

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Rojas offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. (1) SHORT TITLE.--This section may be cited as the "Uniform Electronic Transaction Act."

(2) DEFINITIONS.--As used in this section:

(a) "Agreement" means the bargain of the parties in fact, as found in their language or inferred from other circumstances and from rules, regulations, and procedures given the effect of agreements under provisions of law otherwise applicable to a particular transaction.

(b) "Automated transaction" means a transaction conducted or performed, in whole or in part, by electronic means or electronic records, in which the acts or records of one or both parties are not reviewed by an individual in the ordinary course in forming a contract, performing under an existing contract, or fulfilling an obligation required by the transaction.

1 (c) "Computer program" means a set of statements or
2 instructions to be used directly or indirectly in an
3 information processing system in order to bring about a
4 certain result.

5 (d) "Contract" means the total legal obligation
6 resulting from the parties' agreement as affected by this act
7 and other applicable provisions of law.

8 (e) "Electronic" means relating to technology having
9 electrical, digital, magnetic, wireless, optical,
10 electromagnetic, or similar capabilities.

11 (f) "Electronic agent" means a computer program or an
12 electronic or other automated means used independently to
13 initiate an action or respond to electronic records or
14 performances in whole or in part, without review or action by
15 an individual.

16 (g) "Electronic record" means a record created,
17 generated, sent, communicated, received, or stored by
18 electronic means.

19 (h) "Electronic signature" means an electronic sound,
20 symbol, or process attached to or logically associated with a
21 record and executed or adopted by a person with the intent to
22 sign the record.

23 (i) "Governmental agency" means an executive,
24 legislative, or judicial agency, department, board,
25 commission, authority, institution, or instrumentality of this
26 state, including a county, municipality, or other political
27 subdivision of this state and any other public or private
28 agency, person, partnership, corporation, or business entity
29 acting on behalf of any public agency.

30 (j) "Information" means data, text, images, sounds,
31 codes, computer programs, software, databases, or other

1 similar representations of knowledge.

2 (k) "Information processing system" means an
3 electronic system for creating, generating, sending,
4 receiving, storing, displaying, or processing information.

5 (l) "Person" means an individual, corporation,
6 business trust, estate, trust, partnership, limited liability
7 company, association, joint venture, governmental agency,
8 public corporation, or any other legal or commercial entity.

9 (m) "Record" means information that is inscribed on a
10 tangible medium or that is stored in an electronic or other
11 medium and is retrievable in perceivable form, including
12 public records as defined in s. 119.011(1), Florida Statutes.

13 (n) "Security procedure" means a procedure employed
14 for the purpose of verifying that an electronic signature,
15 record, or performance is that of a specific person or for
16 detecting changes or errors in the information in an
17 electronic record. The term includes a procedure that requires
18 the use of algorithms or other codes, identifying words or
19 numbers, encryption, or callback or other acknowledgment
20 procedures.

21 (o) "State" means a state of the United States, the
22 District of Columbia, Puerto Rico, the United States Virgin
23 Islands, or any territory or insular possession subject to the
24 jurisdiction of the United States. The term includes an Indian
25 tribe or band, or Alaskan native village, which is recognized
26 by federal law or formally acknowledged by a state.

27 (p) "Transaction" means an action or set of actions
28 occurring between two or more persons relating to the conduct
29 of business, commercial, insurance, or governmental affairs.

30 (3) SCOPE.--

31 (a) Except as otherwise provided in paragraph (b),

1 this section applies to electronic records and electronic
2 signatures relating to a transaction.

3 (b) This section does not apply to a transaction to
4 the extent the transaction is governed by:

5 1. A provision of law governing the creation and
6 execution of wills, codicils, or testamentary trusts;

7 2. The Uniform Commercial Code other than ss. 671.107
8 and 671.206, Florida Statutes, and chapters 672 and 680,
9 Florida Statutes;

10 3. The Uniform Computer Information Transactions Act;
11 or

12 4. Rules relating to judicial procedure.

13 (c) This section applies to an electronic record or
14 electronic signature otherwise excluded under paragraph (b) to
15 the extent such record or signature is governed by a provision
16 of law other than those specified in paragraph (b).

17 (d) A transaction subject to this section is also
18 subject to other applicable provisions of substantive law.

19 (4) PROSPECTIVE APPLICATION.--This section applies to
20 any electronic record or electronic signature created,
21 generated, sent, communicated, received, or stored on or after
22 July 1, 2000.

23 (5) USE OF ELECTRONIC RECORDS AND ELECTRONIC
24 SIGNATURES; VARIATION BY AGREEMENT.--

25 (a) This section does not require a record or
26 signature to be created, generated, sent, communicated,
27 received, stored, or otherwise processed or used by electronic
28 means or in electronic form.

29 (b) This section applies only to transactions between
30 parties each of which has agreed to conduct transactions by
31 electronic means. Whether the parties agree to conduct a

1 transaction by electronic means is determined from the context
2 and surrounding circumstances, including the parties' conduct.

3 (c) A party that agrees to conduct a transaction by
4 electronic means may refuse to conduct other transactions by
5 electronic means. The right granted by this paragraph may not
6 be waived by agreement.

7 (d) Except as otherwise provided in this section, the
8 effect of any provision of this section may be varied by
9 agreement. The presence in certain provisions of this section
10 of the words "unless otherwise agreed," or words of similar
11 import, does not imply that the effect of other provisions may
12 not be varied by agreement.

13 (e) Whether an electronic record or electronic
14 signature has legal consequences is determined by this section
15 and other applicable provisions of law.

16 (6) CONSTRUCTION AND APPLICATION.--This section shall
17 be construed and applied to:

18 (a) Facilitate electronic transactions consistent with
19 other applicable provisions of law.

20 (b) Be consistent with reasonable practices concerning
21 electronic transactions and with the continued expansion of
22 those practices.

23 (c) Effectuate its general purpose to make uniform the
24 law with respect to the subject of this section among states
25 enacting similar legislation.

26 (7) LEGAL RECOGNITION OF ELECTRONIC RECORDS,
27 ELECTRONIC SIGNATURES, AND ELECTRONIC CONTRACTS.--

28 (a) A record or signature may not be denied legal
29 effect or enforceability solely because the record or
30 signature is in electronic form.

31 (b) A contract may not be denied legal effect or

1 enforceability solely because an electronic record was used in
2 the formation of the contract.

3 (c) If a provision of law requires a record to be in
4 writing, an electronic record satisfies such provision.

5 (d) If a provision of law requires a signature, an
6 electronic signature satisfies such provision.

7 (8) PROVISION OF INFORMATION IN WRITING; PRESENTATION
8 OF RECORDS.--

9 (a) If parties have agreed to conduct a transaction by
10 electronic means and a provision of law requires a person to
11 provide, send, or deliver information in writing to another
12 person, the requirement is satisfied if the information is
13 provided, sent, or delivered, as the case may be, in an
14 electronic record capable of retention by the recipient at the
15 time of receipt. An electronic record is not capable of
16 retention by the recipient if the sender or the sender's
17 information processing system inhibits the ability of the
18 recipient to print or store the electronic record.

19 (b) If a provision of law other than this section
20 requires a record to be posted or displayed in a certain
21 manner; to be sent, communicated, or transmitted by a
22 specified method; or to contain information that is formatted
23 in a certain manner, the following rules apply:

24 1. The record must be posted or displayed in the
25 manner specified in the other provision of law.

26 2. Except as otherwise provided in subparagraph (d)2.,
27 the record must be sent, communicated, or transmitted by the
28 method specified in the other provision of law.

29 3. The record must contain the information formatted
30 in the manner specified in the other provision of law.

31 (c) If a sender inhibits the ability of a recipient to

1 store or print an electronic record, the electronic record is
2 not enforceable against the recipient.

3 (d) The requirements of this section may not be varied
4 by agreement, provided:

5 1. To the extent a provision of law other than this
6 section requires information to be provided, sent, or
7 delivered in writing but permits that requirement to be varied
8 by agreement, the requirement under paragraph (a) that the
9 information be in the form of an electronic record capable of
10 retention may also be varied by agreement.

11 2. A requirement under a law other than this section
12 to send, communicate, or transmit a record by first-class
13 mail, postage prepaid, or other regular United States mail,
14 may be varied by agreement to the extent permitted by the
15 other provision of law.

16 (9) ATTRIBUTION AND EFFECT OF ELECTRONIC RECORD AND
17 ELECTRONIC SIGNATURE.--

18 (a) An electronic record or electronic signature is
19 attributable to a person if the record or signature was the
20 act of the person. The act of the person may be shown in any
21 manner, including a showing of the efficacy of any security
22 procedure applied to determine the person to which the
23 electronic record or electronic signature was attributable.

24 (b) The effect of an electronic record or electronic
25 signature attributed to a person under paragraph (a) is
26 determined from the context and surrounding circumstances at
27 the time of its creation, execution, or adoption, including
28 the parties' agreement, if any, and otherwise as provided by
29 law.

30 (10) EFFECT OF CHANGE OR ERROR.--If a change or error
31 in an electronic record occurs in a transmission between

1 parties to a transaction, the following rules apply:

2 (a) If the parties have agreed to use a security
3 procedure to detect changes or errors and one party has
4 conformed to the procedure, but the other party has not, and
5 the nonconforming party would have detected the change or
6 error had that party also conformed, the conforming party may
7 avoid the effect of the changed or erroneous electronic
8 record.

9 (b) In an automated transaction involving an
10 individual, the individual may avoid the effect of an
11 electronic record that resulted from an error made by the
12 individual in dealing with the electronic agent of another
13 person if the electronic agent did not provide an opportunity
14 for the prevention or correction of the error and, at the time
15 the individual learns of the error, the individual:

16 1. Promptly notifies the other person of the error and
17 that the individual did not intend to be bound by the
18 electronic record received by the other person.

19 2. Takes reasonable steps, including steps that
20 conform to the other person's reasonable instructions, to
21 return to the other person or, if instructed by the other
22 person, to destroy the consideration received, if any, as a
23 result of the erroneous electronic record.

24 3. Has not used or received any benefit or value from
25 the consideration, if any, received from the other person.

26 (c) If paragraphs (a) and (b) do not apply, the change
27 or error has the effect provided by the other provision of
28 law, including the law of mistake, and the parties' contract,
29 if any.

30 (d) Paragraphs (b) and (c) may not be varied by
31 agreement.

1 (11) NOTARIZATION AND ACKNOWLEDGMENT.--

2 (a) If a law requires a signature or record to be
3 notarized, acknowledged, verified, or made under oath, the
4 requirement is satisfied if the electronic signature of the
5 person authorized by applicable law to perform those acts,
6 together with all other information required to be included by
7 other applicable law, is attached to or logically associated
8 with the signature or record. Neither a rubber stamp nor an
9 impression type seal is required for an electronic
10 notarization.

11 (b) A first-time applicant for a notary commission
12 must submit proof that the applicant has, within 1 year prior
13 to the application, completed at least 3 hours of interactive
14 or classroom instruction, including electronic notarization,
15 and covering the duties of the notary public. Courses
16 satisfying this section may be offered by any public or
17 private sector person or entity registered with the Executive
18 Office of the Governor and must include a core curriculum
19 approved by that office.

20 (12) RETENTION OF ELECTRONIC RECORDS; ORIGINALS.--

21 (a) If a law requires that a record be retained, the
22 requirement is satisfied by retaining an electronic record of
23 the information in the record which:

24 1. Accurately reflects the information set forth in
25 the record after the record was first generated in final form
26 as an electronic record or otherwise.

27 2. Remains accessible for later reference.

28 (b) A requirement to retain a record in accordance
29 with paragraph (a) does not apply to any information the sole
30 purpose of which is to enable the record to be sent,
31 communicated, or received.

1 (c) A person may satisfy paragraph (a) by using the
2 services of another person if the requirements of paragraph
3 (a) are satisfied.

4 (d) If a provision of law requires a record to be
5 presented or retained in its original form, or provides
6 consequences if the record is not presented or retained in its
7 original form, that law is satisfied by an electronic record
8 retained in accordance with paragraph (a).

9 (e) If a provision of law requires retention of a
10 check, that requirement is satisfied by retention of an
11 electronic record of the information on the front and back of
12 the check in accordance with paragraph (a).

13 (f) A record retained as an electronic record in
14 accordance with paragraph (a) satisfies a provision of law
15 requiring a person to retain a record for evidentiary, audit,
16 or similar purposes, unless a provision of law enacted after
17 July 1, 2000, specifically prohibits the use of an electronic
18 record for the specified purpose.

19 (g) This section does not preclude a governmental
20 agency of this state from specifying additional requirements
21 for the retention of a record subject to the agency's
22 jurisdiction.

23 (13) ADMISSIBILITY IN EVIDENCE.--In a proceeding,
24 evidence of a record or signature may not be excluded solely
25 because the record or signature is in electronic form.

26 (14) AUTOMATED TRANSACTIONS.--In an automated
27 transaction, the following rules apply:

28 (a) A contract may be formed by the interaction of
29 electronic agents of the parties, even if no individual was
30 aware of or reviewed the electronic agents' actions or the
31 resulting terms and agreements.

1 (b) A contract may be formed by the interaction of an
2 electronic agent and an individual, acting on the individual's
3 own behalf or for another person, including by an interaction
4 in which the individual performs actions that the individual
5 is free to refuse to perform and which the individual knows or
6 has reason to know will cause the electronic agent to complete
7 the transaction or performance.

8 (c) The terms of the contract are determined by the
9 substantive law applicable to the contract.

10 (15) TIME AND PLACE OF SENDING AND RECEIVING.--

11 (a) Unless otherwise agreed between the sender and the
12 recipient, an electronic record is sent when the record:

13 1. Is addressed properly or otherwise directed
14 properly to an information processing system that the
15 recipient has designated or uses for the purpose of receiving
16 electronic records or information of the type sent and from
17 which the recipient is able to retrieve the electronic record.

18 2. Is in a form capable of being processed by that
19 system.

20 3. Enters an information processing system outside the
21 control of the sender or of a person that sent the electronic
22 record on behalf of the sender or enters a region of the
23 information processing system designated or used by the
24 recipient which is under the control of the recipient.

25 (b) Unless otherwise agreed between a sender and the
26 recipient, an electronic record is received when the record
27 enters an information processing system that the recipient has
28 designated or uses for the purpose of receiving electronic
29 records or information of the type sent and from which the
30 recipient is able to retrieve the electronic record; and is in
31 a form capable of being processed by that system.

1 (c) Paragraph (b) applies even if the place the
2 information processing system is located is different from the
3 place the electronic record is deemed to be received under
4 paragraph (d).

5 (d) Unless otherwise expressly provided in the
6 electronic record or agreed between the sender and the
7 recipient, an electronic record is deemed to be sent from the
8 sender's place of business and to be received at the
9 recipient's place of business. For purposes of this paragraph,
10 the following rules apply:

11 1. If the sender or recipient has more than one place
12 of business, the place of business of that person is the place
13 having the closest relationship to the underlying transaction.

14 2. If the sender or the recipient does not have a
15 place of business, the place of business is the sender's or
16 recipient's residence, as the case may be.

17 (e) An electronic record is received under paragraph
18 (b) even if no individual is aware of its receipt.

19 (f) Receipt of an electronic acknowledgment from an
20 information processing system described in paragraph (b)
21 establishes that a record was received but, by itself, does
22 not establish that the content sent corresponds to the content
23 received.

24 (g) If a person is aware that an electronic record
25 purportedly sent under paragraph (a), or purportedly received
26 under paragraph (b), was not actually sent or received, the
27 legal effect of the sending or receipt is determined by other
28 applicable provisions of law. Except to the extent permitted
29 by the other provisions of law, the requirements of this
30 paragraph may not be varied by agreement.

31 (h) An automated transaction does not establish the

1 acceptability of an electronic record for recording purposes.

2 (16) TRANSFERABLE RECORDS.--

3 (a) For purposes of this paragraph, "transferable
4 record" means an electronic record that:

5 1. Would be a note under chapter 673, Florida
6 Statutes, or a document under chapter 677, Florida Statutes,
7 if the electronic record were in writing.

8 2. The issuer of the electronic record expressly has
9 agreed is a transferable record.

10 (b) A person has control of a transferable record if a
11 system employed for evidencing the transfer of interests in
12 the transferable record reliably establishes that person as
13 the person to which the transferable record was issued or
14 transferred.

15 (c) A system satisfies paragraph (b), and a person is
16 deemed to have control of a transferable record, if the
17 transferable record is created, stored, and assigned in such a
18 manner that:

19 1. A single authoritative copy of the transferable
20 record exists which is unique, identifiable, and, except as
21 otherwise provided in subparagraphs 4., 5., and 6.,
22 unalterable.

23 2. The authoritative copy identifies the person
24 asserting control as the person to which the transferable
25 record was issued or, if the authoritative copy indicates that
26 the transferable record has been transferred, the person to
27 which the transferable record was most recently transferred.

28 3. The authoritative copy is communicated to and
29 maintained by the person asserting control or its designated
30 custodian.

31 4. Copies or revisions that add or change an

1 identified assignee of the authoritative copy can be made only
2 with the consent of the person asserting control.

3 5. Each copy of the authoritative copy and any copy of
4 a copy is readily identifiable as a copy that is not the
5 authoritative copy.

6 6. Any revision of the authoritative copy is readily
7 identifiable as authorized or unauthorized.

8 (d) Except as otherwise agreed, a person having
9 control of a transferable record is the holder, as defined in
10 s. 671.201(20), of the transferable record and has the same
11 rights and defenses as a holder of an equivalent record or
12 writing under the Uniform Commercial Code, including, if the
13 applicable statutory requirements under s. 673.3021, s.
14 677.501, or s. 679.308 are satisfied, the rights and defenses
15 of a holder in due course, a holder to which a negotiable
16 document of title has been duly negotiated, or a purchaser,
17 respectively. Delivery, possession, and indorsement are not
18 required to obtain or exercise any of the rights under this
19 paragraph.

20 (e) Except as otherwise agreed, an obligor under a
21 transferable record has the same rights and defenses as an
22 equivalent obligor under equivalent records or writings under
23 the Uniform Commercial Code.

24 (f) If requested by a person against which enforcement
25 is sought, the person seeking to enforce the transferable
26 record shall provide reasonable proof that the person is in
27 control of the transferable record. Proof may include access
28 to the authoritative copy of the transferable record and
29 related business records sufficient to review the terms of the
30 transferable record and to establish the identity of the
31 person having control of the transferable record.

1 (17) CREATION AND RETENTION OF ELECTRONIC RECORDS AND
2 CONVERSION OF WRITTEN RECORDS BY GOVERNMENTAL AGENCIES.--Each
3 governmental agency shall determine whether, and the extent to
4 which, such agency will create and retain electronic records
5 and convert written records to electronic records.

6 (18) ACCEPTANCE AND DISTRIBUTION OF ELECTRONIC RECORDS
7 BY GOVERNMENTAL AGENCIES.--

8 (a) Except as otherwise provided in paragraph (12)(f),
9 each governmental agency shall determine whether, and the
10 extent to which, such agency will send and accept electronic
11 records and electronic signatures to and from other persons
12 and otherwise create, generate, communicate, store, process,
13 use, and rely upon electronic records and electronic
14 signatures.

15 (b) To the extent that a governmental agency uses
16 electronic records and electronic signatures under paragraph
17 (a), the state technology office, in consultation with the
18 governmental agency, giving due consideration to security, may
19 specify:

20 1. The manner and format in which the electronic
21 records must be created, generated, sent, communicated,
22 received, and stored and the systems established for those
23 purposes.

24 2. If electronic records must be signed by electronic
25 means, the type of electronic signature required, the manner
26 and format in which the electronic signature must be affixed
27 to the electronic record, and the identity of, or criteria
28 that must be met by, any third party used by a person filing a
29 document to facilitate the process.

30 3. Control processes and procedures as appropriate to
31 ensure adequate preservation, disposition, integrity,

1 security, confidentiality, and auditability of electronic
2 records.

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

6 (c) Except as otherwise provided in paragraph (12)(f),
7 this section does not require a governmental agency of this
8 state to use or permit the use of electronic records or
9 electronic signatures.

10 (d) Service charges and fees otherwise established by
11 law applicable to the filing of nonelectronic records shall
12 apply in kind to the filing of electronic records.

13 (19) INTEROPERABILITY.--The governmental agency which
14 adopts standards pursuant to subsection (18) may encourage and
15 promote consistency and interoperability with similar
16 requirements adopted by other governmental agencies of this
17 and other states and the Federal Government and
18 nongovernmental persons interacting with governmental agencies
19 of this state. If appropriate, those standards may specify
20 differing levels of standards from which governmental agencies
21 of this state may choose in implementing the most appropriate
22 standard for a particular application.

23 (20) SEVERABILITY.--If any provision of this section
24 or its application to any person or circumstance is held
25 invalid, the invalidity does not affect other provisions or
26 applications of this section which can be given effect without
27 the invalid provision or application, and to this end the
28 provisions of this act are severable.

29 Section 2. (1) The Legislature finds that a proper
30 and legitimate state purpose is served by providing the public
31 with access to public records and information on the Internet

1 and hereby determines that the provisions of this section
2 fulfill and further an important state interest.

3 (2) No later than January 1, 2002, the county recorder
4 in each county shall provide a current index of documents
5 recorded in the official records of the county for the period
6 beginning no later than January 1, 1990, on a publicly
7 available Internet website which shall also contain a document
8 requisition point for obtaining images or copies of the
9 documents reflected in the index and which has the capability
10 of electronically providing the index data to a central
11 statewide search site.

12 (3) Each county recorder shall use appropriate
13 Internet security measures to ensure that no person has the
14 ability to alter or to modify any public record.

15 (4) Unless otherwise provided by law, no information
16 retrieved electronically pursuant to this section shall be
17 admissible in court as an authenticated document.

18 (5) By January 1, 2006, each county recorder shall
19 provide for electronic retrieval, at a minimum, of images of
20 documents referenced as the index required to be maintained on
21 the county's official records website by this section.

22 Section 3. Section 282.005, Florida Statutes, is
23 amended to read:

24 282.005 Legislative findings and intent.--The
25 Legislature finds that:

26 (1) Information is a strategic asset of the state,
27 and, as such, it should be managed as a valuable state
28 resource.

29 (2) The state makes significant investments in
30 information technology resources in order to manage
31 information and to provide services to its citizens.

1 (3) An office must be created to provide support and
2 guidance to enhance the state's use and management of
3 information technology resources and to design, procure, and
4 deploy, on behalf of the state, information technology
5 resources.

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

9 (5)(3) The head of each state agency, in consultation
10 with the State Technology Office, has primary responsibility
11 and accountability for the planning, budgeting, acquisition,
12 development, implementation, use, and management of
13 information technology resources within the agency.

14 (6)(4) The expanding need for, use of, and dependence
15 on information technology resources requires focused
16 management attention and managerial accountability by state
17 agencies and the state as a whole.

18 (7)(5) The agency head, in consultation with the State
19 Technology Office, has primary responsibility for the agency's
20 information technology resources and for their use in
21 accomplishing the agency's mission. However, each agency
22 shall also use its information technology resources in the
23 best interests of the state as a whole and thus contribute to
24 and make use of shared data and related resources whenever
25 appropriate.

26 (8)(6) The state shall provide, by whatever means is
27 most cost-effective and efficient, the information resources
28 management infrastructure needed to collect, store, and
29 process the state's data and information, provide
30 connectivity, and facilitate the exchange of data and
31 information among both public and private parties.

1 ~~(9)(7)~~ A necessary part of the state's information
2 resources management infrastructure is a statewide
3 communications system for all types of signals, including
4 voice, data, video, radio, and image.

5 ~~(10)(8)~~ To ensure the best management of the state's
6 information technology resources, and notwithstanding other
7 provisions of law to the contrary, the functions of
8 information resources management are hereby assigned to the
9 Board of Regents as the agency responsible for the development
10 and implementation of policy, planning, management,
11 rulemaking, standards, and guidelines for the State University
12 System; to the State Board of Community Colleges as the agency
13 responsible for establishing and developing rules and policies
14 for the Florida Community College System; to the Supreme
15 Court, for the judicial branch; ~~and~~ to each state attorney and
16 public defender; and to the State Technology Office for the
17 executive branch of state government.

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

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

1 Section 4. Section 282.101, Florida Statutes, is
2 amended to read:

3 282.101 Construction of terms, "information
4 technology" ~~"communications"~~ or "information technology
5 ~~"communications system."~~ --Any reference in this part to
6 "information technology" ~~"communications"~~ or "information
7 technology" ~~"communications system"~~ means any transmission,
8 emission, and reception of signs, signals, writings, images,
9 and sounds of intelligence of any nature by wire, radio,
10 optical, or other electromagnetic systems and includes all
11 facilities and equipment owned, leased, or used by all
12 agencies and political subdivisions of state government, and a
13 full-service, information-processing facility offering
14 hardware, software, operations, integration, networking, and
15 consulting services.

16 Section 5. Section 282.102, Florida Statutes, is
17 amended to read:

18 282.102 Powers and duties of the State Technology
19 Office of the Department of Management Services. --There is
20 created a State Technology Office, administratively placed
21 within the Department of Management Services, which shall be
22 headed by a Chief Information Officer who is appointed by the
23 Governor and is in the Senior Management Service. The office
24 shall have the following powers, duties, and functions:

25 (1) To publish electronically the portfolio of
26 services available from the office ~~department~~, including
27 pricing information; the policies and procedures of the office
28 ~~department~~ governing usage of available services; and a
29 forecast of the priorities and initiatives for the state
30 communications system for the ensuing 2 years. The office
31 ~~department~~ shall provide a hard copy of its portfolio of

1 services upon request.

2 (2) To coordinate the purchase, lease, and use of all
3 information technology ~~communications~~ services for state
4 agencies ~~government~~, including communications services
5 provided as part of any other total system to be used by the
6 state or any of its agencies.

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

11 (4) To integrate ~~consolidate~~ the information
12 technology ~~communications~~ systems and services of state
13 agencies and to provide for their joint use by the agencies
14 when determined by the department to be economically efficient
15 or performance-effective.

16 (5) To adopt technical standards for the state
17 information technology ~~communications~~ system which will assure
18 the interconnection of computer networks and information
19 systems of state agencies.

20 (6) To assume management responsibility for any
21 integrated information technology ~~consolidated communications~~
22 system or service when determined by the office ~~department~~ to
23 be economically efficient or performance-effective.

24 (7) To enter into agreements for the support and use
25 of the information technology ~~communications~~ services of state
26 agencies and of political subdivisions of the state.

27 (8) To use or acquire, with agency concurrence,
28 information technology ~~communications~~ facilities now owned or
29 operated by any state agency.

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

1 (10) To purchase from or contract with information
2 technology providers ~~suppliers and communications companies~~
3 for information technology ~~communications~~ facilities or
4 services, including private line services.

5 (11) To apply for, receive, and hold, or assist
6 agencies in applying for, receiving, or holding, such
7 authorizations, licenses, and allocations or channels and
8 frequencies to carry out the purposes of ss. 282.101-282.109.

9 (12) To acquire real estate, equipment, and other
10 property.

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

14 (14) To delegate to state agencies the powers of
15 acquisition and utilization of information technology
16 ~~communications~~ equipment, facilities, and services or to
17 control and approve the purchase, lease, and use of all
18 information technology ~~communications~~ equipment, services, and
19 facilities, including communications services provided as part
20 of any other total system to be used by the state or any of
21 its agencies. ~~This subsection does not apply to the data~~
22 ~~processing hardware of an agency as defined in this part.~~

23 (15) To take ownership, custody, and control of
24 existing communications equipment and facilities, with agency
25 concurrence, including all right, title, interest, and equity
26 therein, to carry out the purposes of ss. 282.101-282.109.
27 However, the provisions of this subsection shall in no way
28 affect the rights, title, interest, or equity in any such
29 equipment or facilities owned by, or leased to, the state or
30 any state agency by any telecommunications company.

31 (16) To adopt ~~prescribe~~ rules pursuant to ss. 120.54

1 and 120.536(1) relating to information technology and to
2 administer the provisions of this part ~~and regulations for the~~
3 ~~use of the state communications system.~~

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

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

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

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

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

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

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

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

29 (e) Ensuring orderly and reliable communications
30 services in accordance with the standards and policies of all
31 state agencies and the service agreements executed with state

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1 agencies.

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

13 (22) To enter into contracts or agreements, with or
14 without competitive bidding or procurement, to make available,
15 on a fair, reasonable, and nondiscriminatory basis, property
16 and other structures under office department control for the
17 placement of new facilities by any wireless provider of mobile
18 service as defined in 47 U.S.C. s. 153(n) or s. 332(d) and any
19 telecommunications company as defined in s. 364.02 when it is
20 determined to be practical and feasible to make such property
21 or other structures available. The office department may,
22 without adopting a rule, charge a just, reasonable, and
23 nondiscriminatory fee for the placement of the facilities,
24 payable annually, based on the fair market value of space used
25 by comparable communications facilities in the state. The
26 office department and a wireless provider or
27 telecommunications company may negotiate the reduction or
28 elimination of a fee in consideration of services provided to
29 the office department by the wireless provider or
30 telecommunications company. All such fees collected by the
31 office department shall be deposited directly into the State

1 Agency Law Enforcement Radio System Trust Fund, and may be
2 used by the office department to construct, maintain, or
3 support the system.

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

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

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

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

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

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

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

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

31 (29) To facilitate the development of a network access

1 point in this state, as needed.

2 Section 6. Section 282.103, Florida Statutes, is
3 amended to read:

4 282.103 SUNCOM Network; exemptions from the required
5 use.--

6 (1) There is created within the State Technology
7 Office of the Department of Management Services the SUNCOM
8 Network which shall be developed to serve as the state
9 communications system for providing local and long-distance
10 communications services to state agencies, political
11 subdivisions of the state, municipalities, and nonprofit
12 corporations pursuant to ss. 282.101-282.111. The SUNCOM
13 Network shall be developed to transmit all types of
14 communications signals, including, but not limited to, voice,
15 data, video, image, and radio. State agencies shall cooperate
16 and assist in the development and joint use of communications
17 systems and services.

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

24 (3) All state agencies are required to use the SUNCOM
25 Network for agency communications services as the services
26 become available; however, no agency is relieved of
27 responsibility for maintaining communications services
28 necessary for effective management of its programs and
29 functions. If a SUNCOM Network service does not meet the
30 communications requirements of an agency, the agency shall
31 notify the State Technology Office of the Department of

1 Management Services in writing and detail the requirements for
2 that communications service. If the office department is
3 unable, ~~within 90 days,~~ to meet an agency's requirements by
4 enhancing SUNCOM Network service, the office department shall
5 grant the agency an exemption from the required use of
6 specified SUNCOM Network services.

7 Section 7. Section 282.104, Florida Statutes, is
8 amended to read:

9 282.104 Use of state SUNCOM Network by
10 municipalities.--Any municipality may request the State
11 Technology Office of the Department of Management Services to
12 provide any or all of the SUNCOM Network's portfolio of
13 communications services upon such terms and under such
14 conditions as the department may establish. The requesting
15 municipality shall pay its share of installation and recurring
16 costs according to the published rates for SUNCOM Network
17 services and as invoiced by the office department. Such
18 municipality shall also pay for any requested modifications to
19 existing SUNCOM Network services, if any charges apply.

20 Section 8. Section 282.105, Florida Statutes, is
21 amended to read:

22 282.105 Use of state SUNCOM Network by nonprofit
23 corporations.--

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

31 (a) Expend the majority of its total direct revenues

1 for the provision of contractual services to the state, a
2 municipality, or a political subdivision of the state; and

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

7 (2) Each nonprofit corporation seeking authorization
8 to use the state SUNCOM Network pursuant to this section shall
9 provide to the office department, upon request, proof of
10 compliance with subsection (1).

11 (3) Nonprofit corporations established pursuant to
12 general law and an association of municipal governments which
13 is wholly owned by the municipalities shall be eligible to use
14 the state SUNCOM Network, subject to the terms and conditions
15 of the office department.

16 (4) Institutions qualified pursuant to s. 240.605
17 shall be eligible to use the state SUNCOM Network, subject to
18 the terms and conditions of the office department. Such
19 entities shall not be required to satisfy the other criteria
20 of this section.

21 (5) Private, nonprofit elementary and secondary
22 schools shall be eligible for rates and services on the same
23 basis as public schools, providing these nonpublic schools do
24 not have an endowment in excess of \$50 million.

25 Section 9. Section 282.106, Florida Statutes, is
26 amended to read:

27 282.106 Use of SUNCOM Network by libraries.--The State
28 Technology Office of the Department of Management Services may
29 provide SUNCOM Network services to any library in the state,
30 including libraries in public schools, community colleges, the
31 State University System, and nonprofit private postsecondary

1 educational institutions, and libraries owned and operated by
2 municipalities and political subdivisions.

3 Section 10. Subsections (1) and (2) of section
4 282.107, Florida Statutes, are amended to read:

5 282.107 SUNCOM Network; criteria for usage.--

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

15 (2) The State Technology Office ~~division~~ shall adopt
16 rules setting forth its procedures for withdrawing and
17 restoring authorization to use the state SUNCOM Network. Such
18 rules shall provide a minimum of 30 days' notice to affected
19 parties prior to termination of voice communications service.

20 Section 11. Section 282.1095, Florida Statutes, is
21 amended to read:

22 282.1095 State agency law enforcement radio system.--

23 (1) The State Technology Office of the Department of
24 Management Services may acquire and implement a statewide
25 radio communications system to serve law enforcement units of
26 state agencies, and to serve local law enforcement agencies
27 through a mutual aid channel. The Joint Task Force on State
28 Agency Law Enforcement Communications is established in the
29 State Technology Office of the Department of Management
30 Services to advise the office ~~department~~ of member-agency
31 needs for the planning, designing, and establishment of the

1 joint system. The State Agency Law Enforcement Radio System
2 Trust Fund is established in the State Technology Office of
3 the Department of Management Services. The trust fund shall be
4 funded from surcharges collected under ss. 320.0802 and
5 328.72.

6 (2)(a) The Joint Task Force on State Agency Law
7 Enforcement Communications shall consist of eight members, as
8 follows:

9 1. A representative of the Division of Alcoholic
10 Beverages and Tobacco of the Department of Business and
11 Professional Regulation who shall be appointed by the
12 secretary of the department.

13 2. A representative of the Division of Florida Highway
14 Patrol of the Department of Highway Safety and Motor Vehicles
15 who shall be appointed by the executive director of the
16 department.

17 3. A representative of the Department of Law
18 Enforcement who shall be appointed by the executive director
19 of the department.

20 4. A representative of the Fish and Wildlife
21 Conservation Commission who shall be appointed by the
22 executive director of the commission.

23 5. A representative of the Division of Law Enforcement
24 of the Department of Environmental Protection who shall be
25 appointed by the secretary of the department.

26 6. A representative of the Department of Corrections
27 who shall be appointed by the secretary of the department.

28 7. A representative of the Division of State Fire
29 Marshal of the Department of Insurance who shall be appointed
30 by the State Fire Marshal.

31 8. A representative of the Department of

1 Transportation who shall be appointed by the secretary of the
2 department.

3 (b) Each appointed member of the joint task force
4 shall serve at the pleasure of the appointing official. Any
5 vacancy on the joint task force shall be filled in the same
6 manner as the original appointment.

7 (c) The joint task force shall elect a chair from
8 among its members to serve a 1-year term. A vacancy in the
9 chair of the joint task force must be filled for the remainder
10 of the unexpired term by an election of the joint task force
11 members.

12 (d) The joint task force shall meet as necessary, but
13 at least quarterly, at the call of the chair and at the time
14 and place designated by him or her.

15 (e) The per diem and travel expenses incurred by a
16 member of the joint task force in attending its meetings and
17 in attending to its affairs shall be paid pursuant to s.
18 112.061, from funds budgeted to the state agency that the
19 member represents.

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

1 be used by the office department to construct, maintain, or
2 support the system.

3 (g) The State Technology Office of the Department of
4 Management Services is hereby authorized to rent, lease, or
5 sublease ground space on lands acquired by the office
6 ~~department~~ for the construction of privately owned or publicly
7 owned towers. The office department may, as a part of such
8 rental, lease, or sublease agreement, require space on said
9 tower or towers for antennae as may be necessary for the
10 construction and operation of the state agency law enforcement
11 radio system or any other state need. The positions necessary
12 for the office department to accomplish its duties under this
13 paragraph and paragraph (f) shall be established in the
14 General Appropriations Act and shall be funded by the State
15 Agency Law Enforcement Radio System Trust Fund.

16 (3) Upon appropriation, moneys in the trust fund may
17 be used by the office department to acquire by competitive
18 procurement the equipment; software; and engineering,
19 administrative, and maintenance services it needs to
20 construct, operate, and maintain the statewide radio system.
21 Moneys in the trust fund collected as a result of the
22 surcharges set forth in ss. 320.0802 and 328.72 shall be used
23 to help fund the costs of the system. Upon completion of the
24 system, moneys in the trust fund may also be used by the
25 office department to provide for payment of the recurring
26 maintenance costs of the system. Moneys in the trust fund may
27 be appropriated to maintain and enhance, over and above
28 existing agency budgets, existing radio equipment systems of
29 the state agencies represented by the task force members, in
30 an amount not to exceed 10 percent per year per agency, of the
31 existing radio equipment inventory until the existing radio

1 equipment can be replaced pursuant to implementation of the
2 statewide radio communications system.

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

7 (b) The joint task force shall have the authority to
8 permit other state agencies to use the communications system,
9 under terms and conditions established by the joint task
10 force.

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

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

22 Section 12. Section 282.111, Florida Statutes, is
23 amended to read:

24 282.111 Statewide system of regional law enforcement
25 communications.--

26 (1) It is the intent and purpose of the Legislature
27 that a statewide system of regional law enforcement
28 communications be developed whereby maximum efficiency in the
29 use of existing radio channels is achieved in order to deal
30 more effectively with the apprehension of criminals and the
31 prevention of crime generally. To this end, all law

1 enforcement agencies within the state are directed to provide
2 the State Technology Office of the Department of Management
3 Services with any information the office ~~department~~ requests
4 for the purpose of implementing the provisions of subsection
5 (2).

6 (2) The State Technology Office of the Department of
7 Management Services is hereby authorized and directed to
8 develop and maintain a statewide system of regional law
9 enforcement communications. In formulating such a system, the
10 office ~~department~~ shall divide the state into appropriate
11 regions and shall develop a program which shall include, but
12 not be limited to, the following provisions:

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

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

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

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

26 (4) The Chief Information Officer of the State
27 Technology Office ~~Secretary of Management Services~~ or his or
28 her designee is designated as the director of the statewide
29 system of regional law enforcement communications and, for the
30 purpose of carrying out the provisions of this section, is
31 authorized to coordinate the activities of the system with

1 other interested state agencies and local law enforcement
2 agencies.

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

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

13 Section 13. Section 282.20, Florida Statutes, is
14 amended to read:

15 282.20 Technology Resource Center.--

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

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

20 1. "Office" ~~Department~~ means the State Technology
21 Office of the Department of Management Services.

22 ~~2. "Division" means the Division of Information~~
23 ~~Services of the Department of Management Services.~~

24 ~~2.3.~~ "Information-system utility" means a full-service
25 information-processing facility offering hardware, software,
26 operations, integration, networking, and consulting services.

27 ~~3.4.~~ "Customer" means a state agency or other entity
28 which is authorized to utilize the SUNCOM Network pursuant to
29 this part.

30 (2) The ~~division and the~~ Technology Resource Center
31 shall:

- 1 (a) Serve the office ~~department~~ and other customers as
2 an information-system utility.
- 3 (b) Cooperate with ~~the Information Resource Commission~~
4 ~~and with other~~ customers to offer, develop, and support a wide
5 range of services and applications needed by users of the
6 Technology Resource Center.
- 7 (c) Cooperate with the Florida Legal Resource Center
8 of the Department of Legal Affairs and other state agencies to
9 develop and provide access to repositories of legal
10 information throughout the state.
- 11 (d) Cooperate with the office ~~Division of~~
12 ~~Communications of the department~~ to facilitate
13 interdepartmental networking and integration of network
14 services for its customers.
- 15 (e) Assist customers in testing and evaluating new and
16 emerging technologies that could be used to meet the needs of
17 the state.
- 18 (3) The office ~~division~~ may contract with customers to
19 provide any combination of services necessary for agencies to
20 fulfill their responsibilities and to serve their users.
- 21 (4) Acceptance of any new customer other than a state
22 agency which is expected to pay during the initial 12 months
23 of use more than 5 percent of the previous year's revenues of
24 the Technology Resource Center shall be contingent upon
25 approval of the Office of Planning and Budgeting in a manner
26 similar to the budget amendment process in s. 216.181.
- 27 (5) The Technology Resource Center may plan, design,
28 establish pilot projects for, and conduct experiments with
29 information technology resources, and may implement
30 enhancements in services when such implementation is
31 cost-effective. Funding for experiments and pilot projects

1 shall be derived from service revenues and may not exceed 5
2 percent of the service revenues for the Technology Resource
3 Center for any single fiscal year. Any experiment, pilot
4 project, plan, or design must be approved by the Chief
5 Information Officer of the State Technology Office ~~data~~
6 ~~processing policy board of the center.~~

7 (6) Notwithstanding the provisions of s. 216.272, the
8 Technology Resource Center may spend the funds in the reserve
9 account of its working capital trust fund for enhancements to
10 center operations or for information technology resources. Any
11 expenditure of reserve account funds must be approved by the
12 Chief Information Officer of the State Technology Office ~~data~~
13 ~~processing policy board of the center.~~ Any funds remaining in
14 the reserve account at the end of the fiscal year may be
15 carried forward and spent as approved by the Chief Information
16 Officer of the State Technology Office, provided that such
17 approval conforms to any applicable provisions of chapter 216
18 ~~policy board.~~

19 Section 14. Section 282.21, Florida Statutes, is
20 amended to read:

21 282.21 The State Technology Office of the Department
22 of Management Services' electronic access services.--The State
23 Technology Office of the Department of Management Services may
24 collect fees for providing remote electronic access pursuant
25 to s. 119.085. The fees may be imposed on individual
26 transactions or as a fixed subscription for a designated
27 period of time. All fees collected under this section shall
28 be deposited in the appropriate trust fund of the program or
29 activity that made the remote electronic access available.

30 Section 15. Section 282.22, Florida Statutes, is
31 amended to read:

1 282.22 The State Technology Office of the Department
2 of Management Services production and dissemination of
3 materials and products.--

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

14 (2) To accomplish this objective the office department
15 is authorized to publish or partner with private sector
16 entities to ~~produce~~ or have produced materials and products
17 and to make them readily available for appropriate use. The
18 office department is authorized to charge an amount or receive
19 value-added services adequate to cover the essential cost of
20 producing and disseminating such materials, information,
21 services, or ~~and~~ products and is authorized to sell services,
22 when appropriate, copies for use to any entity who is
23 authorized to use ~~utilize~~ the SUNCOM Network pursuant to this
24 part and to the public.

25 (3) In cases in which the materials or products are of
26 such nature, or the circumstances are such, that it is not
27 practicable or feasible for the office department to produce
28 or have produced materials and products so developed, it is
29 authorized, after review and approval by the Executive Office
30 of the Governor ~~Department of State~~, to license, lease,
31 assign, sell, or otherwise give written consent to any person,

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1 firm, or corporation for the manufacture or use thereof, on a
2 royalty basis, or for such other consideration as the office
3 ~~department~~ shall deem proper and in the best interest of the
4 state; the office ~~department~~ is authorized and directed to
5 protect same against improper or unlawful use or infringement
6 and to enforce the collection of any sums due for the
7 manufacture or use thereof by any other party.

8 (4) All proceeds from the sale of such materials and
9 products or other money collected pursuant to this section
10 shall be deposited into the Grants and Donations Trust Fund of
11 the office ~~department~~ and, when properly budgeted as approved
12 by the Legislature and the Executive Office of the Governor,
13 used to pay the cost of producing and disseminating materials
14 and products to carry out the intent of this section.

15 Section 16. Section 282.303, Florida Statutes, is
16 amended to read:

17 282.303 Definitions.--For the purposes of ss.
18 282.303-282.322, the term:

19 (1) "Agency" means those entities described in s.
20 216.011(1)(mm) ~~chapter 216~~.

21 ~~(2) "State Technology Council" means the council~~
22 ~~created in s. 282.3091 to develop a statewide vision for, and~~
23 ~~make recommendations on, information resources management.~~

24 ~~(2)(3)~~ (3) "Chief Information Officer" means the person
25 appointed by the agency head, in consultation with the State
26 Technology Office, to coordinate and manage the information
27 resources management policies and activities within that
28 agency.

29 ~~(3)(4)~~ (4) "Chief Information Officers Council" means the
30 council created in s. 282.315 to facilitate the sharing and
31 coordination of information resources management issues and

1 initiatives among the agencies.

2 (4)(5) "State Technology Office" means the office
3 created in s. 282.102 ~~s. 282.3093~~ to support and coordinate
4 cost-effective deployment of technology and information
5 resources and services across state government ~~specified~~
6 ~~information resources management activities and to facilitate~~
7 ~~educational and training opportunities.~~

8 (5)(6) "Information technology" ~~"Data processing~~
9 hardware" means ~~information technology~~ equipment designed for
10 the automated storage, manipulation, and retrieval of data,
11 voice or video, by electronic or mechanical means, or both,
12 and includes, but is not limited to, central processing units,
13 front-end processing units, including miniprocessors and
14 microprocessors, and related peripheral equipment such as data
15 storage devices, document scanners, data entry, terminal
16 controllers and data terminal equipment, ~~computer-related~~ word
17 processing systems, ~~and~~ equipment and systems for computer
18 networks, personal communication devices, and wireless
19 equipment.

20 (6)(7) "Information technology" ~~"Data processing~~
21 services" means all services that include, but are not limited
22 to, feasibility studies, systems design, software development,
23 enterprise resource planning, application service provision,
24 consulting, or time-sharing services.

25 (7)(8) "Data processing software" means the programs
26 and routines used to employ and control the capabilities of
27 data processing hardware, including, but not limited to,
28 operating systems, compilers, assemblers, utilities, library
29 routines, maintenance routines, applications, and computer
30 networking programs.

31 (8)(9) "Agency Annual Enterprise Resource Planning and

1 ~~Information Resources~~ Management Report" means the report
2 prepared by the Chief Information Officer of each agency as
3 required by s. 282.3063.

4 (9)~~(10)~~ "State Annual Report on Enterprise Resource
5 Planning and Information Resources Management" means the
6 report prepared by the State Technology Office as defined in
7 s. 282.3093.

8 (10)~~(11)~~ "Project" means an undertaking directed at
9 the accomplishment of a strategic objective relating to
10 enterprise information resources management or a specific
11 appropriated program.

12 (11)~~(12)~~ "Enterprise resource planning and information
13 ~~resources~~ management" means the planning, budgeting,
14 acquiring, developing, organizing, directing, training, and
15 control associated with government information technology
16 resources. The term encompasses information and related
17 resources, as well as the controls associated with their
18 acquisition, development, dissemination, and use.

19 (12)~~(13)~~ "Information technology resources" means data
20 processing hardware and software and services, communications,
21 supplies, personnel, facility resources, maintenance, and
22 training.

23 (13)~~(14)~~ "Enterprise Information resources management
24 infrastructure" means the hardware, software, networks, data,
25 human resources, policies, standards, and facilities that are
26 required to support the business processes of an agency or
27 state enterprise.

28 (14)~~(15)~~ "Technology Review Workgroup" means the
29 workgroup created in s. 216.0446 to review and make
30 recommendations on agencies' information resources management
31 planning and budgeting proposals.

1 ~~(15)~~(16) "Total cost" means all costs associated with
2 information resources management projects or initiatives,
3 including, but not limited to, value of hardware, software,
4 service, maintenance, incremental personnel, and facilities.
5 Total cost of a loan or gift of information technology
6 resources to an agency includes the fair market value of the
7 resources, except that the total cost of loans or gifts of
8 information technology resources to state universities to be
9 used in instruction or research does not include fair market
10 value.

11 (16) "Standards" means the use of current, open,
12 nonproprietary, or non-vendor-specific technologies.

13 Section 17. Section 282.3031, Florida Statutes, is
14 amended to read:

15 282.3031 Assignment of information resources
16 management responsibilities.--For purposes of ss.
17 282.303-282.322, to ensure the best management of state
18 information technology resources, and notwithstanding other
19 provisions of law to the contrary, the functions of
20 information resources management are hereby assigned to the
21 Board of Regents as the agency responsible for the development
22 and implementation of policy, planning, management,
23 rulemaking, standards, and guidelines for the State University
24 System; to the State Board of Community Colleges as the agency
25 responsible for establishing and developing rules and policies
26 for the Florida Community College System; to the Supreme Court
27 for the judicial branch; ~~and~~ to each state attorney and public
28 defender; and to the State Technology Office for the agencies
29 within the executive branch of state government.

30 Section 18. Subsections (1), (2), (3), (5), (7) and
31 (10) of section 282.3032, Florida Statutes, are amended to

1 read:

2 282.3032 Development and implementation of information
3 systems; guiding principles.--To ensure the best management of
4 the state's information technology resources, the following
5 guiding principles are adopted:

6 (1) Enterprise resource ~~Cooperative~~ planning by state
7 governmental entities is a prerequisite for the effective
8 development and implementation of information systems to
9 enable sharing of data and cost-effective and efficient
10 services to individuals.

11 (2) The enterprise resource planning process, as well
12 as coordination of development efforts, should include all
13 principals from the outset.

14 (3) State governmental entities should be committed to
15 maximizing information sharing and participate in
16 enterprise-wide efforts when appropriate ~~moving away from~~
17 ~~proprietary positions taken relative to data they collect and~~
18 ~~maintain.~~

19 (4) State governmental entities should maximize public
20 access to data, while complying with legitimate security,
21 privacy, and confidentiality requirements.

22 (5) State governmental entities should strive for an
23 integrated electronic system for providing individuals with
24 ~~sharing of~~ information ~~via networks~~ to the extent possible.

25 (7) The redundant capture, storage, and dissemination
26 of data should, insofar as possible, be eliminated.

27 (10) Integration ~~Consistency~~ of data elements should
28 be achieved by establishing standard ~~data~~ definitions, and
29 formats, and integrated electronic systems, when possible.

30 Section 19. Section 282.3041, Florida Statutes, is
31 amended to read:

1 282.3041 State agency responsibilities.--The head of
2 each state agency, in consultation with the State Technology
3 Office, is responsible and accountable for enterprise resource
4 planning and ~~information resources~~ management within the
5 agency in accordance with legislative intent and as defined in
6 this part.

7 Section 20. Section 282.3055, Florida Statutes, is
8 amended to read:

9 282.3055 Agency Chief Information Officer;
10 appointment; duties.--

11 (1)(a) To assist the agency head in carrying out the
12 enterprise resource planning and ~~information resources~~
13 management responsibilities, the agency head shall appoint, in
14 consultation with the State Technology Office, or contract for
15 a Chief Information Officer at a level commensurate with the
16 role and importance of information technology resources in the
17 agency. This position may be full time or part time.

18 (b) The Chief Information Officer must, at a minimum,
19 have knowledge and experience in both management and
20 information technology resources.

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

23 (a) Coordinating and facilitating agency enterprise
24 resource planning and ~~information resources~~ management
25 projects and initiatives.

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

29 (c) Developing and implementing agency enterprise
30 resource planning and ~~information resources~~ management
31 policies, procedures, and standards, including specific

1 policies and procedures for review and approval of the
2 agency's purchases of information technology resources.

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

7 (e) Assisting in the development and prioritization of
8 the enterprise resource planning and information resources
9 management schedule of the agency's legislative budget
10 request.

11 Section 21. Section 282.3063, Florida Statutes, is
12 amended to read:

13 282.3063 Agency Annual Enterprise Resource Planning
14 and Information Resources Management Report.--

15 (1) By September 1 of each year, and for the State
16 University System within 90 days after completion of the
17 expenditure analysis developed pursuant to s. 240.271(4), each
18 Chief Information Officer shall prepare and submit to the
19 State Technology Office an Agency Annual Enterprise Resource
20 Planning and Information Resources Management Report.

21 Following consultation with the State Technology Office
22 ~~Council~~ and the Chief Information Officers Council, the
23 Executive Office of the Governor and the fiscal committees of
24 the Legislature shall jointly develop and issue instructions
25 for the format and contents of the report.

26 (2) The Agency Annual Enterprise Resource Planning and
27 Information Resources Management Report shall contain, at a
28 minimum, the following:

29 (a) A forecast of enterprise resource planning and
30 information resources management priorities and initiatives
31 for the ensuing 2 years.

1 (b) A description of the current enterprise resource
2 planning and information resources management infrastructure
3 of the agency and planned changes for the ensuing 2 years.

4 (c) A status report on the major enterprise resource
5 planning and information resources management projects of the
6 agency.

7 (d) An assessment of the progress made toward
8 implementing the prior fiscal year legislative appropriation
9 to the agency for enterprise resource planning and information
10 resources management.

11 (e) The estimated expenditures by the agency for
12 enterprise resource planning and information resources
13 management for the prior fiscal year.

14 (f) An inventory list, by major categories, of the
15 agency information technology resources, which specifically
16 identifies the resources acquired during the previous fiscal
17 year.

18 (g) An assessment of opportunities for the agency to
19 share enterprise resource planning and information resources
20 management projects or initiatives with other governmental or
21 private entities.

22 (h) A list of enterprise resource planning and
23 information resources management issues the agency has
24 identified as statewide issues ~~or critical information~~
25 ~~resources management issues for which the State Technology~~
26 ~~Council could provide future leadership or assistance.~~

27 Section 22. Section 282.3095, Florida Statutes, is
28 created to read:

29 282.3095 Task Force on Privacy and Technology.--

30 (1) The State Technology Office shall create a Task
31 Force on Privacy and Technology. The task force shall include

1 professionals in the fields of communications, government, law
2 enforcement, law, marketing, technology, and financial
3 services, including, but not limited to, the Florida
4 Association of Court Clerks and Comptrollers, the Florida
5 Insurance Council, the Society of Consumer Affairs
6 Professionals in Business, the Florida Retail Federation, and
7 the Office of Statewide Prosecution. The task force shall
8 study and make policy recommendations by February 1, 2001 to
9 the Legislature and the Governor which includes, but is not
10 limited to:

11 (a) Privacy issues under the constitutions and laws of
12 the United States and the State of Florida, the Public Records
13 Act, and the advent of the use of advanced technologies.

14 (b) Technology fraud, including, but not limited to,
15 the illegal use of citizens' identities and credit.

16 (c) Balancing the traditional openness of public
17 records in the state with the need to protect the privacy and
18 identity of individuals.

19 (d) The sale of public records to private individuals
20 and companies.

21 (2) The task force shall recommend to the State
22 Technology Office no fewer than three pilot projects designed
23 to further the deployment of electronic access with protection
24 of privacy. The pilot projects shall apply technologies and
25 operating procedures to increase electronic access to public
26 records and to reduce the reliance on paper documents while
27 including safeguards for the protection of privacy rights and
28 confidential information.

29 (3) In order to carry out its duties and
30 responsibilities, the task force shall hold public meetings
31 necessary to gather the best available knowledge regarding

1 these issues. The State Technology Office shall staff the task
2 force as necessary. The members of the task force shall serve
3 without compensation, but shall be reimbursed for reasonable
4 and necessary expenses of attending the public meetings and
5 performing duties of the task force, including per diem and
6 travel expenses as provided in s. 112.061. Such expenses shall
7 be reimbursed from funds of the Department of Highway Safety
8 and Motor Vehicles. This subsection expires July 1, 2001.

9 Section 23. Section 282.310, Florida Statutes, is
10 amended to read:

11 282.310 State Annual Report on Enterprise Resource
12 Planning and Information Resources Management.--

13 (1) By February ~~January~~ 15 of each year, the State
14 Technology Office shall develop a State Annual Report on
15 Enterprise Resource Planning and Information Resources
16 Management.

17 (2) The State Annual Report on Enterprise Resource
18 Planning and Information Resources Management shall contain,
19 at a minimum, the following:

20 (a) The state vision for enterprise resource planning
21 and information resources management.

22 (b) A forecast of the state enterprise resource
23 planning and information resources management priorities and
24 initiatives for the ensuing 2 years.

25 (c) A summary of major statewide policies recommended
26 by the State Technology Office Council for enterprise resource
27 planning and information resources management.

28 (d) A summary of memoranda issued by the Executive
29 Office of the Governor.

30 (e) An assessment of the overall progress toward an
31 integrated electronic system for deploying government

1 products, services, and information to individuals and
2 businesses and on state enterprise resource planning and
3 ~~information resources~~ management initiatives and priorities
4 for the past fiscal year.

5 (f) A summary of major statewide issues related to
6 improving enterprise resource planning and information
7 ~~resources~~ management by the state.

8 (g) An inventory list, by major categories, of state
9 information technology resources.

10 (h) A summary of the total agency expenditures or
11 descriptions of agreements, contracts, or partnerships for
12 enterprise resource planning and information resources
13 management and of enterprise-wide procurements done by the
14 office on behalf of the state by each state agency.

15 (i) A summary of the opportunities for government
16 agencies or entities to share enterprise resource planning and
17 ~~information resources~~ management projects or initiatives with
18 other governmental or private sector entities.

19 ~~(j) A list of the information resources management~~
20 ~~issues that have been identified as statewide or critical~~
21 ~~issues for which the State Technology Council could provide~~
22 ~~leadership or assistance.~~

23
24 The state annual report shall also include enterprise resource
25 planning and information resources management information from
26 the annual reports prepared by the Board of Regents for the
27 State University System, from the State Board of Community
28 Colleges for the Florida Community College System, from the
29 Supreme Court for the judicial branch, and from the Justice
30 Administrative Commission on behalf of the state attorneys and
31 public defenders. Expenditure information shall be taken from

1 each agency's annual report as well as the annual reports of
2 the Board of Regents, the State Board of Community Colleges,
3 the Supreme Court, and the Justice Administrative Commission.

4 (3) The state annual report shall be made available in
5 writing or through electronic means to the Executive Office of
6 the Governor, the President of the Senate, the Speaker of the
7 House of Representatives, and the Chief Justice of the Supreme
8 Court.

9 Section 24. Section 282.315, Florida Statutes, is
10 amended to read:

11 282.315 Chief Information Officers Council;
12 creation.--The Legislature finds that enhancing communication,
13 consensus building, coordination, and facilitation of
14 statewide enterprise resource planning and information
15 ~~resources~~ management issues is essential to improving state
16 management of such resources.

17 (1) There is created a Chief Information Officers
18 Council to:

19 (a) Enhance communication among the Chief Information
20 Officers of state agencies by sharing enterprise resource
21 planning and information resources management experiences and
22 exchanging ideas.

23 (b) Facilitate the sharing of best practices that are
24 characteristic of highly successful technology organizations,
25 as well as exemplary information technology applications of
26 state agencies.

27 (c) Identify efficiency opportunities among state
28 agencies.

29 (d) Serve as an educational forum for enterprise
30 resource planning and information resources management issues.

31 (e) Assist the State Technology Office Council in

1 identifying critical statewide issues and, when appropriate,
2 make recommendations for solving enterprise resource planning
3 and information resources management deficiencies.

4 (2) Members of the council shall include the Chief
5 Information Officers of all state agencies, including the
6 Chief Information Officers of the agencies and governmental
7 entities enumerated in s. 282.3031, except that there shall be
8 one Chief Information Officer selected by the state attorneys
9 and one Chief Information Officer selected by the public
10 defenders. The chairs, or their designees, of the Geographic
11 Information Board, the Florida Financial Management
12 Information System Coordinating Council, the Criminal and
13 Juvenile Justice Information Systems Council, and the Health
14 Information Systems Council shall represent their respective
15 organizations on the Chief Information Officers Council as
16 voting members.

17 (3) The State Technology Office shall provide
18 administrative support to the council.

19 Section 25. Section 282.318, Florida Statutes, is
20 amended to read:

21 282.318 Security of data and information technology
22 resources.--

23 (1) This section may be cited as the "Security of Data
24 and Information Technology Resources Act."

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

30 1. Designate an information security manager who shall
31 administer the security program of the agency for its data and

1 information technology resources.

2 2. Conduct, and periodically update, a comprehensive
3 risk analysis to determine the security threats to the data
4 and information technology resources of the agency. The risk
5 analysis information is confidential and exempt from the
6 provisions of s. 119.07(1), except that such information shall
7 be available to the Auditor General in performing his or her
8 postauditing duties.

9 3. Develop, and periodically update, written internal
10 policies and procedures to assure the security of the data and
11 information technology resources of the agency. The internal
12 policies and procedures which, if disclosed, could facilitate
13 the unauthorized modification, disclosure, or destruction of
14 data or information technology resources are confidential
15 information and exempt from the provisions of s. 119.07(1),
16 except that such information shall be available to the Auditor
17 General in performing his or her postauditing duties.

18 4. Implement appropriate cost-effective safeguards to
19 reduce, eliminate, or recover from the identified risks to the
20 data and information technology resources of the agency.

21 5. Ensure that periodic internal audits and
22 evaluations of the security program for the data and
23 information technology resources of the agency are conducted.
24 The results of such internal audits and evaluations are
25 confidential information and exempt from the provisions of s.
26 119.07(1), except that such information shall be available to
27 the Auditor General in performing his or her postauditing
28 duties.

29 6. Include appropriate security requirements, as
30 determined by the agency, in the written specifications for
31 the solicitation of information technology resources.

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

7 Section 26. Subsections (2), (3), (4), (6), (7), and
8 (8) of section 282.404, Florida Statutes, are amended to read:

9 282.404 Geographic information board; definition;
10 membership; creation; duties; advisory council; membership;
11 duties.--

12 (2)(a) The Florida Geographic Information Board is
13 created in the State Technology ~~Executive Office of the~~
14 ~~Governor~~. The purpose of the board is to facilitate the
15 identification, coordination, collection, and sharing of
16 geographic information among federal, state, regional, and
17 local agencies, and the private sector. The board shall
18 develop solutions, policies, and standards to increase the
19 value and usefulness of geographic information concerning
20 Florida. In formulating and developing solutions, policies,
21 and standards, the board shall provide for and consider input
22 from other public agencies, such as the state universities,
23 large and small municipalities, urban and rural county
24 governments, and the private sector.

25 (b) The Geographic Information Board may issue
26 guidelines on recommended best practices, including
27 recommended policies and standards, for the identification,
28 coordination, collection, and sharing of geographic
29 information.

30 (c) The Geographic Information Board may contract for,
31 accept, and make gifts, grants, loans, or other aid from and

1 to any other governmental entity and to any person. Members
2 may contribute, and the board may receive and expend, funds
3 for board initiatives.

4 (3) The board consists of the Chief Information
5 Officer in the State Technology Office ~~Director of Planning~~
6 ~~and Budgeting within the Executive Office of the Governor~~, the
7 executive director of the Fish and Wildlife Conservation
8 Commission, the executive director of the Department of
9 Revenue, and the State Cadastral Surveyor, as defined in s.
10 177.503, or their designees, and the heads of the following
11 agencies, or their designees: the Department of Agriculture
12 and Consumer Services, the Department of Community Affairs,
13 the Department of Environmental Protection, the Department of
14 Transportation, and the Board of Professional Surveyors and
15 Mappers. The Governor shall appoint to the board one member
16 each to represent the counties, municipalities, regional
17 planning councils, water management districts, and county
18 property appraisers. The Governor shall initially appoint two
19 members to serve 2-year terms and three members to serve
20 4-year terms. Thereafter, the terms of all appointed members
21 must be 4 years and the terms must be staggered. Members may
22 be appointed to successive terms and incumbent members may
23 continue to serve the board until a new appointment is made.

24 (4) The Chief Information Officer in the State
25 Technology Office ~~Director of Planning and Budgeting of the~~
26 ~~Executive Office of the Governor~~, or his or her designee,
27 shall serve as the chair of the board. A majority of the
28 membership of the board constitutes a quorum for the conduct
29 of business. The board shall meet at least twice each year,
30 and the chair may call a meeting of the board as often as
31 necessary to transact business. Administrative and clerical

1 support to the board shall be provided by the State Technology
2 Office of the Department of Management Services.

3 (6) The Florida Geographic Information Advisory
4 Council is created in the State Technology Office ~~Executive~~
5 ~~Office of the Governor~~ to provide technical assistance and
6 recommendations to the board.

7 (7) The Geographic Information Advisory Council
8 consists of one member each from the State Technology Office
9 ~~Office of Planning and Budgeting within the Executive Office~~
10 ~~of the Governor~~, the Fish and Wildlife Conservation
11 Commission, the Department of Revenue, the Department of
12 Agriculture and Consumer Services, the Department of Community
13 Affairs, the Department of Environmental Protection, the
14 Department of Transportation, the State Cadastral Surveyor,
15 the Board of Professional Surveyors and Mappers, counties,
16 municipalities, regional planning councils, water management
17 districts, and property appraisers, as appointed by the
18 corresponding member of the board, and the State Geologist.
19 The Governor shall appoint to the council one member each, as
20 recommended by the respective organization, to represent the
21 Department of Children and Family Services, the Department of
22 Health, the Florida Survey and Mapping Society, Florida Region
23 of the American Society of Photogrammetry and Remote Sensing,
24 Florida Association of Cadastral Mappers, the Florida
25 Association of Professional Geologists, Florida Engineering
26 Society, Florida Chapter of the Urban and Regional Information
27 Systems Association, the forestry industry, the State
28 University System survey and mapping academic research
29 programs, and State University System geographic information
30 systems academic research programs; and two members
31 representing utilities, one from a regional utility, and one

1 from a local or municipal utility. These persons must have
2 technical expertise in geographic information issues. The
3 Governor shall initially appoint six members to serve 2-year
4 terms and six members to serve 4-year terms. Thereafter, the
5 terms of all appointed members must be 4 years and must be
6 staggered. Members may be appointed to successive terms, and
7 incumbent members may continue to serve the council until a
8 successor is appointed. Representatives of the Federal
9 Government may serve as ex officio members without voting
10 rights.

11 (8) A majority of the membership constitutes a quorum
12 for the conduct of business and shall elect the chair of the
13 advisory council biennially. The council shall meet at least
14 twice a year, and the chair may call meetings as often as
15 necessary to transact business or as directed by the board.
16 The chair, or his or her designee, shall attend all board
17 meetings on behalf of the council. Administrative and clerical
18 support shall be provided by the State Technology Office of
19 the Department of Management Services.

20 Section 27. Paragraph (b) of subsection (1) and
21 paragraph (o) of subsection (3) of section 119.07, Florida
22 Statutes, are amended to read:

23 119.07 Inspection, examination, and duplication of
24 records; exemptions.--

25 (b) If the nature or volume of public records
26 requested to be inspected, examined, or copied pursuant to
27 this subsection is such as to require extensive use of
28 information technology resources or extensive clerical or
29 supervisory assistance by personnel of the agency involved, or
30 both, the agency may charge, in addition to the actual cost of
31 duplication, a special service charge, which shall be

1 reasonable and shall be based on the cost incurred for such
2 extensive use of information technology resources or the labor
3 cost of the personnel providing the service that is actually
4 incurred by the agency or attributable to the agency for the
5 clerical and supervisory assistance required, or both.

6 "Information technology resources" shall have the same meaning
7 as in s. 282.303(12)~~s. 282.303(13)~~.

8 (3)

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

18 1. "Data processing software" has the same meaning as
19 in s. 282.303(7)~~s. 282.303(8)~~.

20 2. "Sensitive" means only those portions of data
21 processing software, including the specifications and
22 documentation, used to:

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

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

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

30 Section 28. Subsection (1) of section 287.073, Florida
31 Statutes, is amended to read:

1 287.073 Procurement of information technology
2 resources.--

3 (1) For the purposes of this section, the term
4 "information technology resources" has the same meaning
5 ascribed in s. 282.303(12)~~s. 282.303(13)~~.

6 Section 29. Sections 282.3091 and 282.3093, Florida
7 Statutes, are repealed.

8 Section 30. Subsections (1), (2), and (3) of section
9 215.322, Florida Statutes, are amended to read:

10 215.322 Acceptance of credit cards, charge cards, or
11 debit cards by state agencies, units of local government, and
12 the judicial branch.--

13 (1) It is the intent of the Legislature to encourage
14 state agencies, the judicial branch and units of local
15 government to make their goods, services, and information more
16 convenient to the public through the ~~and to reduce the~~
17 ~~administrative costs of government by~~ acceptance of payments
18 by credit cards, charge cards, and debit cards to the maximum
19 extent practicable when the benefits to the participating
20 agency and the public substantiate the cost of accepting these
21 types of payments.

22 (2) A state agency as defined in s. 216.011, or the
23 judicial branch, may accept credit cards, charge cards, or
24 debit cards in payment for goods and services ~~upon the~~
25 ~~recommendation of the Office of Planning and Budgeting and~~
26 with the prior approval of the Treasurer. When the Internet or
27 other related electronic methods are to be used as the
28 collection medium, the State Technology Office shall review
29 and recommend to the Treasurer whether to approve the request
30 with regard to the process or procedure to be used.

31 (3) The Treasurer shall adopt rules governing the

1 establishment and acceptance of credit cards, charge cards, or
2 debit cards by state agencies or the judicial branch,
3 including, but not limited to, the following:

4 (a) Utilization of a standardized contract between the
5 financial institution or other appropriate intermediaries and
6 the agency or judicial branch which shall be developed by the
7 Treasurer or approval by the Treasurer of a substitute
8 agreement.

9 (b) Procedures which permit an agency or officer
10 accepting payment by credit card, charge card, or debit card
11 to impose a convenience fee upon the person making the
12 payment. However, the total amount of such convenience fees
13 shall not exceed the total cost to the state agency of
14 ~~contracting for such card services~~. A convenience fee is not
15 refundable to the payor. Notwithstanding the foregoing, this
16 section shall not be construed to permit surcharges on any
17 other credit card purchase in violation of s. 501.0117.

18 (c) All service fees payable pursuant to this section
19 when practicable shall be invoiced and paid by state warrant
20 or such other manner that is satisfactory to the Comptroller
21 in accordance with the time periods specified in s. 215.422.

22 (d) Submission of information to the Treasurer
23 concerning the acceptance of credit cards, charge cards, or
24 debit cards by all state agencies or the judicial branch.

25 (e) A methodology for agencies to use when completing
26 the cost-benefit analysis referred to in subsection (1). The
27 methodology must consider all quantifiable cost reductions,
28 other benefits to the agency, and potential impact on general
29 revenue. The methodology must also consider nonquantifiable
30 benefits such as the convenience to individuals and businesses
31 that would benefit from the ability to pay for state goods and

1 services through the use of credit cards, charge cards, and
2 debit cards.

3 Section 31. Subsections (5), (11), and (15) of section
4 287.012, Florida Statutes, are amended to read:

5 287.012 Definitions.--The following definitions shall
6 apply in this part:

7 (5) "Competitive sealed bids" or "competitive sealed
8 proposals" refers to the receipt of two or more sealed bids or
9 proposals submitted by responsive and qualified bidders or
10 offerors and includes bids or proposals transmitted by
11 electronic means in lieu of or in addition to written bids or
12 proposals.

13 (11) "Invitation to bid" means a written solicitation
14 for competitive sealed bids with the title, date, and hour of
15 the public bid opening designated and specifically defining
16 the commodity, group of commodities, or services for which
17 bids are sought. It includes instructions prescribing all
18 conditions for bidding and shall be distributed to all
19 prospective bidders simultaneously. The invitation to bid is
20 used when the agency is capable of specifically defining the
21 scope of work for which a contractual service is required or
22 when the agency is capable of establishing precise
23 specifications defining the actual commodity or group of
24 commodities required. A written solicitation includes a
25 solicitation published or transmitted by electronic means.

26 (15) "Request for proposals" means a written
27 solicitation for competitive sealed proposals with the title,
28 date, and hour of the public opening designated. A written
29 solicitation includes a solicitation published or transmitted
30 by electronic means.The request for proposals is used when
31 the agency is incapable of specifically defining the scope of

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1 work for which the commodity, group of commodities, or
2 contractual service is required and when the agency is
3 requesting that a qualified offeror propose a commodity, group
4 of commodities, or contractual service to meet the
5 specifications of the solicitation document. A request for
6 proposals includes, but is not limited to, general
7 information, applicable laws and rules, functional or general
8 specifications, statement of work, proposal instructions, and
9 evaluation criteria. Requests for proposals shall state the
10 relative importance of price and any other evaluation
11 criteria.

12 Section 32. Paragraph (a) of subsection (16) of
13 section 287.042, Florida Statutes, is amended to read:

14 287.042 Powers, duties, and functions.--The department
15 shall have the following powers, duties, and functions:

16 (16)(a) To enter into joint agreements with
17 governmental agencies, as defined in s. 163.3164(10), for the
18 purpose of pooling funds for the purchase of commodities,
19 information technology resources, or services that can be used
20 by multiple agencies. However, the department shall ~~may~~
21 consult with the State Technology Office on joint agreements
22 that involve the purchase of information technology resources.
23 Agencies entering into joint purchasing agreements with the
24 department shall authorize the department to contract for such
25 purchases on their behalf.

26 Section 33. Subsection (22) is added to section
27 287.057, Florida Statutes, to read:

28 287.057 Procurement of commodities or contractual
29 services.--

30 (22)(a) The State Technology Office of the department
31 shall develop a program for on-line procurement of commodities

1 and contractual services. Only bidders prequalified as
2 meeting mandatory requirements and qualifications criteria
3 shall be permitted to participate in on-line procurement. The
4 State Technology Office may contract for equipment and
5 services necessary to develop and implement on-line
6 procurement.

7 (b) The State Technology Office may adopt rules,
8 pursuant to ss. 120.536(1) and 120.54, to implement the
9 program for on-line procurement. The rules shall include, but
10 not be limited to:

11 1. Determining the requirements and qualification
12 criteria for prequalifying bidders.

13 2. Establishing the procedures for conducting on-line
14 procurement.

15 3. Establishing the criteria for eligible commodities
16 and contractual services.

17 4. Establishing the procedures for providing access to
18 on-line procurement.

19 Section 34. Creation and implementation of a marketing
20 and image campaign.--

21 (1) Enterprise Florida, Inc., in collaboration with
22 the private sector, shall create a marketing campaign to help
23 attract, develop, and retain information technology businesses
24 in this state. The campaign must be coordinated with any
25 existing economic development promotion efforts in this state,
26 and shall be jointly funded from private and public resources.

27 (2) The message of the campaign shall be to increase
28 national and international awareness of this state as a state
29 ideally suited for the successful advancement of the
30 information technology business sector. Marketing strategies
31 shall include development of promotional materials, Internet

1 and print advertising, public relations and media placement,
2 trade show attendance at information technology events, and
3 appropriate followup activities. Efforts to promote this state
4 as a high-technology business leader must include
5 identification and coordination of existing business
6 technology resources, partnerships with economic development
7 organizations and private sector businesses, continued
8 retention and growth of businesses based in this state that
9 produce high-technology products or use high-technology skills
10 for manufacturing, and recruitment of new business in such
11 area.

12 Section 35. Development of an Internet-based system
13 for information technology industry promotion and workforce
14 recruitment.--

15 (1) The Department of Labor and Employment Security
16 shall facilitate efforts to ensure the development and
17 maintenance of a website that promotes and markets the
18 information technology industry in this state. The website
19 shall be designed to inform the public concerning the scope of
20 the information technology industry in the state and shall
21 also be designed to address the workforce needs of the
22 industry. The website shall include, through links or actual
23 content, information concerning information technology
24 businesses in this state, including links to such businesses;
25 information concerning employment available at these
26 businesses; and the means by which a jobseeker may post a
27 resume on the website.

28 (2) The Department of Labor and Employment Security
29 shall coordinate with the State Technology Office and the
30 Workforce Development Board of Enterprise Florida, Inc., to
31 ensure links, where feasible and appropriate, to existing job

1 information websites maintained by the state and state
2 agencies and to ensure that information technology positions
3 offered by the state and state agencies are posted on the
4 information technology website.

5 Section 36. Establishment of a network access
6 point.--The state actively supports efforts that enhance the
7 information technology industry in this state, particularly
8 those efforts that increase broadband technology. A critical
9 initiative to enhance this industry in this state is
10 determined to be the development of a network access point,
11 which is defined to be a carrier-neutral, public-private
12 Internet traffic exchange point. The state encourages private
13 information technology businesses to forge partnerships to
14 develop a network access point in this state. Moreover, the
15 state recognizes the importance of a network access point that
16 addresses the needs of small information technology
17 businesses.

18 Section 37. Paragraph (n) is added to subsection (5)
19 of section 212.08, Florida Statutes, to read:

20 212.08 Sales, rental, use, consumption, distribution,
21 and storage tax; specified exemptions.--The sale at retail,
22 the rental, the use, the consumption, the distribution, and
23 the storage to be used or consumed in this state of the
24 following are hereby specifically exempt from the tax imposed
25 by this chapter.

26 (5) EXEMPTIONS; ACCOUNT OF USE.--

27 (n) Equipment used to deploy broadband technologies.--

28 1. Beginning July 1, 2000, equipment purchased by a
29 communications service provider that is necessary for use in
30 the deployment of broadband technologies in the state as part
31 of the direct participation by the communications service

1 provider in a network access point, which is defined as a
2 carrier-neutral, public-private Internet traffic exchange
3 point, in this state shall be exempt from the tax imposed by
4 this chapter. This exemption inures to the communications
5 service provider only through a refund of previously paid
6 taxes. A refund shall be authorized upon an affirmative
7 showing by the taxpayer to the satisfaction of the department
8 that the requirements of this paragraph have been met.

9 2. To be entitled to a refund, an eligible
10 communications service provider must file under oath with the
11 department an application that includes:

12 a. The name and address of the communications service
13 provider claiming to be entitled to the refund.

14 b. A specific description of the property for which
15 the exemption is sought, including its serial number or other
16 permanent identification number.

17 c. The location of the property.

18 d. The sales invoice or other proof of purchase of the
19 property, showing the amount of sales tax paid, the date of
20 purchase, and the name and address of the sales tax dealer
21 from whom the property was purchased.

22 3. An application for a refund pursuant to this
23 paragraph must be submitted to the department within 6 months
24 after the eligible property is purchased.

25 4. The provisions of s. 212.095 do not apply to any
26 refund application made pursuant to this paragraph. The
27 department shall adopt rules governing the manner and form of
28 refund applications and may establish guidelines as to the
29 requisites for an affirmative showing of qualification for
30 exemption under this paragraph.

31 5. For purposes of this paragraph:

1 a. "Broadband technology" means packaged technology
2 that has the capability of supporting transmission speeds of
3 at least 1.544 megabits per second in both directions.

4 b. "Communications service provider" means a company
5 that supports or provides individuals and other companies with
6 access to the Internet and other related services.

7 c. "Equipment" includes asynchronous transfer mode
8 switches, digital subscriber line access multiplexers,
9 routers, servers, multiplexers, fiber optic connector
10 equipment, database equipment, and other network equipment
11 used to provide broadband technology and information services.

12 6. Contingent upon annual appropriation, the
13 department may approve refunds up to the amount appropriated
14 for this refund program based on the filing of an application
15 pursuant to this paragraph. No refund shall be made with
16 respect to any application received by the department in any
17 year after the funds appropriated for that year have been
18 exhausted.

19 7. This paragraph is repealed June 30, 2005.

20 Section 38. The sum of \$700,000 from non-recurring
21 General Revenue is appropriated for fiscal year 2000-2001 to
22 the Department of Revenue to reimburse eligible companies for
23 sales tax payments made on equipment specifically associated
24 with the creation of a network access point. The Department
25 of Revenue is authorized to adopt rules to implement the sales
26 tax refund provisions of this act.

27 Section 39. Subsection (1) of section 556.108, Florida
28 Statutes, is amended to read:

29 556.108 Exemptions.--The notification requirements
30 provided in s. 556.105(1) do not apply to:

31 (1) Any excavation or demolition performed by the

1 owner of single-family residential property; or for such owner
2 by a member operator or an agent of a member operator when
3 such excavation or demolition is made entirely on such land,
4 and only up to a depth of 10 inches; provided due care is used
5 and there is no encroachment on any member operator's
6 right-of-way, easement, or permitted use.

7 Section 40. (1) Subsection (1) of section 350.031,
8 Florida Statutes, is amended to read:

9 350.031 Florida Public Service Commission Nominating
10 Council.--

11 (1) There is created a Florida Public Service
12 Commission Nominating Council consisting of nine members. At
13 least one member of the council must be 60 years of age or
14 older. Three members, including one member of the House of
15 Representatives, shall be appointed by and serve at the
16 pleasure of the Speaker of the House of Representatives; three
17 members, including one member of the Senate, shall be
18 appointed by and serve at the pleasure of the President of the
19 Senate; and three members shall be selected and appointed by a
20 majority vote of the other six members of the council. All
21 terms shall be for 4 years except those members of the House
22 and Senate, who shall serve 2-year terms concurrent with the
23 2-year elected terms of House members. Vacancies on the
24 council shall be filled for the unexpired portion of the term
25 in the same manner as original appointments to the council. A
26 member may not be reappointed to the council, except for a
27 member of the House of Representatives or the Senate who may
28 be appointed to two 2-year terms or a person who is appointed
29 to fill the remaining portion of an unexpired term.

30 (2) This section applies to any person who is a member
31 of the Florida Public Service Commission Nominating Council on

1 the effective date of this act.

2 Section 41. If any provision of this act or the
3 application thereof to any person or circumstance is held
4 invalid, the invalidity shall not affect tother provisions or
5 applications of the act which can be given effect without the
6 invalid provision or application, and to this end the
7 provisions of this act are declared severable.

8 Section 42. This act shall take effect July 1, 2000.

9

10

11 ===== T I T L E A M E N D M E N T =====

12 And the title is amended as follows:

13 On page ,
14 remove from the entire title of the bill:

15

16 and insert:

17 A bill to be entitled
18 An act relating to electronic commerce;
19 providing a short title; providing definitions;
20 providing scope; providing for prospective
21 application; providing for use of electronic
22 records and signatures; providing for variation
23 by agreement among parties using electronic
24 records and electronic signatures; providing
25 construction and application; providing for
26 uniformity; providing for legal recognition of
27 electronic records, signatures, and contracts;
28 providing for provision of information in
29 writing; providing for presentation of records;
30 providing for attribution and effect of
31 electronic records and electronic signatures;

1 providing for the effect of changes or errors
2 in electronic records; providing for
3 notarization and acknowledgment; providing for
4 retention of electronic records and originals;
5 providing for admissibility of electronic
6 records as evidence; providing for rules
7 applying to automated transactions; providing
8 for time and place of sending and receiving
9 electronic records and signatures; providing
10 for transferable records; providing for
11 creation and retention of electronic records by
12 governmental agencies; providing for conversion
13 of written records by governmental agencies;
14 providing for acceptance and distribution of
15 electronic records by governmental agencies;
16 providing for interoperability; providing
17 severability; requiring the county recorders to
18 provide a statewide index of official records
19 available on the Internet by a time certain;
20 providing for security; requiring that the
21 Internet information shall not be admissible in
22 court; authorizing charging a reasonable fee
23 for certain purposes; providing that the
24 official records must be made available for
25 electronic retrieval on the statewide site by a
26 time certain; amending ss. 282.005, 282.101,
27 282.102, 282.103, 282.104, 282.105, 282.106,
28 282.107, 282.1095, 282.111, 282.20, 282.21,
29 282.22, 282.303, 282.3031, 282.3032, 282.3041,
30 282.3055, 282.3063, F.S.; providing legislative
31 findings and creating the State Technology

Amendment No. ____ (for drafter's use only)

1 Office within the Department of Management
2 Services; providing for the Chief Information
3 Officer to be in charge of the office;
4 requiring the office to provide support and
5 guidance to all state agencies in order to
6 enhance the state's use and management of
7 information technology resources; providing for
8 a study and recommendations concerning online
9 voting; providing for enterprise resource
10 planning and management by each state agency in
11 consultation with the office; creating s.
12 282.3095, F.S.; directing the State Technology
13 Office to create a Task Force on Privacy and
14 Technology; providing for the task force to
15 hold meetings and report to the Legislature and
16 Governor; amending ss. 282.310, 282.315,
17 282.318, 282.404, F.S.; directing the State
18 Technology Office to prepare and disseminate
19 the State Annual Report on Enterprise Resource
20 Planning and Management; transferring the
21 Florida Geographic Information Board and the
22 Florida Geographic Information Advisory Council
23 from the Executive Office of the Governor to
24 the State Technology Office; amending ss.
25 119.07, 287.073, F.S.; conforming statutory
26 cross-references; repealing s. 282.3091, F.S.,
27 relating to the State Technology Council;
28 repealing s. 282.3093, F.S., relating to the
29 State Technology Office; amending s. 215.322,
30 F.S.; revising legislative intent; specifying
31 circumstances under which governmental agencies

Amendment No. ____ (for drafter's use only)

1 or the judicial branch may accept credit cards,
2 charge cards, or debit cards; prescribing
3 duties of the State Technology Office; removing
4 a limitation on convenience fees; amending s.
5 287.012, F.S.; revising certain definitions to
6 include bids or proposals transmitted or
7 received by electronic means; amending s.
8 287.042, F.S.; requiring the Department of
9 Management Services to consult with the State
10 Technology Office on joint agreements involving
11 the purchase of information technology
12 resources; amending s. 287.057, F.S., requiring
13 the office to develop a program for on-line
14 procurement of commodities and contractual
15 services; providing a limitation; authorizing
16 the office to contract for certain equipment
17 and services; authorizing the office to adopt
18 rules for certain purposes; requiring
19 Enterprise Florida, Inc., to create and
20 implement a marketing and image campaign;
21 providing purposes of the campaign; requiring
22 development and maintenance of a website for
23 information and technology industry marketing
24 and workforce recruitment; expressing support
25 of activities to enhance information
26 technology, including a network access point;
27 amending s. 212.08, F.S.; providing a sales tax
28 exemption on sales of certain equipment used to
29 deploy broadband technologies associated with a
30 network access point; providing for future
31 repeal of the exemption; providing an

1 appropriation; amending s. 556.108, F.S.;

2 providing for excavation performed on behalf of

3 a residential owner; amending s. 350.031, F.S.;

4 providing for the Florida Public Service

5 Commission Nominating Council members appointed

6 by the Speaker of the House of Representatives

7 and the President of the Senate to serve at the

8 pleasure of the Speaker of the House and the

9 President of the Senate; limiting the number of

10 full terms to which a member may be appointed;

11 providing for application; providing

12 severability; providing an effective date.

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