordinate with other primary data centers and the
717 department ~~Agency for Enterprise Information Technology~~ in order
718 to consolidate purchases of goods and services and lower the
719 cost of providing services to customer entities.

720 (4) REPEAL.—This section expires January 1, 2015.

721 Section 8. Section 282.204, Florida Statutes, is repealed.

722 Section 9. Section 282.205, Florida Statutes, is repealed.

723 Section 10. Section 282.206, Florida Statutes, is created
724 to read:

725 282.206 Fletcher Shared Resource Center.—The Fletcher

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726 Shared Resource Center is established within the Department of
727 Financial Services.

728 (1) The center shall collaborate with the Department of
729 State Technology to develop policies, procedures, standards, and
730 rules for the delivery of enterprise information technology
731 services.

732 (2) The center shall provide colocation services to the
733 Department of Legal Affairs and the Department of Agriculture
734 and Consumer Services if data center equipment is moved pursuant
735 to subsection (5) or subsection (6).

736 (3) The Department of Financial Services shall use the
737 Fletcher Shared Resource Center, provide full service to the
738 Office of Financial Regulation and the Office of Insurance
739 Regulation, and host the Legislative Appropriations
740 System/Planning and Budgeting Subsystem (LAS/PBS).

741 (4) The center shall be governed through a master
742 memorandum of understanding administered by a steering committee
743 composed of the chief information officers of the customer
744 entities residing in the center. The steering committee shall
745 meet quarterly in order to ensure that customers are receiving
746 expected services in accordance with the memorandum of
747 understanding and to discuss services and structure. The
748 committee may create ad hoc workgroups to account for, mitigate,
749 and manage any unforeseen issues.

750 (5) The Department of Legal Affairs may move its data
751 center equipment to the center.

752 (6) The Department of Agriculture and Consumer Services may
753 move its Mayo Building data center equipment to the center.

754 Section 11. Subsections (3) through (6) of section 282.318,

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755 Florida Statutes, are amended to read:

756 282.318 Enterprise security of data and information
757 technology.—

758 (3) The department shall establish ~~Agency for Enterprise~~
759 ~~Information Technology is responsible for establishing~~ rules and
760 publish ~~publishing~~ guidelines for ensuring an appropriate level
761 of security for all data and information technology resources
762 for executive branch agencies. The department ~~agency~~ shall also
763 ~~perform the following duties and responsibilities:~~

764 (a) Develop, and annually update by February 1, an
765 enterprise information security strategic plan that includes
766 security goals and objectives for the strategic issues of
767 information security policy, risk management, training, incident
768 management, and survivability planning.

769 (b) Develop enterprise security rules and published
770 guidelines for:

771 1. Comprehensive risk analyses and information security
772 audits conducted by state agencies.

773 2. Responding to suspected or confirmed information
774 security incidents, including suspected or confirmed breaches of
775 personal information or exempt data.

776 3. State agency security plans, including strategic
777 security plans and security program plans.

778 4. The recovery of information technology and data
779 following a disaster.

780 5. The managerial, operational, and technical safeguards
781 for protecting state government data and information technology
782 resources.

783 (c) Assist state agencies in complying with ~~the provisions~~

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784 ~~of~~ this section.

785 (d) Pursue appropriate funding for the purpose of enhancing
786 domestic security.

787 (e) Provide training for state agency information security
788 managers.

789 (f) Annually review the strategic and operational
790 information security plans of state ~~executive branch~~ agencies.

791 (4) To assist the department ~~Agency for Enterprise~~
792 ~~Information Technology~~ in carrying out its responsibilities,
793 each state agency head shall, at a minimum:

794 (a) Designate an information security manager to administer
795 the security program of the state agency for its data and
796 information technology resources. This designation must be
797 provided annually in writing to the department ~~Agency for~~
798 ~~Enterprise Information Technology~~ by January 1.

799 (b) Submit to the department ~~Agency for Enterprise~~
800 ~~Information Technology~~ annually by July 31, the state agency's
801 strategic and operational information security plans developed
802 pursuant to the department's rules and guidelines ~~established by~~
803 ~~the Agency for Enterprise Information Technology~~.

804 1. The agency strategic information security plan must, at
805 a minimum, cover a 3-year period and define security goals,
806 intermediate objectives, and projected agency costs for the
807 strategic issues of agency information security policy, risk
808 management, security training, security incident response, and
809 survivability. The plan must be based on the enterprise
810 strategic information security plan created by the department
811 ~~Agency for Enterprise Information Technology~~. ~~Additional issues~~
812 ~~may be included~~.

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813 2. The agency operational information security plan must
814 include a progress report for the prior operational information
815 security plan and a project plan that includes activities,
816 timelines, and deliverables for security objectives that,
817 subject to current resources, the agency will implement during
818 the current fiscal year. The cost of implementing the portions
819 of the plan which cannot be funded from current resources must
820 be identified in the plan.

821 (c) Conduct, and update every 3 years, a comprehensive risk
822 analysis to determine the security threats to the data,
823 information, and information technology resources of the state
824 agency. The risk analysis information is confidential and exempt
825 from ~~the provisions of~~ s. 119.07(1), except that such
826 information shall be available to the Auditor General and the
827 department ~~Agency for Enterprise Information Technology~~ for
828 performing postauditing duties.

829 (d) Develop, and periodically update, written internal
830 policies and procedures that, ~~which~~ include procedures for
831 notifying the department ~~Agency for Enterprise Information~~
832 ~~Technology~~ when a suspected or confirmed breach, or an
833 information security incident, occurs. Such policies and
834 procedures must be consistent with the rules and guidelines
835 established by the department ~~Agency for Enterprise Information~~
836 ~~Technology~~ to ensure the security of the data, information, and
837 information technology resources of the state agency. The
838 internal policies and procedures that, if disclosed, could
839 facilitate the unauthorized modification, disclosure, or
840 destruction of data or information technology resources are
841 confidential information and exempt from s. 119.07(1), except

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842 that such information shall be available to the Auditor General
843 and the department ~~Agency for Enterprise Information Technology~~
844 for performing postauditing duties.

845 (e) Implement appropriate cost-effective safeguards to
846 address identified risks to the data, information, and
847 information technology resources of the state agency.

848 (f) Ensure that periodic internal audits and evaluations of
849 the agency's security program for the data, information, and
850 information technology resources of the state agency are
851 conducted. The results of such audits and evaluations are
852 confidential ~~information~~ and exempt from s. 119.07(1), except
853 that such information shall be available to the Auditor General
854 and the department ~~Agency for Enterprise Information Technology~~
855 for performing postauditing duties.

856 (g) Include appropriate security requirements in the
857 written specifications for the solicitation of information
858 technology and information technology resources and services,
859 which are consistent with the rules and guidelines established
860 by the department ~~Agency for Enterprise Information Technology~~.

861 (h) Provide security awareness training to employees and
862 users of the state agency's communication and information
863 resources concerning information security risks and the
864 responsibility of employees and users to comply with policies,
865 standards, guidelines, and operating procedures adopted by the
866 agency to reduce those risks.

867 (i) Develop a process for detecting, reporting, and
868 responding to suspected or confirmed security incidents,
869 including suspected or confirmed breaches consistent with the
870 security rules and guidelines established by the department

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871 ~~Agency for Enterprise Information Technology.~~

872 1. Suspected or confirmed information security incidents
873 and breaches must be immediately reported to the department
874 ~~Agency for Enterprise Information Technology.~~

875 2. For incidents involving breaches, agencies shall provide
876 notice in accordance with s. 817.5681 and to the department
877 ~~Agency for Enterprise Information Technology~~ in accordance with
878 this subsection.

879 (5) Each state agency shall include appropriate security
880 requirements in the specifications for the solicitation of
881 contracts for procuring information technology or information
882 technology resources or services which are consistent with the
883 rules and guidelines established by the department ~~Agency for~~
884 ~~Enterprise Information Technology.~~

885 (6) The department ~~Agency for Enterprise Information~~
886 ~~Technology~~ may adopt rules relating to information security and
887 to administer the provisions of this section.

888 Section 12. Section 282.33, Florida Statutes, is repealed.

889 Section 13. Effective upon this act becoming a law, section
890 282.34, Florida Statutes, is repealed.

891 Section 14. Section 282.604, Florida Statutes, is amended
892 to read:

893 282.604 Adoption of rules.—The department ~~of Management~~
894 ~~Services~~ shall, with input from stakeholders, adopt rules
895 pursuant to ~~ss. 120.536(1) and 120.54~~ for the development,
896 procurement, maintenance, and use of accessible electronic
897 information technology by governmental units.

898 Section 15. Section 282.702, Florida Statutes, is amended
899 to read:

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900 282.702 Powers and duties.—The department ~~of Management~~
901 ~~Services~~ shall have the following powers, duties, and functions:

902 (1) To publish electronically the portfolio of services
903 available from the department, including pricing information;
904 the policies and procedures governing usage of available
905 services; and a forecast of the department's priorities for each
906 telecommunications service.

907 (2) To adopt technical standards by rule for the state
908 telecommunications network which ensure the interconnection and
909 operational security of computer networks, telecommunications,
910 and information systems of agencies.

911 (3) To enter into agreements related to information
912 technology and telecommunications services with state agencies
913 and political subdivisions of the state.

914 (4) To purchase from or contract with information
915 technology providers for information technology, including
916 private line services.

917 (5) To apply for, receive, and hold authorizations,
918 patents, copyrights, trademarks, service marks, licenses, and
919 allocations or channels and frequencies to carry out the
920 purposes of this part.

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

925 (7) To cooperate with any federal, state, or local
926 emergency management agency in providing for emergency
927 telecommunications services.

928 (8) To control and approve the purchase, lease, or

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929 acquisition and the use of telecommunications services,
930 software, circuits, and equipment provided as part of any other
931 total telecommunications system to be used by the state or its
932 agencies.

933 (9) To adopt rules ~~pursuant to ss. 120.536(1) and 120.54~~
934 relating to telecommunications and to administer ~~the provisions~~
935 ~~of~~ this part.

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

939 (11) To monitor issues relating to telecommunications
940 facilities and services before the Florida Public Service
941 Commission and the Federal Communications Commission and, if
942 necessary, prepare position papers, prepare testimony, appear as
943 a witness, and retain witnesses on behalf of state agencies in
944 proceedings before the commissions.

945 (12) Unless delegated to the state agencies by the
946 department, to manage and control, but not intercept or
947 interpret, telecommunications within the SUNCOM Network by:

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

950 (b) Specifying how telecommunications are transmitted
951 within the SUNCOM Network.

952 (c) Controlling the routing of telecommunications within
953 the SUNCOM Network.

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

956 (e) Ensuring orderly and reliable telecommunications
957 services in accordance with the service level agreements

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958 executed with state agencies.

959 (13) To plan, design, and conduct experiments for
960 telecommunications services, equipment, and technologies, and to
961 implement enhancements in the state telecommunications network
962 if in the public interest and cost-effective. Funding for such
963 experiments must be derived from SUNCOM Network service revenues
964 and may not exceed 2 percent of the annual budget for the SUNCOM
965 Network for any fiscal year or as provided in the General
966 Appropriations Act. New services offered as a result of this
967 subsection may not affect existing rates for facilities or
968 services.

969 (14) To enter into contracts or agreements, with or without
970 competitive bidding or procurement, to make available, on a
971 fair, reasonable, and nondiscriminatory basis, property and
972 other structures under departmental control for the placement of
973 new facilities by any wireless provider of mobile service as
974 defined in 47 U.S.C. s. 153(27) or s. 332(d) and any
975 telecommunications company as defined in s. 364.02 if it is
976 practical and feasible to make such property or other structures
977 available. The department may, without adopting a rule, charge a
978 just, reasonable, and nondiscriminatory fee for the placement of
979 the facilities, payable annually, based on the fair market value
980 of space used by comparable telecommunications facilities in the
981 state. The department and a wireless provider or
982 telecommunications company may negotiate the reduction or
983 elimination of a fee in consideration of services provided to
984 the department by the wireless provider or telecommunications
985 company. All such fees collected by the department shall be
986 deposited directly into the Law Enforcement Radio Operating

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987 Trust Fund, and may be used by the department to construct,
988 maintain, or support the system.

989 (15) To establish policies that ensure that the
990 department's cost-recovery methodologies, billings, receivables,
991 expenditures, budgeting, and accounting data are captured and
992 reported timely, consistently, accurately, and transparently and
993 are in compliance with all applicable federal and state laws and
994 rules. The department shall annually submit a report to the
995 Governor, the President of the Senate, and the Speaker of the
996 House of Representatives which ~~a report that~~ describes each
997 service and its cost, the billing methodology for recovering the
998 cost of the service, and, if applicable, the identity of those
999 services that are subsidized.

1000 Section 16. Subsections (4) and (5) of section 282.703,
1001 Florida Statutes, are amended to read:

1002 282.703 SUNCOM Network; exemptions from the required use.-

1003 (4) The department shall maintain a directory of
1004 information and services which provides the names, phone
1005 numbers, and e-mail addresses for employees, state agencies, and
1006 network devices that are served, in whole or in part, by the
1007 SUNCOM Network. State agencies and political subdivisions of the
1008 state shall cooperate with the department by providing timely
1009 and accurate directory information in the manner established by
1010 the department.

1011 (5) All state agencies shall use the SUNCOM Network for
1012 state agency telecommunications services as the services become
1013 available; however, a state ~~an~~ agency is not relieved of
1014 responsibility for maintaining telecommunications services
1015 necessary for effective management of its programs and

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1016 functions. The department may provide such communications
1017 services to a state university if requested by the university.

1018 (a) If a SUNCOM Network service does not meet the
1019 telecommunications requirements of a state ~~an~~ agency, the state
1020 agency must notify the department in writing and detail the
1021 requirements for that service. If the department is unable to
1022 meet a state ~~an~~ agency's requirements by enhancing SUNCOM
1023 Network service, the department may grant the state agency an
1024 exemption from the required use of specified SUNCOM Network
1025 services.

1026 (b) Unless an exemption has been granted by the department,
1027 effective October 1, 2010, all customers of a shared resource
1028 ~~state primary data~~ center, excluding state universities, must
1029 use the shared SUNCOM Network telecommunications services
1030 connecting the shared resource ~~state primary data~~ center to
1031 SUNCOM services for all telecommunications needs in accordance
1032 with department rules.

1033 1. Upon discovery of customer noncompliance with this
1034 paragraph, the department shall provide the affected customer
1035 with a schedule for transferring to the shared
1036 telecommunications services provided by the SUNCOM Network and
1037 an estimate of all associated costs. The shared resource ~~state~~
1038 ~~primary data~~ centers and their customers shall cooperate with
1039 the department to accomplish the transfer.

1040 2. Customers may request an exemption from this paragraph
1041 in the same manner as authorized in paragraph (a).

1042 Section 17. Subsections (1) and (2) of section 17.0315,
1043 Florida Statutes, are amended to read:

1044 17.0315 Financial and cash management system; task force.-

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1045 (1) The Chief Financial Officer, as the constitutional
1046 officer responsible for settling and approving accounts against
1047 the state and keeping all state funds pursuant to s. 4, Art. IV
1048 of the State Constitution, is ~~shall be~~ the head of and shall
1049 appoint members to a task force established to develop a
1050 strategic business plan for a successor financial and cash
1051 management system. The task force shall include the secretary
1052 ~~executive director~~ of the Department of State Agency for
1053 ~~Enterprise Information~~ Technology and the director of the Office
1054 of Policy and Budget in the Executive Office of the Governor.
1055 Any member of the task force may appoint a designee.

1056 (2) The strategic business plan for a successor financial
1057 and cash management system must:

1058 (a) Permit proper disbursement and auditing controls
1059 consistent with the respective constitutional duties of the
1060 Chief Financial Officer and the Legislature;

1061 (b) Promote transparency in the accounting of public funds;

1062 (c) Provide timely and accurate recording of financial
1063 transactions by agencies and their professional staffs;

1064 (d) Support executive reporting and data analysis
1065 requirements;

1066 (e) Be capable of interfacing with other systems providing
1067 human resource services, procuring goods and services, and
1068 providing other enterprise functions;

1069 (f) Be capable of interfacing with the existing legislative
1070 appropriations, planning, and budgeting systems;

1071 (g) Be coordinated with the information technology strategy
1072 development efforts of the Department of State Agency for
1073 ~~Enterprise Information~~ Technology;

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1074 (h) Be coordinated with the revenue estimating conference
 1075 process as supported by the Office of Economic and Demographic
 1076 Research; and

1077 (i) Address other such issues ~~as~~ the Chief Financial
 1078 Officer identifies.

1079 Section 18. Subsection (2) of section 20.22, Florida
 1080 Statutes, is amended to read:

1081 20.22 Department of Management Services.—There is created a
 1082 Department of Management Services.

1083 (2) The following divisions and programs are established
 1084 within the department ~~of Management Services are established~~:

1085 (a) Facilities Program.

1086 ~~(b) Technology Program.~~

1087 (b)(e) Workforce Program.

1088 (c)(d)1. Support Program.

1089 (d)2. Federal Property Assistance Program.

1090 (e) Administration Program.

1091 (f) Division of Administrative Hearings.

1092 (g) Division of Retirement.

1093 (h) Division of State Group Insurance.

1094 Section 19. Paragraph (e) of subsection (2) of section
 1095 110.205, Florida Statutes, is amended to read:

1096 110.205 Career service; exemptions.—

1097 (2) EXEMPT POSITIONS.—The exempt positions that are not
 1098 covered by this part include the following:

1099 (e) The Chief Information Officer in the Department of
 1100 State Agency for Enterprise Information Technology. Unless
 1101 otherwise fixed by law, the Governor Agency for Enterprise
 1102 Information Technology shall set the salary and benefits of this

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1103 position in accordance with the rules of the Senior Management
1104 Service.

1105 Section 20. Paragraph (o) of subsection (1) of section
1106 215.22, Florida Statutes, is amended to read:

1107 215.22 Certain income and certain trust funds exempt.—

1108 (1) The following income of a revenue nature or the
1109 following trust funds shall be exempt from the appropriation
1110 required by s. 215.20(1):

1111 (o) The Communications Working Capital Trust Fund of the
1112 Department of State Technology Management Services.

1113 Section 21. Subsections (2) and (9) of section 215.322,
1114 Florida Statutes, are amended to read:

1115 215.322 Acceptance of credit cards, charge cards, debit
1116 cards, or electronic funds transfers by state agencies, units of
1117 local government, and the judicial branch.—

1118 (2) A state agency as defined in s. 216.011, or the
1119 judicial branch, may accept credit cards, charge cards, debit
1120 cards, or electronic funds transfers in payment for goods and
1121 services with the prior approval of the Chief Financial Officer.
1122 If the Internet or other related electronic methods are to be
1123 used as the collection medium, the Department of State Agency
1124 ~~for Enterprise Information~~ Technology shall review and recommend
1125 to the Chief Financial Officer whether to approve the request
1126 with regard to the process or procedure to be used.

1127 (9) For payment programs in which credit cards, charge
1128 cards, or debit cards are accepted by state agencies, the
1129 judicial branch, or units of local government, the Chief
1130 Financial Officer, in consultation with the Department of State
1131 ~~Agency for Enterprise Information~~ Technology, may adopt rules to

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1132 establish uniform security safeguards for cardholder data and to
1133 ensure compliance with the Payment Card Industry Data Security
1134 Standards.

1135 Section 22. Subsection (2) of section 215.96, Florida
1136 Statutes, is amended to read:

1137 215.96 Coordinating council and design and coordination
1138 staff.—

1139 (2) The coordinating council shall consist of the Chief
1140 Financial Officer; the Commissioner of Agriculture; the Attorney
1141 General; the secretary of the Department of Management Services;
1142 the secretary of the Department of State Technology ~~the Attorney~~
1143 ~~General~~; and the Director of Planning and Budgeting, Executive
1144 Office of the Governor, or their designees. The Chief Financial
1145 Officer, or his or her designee, shall be chair of the
1146 ~~coordinating~~ council, and the design and coordination staff
1147 shall provide administrative and clerical support to the council
1148 and the board. The design and coordination staff shall maintain
1149 the minutes of each meeting and ~~shall~~ make such minutes
1150 available to any interested person. The Auditor General, the
1151 State Courts Administrator, an executive officer of the Florida
1152 Association of State Agency Administrative Services Directors,
1153 and an executive officer of the Florida Association of State
1154 Budget Officers, or their designees, shall serve without voting
1155 rights as ex officio members of ~~on~~ the ~~coordinating~~ council. The
1156 chair may call meetings of the ~~coordinating~~ council as often as
1157 necessary to transact business; however, the ~~coordinating~~
1158 council must ~~shall~~ meet at least once a year. Action of the
1159 coordinating council shall be by motion, duly made, seconded and
1160 passed by a majority of the ~~coordinating~~ council voting in the

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1161 affirmative for approval of items that are to be recommended for
1162 approval to the Financial Management Information Board.

1163 Section 23. Paragraph (c) of subsection (6) of section
1164 216.292, Florida Statutes, is amended to read:

1165 216.292 Appropriations nontransferable; exceptions.—

1166 (6) The Chief Financial Officer shall transfer from any
1167 available funds of an agency or the judicial branch the
1168 following amounts and shall report all such transfers and the
1169 reasons therefor to the legislative appropriations committees
1170 and the Executive Office of the Governor:

1171 (c) The amount due to the Communications Working Capital
1172 Trust Fund from moneys appropriated in the General
1173 Appropriations Act for the purpose of paying for services
1174 provided by the state communications system in the Department of
1175 State Technology Management Services which is unpaid 45 days
1176 after the billing date. The amount transferred shall be that
1177 billed by the department.

1178 Section 24. Subsection (15) of section 287.012, Florida
1179 Statutes, is amended to read:

1180 287.012 Definitions.—As used in this part, the term:

1181 (15) "Information technology" means equipment, hardware,
1182 software, firmware, programs, systems, networks, infrastructure,
1183 media, and related material used to automatically,
1184 electronically, and wirelessly collect, receive, access,
1185 transmit, display, store, record, retrieve, analyze, evaluate,
1186 process, classify, manipulate, manage, assimilate, control,
1187 communicate, exchange, convert, converge, interface, switch, or
1188 disseminate information of any kind or form ~~has the same meaning~~
1189 ~~as provided in s. 282.0041.~~

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1190 Section 25. Subsection (17) of section 318.18, Florida
1191 Statutes, is amended to read:

1192 318.18 Amount of penalties.—The penalties required for a
1193 noncriminal disposition pursuant to s. 318.14 or a criminal
1194 offense listed in s. 318.17 are as follows:

1195 (17) In addition to any penalties imposed, a surcharge of
1196 \$3 must be paid for all criminal offenses listed in s. 318.17
1197 and for all noncriminal moving traffic violations under chapter
1198 316. Revenue from the surcharge shall be remitted to the
1199 Department of Revenue and deposited quarterly into the State
1200 Agency Law Enforcement Radio System Trust Fund of the Department
1201 of State Technology Management Services for the state agency law
1202 enforcement radio system, as described in s. 282.709, and to
1203 provide technical assistance to state agencies and local law
1204 enforcement agencies with their statewide systems of regional
1205 law enforcement communications, as described in s. 282.7101.
1206 This subsection expires July 1, 2021. The Department of State
1207 Technology Management Services may retain funds sufficient to
1208 recover the costs and expenses incurred for managing,
1209 administering, and overseeing the Statewide Law Enforcement
1210 Radio System, and providing technical assistance to state
1211 agencies and local law enforcement agencies with their statewide
1212 systems of regional law enforcement communications. The
1213 Department of State Technology Management Services working in
1214 conjunction with the Joint Task Force on State Agency Law
1215 Enforcement Communications shall determine and direct the
1216 purposes for which these funds are used to enhance and improve
1217 the radio system.

1218 Section 26. Section 320.0802, Florida Statutes, is amended

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1219 to read:

1220 320.0802 Surcharge on license tax.—There is hereby levied
 1221 and imposed on each license tax imposed under s. 320.08, except
 1222 those set forth in s. 320.08(11), a surcharge in the amount of
 1223 \$1, which shall be collected in the same manner as the license
 1224 tax and deposited into the State Agency Law Enforcement Radio
 1225 System Trust Fund of the Department of State Technology
 1226 ~~Management Services~~.

1227 Section 27. Subsection (9) of section 328.72, Florida
 1228 Statutes, is amended to read:

1229 328.72 Classification; registration; fees and charges;
 1230 surcharge; disposition of fees; fines; marine turtle stickers.—

1231 (9) SURCHARGE.—In addition, there is hereby levied and
 1232 imposed on each vessel registration fee imposed under subsection
 1233 (1) a surcharge in the amount of \$1 for each 12-month period of
 1234 registration, which shall be collected in the same manner as the
 1235 fee and deposited into the State Agency Law Enforcement Radio
 1236 System Trust Fund of the Department of State Technology
 1237 ~~Management Services~~.

1238 Section 28. Subsections (2) through (5) of section
 1239 364.0135, Florida Statutes, are amended to read:

1240 364.0135 Promotion of broadband adoption.—

1241 (2) The Department of State Technology may ~~Management~~
 1242 ~~Services is authorized to~~ work collaboratively with, and to
 1243 receive staffing support and other resources from, Enterprise
 1244 Florida, Inc., state agencies, local governments, private
 1245 businesses, and community organizations to:

1246 (a) Monitor the adoption of broadband Internet service in
 1247 collaboration with communications service providers, including,

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1248 but not limited to, wireless and wireline Internet service
1249 providers, to develop geographical information system maps at
1250 the census tract level that ~~will~~:

1251 1. Identify geographic gaps in broadband services,
1252 including areas unserved by any broadband provider and areas
1253 served by a single broadband provider;

1254 2. Identify the download and upload transmission speeds
1255 made available to businesses and individuals in the state, at
1256 the census tract level of detail, using data rate benchmarks for
1257 broadband service used by the Federal Communications Commission
1258 to reflect different speed tiers; and

1259 3. Provide a baseline assessment of statewide broadband
1260 deployment in terms of percentage of households with broadband
1261 availability.

1262 (b) Create a strategic plan that has goals and strategies
1263 for increasing the use of broadband Internet service in the
1264 state.

1265 (c) Build and facilitate local technology planning teams or
1266 partnerships with members representing cross-sections of the
1267 community, which may include, but are not limited to,
1268 representatives from the following organizations and industries:
1269 libraries, K-12 education, colleges and universities, local
1270 health care providers, private businesses, community
1271 organizations, economic development organizations, local
1272 governments, tourism, parks and recreation, and agriculture.

1273 (d) Encourage the use of broadband Internet service,
1274 especially in the rural, unserved, and underserved communities
1275 of the state, through grant programs having effective strategies
1276 to facilitate the statewide deployment of broadband Internet

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1277 service. For any grants to be awarded, priority must be given to
1278 projects that:

1279 1. Provide access to broadband education, awareness,
1280 training, access, equipment, and support to libraries, schools,
1281 colleges and universities, health care providers, and community
1282 support organizations.

1283 2. Encourage the sustainable adoption of broadband in
1284 primarily unserved areas by removing barriers to entry.

1285 3. Work toward encouraging investments in establishing
1286 affordable and sustainable broadband Internet service in
1287 unserved areas of the state.

1288 4. Facilitate the development of applications, programs,
1289 and services, including, but not limited to, telework,
1290 telemedicine, and e-learning to increase the usage of, and
1291 demand for, broadband Internet service in the state.

1292 (3) The Department of State Technology may:

1293 (a) Apply for and accept federal funds for the purposes of
1294 this section, as well as gifts and donations from individuals,
1295 foundations, and private organizations.

1296 ~~(4) The Department may~~

1297 (b) Enter into contracts necessary or useful to carry out
1298 the purposes of this section.

1299 (c) ~~(5) The department may~~ Establish any committee or
1300 workgroup to administer and carry out the purposes of this
1301 section.

1302 Section 29. Subsections (3), (4), (5), (7), (9), and (10)
1303 of section 365.171, Florida Statutes, are amended to read:

1304 365.171 Emergency communications number E911 state plan.—

1305 (3) DEFINITIONS.—As used in this section, the term:

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1306 (a) "Department" means the Department of State Technology
1307 ~~"Office" means the Technology Program within the Department of~~
1308 ~~Management Services, as designated by the secretary of the~~
1309 ~~department.~~

1310 (b) "Local government" means any municipality ~~city~~, county,
1311 or political subdivision of the state and its agencies.

1312 (c) "Public agency" means the state and any municipality
1313 ~~city~~, county, ~~city and county~~, ~~municipal corporation~~, chartered
1314 organization, special ~~public~~ district, or public authority
1315 located in whole or in part within this state which provides, or
1316 has authority to provide, firefighting, law enforcement,
1317 ambulance, medical, or other emergency services.

1318 (d) "Public safety agency" means a functional division of a
1319 public agency which provides firefighting, law enforcement,
1320 medical, or other emergency services.

1321 (4) STATE PLAN.—The department ~~office~~ shall develop,
1322 maintain, and implement appropriate modifications for a
1323 statewide emergency communications E911 system plan. The plan
1324 shall provide for:

1325 (a) The public agency emergency communications requirements
1326 for each entity of local government in the state.

1327 (b) A system to meet specific local government
1328 requirements. Such system must ~~shall~~ include law enforcement,
1329 firefighting, and emergency medical services and may include
1330 other emergency services such as poison control, suicide
1331 prevention, and emergency management services.

1332 (c) Identification of the mutual aid agreements necessary
1333 to obtain an effective E911 system.

1334 (d) A funding provision that identifies the cost necessary

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1335 to implement the E911 system.

1336

1337 The department ~~is office~~ shall be responsible for the
1338 implementation and coordination of such plan. The department
1339 ~~office~~ shall adopt any necessary rules and schedules related to
1340 public agencies for implementing and coordinating the plan,
1341 pursuant to chapter 120.

1342 (5) SYSTEM DIRECTOR.—The secretary of the department or his
1343 or her designee is designated as the director of the statewide
1344 emergency communications number E911 system and, for the purpose
1345 of carrying out the provisions of this section, may ~~is~~
1346 ~~authorized to~~ coordinate the activities of the system with
1347 state, county, local, and private agencies. ~~The director~~ In
1348 implementing the system, the director shall consult, cooperate,
1349 and coordinate with local law enforcement agencies.

1350 (7) TELECOMMUNICATIONS INDUSTRY COORDINATION.—The
1351 department ~~office~~ shall coordinate with the Florida Public
1352 Service Commission which shall encourage the Florida
1353 telecommunications industry to activate facility modification
1354 plans for timely E911 implementation.

1355 (9) SYSTEM APPROVAL.—An ~~No~~ emergency communications number
1356 E911 system may not ~~shall~~ be established and an existing ~~no~~
1357 ~~present~~ system may not ~~shall~~ be expanded without the prior
1358 approval of the department ~~office~~.

1359 (10) COMPLIANCE.—All public agencies shall assist the
1360 department ~~office~~ in their efforts to carry out the intent of
1361 this section, and such agencies shall comply with the developed
1362 plan.

1363 Section 30. Present paragraphs (h) through (s) of

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1364 subsection (3) of section 365.172, Florida Statutes, are
 1365 redesignated as paragraphs (i) through (t), respectively, a new
 1366 paragraph (h) is added to that subsection, and paragraph (d) of
 1367 subsection (2), present paragraph (t) of subsection (3),
 1368 subsection (4), paragraph (a) of subsection (5), paragraph (c)
 1369 of subsection (6), and paragraph (f) of subsection (12) of that
 1370 section are amended, to read:

1371 365.172 Emergency communications number "E911."—

1372 (2) LEGISLATIVE INTENT.—It is the intent of the Legislature
 1373 to:

1374 (d) Provide for an E911 board to administer the fee, with
 1375 oversight by the department office, in a manner that is
 1376 competitively and technologically neutral with respect ~~as~~ to all
 1377 voice communications services providers.

1378

1379 It is further the intent of the Legislature that the fee
 1380 authorized or imposed by this section not necessarily provide
 1381 the total funding required for establishing or providing E911
 1382 service.

1383 (3) DEFINITIONS.—Only as used in this section and ss.

1384 365.171, 365.173, and 365.174, the term:

1385 (h) "Department" means the Department of State Technology.

1386 ~~(t) "Office" means the Technology Program within the~~
 1387 ~~Department of Management Services, as designated by the~~
 1388 ~~secretary of the department.~~

1389 (4) POWERS AND DUTIES OF THE DEPARTMENT OFFICE.—The
 1390 department office shall oversee the administration of the fee
 1391 authorized and imposed on subscribers of voice communications
 1392 services under subsection (8).

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1393 (5) THE E911 BOARD.—

1394 (a) The E911 Board is established to administer, with
1395 oversight by the department office, the fee imposed under
1396 subsection (8), including ~~receiving~~ revenues derived from the
1397 fee; distributing portions of the revenues to wireless
1398 providers, counties, and the department office; accounting for
1399 receipts, distributions, and income derived from ~~by~~ the funds
1400 maintained in the fund; and providing annual reports to the
1401 Governor and the Legislature for submission by the department
1402 ~~office~~ on amounts collected and expended, the purposes for which
1403 expenditures have been made, and the status of E911 service in
1404 this state. In order to advise and assist the department office
1405 in administering ~~implementing the purposes of~~ this section, the
1406 board, which has the power of a body corporate, has the powers
1407 enumerated in subsection (6).

1408 (6) AUTHORITY OF THE BOARD; ANNUAL REPORT.—

1409 (c) By February 28 of each year, the board shall prepare a
1410 report for submission by the department office to the Governor,
1411 the Cabinet, the President of the Senate, and the Speaker of the
1412 House of Representatives which addresses for the immediately
1413 preceding calendar year:

1414 1. The annual receipts, including the total amount of fee
1415 revenues collected by each provider, the total disbursements of
1416 money in the fund, including the amount of fund-reimbursed
1417 expenses incurred by each wireless provider to comply with the
1418 order, and the amount of moneys on deposit in the fund.

1419 2. Whether the amount of the fee and the allocation
1420 percentages set forth in s. 365.173 have been or should be
1421 adjusted to comply with the ~~requirements of the~~ order or other

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1422 provisions of this chapter, and the reasons for making or not
1423 making a recommended adjustment to the fee.

1424 3. Any other issues related to providing E911 services.

1425 4. The status of E911 services in this state.

1426 (12) FACILITATING E911 SERVICE IMPLEMENTATION.—To balance
1427 the public need for reliable E911 services through reliable
1428 wireless systems and the public interest served by governmental
1429 zoning and land development regulations and notwithstanding any
1430 other law or local ordinance to the contrary, the following
1431 standards shall apply to a local government's actions, as a
1432 regulatory body, in the regulation of the placement,
1433 construction, or modification of a wireless communications
1434 facility. This subsection shall not, however, be construed to
1435 waive or alter the provisions of s. 286.011 or s. 286.0115. For
1436 the purposes of this subsection only, "local government" shall
1437 mean any municipality or county and any agency of a municipality
1438 or county only. The term "local government" does not, however,
1439 include any airport, as defined by s. 330.27(2), even if it is
1440 owned or controlled by or through a municipality, county, or
1441 agency of a municipality or county. Further, notwithstanding
1442 anything in this section to the contrary, this subsection does
1443 not apply to or control a local government's actions as a
1444 property or structure owner in the use of any property or
1445 structure owned by such entity for the placement, construction,
1446 or modification of wireless communications facilities. In the
1447 use of property or structures owned by the local government,
1448 however, a local government may not use its regulatory authority
1449 so as to avoid compliance with, or in a manner that does not
1450 advance, the provisions of this subsection.

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1451 (f) Notwithstanding any other law ~~to the contrary~~
 1452 ~~notwithstanding~~, the department and the Department of Management
 1453 Services shall negotiate, in the name of the state, leases for
 1454 wireless communications facilities that provide access to state
 1455 government-owned property not acquired for transportation
 1456 purposes, and the Department of Transportation shall negotiate,
 1457 in the name of the state, leases for wireless communications
 1458 facilities that provide access to property acquired for state
 1459 rights-of-way. On property acquired for transportation purposes,
 1460 leases shall be granted in accordance with s. 337.251. On other
 1461 state government-owned property, leases shall be granted on a
 1462 space available, first-come, first-served basis. Payments
 1463 required by state government under a lease must be reasonable
 1464 and ~~must~~ reflect the market rate for the use of the state
 1465 government-owned property. The department ~~of Management Services~~
 1466 and the Department of Transportation may ~~are authorized to~~ adopt
 1467 rules for the terms and conditions and granting of any such
 1468 leases.

1469 Section 31. Subsection (1) and paragraph (g) of subsection
 1470 (2) of section 365.173, Florida Statutes, are amended to read:
 1471 365.173 Emergency Communications Number E911 System Fund.—
 1472 (1) All revenues derived from the fee levied on subscribers
 1473 under s. 365.172 must be paid by the board into the State
 1474 Treasury on or before the 15th day of each month. Such moneys
 1475 must be accounted for in a special fund to be designated as the
 1476 Emergency Communications Number E911 System Fund, a fund created
 1477 in the Department of State Technology Program, ~~or other office~~
 1478 ~~as designated by the Secretary of Management Services~~, and, for
 1479 accounting purposes, ~~must be~~ segregated into two separate

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1480 categories:

1481 (a) The wireless category; and

1482 (b) The nonwireless category.

1483

1484 All moneys must be invested by the Chief Financial Officer
 1485 pursuant to s. 17.61. All moneys in such fund shall ~~are to~~ be
 1486 expended by the department ~~office~~ for the purposes provided in
 1487 this section and s. 365.172. These funds are not subject to s.
 1488 215.20.

1489 (2) As determined by the board pursuant to s.
 1490 365.172(8)(h), and subject to any modifications approved by the
 1491 board pursuant to s. 365.172(6)(a)3. or (8)(i), the moneys in
 1492 the fund shall be distributed and used only as follows:

1493 (g) Two percent of the moneys in the fund shall be used to
 1494 make monthly distributions to rural counties for the purpose of
 1495 providing facilities and network and service enhancements and
 1496 assistance for the 911 or E911 systems operated by rural
 1497 counties and for the provision of grants by the department
 1498 ~~office~~ to rural counties for upgrading and replacing E911
 1499 systems.

1500

1501 The Legislature recognizes that the fee authorized under s.
 1502 365.172 may not necessarily provide the total funding required
 1503 for establishing or providing the E911 service. It is the intent
 1504 of the Legislature that all revenue from the fee be used as
 1505 specified in this subsection.

1506 Section 32. Subsection (1) of section 365.174, Florida
 1507 Statutes, is amended to read:

1508 365.174 Proprietary confidential business information.—

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1509 (1) All proprietary confidential business information
1510 submitted by a provider to the board or the Department of State
1511 Technology ~~office~~, including the name and billing or service
1512 addresses of service subscribers, and trade secrets as defined
1513 by s. 812.081, is confidential and exempt from s. 119.07(1) and
1514 s. 24(a), Art. I of the State Constitution. Statistical
1515 abstracts of information collected by the board or the
1516 department ~~office~~ may be released or published, but only in a
1517 manner that does not identify or allow identification of
1518 subscribers or their service numbers or of revenues attributable
1519 to any provider.

1520 Section 33. Section 401.013, Florida Statutes, is amended
1521 to read:

1522 401.013 Legislative intent.—It is the intention and purpose
1523 of the Legislature that a statewide system of regional emergency
1524 medical telecommunications be developed whereby the maximum use
1525 of existing radio channels is achieved in order to more
1526 effectively and rapidly provide emergency medical service to the
1527 general population. To this end, all emergency medical service
1528 entities within the state are directed to provide the Department
1529 of State Technology ~~Management Services~~ with any information the
1530 department requests for the purpose of implementing ~~the~~
1531 ~~provisions of~~ s. 401.015, and such entities must ~~shall~~ comply
1532 with the resultant provisions established pursuant to this part.

1533 Section 34. Section 401.015, Florida Statutes, is amended
1534 to read:

1535 401.015 Statewide regional emergency medical
1536 telecommunication system.—The Department of State Technology
1537 shall ~~Management Services is authorized and directed to develop~~

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1538 a statewide system of regional emergency medical
 1539 telecommunications. For the purpose of this part, the term
 1540 "telecommunications" means ~~these~~ voice, data, and signaling
 1541 transmissions and receptions between emergency medical service
 1542 components, including, but not limited to: ambulances; rescue
 1543 vehicles; hospitals or other related emergency receiving
 1544 facilities; emergency communications centers; physicians and
 1545 emergency medical personnel; paging facilities; law enforcement
 1546 and fire protection agencies; and poison control, suicide, and
 1547 emergency management agencies. In formulating such a system, the
 1548 agency department shall divide the state into appropriate
 1549 regions and ~~shall~~ develop a program that ~~which~~ includes, but is
 1550 not limited to, the following provisions:

1551 (1) A requirements provision that states, ~~which shall state~~
 1552 the telecommunications requirements for each emergency medical
 1553 entity comprising the region.

1554 (2) An interfacility communications provision that depicts,
 1555 ~~which shall depict~~ the telecommunications interfaces between the
 1556 various medical service entities which operate within the region
 1557 and state.

1558 (3) An organizational layout provision that includes, ~~which~~
 1559 ~~shall include~~ each emergency medical entity and the number of
 1560 radio operating units (base, mobile, handheld, etc.) per entity.

1561 (4) A frequency allocation and use provision that includes,
 1562 ~~which shall include~~ on an entity basis each assigned and planned
 1563 radio channel and the type of operation, such as ~~(simplex,~~
 1564 ~~duplex, or half duplex, required etc.)~~ on each channel.

1565 (5) An operational provision that includes, ~~which shall~~
 1566 ~~include~~ dispatching, logging, and operating procedures

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1567 pertaining to telecommunications on an entity basis and regional
1568 basis.

1569 (6) An emergency medical service telephone provision that
1570 includes, ~~which shall include~~ the telephone and the numbering
1571 plan throughout the region for both the public and interface
1572 requirements.

1573 Section 35. Section 401.018, Florida Statutes, is amended
1574 to read:

1575 401.018 System coordination.—

1576 (1) The statewide system of regional emergency medical
1577 telecommunications shall be developed by the Department of State
1578 Technology Management Services, which ~~department~~ shall be
1579 responsible for the implementation and coordination of such
1580 system into the state telecommunications plan. The department
1581 shall adopt any necessary rules ~~and regulations~~ for
1582 administering ~~implementing~~ and coordinating such a system.

1583 (2) The Department of State Technology ~~is~~ Management
1584 ~~Services shall be~~ designated as the state frequency coordinator
1585 for the special emergency radio service.

1586 Section 36. Section 401.021, Florida Statutes, is amended
1587 to read:

1588 401.021 System director.—The Secretary of the Department of
1589 State Technology Management Services or his or her designee is
1590 designated as the director of the statewide telecommunications
1591 system of the regional emergency medical service and, for the
1592 purpose of carrying out the provisions of this part, may ~~is~~
1593 ~~authorized to~~ coordinate the activities of the
1594 telecommunications system with other interested state, county,
1595 local, and private agencies.

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1596 Section 37. Section 401.024, Florida Statutes, is amended
1597 to read:

1598 401.024 System approval.—~~An~~ ~~From July 1, 1973, no~~ emergency
1599 medical telecommunications system may not ~~shall~~ be established
1600 or present systems expanded without prior approval of the
1601 Department of State Technology Management Services.

1602 Section 38. Section 401.027, Florida Statutes, is amended
1603 to read:

1604 401.027 Federal assistance.—The Secretary of the Department
1605 of State Technology Management Services or his or her designee
1606 may is ~~authorized to~~ apply for and accept federal funding
1607 assistance in the development and implementation of a statewide
1608 emergency medical telecommunications system.

1609 Section 39. Subsection (4) of section 445.011, Florida
1610 Statutes, is amended to read:

1611 445.011 Workforce information systems.—

1612 (4) Workforce Florida, Inc., shall coordinate development
1613 and implementation of workforce information systems with the
1614 Secretary ~~executive director~~ of the Department of State Agency
1615 ~~for Enterprise Information Technology~~ to ensure compatibility
1616 with the state's information system strategy and enterprise
1617 architecture.

1618 Section 40. Subsection (2) and paragraphs (a) and (b) of
1619 subsection (4) of section 445.045, Florida Statutes, are amended
1620 to read:

1621 445.045 Development of an Internet-based system for
1622 information technology industry promotion and workforce
1623 recruitment.—

1624 (2) Workforce Florida, Inc., shall coordinate with the

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1625 ~~Department of State Agency for Enterprise Information~~ Technology
1626 and the Department of Economic Opportunity to ensure that links,
1627 where feasible and appropriate, to existing job information
1628 websites maintained by the state and state agencies and ~~to~~
1629 ~~ensure~~ that information technology positions offered by the
1630 state and state agencies are posted on the information
1631 technology website.

1632 (4) (a) Workforce Florida, Inc., shall coordinate
1633 development and maintenance of the website under this section
1634 with the Secretary ~~executive director~~ of the Department of State
1635 ~~Agency for Enterprise Information~~ Technology to ensure
1636 compatibility with the state's information system strategy and
1637 enterprise architecture.

1638 (b) Workforce Florida, Inc., may enter into an agreement
1639 with the Department of State Agency for Enterprise Information
1640 Technology, the Department of Economic Opportunity, or any other
1641 public agency with the requisite information technology
1642 expertise for the provision of design, operating, or other
1643 technological services necessary to develop and maintain the
1644 website.

1645 Section 41. Paragraph (b) of subsection (18) of section
1646 668.50, Florida Statutes, is amended to read:

1647 668.50 Uniform Electronic Transaction Act.—

1648 (18) ACCEPTANCE AND DISTRIBUTION OF ELECTRONIC RECORDS BY
1649 GOVERNMENTAL AGENCIES.—

1650 (b) To the extent that a governmental agency uses
1651 electronic records and electronic signatures under paragraph
1652 (a), the Department of State Agency for Enterprise Information
1653 Technology, in consultation with the governmental agency, giving

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1654 due consideration to security, may specify:

1655 1. The manner and format in which the electronic records
1656 must be created, generated, sent, communicated, received, and
1657 stored and the systems established for those purposes.

1658 2. If electronic records must be signed by electronic
1659 means, the type of electronic signature required, the manner and
1660 format in which the electronic signature must be affixed to the
1661 electronic record, and the identity of, or criteria that must be
1662 met by, any third party used by a person filing a document to
1663 facilitate the process.

1664 3. Control processes and procedures as appropriate to
1665 ensure adequate preservation, disposition, integrity, security,
1666 confidentiality, and auditability of electronic records.

1667 4. Any other required attributes for electronic records
1668 which are specified for corresponding nonelectronic records or
1669 reasonably necessary under the circumstances.

1670 Section 42. Transfer from the Executive Office of the
1671 Governor.—All of the powers, duties, functions, records,
1672 personnel, and property; funds, trust funds, and unexpended
1673 balances of appropriations, allocations, and other funds;
1674 administrative authority; administrative rules; pending issues;
1675 and existing contracts of the Agency for Enterprise Information
1676 Technology within the Executive Office of the Governor shall
1677 continue and to the extent necessary are transferred by a type
1678 one transfer as provided under s. 20.06(1), Florida Statutes, to
1679 the Department of State Technology.

1680 Section 43. Effective January 1, 2015:

1681 (1) The Technology Program established under s. 20.22(2),
1682 Florida Statutes, is transferred intact by a type one transfer

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1683 as provided under s. 20.06(1), Florida Statutes, from the
1684 Department of Management Services to the Department of State
1685 Technology.

1686 (2) All of the powers, duties, functions, records,
1687 personnel, and property; funds, trust funds, and unexpended
1688 balances of appropriations, allocations, and other funds;
1689 administrative authority; administrative rules; pending issues;
1690 and existing contracts relating to the following
1691 responsibilities of the Department of Management Services are
1692 transferred by a type one transfer as provided under s.
1693 20.06(1), Florida Statutes, to the Department of State
1694 Technology:

1695 (a) Administrative and regulatory responsibilities under
1696 part II of chapter 282, Florida Statutes, consisting of ss.
1697 282.601-282.606, Florida Statutes, relating to accessibility of
1698 electronic information and information technology for state
1699 employees and members of the public with disabilities, including
1700 the responsibility for rules for the development, procurement,
1701 maintenance, and use of accessible electronic information
1702 technology by governmental units pursuant to s. 282.604, Florida
1703 Statutes.

1704 (b) Administrative and regulatory responsibilities under
1705 part III of chapter 282, Florida Statutes, consisting of ss.
1706 282.701-282.711, Florida Statutes, relating to the state
1707 telecommunications network, state communications,
1708 telecommunications services with state agencies and political
1709 subdivisions of the state, the SUNCOM network, the law
1710 enforcement radio system and interoperability network, regional
1711 law enforcement communications, and remote electronic access.

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1712 (c) Administrative and regulatory responsibilities under s.
1713 364.0135, Florida Statutes, relating to broadband Internet
1714 service.

1715 (d) Administrative and regulatory responsibilities under
1716 ss. 365.171-365.175, Florida Statutes, relating to E911
1717 services.

1718 (e) Administrative and regulatory responsibilities under
1719 part I of chapter 401, Florida Statutes, consisting of ss.
1720 401.013-401.027, Florida Statutes, relating to a statewide
1721 system of regional emergency medical telecommunications.

1722 (3) (a) The following trust funds are transferred by a type
1723 one transfer as provided under s. 20.06(1), Florida Statutes,
1724 from the Department of Management Services to the Department of
1725 State Technology:

- 1726 1. The Communications Working Capital Trust Fund.
- 1727 2. The Emergency Communications Number E911 System Fund.
- 1728 3. The State Agency Law Enforcement Radio System Trust
1729 Fund.
- 1730 4. The Federal Grants Trust Fund.

1731 (b) All unexpended balances of appropriations, allocations,
1732 and other funds of the Department of Management Services
1733 relating to ss. 282.701-282.711, s. 364.0135, ss. 365.171-
1734 365.175, and part I of chapter 401, Florida Statutes, which are
1735 not specifically transferred by this subsection are transferred
1736 by a type one transfer as provided under s. 20.06(1), Florida
1737 Statutes, to the Department of State Technology.

1738 (4) All lawful orders issued by the Department of
1739 Management Services implementing or enforcing or otherwise in
1740 regard to ss. 282.701-282.711, s. 364.0135, ss. 365.171-365.175,

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1741 or part I of chapter 401, Florida Statutes, issued before
1742 January 1, 2015, shall remain in effect and be enforceable after
1743 that date unless thereafter modified in accordance with law.

1744 (5) Any binding contract or interagency agreement entered
1745 into pursuant to ss. 282.701-282.711, s. 364.0135, ss. 365.171-
1746 365.175, or part I of chapter 401, Florida Statutes, and
1747 existing before January 1, 2015, between the Department of
1748 Management Services or an entity or agent of the department and
1749 any other agency, entity, or person shall continue as a binding
1750 contract or agreement for the remainder of the term of such
1751 contract or agreement on the Department of State Technology.

1752 (6) The rules of the Department of Management Services
1753 relating to ss. 282.701-282.711, s. 364.0135, ss. 365.171-
1754 365.175, or part I of chapter 401, Florida Statutes, that were
1755 in effect at 11:59 p.m. on December 31, 2014, shall become the
1756 rules of the Department of State Technology and remain in effect
1757 until amended or repealed in the manner provided by law.

1758 (7) The transfer of regulatory authority under ss. 282.701-
1759 282.711, s. 364.0135, ss. 365.171-365.175, or part I of chapter
1760 401, Florida Statutes, provided by this section does not affect
1761 the validity of any judicial or administrative action pending as
1762 of 11:59 p.m. on December 31, 2014, to which the Department of
1763 Management Services is at that time a party, and the Department
1764 of State Technology shall be substituted as a party in interest
1765 in any such action.

1766 (8) The Northwood Shared Resource Center is transferred by
1767 a type one transfer as provided under s. 20.06(1), Florida
1768 Statutes, from the Department of Management Services to the
1769 Department of State Technology.

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1770 (a) Any binding contract or interagency agreement entered
1771 into between the Northwood Shared Resource Center or an entity
1772 or agent of the center and any other agency, entity, or person
1773 shall continue as a binding contract or agreement for the
1774 remainder of the term of such contract or agreement on the
1775 Department of State Technology.

1776 (b) The rules of the Northwood Shared Resource Center that
1777 were in effect at 11:59 p.m. on December 31, 2014, shall become
1778 the rules of the Department of State Technology and shall remain
1779 in effect until amended or repealed in the manner provided by
1780 law.

1781 (9) The Southwood Shared Resource Center is transferred by
1782 a type one transfer, as defined in s. 20.06, Florida Statutes,
1783 from the Department of Management Services to the Department of
1784 State Technology.

1785 (a) Any binding contract or interagency agreement entered
1786 into between the Southwood Shared Resource Center or an entity
1787 or agent of the center and any other agency, entity, or person
1788 shall continue as a binding contract or agreement for the
1789 remainder of the term of such contract or agreement on the
1790 Department of State Technology.

1791 (b) The rules of the Southwood Shared Resource Center that
1792 were in effect at 11:59 p.m. on December 31, 2014, shall become
1793 the rules of the Department of State Technology and shall remain
1794 in effect until amended or repealed in the manner provided by
1795 law.

1796 Section 44. An employee transferred to the Department of
1797 State Technology by this act shall retain the same status of his
1798 or her current position upon the transfer of that position to

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1799 the department.

1800 Section 45. For the 2014-2015 fiscal year, the sum of
1801 \$2,865,108 in recurring general revenue funds, \$2,134,892 in
1802 nonrecurring general revenue funds, and 24 full-time equivalent
1803 positions and associated salary rate of 2,010,951 are
1804 appropriated to the Department of State Technology for the
1805 purpose of implementing this act.

1806 Section 46. Except as otherwise expressly provided in this
1807 act, and except for this section, which shall take effect upon
1808 this act becoming a law, this act shall take effect July 1,
1809 2014.