

1  
2           An act relating to electronic commerce;  
3           providing a short title; providing definitions;  
4           providing scope; providing for prospective  
5           application; providing for use of electronic  
6           records and signatures; providing for variation  
7           by agreement among parties using electronic  
8           records and electronic signatures; providing  
9           construction and application; providing for  
10          uniformity; providing for legal recognition of  
11          electronic records, signatures, and contracts;  
12          providing for provision of information in  
13          writing; providing for presentation of records;  
14          providing for attribution and effect of  
15          electronic records and electronic signatures;  
16          providing for the effect of changes or errors  
17          in electronic records; providing for  
18          notarization and acknowledgment; providing for  
19          retention of electronic records and originals;  
20          providing for admissibility of electronic  
21          records as evidence; providing for rules  
22          applying to automated transactions; providing  
23          for time and place of sending and receiving  
24          electronic records and signatures; providing  
25          for transferable records; providing for  
26          creation and retention of electronic records by  
27          governmental agencies; providing for conversion  
28          of written records by governmental agencies;  
29          providing for acceptance and distribution of  
30          electronic records by governmental agencies;  
31          providing for interoperability; providing

1 severability; requiring the county recorders to  
2 provide a statewide index of official records  
3 available on the Internet by a time certain;  
4 providing for security; requiring that the  
5 Internet information shall not be admissible in  
6 court; authorizing charging a reasonable fee  
7 for certain purposes; providing that the  
8 official records must be made available for  
9 electronic retrieval on the statewide site by a  
10 time certain; amending ss. 282.005, 282.101,  
11 282.102, 282.103, 282.104, 282.105, 282.106,  
12 282.107, 282.1095, 282.111, 282.20, 282.21,  
13 282.22, 282.303, 282.3031, 282.3032, 282.3041,  
14 282.3055, 282.3063, F.S.; providing legislative  
15 findings and creating the State Technology  
16 Office within the Department of Management  
17 Services; providing for the Chief Information  
18 Officer to be in charge of the office;  
19 requiring the office to provide support and  
20 guidance to all state agencies in order to  
21 enhance the state's use and management of  
22 information technology resources; providing for  
23 a study and recommendations concerning online  
24 voting; providing for enterprise resource  
25 planning and management by each state agency in  
26 consultation with the office; creating s.  
27 282.3095, F.S.; directing the State Technology  
28 Office to create a Task Force on Privacy and  
29 Technology; providing for the task force to  
30 hold meetings and report to the Legislature and  
31 Governor; amending ss. 282.310, 282.315,

1           282.318, 282.404, F.S.; directing the State  
2           Technology Office to prepare and disseminate  
3           the State Annual Report on Enterprise Resource  
4           Planning and Management; transferring the  
5           Florida Geographic Information Board and the  
6           Florida Geographic Information Advisory Council  
7           from the Executive Office of the Governor to  
8           the State Technology Office; amending ss.  
9           119.07, 287.073, F.S.; conforming statutory  
10          cross-references; repealing s. 282.3091, F.S.,  
11          relating to the State Technology Council;  
12          repealing s. 282.3093, F.S., relating to the  
13          State Technology Office; amending s. 215.322,  
14          F.S.; revising legislative intent; specifying  
15          circumstances under which governmental agencies  
16          or the judicial branch may accept credit cards,  
17          charge cards, or debit cards; prescribing  
18          duties of the State Technology Office; removing  
19          a limitation on convenience fees; amending s.  
20          287.012, F.S.; revising certain definitions to  
21          include bids or proposals transmitted or  
22          received by electronic means; amending s.  
23          287.042, F.S.; requiring the Department of  
24          Management Services to consult with the State  
25          Technology Office on joint agreements involving  
26          the purchase of information technology  
27          resources; amending s. 287.057, F.S., requiring  
28          the office to develop a program for on-line  
29          procurement of commodities and contractual  
30          services; providing a limitation; authorizing  
31          the office to contract for certain equipment

1           and services; authorizing the office to adopt  
2           rules for certain purposes; requiring  
3           Enterprise Florida, Inc., to create and  
4           implement a marketing and image campaign;  
5           providing purposes of the campaign; requiring  
6           development and maintenance of a website for  
7           information and technology industry marketing  
8           and workforce recruitment; expressing support  
9           of activities to enhance information  
10          technology, including a network access point;  
11          amending s. 212.08, F.S.; providing a sales tax  
12          exemption on sales of certain equipment used to  
13          deploy broadband technologies associated with a  
14          network access point; providing for future  
15          repeal of the exemption; providing an  
16          appropriation; amending s. 556.108, F.S.;  
17          providing for excavation performed on behalf of  
18          a residential owner; amending s. 350.031, F.S.;  
19          providing for the Florida Public Service  
20          Commission Nominating Council members appointed  
21          by the Speaker of the House of Representatives  
22          and the President of the Senate to serve at the  
23          pleasure of the Speaker of the House and the  
24          President of the Senate; limiting the number of  
25          full terms to which a member may be appointed;  
26          providing for application; providing  
27          severability; providing an effective date.

28  
29       Be It Enacted by the Legislature of the State of Florida:  
30  
31

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

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

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

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

16           (c) "Computer program" means a set of statements or  
17 instructions to be used directly or indirectly in an  
18 information processing system in order to bring about a  
19 certain result.

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

23           (e) "Electronic" means relating to technology having  
24 electrical, digital, magnetic, wireless, optical,  
25 electromagnetic, or similar capabilities.

26           (f) "Electronic agent" means a computer program or an  
27 electronic or other automated means used independently to  
28 initiate an action or respond to electronic records or  
29 performances in whole or in part, without review or action by  
30 an individual.

31

1           (g) "Electronic record" means a record created,  
2 generated, sent, communicated, received, or stored by  
3 electronic means.

4           (h) "Electronic signature" means an electronic sound,  
5 symbol, or process attached to or logically associated with a  
6 record and executed or adopted by a person with the intent to  
7 sign the record.

8           (i) "Governmental agency" means an executive,  
9 legislative, or judicial agency, department, board,  
10 commission, authority, institution, or instrumentality of this  
11 state, including a county, municipality, or other political  
12 subdivision of this state and any other public or private  
13 agency, person, partnership, corporation, or business entity  
14 acting on behalf of any public agency.

15           (j) "Information" means data, text, images, sounds,  
16 codes, computer programs, software, databases, or other  
17 similar representations of knowledge.

18           (k) "Information processing system" means an  
19 electronic system for creating, generating, sending,  
20 receiving, storing, displaying, or processing information.

21           (l) "Person" means an individual, corporation,  
22 business trust, estate, trust, partnership, limited liability  
23 company, association, joint venture, governmental agency,  
24 public corporation, or any other legal or commercial entity.

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

29           (n) "Security procedure" means a procedure employed  
30 for the purpose of verifying that an electronic signature,  
31 record, or performance is that of a specific person or for

1 detecting changes or errors in the information in an  
2 electronic record. The term includes a procedure that requires  
3 the use of algorithms or other codes, identifying words or  
4 numbers, encryption, or callback or other acknowledgment  
5 procedures.

6 (o) "State" means a state of the United States, the  
7 District of Columbia, Puerto Rico, the United States Virgin  
8 Islands, or any territory or insular possession subject to the  
9 jurisdiction of the United States. The term includes an Indian  
10 tribe or band, or Alaskan native village, which is recognized  
11 by federal law or formally acknowledged by a state.

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

15 (3) SCOPE.--

16 (a) Except as otherwise provided in paragraph (b),  
17 this section applies to electronic records and electronic  
18 signatures relating to a transaction.

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

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

23 2. The Uniform Commercial Code other than ss. 671.107  
24 and 671.206, Florida Statutes, and chapters 672 and 680,  
25 Florida Statutes;

26 3. The Uniform Computer Information Transactions Act;  
27 or

28 4. Rules relating to judicial procedure.

29 (c) This section applies to an electronic record or  
30 electronic signature otherwise excluded under paragraph (b) to  
31

1 the extent such record or signature is governed by a provision  
2 of law other than those specified in paragraph (b).

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

5 (4) PROSPECTIVE APPLICATION.--This section applies to  
6 any electronic record or electronic signature created,  
7 generated, sent, communicated, received, or stored on or after  
8 July 1, 2000.

9 (5) USE OF ELECTRONIC RECORDS AND ELECTRONIC  
10 SIGNATURES; VARIATION BY AGREEMENT.--

11 (a) This section does not require a record or  
12 signature to be created, generated, sent, communicated,  
13 received, stored, or otherwise processed or used by electronic  
14 means or in electronic form.

15 (b) This section applies only to transactions between  
16 parties each of which has agreed to conduct transactions by  
17 electronic means. Whether the parties agree to conduct a  
18 transaction by electronic means is determined from the context  
19 and surrounding circumstances, including the parties' conduct.

20 (c) A party that agrees to conduct a transaction by  
21 electronic means may refuse to conduct other transactions by  
22 electronic means. The right granted by this paragraph may not  
23 be waived by agreement.

24 (d) Except as otherwise provided in this section, the  
25 effect of any provision of this section may be varied by  
26 agreement. The presence in certain provisions of this section  
27 of the words "unless otherwise agreed," or words of similar  
28 import, does not imply that the effect of other provisions may  
29 not be varied by agreement.

30  
31



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

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

6           (a) Facilitate electronic transactions consistent with  
7 other applicable provisions of law.

8           (b) Be consistent with reasonable practices concerning  
9 electronic transactions and with the continued expansion of  
10 those practices.

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

14           (7) LEGAL RECOGNITION OF ELECTRONIC RECORDS,  
15 ELECTRONIC SIGNATURES, AND ELECTRONIC CONTRACTS.--

16           (a) A record or signature may not be denied legal  
17 effect or enforceability solely because the record or  
18 signature is in electronic form.

19           (b) A contract may not be denied legal effect or  
20 enforceability solely because an electronic record was used in  
21 the formation of the contract.

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

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

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

28           (a) If parties have agreed to conduct a transaction by  
29 electronic means and a provision of law requires a person to  
30 provide, send, or deliver information in writing to another  
31 person, the requirement is satisfied if the information is

1 provided, sent, or delivered, as the case may be, in an  
2 electronic record capable of retention by the recipient at the  
3 time of receipt. An electronic record is not capable of  
4 retention by the recipient if the sender or the sender's  
5 information processing system inhibits the ability of the  
6 recipient to print or store the electronic record.

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

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

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

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

19 (c) If a sender inhibits the ability of a recipient to  
20 store or print an electronic record, the electronic record is  
21 not enforceable against the recipient.

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

24 1. To the extent a provision of law other than this  
25 section requires information to be provided, sent, or  
26 delivered in writing but permits that requirement to be varied  
27 by agreement, the requirement under paragraph (a) that the  
28 information be in the form of an electronic record capable of  
29 retention may also be varied by agreement.

30 2. A requirement under a law other than this section  
31 to send, communicate, or transmit a record by first-class

1 mail, postage prepaid, or other regular United States mail,  
2 may be varied by agreement to the extent permitted by the  
3 other provision of law.

4 (9) ATTRIBUTION AND EFFECT OF ELECTRONIC RECORD AND  
5 ELECTRONIC SIGNATURE.--

6 (a) An electronic record or electronic signature is  
7 attributable to a person if the record or signature was the  
8 act of the person. The act of the person may be shown in any  
9 manner, including a showing of the efficacy of any security  
10 procedure applied to determine the person to which the  
11 electronic record or electronic signature was attributable.

12 (b) The effect of an electronic record or electronic  
13 signature attributed to a person under paragraph (a) is  
14 determined from the context and surrounding circumstances at  
15 the time of its creation, execution, or adoption, including  
16 the parties' agreement, if any, and otherwise as provided by  
17 law.

18 (10) EFFECT OF CHANGE OR ERROR.--If a change or error  
19 in an electronic record occurs in a transmission between  
20 parties to a transaction, the following rules apply:

21 (a) If the parties have agreed to use a security  
22 procedure to detect changes or errors and one party has  
23 conformed to the procedure, but the other party has not, and  
24 the nonconforming party would have detected the change or  
25 error had that party also conformed, the conforming party may  
26 avoid the effect of the changed or erroneous electronic  
27 record.

28 (b) In an automated transaction involving an  
29 individual, the individual may avoid the effect of an  
30 electronic record that resulted from an error made by the  
31 individual in dealing with the electronic agent of another

1 person if the electronic agent did not provide an opportunity  
2 for the prevention or correction of the error and, at the time  
3 the individual learns of the error, the individual:

4 1. Promptly notifies the other person of the error and  
5 that the individual did not intend to be bound by the  
6 electronic record received by the other person.

7 2. Takes reasonable steps, including steps that  
8 conform to the other person's reasonable instructions, to  
9 return to the other person or, if instructed by the other  
10 person, to destroy the consideration received, if any, as a  
11 result of the erroneous electronic record.

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

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

18 (d) Paragraphs (b) and (c) may not be varied by  
19 agreement.

20 (11) NOTARIZATION AND ACKNOWLEDGMENT.--

21 (a) If a law requires a signature or record to be  
22 notarized, acknowledged, verified, or made under oath, the  
23 requirement is satisfied if the electronic signature of the  
24 person authorized by applicable law to perform those acts,  
25 together with all other information required to be included by  
26 other applicable law, is attached to or logically associated  
27 with the signature or record. Neither a rubber stamp nor an  
28 impression type seal is required for an electronic  
29 notarization.

30 (b) A first-time applicant for a notary commission  
31 must submit proof that the applicant has, within 1 year prior

1 to the application, completed at least 3 hours of interactive  
2 or classroom instruction, including electronic notarization,  
3 and covering the duties of the notary public. Courses  
4 satisfying this section may be offered by any public or  
5 private sector person or entity registered with the Executive  
6 Office of the Governor and must include a core curriculum  
7 approved by that office.

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

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

12 1. Accurately reflects the information set forth in  
13 the record after the record was first generated in final form  
14 as an electronic record or otherwise.

15 2. Remains accessible for later reference.

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

20 (c) A person may satisfy paragraph (a) by using the  
21 services of another person if the requirements of paragraph  
22 (a) are satisfied.

23 (d) If a provision of law requires a record to be  
24 presented or retained in its original form, or provides  
25 consequences if the record is not presented or retained in its  
26 original form, that law is satisfied by an electronic record  
27 retained in accordance with paragraph (a).

28 (e) If a provision of law requires retention of a  
29 check, that requirement is satisfied by retention of an  
30 electronic record of the information on the front and back of  
31 the check in accordance with paragraph (a).

1           (f) A record retained as an electronic record in  
2 accordance with paragraph (a) satisfies a provision of law  
3 requiring a person to retain a record for evidentiary, audit,  
4 or similar purposes, unless a provision of law enacted after  
5 July 1, 2000, specifically prohibits the use of an electronic  
6 record for the specified purpose.

7           (g) This section does not preclude a governmental  
8 agency of this state from specifying additional requirements  
9 for the retention of a record subject to the agency's  
10 jurisdiction.

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

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

16           (a) A contract may be formed by the interaction of  
17 electronic agents of the parties, even if no individual was  
18 aware of or reviewed the electronic agents' actions or the  
19 resulting terms and agreements.

20           (b) A contract may be formed by the interaction of an  
21 electronic agent and an individual, acting on the individual's  
22 own behalf or for another person, including by an interaction  
23 in which the individual performs actions that the individual  
24 is free to refuse to perform and which the individual knows or  
25 has reason to know will cause the electronic agent to complete  
26 the transaction or performance.

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

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

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

1           1. Is addressed properly or otherwise directed  
2 properly to an information processing system that the  
3 recipient has designated or uses for the purpose of receiving  
4 electronic records or information of the type sent and from  
5 which the recipient is able to retrieve the electronic record.

6           2. Is in a form capable of being processed by that  
7 system.

8           3. Enters an information processing system outside the  
9 control of the sender or of a person that sent the electronic  
10 record on behalf of the sender or enters a region of the  
11 information processing system designated or used by the  
12 recipient which is under the control of the recipient.

13           (b) Unless otherwise agreed between a sender and the  
14 recipient, an electronic record is received when the record  
15 enters an information processing system that the recipient has  
16 designated or uses for the purpose of receiving electronic  
17 records or information of the type sent and from which the  
18 recipient is able to retrieve the electronic record; and is in  
19 a form capable of being processed by that system.

20           (c) Paragraph (b) applies even if the place the  
21 information processing system is located is different from the  
22 place the electronic record is deemed to be received under  
23 paragraph (d).

24           (d) Unless otherwise expressly provided in the  
25 electronic record or agreed between the sender and the  
26 recipient, an electronic record is deemed to be sent from the  
27 sender's place of business and to be received at the  
28 recipient's place of business. For purposes of this paragraph,  
29 the following rules apply:

30  
31

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

4           2. If the sender or the recipient does not have a  
5 place of business, the place of business is the sender's or  
6 recipient's residence, as the case may be.

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

9           (f) Receipt of an electronic acknowledgment from an  
10 information processing system described in paragraph (b)  
11 establishes that a record was received but, by itself, does  
12 not establish that the content sent corresponds to the content  
13 received.

14           (g) If a person is aware that an electronic record  
15 purportedly sent under paragraph (a), or purportedly received  
16 under paragraph (b), was not actually sent or received, the  
17 legal effect of the sending or receipt is determined by other  
18 applicable provisions of law. Except to the extent permitted  
19 by the other provisions of law, the requirements of this  
20 paragraph may not be varied by agreement.

21           (h) An automated transaction does not establish the  
22 acceptability of an electronic record for recording purposes.

23           (16) TRANSFERABLE RECORDS.--

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

26           1. Would be a note under chapter 673, Florida  
27 Statutes, or a document under chapter 677, Florida Statutes,  
28 if the electronic record were in writing.

29           2. The issuer of the electronic record expressly has  
30 agreed is a transferable record.

31



1           (b) A person has control of a transferable record if a  
2 system employed for evidencing the transfer of interests in  
3 the transferable record reliably establishes that person as  
4 the person to which the transferable record was issued or  
5 transferred.

6           (c) A system satisfies paragraph (b), and a person is  
7 deemed to have control of a transferable record, if the  
8 transferable record is created, stored, and assigned in such a  
9 manner that:

10           1. A single authoritative copy of the transferable  
11 record exists which is unique, identifiable, and, except as  
12 otherwise provided in subparagraphs 4., 5., and 6.,  
13 unalterable.

14           2. The authoritative copy identifies the person  
15 asserting control as the person to which the transferable  
16 record was issued or, if the authoritative copy indicates that  
17 the transferable record has been transferred, the person to  
18 which the transferable record was most recently transferred.

19           3. The authoritative copy is communicated to and  
20 maintained by the person asserting control or its designated  
21 custodian.

22           4. Copies or revisions that add or change an  
23 identified assignee of the authoritative copy can be made only  
24 with the consent of the person asserting control.

25           5. Each copy of the authoritative copy and any copy of  
26 a copy is readily identifiable as a copy that is not the  
27 authoritative copy.

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

30           (d) Except as otherwise agreed, a person having  
31 control of a transferable record is the holder, as defined in

1 s. 671.201(20), of the transferable record and has the same  
2 rights and defenses as a holder of an equivalent record or  
3 writing under the Uniform Commercial Code, including, if the  
4 applicable statutory requirements under s. 673.3021, s.  
5 677.501, or s. 679.308 are satisfied, the rights and defenses  
6 of a holder in due course, a holder to which a negotiable  
7 document of title has been duly negotiated, or a purchaser,  
8 respectively. Delivery, possession, and indorsement are not  
9 required to obtain or exercise any of the rights under this  
10 paragraph.

11 (e) Except as otherwise agreed, an obligor under a  
12 transferable record has the same rights and defenses as an  
13 equivalent obligor under equivalent records or writings under  
14 the Uniform Commercial Code.

15 (f) If requested by a person against which enforcement  
16 is sought, the person seeking to enforce the transferable  
17 record shall provide reasonable proof that the person is in  
18 control of the transferable record. Proof may include access  
19 to the authoritative copy of the transferable record and  
20 related business records sufficient to review the terms of the  
21 transferable record and to establish the identity of the  
22 person having control of the transferable record.

23 (17) CREATION AND RETENTION OF ELECTRONIC RECORDS AND  
24 CONVERSION OF WRITTEN RECORDS BY GOVERNMENTAL AGENCIES.--Each  
25 governmental agency shall determine whether, and the extent to  
26 which, such agency will create and retain electronic records  
27 and convert written records to electronic records.

28 (18) ACCEPTANCE AND DISTRIBUTION OF ELECTRONIC RECORDS  
29 BY GOVERNMENTAL AGENCIES.--

30 (a) Except as otherwise provided in paragraph (12)(f),  
31 each governmental agency shall determine whether, and the

1 extent to which, such agency will send and accept electronic  
2 records and electronic signatures to and from other persons  
3 and otherwise create, generate, communicate, store, process,  
4 use, and rely upon electronic records and electronic  
5 signatures.

6 (b) To the extent that a governmental agency uses  
7 electronic records and electronic signatures under paragraph  
8 (a), the state technology office, in consultation with the  
9 governmental agency, giving due consideration to security, may  
10 specify:

11 1. The manner and format in which the electronic  
12 records must be created, generated, sent, communicated,  
13 received, and stored and the systems established for those  
14 purposes.

15 2. If electronic records must be signed by electronic  
16 means, the type of electronic signature required, the manner  
17 and format in which the electronic signature must be affixed  
18 to the electronic record, and the identity of, or criteria  
19 that must be met by, any third party used by a person filing a  
20 document to facilitate the process.

21 3. Control processes and procedures as appropriate to  
22 ensure adequate preservation, disposition, integrity,  
23 security, confidentiality, and auditability of electronic  
24 records.

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

28 (c) Except as otherwise provided in paragraph (12)(f),  
29 this section does not require a governmental agency of this  
30 state to use or permit the use of electronic records or  
31 electronic signatures.

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

4           (19) INTEROPERABILITY.--The governmental agency which  
5 adopts standards pursuant to subsection (18) may encourage and  
6 promote consistency and interoperability with similar  
7 requirements adopted by other governmental agencies of this  
8 and other states and the Federal Government and  
9 nongovernmental persons interacting with governmental agencies  
10 of this state. If appropriate, those standards may specify  
11 differing levels of standards from which governmental agencies  
12 of this state may choose in implementing the most appropriate  
13 standard for a particular application.

14           (20) SEVERABILITY.--If any provision of this section  
15 or its application to any person or circumstance is held  
16 invalid, the invalidity does not affect other provisions or  
17 applications of this section which can be given effect without  
18 the invalid provision or application, and to this end the  
19 provisions of this act are severable.

20           Section 2. (1) The Legislature finds that a proper  
21 and legitimate state purpose is served by providing the public  
22 with access to public records and information on the Internet  
23 and hereby determines that the provisions of this section  
24 fulfill and further an important state interest.

25           (2) No later than January 1, 2002, the county recorder  
26 in each county shall provide a current index of documents  
27 recorded in the official records of the county for the period  
28 beginning no later than January 1, 1990, on a publicly  
29 available Internet website which shall also contain a document  
30 requisition point for obtaining images or copies of the  
31 documents reflected in the index and which has the capability

1 of electronically providing the index data to a central  
2 statewide search site.

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

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

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

13 Section 3. Section 282.005, Florida Statutes, is  
14 amended to read:

15 282.005 Legislative findings and intent.--The  
16 Legislature finds that:

17 (1) Information is a strategic asset of the state,  
18 and, as such, it should be managed as a valuable state  
19 resource.

20 (2) The state makes significant investments in  
21 information technology resources in order to manage  
22 information and to provide services to its citizens.

23 (3) An office must be created to provide support and  
24 guidance to enhance the state's use and management of  
25 information technology resources and to design, procure, and  
26 deploy, on behalf of the state, information technology  
27 resources.

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

31

1           ~~(5)(3)~~ The head of each state agency, in consultation  
2 with the State Technology Office, has primary responsibility  
3 and accountability for the planning, budgeting, acquisition,  
4 development, implementation, use, and management of  
5 information technology resources within the agency.

6           ~~(6)(4)~~ The expanding need for, use of, and dependence  
7 on information technology resources requires focused  
8 management attention and managerial accountability by state  
9 agencies and the state as a whole.

10           ~~(7)(5)~~ The agency head, in consultation with the State  
11 Technology Office, has primary responsibility for the agency's  
12 information technology resources and for their use in  
13 accomplishing the agency's mission. However, each agency  
14 shall also use its information technology resources in the  
15 best interests of the state as a whole and thus contribute to  
16 and make use of shared data and related resources whenever  
17 appropriate.

18           ~~(8)(6)~~ The state shall provide, by whatever means is  
19 most cost-effective and efficient, the information resources  
20 management infrastructure needed to collect, store, and  
21 process the state's data and information, provide  
22 connectivity, and facilitate the exchange of data and  
23 information among both public and private parties.

24           ~~(9)(7)~~ A necessary part of the state's information  
25 resources management infrastructure is a statewide  
26 communications system for all types of signals, including  
27 voice, data, video, radio, and image.

28           ~~(10)(8)~~ To ensure the best management of the state's  
29 information technology resources, and notwithstanding other  
30 provisions of law to the contrary, the functions of  
31 information resources management are hereby assigned to the

1 Board of Regents as the agency responsible for the development  
2 and implementation of policy, planning, management,  
3 rulemaking, standards, and guidelines for the State University  
4 System; to the State Board of Community Colleges as the agency  
5 responsible for establishing and developing rules and policies  
6 for the Florida Community College System; to the Supreme  
7 Court, for the judicial branch; ~~and~~ to each state attorney and  
8 public defender; and to the State Technology Office for the  
9 executive branch of state government.

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

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

24 Section 4. Section 282.101, Florida Statutes, is  
25 amended to read:

26 282.101 Construction of terms, "information  
27 technology" ~~"communications"~~ or "information technology  
28 ~~"communications system."~~ --Any reference in this part to  
29 "information technology" ~~"communications"~~ or "information  
30 technology" ~~"communications system"~~ means any transmission,  
31 emission, and reception of signs, signals, writings, images,

1 and sounds of intelligence of any nature by wire, radio,  
2 optical, or other electromagnetic systems and includes all  
3 facilities and equipment owned, leased, or used by all  
4 agencies and political subdivisions of state government, and a  
5 full-service, information-processing facility offering  
6 hardware, software, operations, integration, networking, and  
7 consulting services.

8 Section 5. Section 282.102, Florida Statutes, is  
9 amended to read:

10 282.102 Powers and duties of the State Technology  
11 Office of the Department of Management Services.--There is  
12 created a State Technology Office, administratively placed  
13 within the Department of Management Services, which shall be  
14 headed by a Chief Information Officer who is appointed by the  
15 Governor and is in the Senior Management Service. The office  
16 shall have the following powers, duties, and functions:

17 (1) To publish electronically the portfolio of  
18 services available from the office ~~department~~, including  
19 pricing information; the policies and procedures of the office  
20 ~~department~~ governing usage of available services; and a  
21 forecast of the priorities and initiatives for the state  
22 communications system for the ensuing 2 years. The office  
23 ~~department~~ shall provide a hard copy of its portfolio of  
24 services upon request.

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

30 (3) To advise and render aid to state agencies and  
31 political subdivisions of the state as to systems or methods



1 to be used for organizing and meeting information technology  
2 ~~communications~~ requirements efficiently and effectively.

3 (4) To integrate ~~consolidate~~ the information  
4 technology ~~communications~~ systems and services of state  
5 agencies ~~and to provide for their joint use by the agencies~~  
6 ~~when determined by the department to be economically efficient~~  
7 ~~or performance-effective.~~

8 (5) To adopt technical standards for the state  
9 information technology ~~communications~~ system which will assure  
10 the interconnection of computer networks and information  
11 systems of state agencies.

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

16 (7) To enter into agreements for the support and use  
17 of the information technology ~~communications~~ services of state  
18 agencies and of political subdivisions of the state.

19 (8) To use or acquire, with agency concurrence,  
20 information technology ~~communications~~ facilities now owned or  
21 operated by any state agency.

22 (9) To standardize policies and procedures for the use  
23 of such services.

24 (10) To purchase from or contract with information  
25 technology providers ~~suppliers and communications companies~~  
26 for information technology ~~communications~~ facilities or  
27 services, including private line services.

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

1           (12) To acquire real estate, equipment, and other  
2 property.

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

6           (14) To delegate to state agencies the powers of  
7 acquisition and utilization of information technology  
8 ~~communications~~ equipment, facilities, and services or to  
9 control and approve the purchase, lease, and use of all  
10 information technology ~~communications~~ equipment, services, and  
11 facilities, including communications services provided as part  
12 of any other total system to be used by the state or any of  
13 its agencies. ~~This subsection does not apply to the data~~  
14 ~~processing hardware of an agency as defined in this part.~~

15           (15) To take ownership, custody, and control of  
16 existing communications equipment and facilities, with agency  
17 concurrence, including all right, title, interest, and equity  
18 therein, to carry out the purposes of ss. 282.101-282.109.  
19 However, the provisions of this subsection shall in no way  
20 affect the rights, title, interest, or equity in any such  
21 equipment or facilities owned by, or leased to, the state or  
22 any state agency by any telecommunications company.

23           (16) To adopt prescribe rules pursuant to ss. 120.54  
24 and 120.536(1) relating to information technology and to  
25 administer the provisions of this part ~~and regulations for the~~  
26 ~~use of the state communications system.~~

27           (17) To provide a means whereby political subdivisions  
28 of the state may use the state information technology  
29 ~~communications~~ system upon such terms and under such  
30 conditions as the office ~~department~~ may establish.

31

1           (18) To apply for and accept federal funds for any of  
2 the purposes of ss. 282.101-282.109 as well as gifts and  
3 donations from individuals, foundations, and private  
4 organizations.

5           (19) To monitor issues relating to communications  
6 facilities and services before the Florida Public Service  
7 Commission and, when necessary, prepare position papers,  
8 prepare testimony, appear as a witness, and retain witnesses  
9 on behalf of state agencies in proceedings before the  
10 commission.

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

14           (a) Establishing technical standards to physically  
15 interface with the SUNCOM Network.

16           (b) Specifying how communications are transmitted  
17 within the SUNCOM Network.

18           (c) Controlling the routing of communications within  
19 the SUNCOM Network.

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

22           (e) Ensuring orderly and reliable communications  
23 services in accordance with the standards and policies of all  
24 state agencies and the service agreements executed with state  
25 agencies.

26           (21) To plan, design, and conduct experiments for  
27 information technology ~~in communications~~ services, equipment,  
28 and technologies, and to implement enhancements in the state  
29 information technology ~~communications~~ system when in the  
30 public interest ~~justified~~ and cost-effective. Funding for  
31 such experiments shall be derived from SUNCOM Network service

1 revenues and shall not exceed 21 percent of the annual budget  
2 for the SUNCOM Network for any fiscal year or as provided in  
3 the General Appropriations Act for fiscal year 2000-2001. New  
4 services offered as a result of this subsection shall not  
5 affect existing rates for facilities or services.

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

28 (23) To provide an integrated electronic system for  
29 deploying government products, services, and information to  
30 individuals and businesses.

31

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

5           (b) The office shall provide a method for assessing  
6 fiscal accountability for the integrated electronic system and  
7 shall establish the organizational structure required to  
8 implement this system.

9           (24) To provide administrative support to the Chief  
10 Information Officers' Council and other workgroups created by  
11 the Chief Information Officer.

12           (25) To facilitate state information technology  
13 education and training for senior management and other agency  
14 staff.

15           (26) To prepare, on behalf of the Executive Office of  
16 the Governor, memoranda on recommended guidelines and best  
17 practices for information resources management, when  
18 requested.

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

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

25           (29) To facilitate the development of a network access  
26 point in this state, as needed.

27           Section 6. Section 282.103, Florida Statutes, is  
28 amended to read:

29           282.103 SUNCOM Network; exemptions from the required  
30 use.--

31

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

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

19           (3) All state agencies are required to use the SUNCOM  
20 Network for agency communications services as the services  
21 become available; however, no agency is relieved of  
22 responsibility for maintaining communications services  
23 necessary for effective management of its programs and  
24 functions. If a SUNCOM Network service does not meet the  
25 communications requirements of an agency, the agency shall  
26 notify the State Technology Office of the Department of  
27 Management Services in writing and detail the requirements for  
28 that communications service. If the office department is  
29 ~~unable, within 90 days,~~ to meet an agency's requirements by  
30 enhancing SUNCOM Network service, the office department shall  
31

1 grant the agency an exemption from the required use of  
2 specified SUNCOM Network services.

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

5 282.104 Use of state SUNCOM Network by  
6 municipalities.--Any municipality may request the State  
7 Technology Office of the Department of Management Services to  
8 provide any or all of the SUNCOM Network's portfolio of  
9 communications services upon such terms and under such  
10 conditions as the department may establish. The requesting  
11 municipality shall pay its share of installation and recurring  
12 costs according to the published rates for SUNCOM Network  
13 services and as invoiced by the office ~~department~~. Such  
14 municipality shall also pay for any requested modifications to  
15 existing SUNCOM Network services, if any charges apply.

16 Section 8. Section 282.105, Florida Statutes, is  
17 amended to read:

18 282.105 Use of state SUNCOM Network by nonprofit  
19 corporations.--

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

27 (a) Expend the majority of its total direct revenues  
28 for the provision of contractual services to the state, a  
29 municipality, or a political subdivision of the state; and

30 (b) Receive only a small portion of its total revenues  
31 from any source other than a state agency, a municipality, or

1 a political subdivision of the state during the period of time  
2 SUNCOM Network services are requested.

3 (2) Each nonprofit corporation seeking authorization  
4 to use the state SUNCOM Network pursuant to this section shall  
5 provide to the office ~~department~~, upon request, proof of  
6 compliance with subsection (1).

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

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

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

21 Section 9. Section 282.106, Florida Statutes, is  
22 amended to read:

23 282.106 Use of SUNCOM Network by libraries.--The State  
24 Technology Office of the Department of Management Services may  
25 provide SUNCOM Network services to any library in the state,  
26 including libraries in public schools, community colleges, the  
27 State University System, and nonprofit private postsecondary  
28 educational institutions, and libraries owned and operated by  
29 municipalities and political subdivisions.

30 Section 10. Subsections (1) and (2) of section  
31 282.107, Florida Statutes, are amended to read:



1           282.107   SUNCOM Network; criteria for usage.--

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

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

16          Section 11. Section 282.1095, Florida Statutes, is  
17 amended to read:

18          282.1095   State agency law enforcement radio system.--

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

1 funded from surcharges collected under ss. 320.0802 and  
2 328.72.

3 (2)(a) The Joint Task Force on State Agency Law  
4 Enforcement Communications shall consist of eight members, as  
5 follows:

6 1. A representative of the Division of Alcoholic  
7 Beverages and Tobacco of the Department of Business and  
8 Professional Regulation who shall be appointed by the  
9 secretary of the department.

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

14 3. A representative of the Department of Law  
15 Enforcement who shall be appointed by the executive director  
16 of the department.

17 4. A representative of the Fish and Wildlife  
18 Conservation Commission who shall be appointed by the  
19 executive director of the commission.

20 5. A representative of the Division of Law Enforcement  
21 of the Department of Environmental Protection who shall be  
22 appointed by the secretary of the department.

23 6. A representative of the Department of Corrections  
24 who shall be appointed by the secretary of the department.

25 7. A representative of the Division of State Fire  
26 Marshal of the Department of Insurance who shall be appointed  
27 by the State Fire Marshal.

28 8. A representative of the Department of  
29 Transportation who shall be appointed by the secretary of the  
30 department.

31

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

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

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

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

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

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

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

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

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

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

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

20           Section 12. Section 282.111, Florida Statutes, is  
21 amended to read:

22           282.111 Statewide system of regional law enforcement  
23 communications.--

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

1 Services with any information the office ~~department~~ requests  
2 for the purpose of implementing the provisions of subsection  
3 (2).

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

11 (a) The communications requirements for each county  
12 and municipality comprising the region.

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

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

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

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

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

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

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

13 282.20 Technology Resource Center.--

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

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

18 1. "Office" ~~Department~~ means the State Technology  
19 Office of the Department of Management Services.

20 2. ~~"Division" means the Division of Information~~  
21 ~~Services of the Department of Management Services.~~

22 ~~2.3.~~ "Information-system utility" means a full-service  
23 information-processing facility offering hardware, software,  
24 operations, integration, networking, and consulting services.

25 ~~3.4.~~ "Customer" means a state agency or other entity  
26 which is authorized to utilize the SUNCOM Network pursuant to  
27 this part.

28 (2) The ~~division and the~~ Technology Resource Center  
29 shall:

30 (a) Serve the office ~~department~~ and other customers as  
31 an information-system utility.

1           (b) Cooperate with ~~the Information Resource Commission~~  
2 ~~and with other~~ customers to offer, develop, and support a wide  
3 range of services and applications needed by users of the  
4 Technology Resource Center.

5           (c) Cooperate with the Florida Legal Resource Center  
6 of the Department of Legal Affairs and other state agencies to  
7 develop and provide access to repositories of legal  
8 information throughout the state.

9           (d) Cooperate with the office ~~Division of~~  
10 ~~Communications of the department~~ to facilitate  
11 interdepartmental networking and integration of network  
12 services for its customers.

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

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

19           (4) Acceptance of any new customer other than a state  
20 agency which is expected to pay during the initial 12 months  
21 of use more than 5 percent of the previous year's revenues of  
22 the Technology Resource Center shall be contingent upon  
23 approval of the Office of Planning and Budgeting in a manner  
24 similar to the budget amendment process in s. 216.181.

25           (5) The Technology Resource Center may plan, design,  
26 establish pilot projects for, and conduct experiments with  
27 information technology resources, and may implement  
28 enhancements in services when such implementation is  
29 cost-effective. Funding for experiments and pilot projects  
30 shall be derived from service revenues and may not exceed 5  
31 percent of the service revenues for the Technology Resource



1 Center for any single fiscal year. Any experiment, pilot  
2 project, plan, or design must be approved by the Chief  
3 Information Officer of the State Technology Office ~~data~~  
4 ~~processing policy board of the center.~~

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

17 Section 14. Section 282.21, Florida Statutes, is  
18 amended to read:

19 282.21 The State Technology Office of the Department  
20 of Management Services' electronic access services.--The State  
21 Technology Office of the Department of Management Services may  
22 collect fees for providing remote electronic access pursuant  
23 to s. 119.085. The fees may be imposed on individual  
24 transactions or as a fixed subscription for a designated  
25 period of time. All fees collected under this section shall  
26 be deposited in the appropriate trust fund of the program or  
27 activity that made the remote electronic access available.

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

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,

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)~~ "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)~~ "Chief Information Officers Council" means the  
30 council created in s. 282.315 to facilitate the sharing and  
31

1 coordination of information resources management issues and  
2 initiatives among the agencies.

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

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

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

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

1           ~~(8)(9)~~ "Agency Annual Enterprise Resource Planning and  
2 ~~Information Resources~~ Management Report" means the report  
3 prepared by the Chief Information Officer of each agency as  
4 required by s. 282.3063.

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

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

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

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

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

29           ~~(14)(15)~~ "Technology Review Workgroup" means the  
30 workgroup created in s. 216.0446 to review and make  
31

1 recommendations on agencies' information resources management  
2 planning and budgeting proposals.

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

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

15 Section 17. Section 282.3031, Florida Statutes, is  
16 amended to read:

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

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

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

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

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

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

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

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

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

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

1           Section 19. Section 282.3041, Florida Statutes, is  
2 amended to read:

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

9           Section 20. Section 282.3055, Florida Statutes, is  
10 amended to read:

11           282.3055 Agency Chief Information Officer;  
12 appointment; duties.--

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

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

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

25           (a) Coordinating and facilitating agency enterprise  
26 resource planning and information resources management  
27 projects and initiatives.

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

31



1           (c) Developing and implementing agency enterprise  
2 resource planning and ~~information resources~~ management  
3 policies, procedures, and standards, including specific  
4 policies and procedures for review and approval of the  
5 agency's purchases of information technology resources.

6           (d) Advising agency senior management as to the  
7 enterprise resource planning and ~~information resources~~  
8 management needs of the agency for inclusion in planning  
9 documents required by law.

10           (e) Assisting in the development and prioritization of  
11 the enterprise resource planning and ~~information resources~~  
12 management schedule of the agency's legislative budget  
13 request.

14           Section 21. Section 282.3063, Florida Statutes, is  
15 amended to read:

16           282.3063 Agency Annual Enterprise Resource Planning  
17 and ~~Information Resources~~ Management Report.--

18           (1) By September 1 of each year, and for the State  
19 University System within 90 days after completion of the  
20 expenditure analysis developed pursuant to s. 240.271(4), each  
21 Chief Information Officer shall prepare and submit to the  
22 State Technology Office an Agency Annual Enterprise Resource  
23 Planning and ~~Information Resources~~ Management Report.  
24 Following consultation with the State Technology Office  
25 ~~Council~~ and the Chief Information Officers Council, the  
26 Executive Office of the Governor and the fiscal committees of  
27 the Legislature shall jointly develop and issue instructions  
28 for the format and contents of the report.

29           (2) The Agency Annual Enterprise Resource Planning and  
30 ~~Information Resources~~ Management Report shall contain, at a  
31 minimum, the following:

1 (a) A forecast of enterprise resource planning and  
2 ~~information resources~~ management priorities and initiatives  
3 for the ensuing 2 years.

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

7 (c) A status report on the major enterprise resource  
8 planning and ~~information resources~~ management projects of the  
9 agency.

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

14 (e) The estimated expenditures by the agency for  
15 enterprise resource planning and ~~information resources~~  
16 management for the prior fiscal year.

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

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

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

30 Section 22. Section 282.3095, Florida Statutes, is  
31 created to read:

1           282.3095 Task Force on Privacy and Technology.--  
2           (1) The State Technology Office shall create a Task  
3 Force on Privacy and Technology. The task force shall include  
4 professionals in the fields of communications, government, law  
5 enforcement, law, marketing, technology, and financial  
6 services, including, but not limited to, the Florida  
7 Association of Court Clerks and Comptrollers, the Florida  
8 Insurance Council, the Society of Consumer Affairs  
9 Professionals in Business, the Florida Retail Federation, and  
10 the Office of Statewide Prosecution. The task force shall  
11 study and make policy recommendations by February 1, 2001 to  
12 the Legislature and the Governor which includes, but is not  
13 limited to:

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

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

19           (c) Balancing the traditional openness of public  
20 records in the state with the need to protect the privacy and  
21 identity of individuals.

22           (d) The sale of public records to private individuals  
23 and companies.

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

1           (3) In order to carry out its duties and  
2 responsibilities, the task force shall hold public meetings  
3 necessary to gather the best available knowledge regarding  
4 these issues. The State Technology Office shall staff the task  
5 force as necessary. The members of the task force shall serve  
6 without compensation, but shall be reimbursed for reasonable  
7 and necessary expenses of attending the public meetings and  
8 performing duties of the task force, including per diem and  
9 travel expenses as provided in s. 112.061. Such expenses shall  
10 be reimbursed from funds of the Department of Highway Safety  
11 and Motor Vehicles. This subsection expires July 1, 2001.

12           Section 23. Section 282.310, Florida Statutes, is  
13 amended to read:

14           282.310 State Annual Report on Enterprise Resource  
15 Planning and Information Resources Management.--

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

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

23           (a) The state vision for enterprise resource planning  
24 and information resources management.

25           (b) A forecast of the state enterprise resource  
26 planning and information resources management priorities and  
27 initiatives for the ensuing 2 years.

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

31

1 (d) A summary of memoranda issued by the Executive  
2 Office of the Governor.

3 (e) An assessment of the overall progress toward an  
4 integrated electronic system for deploying government  
5 products, services, and information to individuals and  
6 businesses and on state enterprise resource planning and  
7 ~~information resources~~ management initiatives and priorities  
8 for the past fiscal year.

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

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

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

19 (i) A summary of the opportunities for government  
20 agencies or entities to share enterprise resource planning and  
21 ~~information resources~~ management projects or initiatives with  
22 other governmental or private sector entities.

23 ~~(j) A list of the information resources management~~  
24 ~~issues that have been identified as statewide or critical~~  
25 ~~issues for which the State Technology Council could provide~~  
26 ~~leadership or assistance.~~

27  
28 The state annual report shall also include enterprise resource  
29 planning and information resources management information from  
30 the annual reports prepared by the Board of Regents for the  
31 State University System, from the State Board of Community

1 Colleges for the Florida Community College System, from the  
2 Supreme Court for the judicial branch, and from the Justice  
3 Administrative Commission on behalf of the state attorneys and  
4 public defenders. Expenditure information shall be taken from  
5 each agency's annual report as well as the annual reports of  
6 the Board of Regents, the State Board of Community Colleges,  
7 the Supreme Court, and the Justice Administrative Commission.

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

13 Section 24. Section 282.315, Florida Statutes, is  
14 amended to read:

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

21 (1) There is created a Chief Information Officers  
22 Council to:

23 (a) Enhance communication among the Chief Information  
24 Officers of state agencies by sharing enterprise resource  
25 planning and information ~~resources~~ management experiences and  
26 exchanging ideas.

27 (b) Facilitate the sharing of best practices that are  
28 characteristic of highly successful technology organizations,  
29 as well as exemplary information technology applications of  
30 state agencies.

31

1 (c) Identify efficiency opportunities among state  
2 agencies.

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

5 (e) Assist the State Technology Office Council in  
6 identifying critical statewide issues and, when appropriate,  
7 make recommendations for solving enterprise resource planning  
8 and information resources management deficiencies.

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

22 (3) The State Technology Office shall provide  
23 administrative support to the council.

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

26 282.318 Security of data and information technology  
27 resources.--

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

30 (2)(a) Each agency head, in consultation with the  
31 State Technology Office, is responsible and accountable for

1 assuring an adequate level of security for all data and  
2 information technology resources of the agency and, to carry  
3 out this responsibility, shall, at a minimum:

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

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

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

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

26       5. Ensure that periodic internal audits and  
27 evaluations of the security program for the data and  
28 information technology resources of the agency are conducted.  
29 The results of such internal audits and evaluations are  
30 confidential information and exempt from the provisions of s.  
31 119.07(1), except that such information shall be available to



1 the Auditor General in performing his or her postauditing  
2 duties.

3 6. Include appropriate security requirements, as  
4 determined by the agency, in the written specifications for  
5 the solicitation of information technology resources.

6 (b) In those instances in which the State Technology  
7 Office of the Department of Management Services develops state  
8 contracts for use by state agencies, the department shall  
9 include appropriate security requirements in the  
10 specifications for the solicitation for state contracts for  
11 procuring information technology resources.

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

14 282.404 Geographic information board; definition;  
15 membership; creation; duties; advisory council; membership;  
16 duties.--

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

30 (b) The Geographic Information Board may issue  
31 guidelines on recommended best practices, including

1 recommended policies and standards, for the identification,  
2 coordination, collection, and sharing of geographic  
3 information.

4 (c) The Geographic Information Board may contract for,  
5 accept, and make gifts, grants, loans, or other aid from and  
6 to any other governmental entity and to any person. Members  
7 may contribute, and the board may receive and expend, funds  
8 for board initiatives.

9 (3) The board consists of the Chief Information  
10 Officer in the State Technology Office ~~Director of Planning~~  
11 ~~and Budgeting within the Executive Office of the Governor~~, the  
12 executive director of the Fish and Wildlife Conservation  
13 Commission, the executive director of the Department of  
14 Revenue, and the State Cadastral Surveyor, as defined in s.  
15 177.503, or their designees, and the heads of the following  
16 agencies, or their designees: the Department of Agriculture  
17 and Consumer Services, the Department of Community Affairs,  
18 the Department of Environmental Protection, the Department of  
19 Transportation, and the Board of Professional Surveyors and  
20 Mappers. The Governor shall appoint to the board one member  
21 each to represent the counties, municipalities, regional  
22 planning councils, water management districts, and county  
23 property appraisers. The Governor shall initially appoint two  
24 members to serve 2-year terms and three members to serve  
25 4-year terms. Thereafter, the terms of all appointed members  
26 must be 4 years and the terms must be staggered. Members may  
27 be appointed to successive terms and incumbent members may  
28 continue to serve the board until a new appointment is made.

29 (4) The Chief Information Officer in the State  
30 Technology Office ~~Director of Planning and Budgeting of the~~  
31 ~~Executive Office of the Governor~~, or his or her designee,

1 shall serve as the chair of the board. A majority of the  
2 membership of the board constitutes a quorum for the conduct  
3 of business. The board shall meet at least twice each year,  
4 and the chair may call a meeting of the board as often as  
5 necessary to transact business. Administrative and clerical  
6 support to the board shall be provided by the State Technology  
7 Office of the Department of Management Services.

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

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

1 Systems Association, the forestry industry, the State  
2 University System survey and mapping academic research  
3 programs, and State University System geographic information  
4 systems academic research programs; and two members  
5 representing utilities, one from a regional utility, and one  
6 from a local or municipal utility. These persons must have  
7 technical expertise in geographic information issues. The  
8 Governor shall initially appoint six members to serve 2-year  
9 terms and six members to serve 4-year terms. Thereafter, the  
10 terms of all appointed members must be 4 years and must be  
11 staggered. Members may be appointed to successive terms, and  
12 incumbent members may continue to serve the council until a  
13 successor is appointed. Representatives of the Federal  
14 Government may serve as ex officio members without voting  
15 rights.

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

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

28 119.07 Inspection, examination, and duplication of  
29 records; exemptions.--

30 (b) If the nature or volume of public records  
31 requested to be inspected, examined, or copied pursuant to

1 this subsection is such as to require extensive use of  
2 information technology resources or extensive clerical or  
3 supervisory assistance by personnel of the agency involved, or  
4 both, the agency may charge, in addition to the actual cost of  
5 duplication, a special service charge, which shall be  
6 reasonable and shall be based on the cost incurred for such  
7 extensive use of information technology resources or the labor  
8 cost of the personnel providing the service that is actually  
9 incurred by the agency or attributable to the agency for the  
10 clerical and supervisory assistance required, or both.

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

13 (3)

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

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

25 2. "Sensitive" means only those portions of data  
26 processing software, including the specifications and  
27 documentation, used to:

28 a. Collect, process, store, and retrieve information  
29 which is exempt from the provisions of subsection (1);  
30  
31

1           b. Collect, process, store, and retrieve financial  
2 management information of the agency, such as payroll and  
3 accounting records; or

4           c. Control and direct access authorizations and  
5 security measures for automated systems.

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

8           287.073 Procurement of information technology  
9 resources.--

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

13           Section 29. Sections 282.3091 and 282.3093, Florida  
14 Statutes, are repealed.

15           Section 30. Subsections (1), (2), and (3) of section  
16 215.322, Florida Statutes, are amended to read:

17           215.322 Acceptance of credit cards, charge cards, or  
18 debit cards by state agencies, units of local government, and  
19 the judicial branch.--

20           (1) It is the intent of the Legislature to encourage  
21 state agencies, the judicial branch and units of local  
22 government to make their goods, services, and information more  
23 convenient to the public through the ~~and to reduce the~~  
24 ~~administrative costs of government by~~ acceptance of payments  
25 by credit cards, charge cards, and debit cards to the maximum  
26 extent practicable when the benefits to the participating  
27 agency and the public substantiate the cost of accepting these  
28 types of payments.

29           (2) A state agency as defined in s. 216.011, or the  
30 judicial branch, may accept credit cards, charge cards, or  
31 debit cards in payment for goods and services ~~upon the~~

1 ~~recommendation of the Office of Planning and Budgeting and~~  
2 with the prior approval of the Treasurer. When the Internet or  
3 other related electronic methods are to be used as the  
4 collection medium, the State Technology Office shall review  
5 and recommend to the Treasurer whether to approve the request  
6 with regard to the process or procedure to be used.

7 (3) The Treasurer shall adopt rules governing the  
8 establishment and acceptance of credit cards, charge cards, or  
9 debit cards by state agencies or the judicial branch,  
10 including, but not limited to, the following:

11 (a) Utilization of a standardized contract between the  
12 financial institution or other appropriate intermediaries and  
13 the agency or judicial branch which shall be developed by the  
14 Treasurer or approval by the Treasurer of a substitute  
15 agreement.

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

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

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

1           (e) A methodology for agencies to use when completing  
2 the cost-benefit analysis referred to in subsection (1). The  
3 methodology must consider all quantifiable cost reductions,  
4 other benefits to the agency, and potential impact on general  
5 revenue. The methodology must also consider nonquantifiable  
6 benefits such as the convenience to individuals and businesses  
7 that would benefit from the ability to pay for state goods and  
8 services through the use of credit cards, charge cards, and  
9 debit cards.

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

12           287.012 Definitions.--The following definitions shall  
13 apply in this part:

14           (5) "Competitive sealed bids" or "competitive sealed  
15 proposals" refers to the receipt of two or more sealed bids or  
16 proposals submitted by responsive and qualified bidders or  
17 offerors and includes bids or proposals transmitted by  
18 electronic means in lieu of or in addition to written bids or  
19 proposals.

20           (11) "Invitation to bid" means a written solicitation  
21 for competitive sealed bids with the title, date, and hour of  
22 the public bid opening designated and specifically defining  
23 the commodity, group of commodities, or services for which  
24 bids are sought. It includes instructions prescribing all  
25 conditions for bidding and shall be distributed to all  
26 prospective bidders simultaneously. The invitation to bid is  
27 used when the agency is capable of specifically defining the  
28 scope of work for which a contractual service is required or  
29 when the agency is capable of establishing precise  
30 specifications defining the actual commodity or group of  
31



1 commodities required. A written solicitation includes a  
2 solicitation published or transmitted by electronic means.

3 (15) "Request for proposals" means a written  
4 solicitation for competitive sealed proposals with the title,  
5 date, and hour of the public opening designated. A written  
6 solicitation includes a solicitation published or transmitted  
7 by electronic means.The request for proposals is used when  
8 the agency is incapable of specifically defining the scope of  
9 work for which the commodity, group of commodities, or  
10 contractual service is required and when the agency is  
11 requesting that a qualified offeror propose a commodity, group  
12 of commodities, or contractual service to meet the  
13 specifications of the solicitation document. A request for  
14 proposals includes, but is not limited to, general  
15 information, applicable laws and rules, functional or general  
16 specifications, statement of work, proposal instructions, and  
17 evaluation criteria. Requests for proposals shall state the  
18 relative importance of price and any other evaluation  
19 criteria.

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

22 287.042 Powers, duties, and functions.--The department  
23 shall have the following powers, duties, and functions:

24 (16)(a) To enter into joint agreements with  
25 governmental agencies, as defined in s. 163.3164(10), for the  
26 purpose of pooling funds for the purchase of commodities,  
27 information technology resources, or services that can be used  
28 by multiple agencies. However, the department shall ~~may~~  
29 consult with the State Technology Office on joint agreements  
30 that involve the purchase of information technology resources.  
31 Agencies entering into joint purchasing agreements with the

1 department shall authorize the department to contract for such  
2 purchases on their behalf.

3 Section 33. Subsection (22) is added to section  
4 287.057, Florida Statutes, to read:

5 287.057 Procurement of commodities or contractual  
6 services.--

7 (22)(a) The State Technology Office of the department  
8 shall develop a program for on-line procurement of commodities  
9 and contractual services. Only bidders prequalified as  
10 meeting mandatory requirements and qualifications criteria  
11 shall be permitted to participate in on-line procurement. The  
12 State Technology Office may contract for equipment and  
13 services necessary to develop and implement on-line  
14 procurement.

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

19 1. Determining the requirements and qualification  
20 criteria for prequalifying bidders.

21 2. Establishing the procedures for conducting on-line  
22 procurement.

23 3. Establishing the criteria for eligible commodities  
24 and contractual services.

25 4. Establishing the procedures for providing access to  
26 on-line procurement.

27 Section 34. Creation and implementation of a marketing  
28 and image campaign.--

29 (1) Enterprise Florida, Inc., in collaboration with  
30 the private sector, shall create a marketing campaign to help  
31 attract, develop, and retain information technology businesses

1 in this state. The campaign must be coordinated with any  
2 existing economic development promotion efforts in this state,  
3 and shall be jointly funded from private and public resources.

4 (2) The message of the campaign shall be to increase  
5 national and international awareness of this state as a state  
6 ideally suited for the successful advancement of the  
7 information technology business sector. Marketing strategies  
8 shall include development of promotional materials, Internet  
9 and print advertising, public relations and media placement,  
10 trade show attendance at information technology events, and  
11 appropriate followup activities. Efforts to promote this state  
12 as a high-technology business leader must include  
13 identification and coordination of existing business  
14 technology resources, partnerships with economic development  
15 organizations and private sector businesses, continued  
16 retention and growth of businesses based in this state that  
17 produce high-technology products or use high-technology skills  
18 for manufacturing, and recruitment of new business in such  
19 area.

20 Section 35. Development of an Internet-based system  
21 for information technology industry promotion and workforce  
22 recruitment.--

23 (1) The Department of Labor and Employment Security  
24 shall facilitate efforts to ensure the development and  
25 maintenance of a website that promotes and markets the  
26 information technology industry in this state. The website  
27 shall be designed to inform the public concerning the scope of  
28 the information technology industry in the state and shall  
29 also be designed to address the workforce needs of the  
30 industry. The website shall include, through links or actual  
31 content, information concerning information technology

1 businesses in this state, including links to such businesses;  
2 information concerning employment available at these  
3 businesses; and the means by which a jobseeker may post a  
4 resume on the website.

5 (2) The Department of Labor and Employment Security  
6 shall coordinate with the State Technology Office and the  
7 Workforce Development Board of Enterprise Florida, Inc., to  
8 ensure links, where feasible and appropriate, to existing job  
9 information websites maintained by the state and state  
10 agencies and to ensure that information technology positions  
11 offered by the state and state agencies are posted on the  
12 information technology website.

13 Section 36. Establishment of a network access  
14 point.--The state actively supports efforts that enhance the  
15 information technology industry in this state, particularly  
16 those efforts that increase broadband technology. A critical  
17 initiative to enhance this industry in this state is  
18 determined to be the development of a network access point,  
19 which is defined to be a carrier-neutral, public-private  
20 Internet traffic exchange point. The state encourages private  
21 information technology businesses to forge partnerships to  
22 develop a network access point in this state. Moreover, the  
23 state recognizes the importance of a network access point that  
24 addresses the needs of small information technology  
25 businesses.

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

28 212.08 Sales, rental, use, consumption, distribution,  
29 and storage tax; specified exemptions.--The sale at retail,  
30 the rental, the use, the consumption, the distribution, and  
31 the storage to be used or consumed in this state of the

1 following are hereby specifically exempt from the tax imposed  
2 by this chapter.

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

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

5 1. Beginning July 1, 2000, equipment purchased by a  
6 communications service provider that is necessary for use in  
7 the deployment of broadband technologies in the state as part  
8 of the direct participation by the communications service  
9 provider in a network access point, which is defined as a  
10 carrier-neutral, public-private Internet traffic exchange  
11 point, in this state shall be exempt from the tax imposed by  
12 this chapter. This exemption inures to the communications  
13 service provider only through a refund of previously paid  
14 taxes. A refund shall be authorized upon an affirmative  
15 showing by the taxpayer to the satisfaction of the department  
16 that the requirements of this paragraph have been met.

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

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

22 b. A specific description of the property for which  
23 the exemption is sought, including its serial number or other  
24 permanent identification number.

25 c. The location of the property.

26 d. The sales invoice or other proof of purchase of the  
27 property, showing the amount of sales tax paid, the date of  
28 purchase, and the name and address of the sales tax dealer  
29 from whom the property was purchased.

30  
31

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

4           4. The provisions of s. 212.095 do not apply to any  
5 refund application made pursuant to this paragraph. The  
6 department shall adopt rules governing the manner and form of  
7 refund applications and may establish guidelines as to the  
8 requisites for an affirmative showing of qualification for  
9 exemption under this paragraph.

10           5. For purposes of this paragraph:

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

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

17           c. "Equipment" includes asynchronous transfer mode  
18 switches, digital subscriber line access multiplexers,  
19 routers, servers, multiplexers, fiber optic connector  
20 equipment, database equipment, and other network equipment  
21 used to provide broadband technology and information services.

22           6. Contingent upon annual appropriation, the  
23 department may approve refunds up to the amount appropriated  
24 for this refund program based on the filing of an application  
25 pursuant to this paragraph. No refund shall be made with  
26 respect to any application received by the department in any  
27 year after the funds appropriated for that year have been  
28 exhausted.

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

30           Section 38. The sum of \$700,000 from non-recurring  
31 General Revenue is appropriated for fiscal year 2000-2001 to

1 the Department of Revenue to reimburse eligible companies for  
2 sales tax payments made on equipment specifically associated  
3 with the creation of a network access point. The Department  
4 of Revenue is authorized to adopt rules to implement the sales  
5 tax refund provisions of this act.

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

8 556.108 Exemptions.--The notification requirements  
9 provided in s. 556.105(1) do not apply to:

10 (1) Any excavation or demolition performed by the  
11 owner of single-family residential property; or for such owner  
12 by a member operator or an agent of a member operator when  
13 such excavation or demolition is made entirely on such land,  
14 and only up to a depth of 10 inches; provided due care is used  
15 and there is no encroachment on any member operator's  
16 right-of-way, easement, or permitted use.

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

19 350.031 Florida Public Service Commission Nominating  
20 Council.--

21 (1) There is created a Florida Public Service  
22 Commission Nominating Council consisting of nine members. At  
23 least one member of the council must be 60 years of age or  
24 older. Three members, including one member of the House of  
25 Representatives, shall be appointed by and serve at the  
26 pleasure of the Speaker of the House of Representatives; three  
27 members, including one member of the Senate, shall be  
28 appointed by and serve at the pleasure of the President of the  
29 Senate; and three members shall be selected and appointed by a  
30 majority vote of the other six members of the council. All  
31 terms shall be for 4 years except those members of the House

1 and Senate, who shall serve 2-year terms concurrent with the  
2 2-year elected terms of House members. Vacancies on the  
3 council shall be filled for the unexpired portion of the term  
4 in the same manner as original appointments to the council. A  
5 member may not be reappointed to the council, except for a  
6 member of the House of Representatives or the Senate who may  
7 be appointed to two 2-year terms or a person who is appointed  
8 to fill the remaining portion of an unexpired term.

9 (2) This section applies to any person who is a member  
10 of the Florida Public Service Commission Nominating Council on  
11 the effective date of this act.

12 Section 41. If any provision of this act or the  
13 application thereof to any person or circumstance is held  
14 invalid, the invalidity shall not affect tother provisions or  
15 applications of the act which can be given effect without the  
16 invalid provision or application, and to this end the  
17 provisions of this act are declared severable.

18 Section 42. This act shall take effect July 1, 2000.  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31