

1 A bill to be entitled
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
16 severability; providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. (1) SHORT TITLE.--This section may be
21 cited as the "Uniform Electronic Transaction Act."

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

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

28 (b) "Automated transaction" means a transaction
29 conducted or performed, in whole or in part, by electronic
30 means or electronic records, in which the acts or records of
31 one or both parties are not reviewed by an individual in the

1 ordinary course in forming a contract, performing under an
2 existing contract, or fulfilling an obligation required by the
3 transaction.

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

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

11 (e) "Electronic" means relating to technology having
12 electrical, digital, magnetic, wireless, optical,
13 electromagnetic, or similar capabilities.

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

19 (g) "Electronic record" means a record created,
20 generated, sent, communicated, received, or stored by
21 electronic means.

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

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

3 (j) "Information" means data, text, images, sounds,
4 codes, computer programs, software, databases, or other
5 similar representations of knowledge.

6 (k) "Information processing system" means an
7 electronic system for creating, generating, sending,
8 receiving, storing, displaying, or processing information.

9 (l) "Person" means an individual, corporation,
10 business trust, estate, trust, partnership, limited liability
11 company, association, joint venture, governmental agency,
12 public corporation, or any other legal or commercial entity.

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

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

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

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

4 (3) SCOPE.--

5 (a) Except as otherwise provided in paragraph (b),
6 this section applies to electronic records and electronic
7 signatures relating to a transaction.

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

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

12 2. The Uniform Commercial Code other than ss. 671.107
13 and 671.206, Florida Statutes, and chapters 672 and 680,
14 Florida Statutes;

15 3. The Uniform Computer Information Transactions Act;
16 or

17 4. Rules relating to judicial procedure.

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

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

24 (4) PROSPECTIVE APPLICATION.--This section applies to
25 any electronic record or electronic signature created,
26 generated, sent, communicated, received, or stored on or after
27 July 1, 2000.

28 (5) USE OF ELECTRONIC RECORDS AND ELECTRONIC
29 SIGNATURES; VARIATION BY AGREEMENT.--

30 (a) This section does not require a record or
31 signature to be created, generated, sent, communicated,

1 received, stored, or otherwise processed or used by electronic
2 means or in electronic form.

3 (b) This section applies only to transactions between
4 parties each of which has agreed to conduct transactions by
5 electronic means. Whether the parties agree to conduct a
6 transaction by electronic means is determined from the context
7 and surrounding circumstances, including the parties' conduct.

8 (c) A party that agrees to conduct a transaction by
9 electronic means may refuse to conduct other transactions by
10 electronic means. The right granted by this paragraph may not
11 be waived by agreement.

12 (d) Except as otherwise provided in this section, the
13 effect of any provision of this section may be varied by
14 agreement. The presence in certain provisions of this section
15 of the words "unless otherwise agreed," or words of similar
16 import, does not imply that the effect of other provisions may
17 not be varied by agreement.

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

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

23 (a) Facilitate electronic transactions consistent with
24 other applicable provisions of law.

25 (b) Be consistent with reasonable practices concerning
26 electronic transactions and with the continued expansion of
27 those practices.

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

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1 (7) LEGAL RECOGNITION OF ELECTRONIC RECORDS,
2 ELECTRONIC SIGNATURES, AND ELECTRONIC CONTRACTS.--

3 (a) A record or signature may not be denied legal
4 effect or enforceability solely because the record or
5 signature is in electronic form.

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

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

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

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

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

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

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

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

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

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

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

11 1. To the extent a provision of law other than this
12 section requires information to be provided, sent, or
13 delivered in writing but permits that requirement to be varied
14 by agreement, the requirement under paragraph (a) that the
15 information be in the form of an electronic record capable of
16 retention may also be varied by agreement.

17 2. A requirement under a law other than this section
18 to send, communicate, or transmit a record by first-class
19 mail, postage prepaid, or other regular United States mail,
20 may be varied by agreement to the extent permitted by the
21 other provision of law.

22 (9) ATTRIBUTION AND EFFECT OF ELECTRONIC RECORD AND
23 ELECTRONIC SIGNATURE.--

24 (a) An electronic record or electronic signature is
25 attributable to a person if the record or signature was the
26 act of the person. The act of the person may be shown in any
27 manner, including a showing of the efficacy of any security
28 procedure applied to determine the person to which the
29 electronic record or electronic signature was attributable.

30 (b) The effect of an electronic record or electronic
31 signature attributed to a person under paragraph (a) is

1 determined from the context and surrounding circumstances at
2 the time of its creation, execution, or adoption, including
3 the parties' agreement, if any, and otherwise as provided by
4 law.

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

8 (a) If the parties have agreed to use a security
9 procedure to detect changes or errors and one party has
10 conformed to the procedure, but the other party has not, and
11 the nonconforming party would have detected the change or
12 error had that party also conformed, the conforming party may
13 avoid the effect of the changed or erroneous electronic
14 record.

15 (b) In an automated transaction involving an
16 individual, the individual may avoid the effect of an
17 electronic record that resulted from an error made by the
18 individual in dealing with the electronic agent of another
19 person if the electronic agent did not provide an opportunity
20 for the prevention or correction of the error and, at the time
21 the individual learns of the error, the individual:

22 1. Promptly notifies the other person of the error and
23 that the individual did not intend to be bound by the
24 electronic record received by the other person.

25 2. Takes reasonable steps, including steps that
26 conform to the other person's reasonable instructions, to
27 return to the other person or, if instructed by the other
28 person, to destroy the consideration received, if any, as a
29 result of the erroneous electronic record.

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

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

5 (d) Paragraphs (b) and (c) may not be varied by
6 agreement.

7 (11) NOTARIZATION AND ACKNOWLEDGMENT.--

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

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

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

27 (a) If a law requires that a record be retained, the
28 requirement is satisfied by retaining an electronic record of
29 the information in the record which:
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1 1. Accurately reflects the information set forth in
2 the record after the record was first generated in final form
3 as an electronic record or otherwise.

4 2. Remains accessible for later reference.

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

9 (c) A person may satisfy paragraph (a) by using the
10 services of another person if the requirements of paragraph
11 (a) are satisfied.

12 (d) If a provision of law requires a record to be
13 presented or retained in its original form, or provides
14 consequences if the record is not presented or retained in its
15 original form, that law is satisfied by an electronic record
16 retained in accordance with paragraph (a).

17 (e) If a provision of law requires retention of a
18 check, that requirement is satisfied by retention of an
19 electronic record of the information on the front and back of
20 the check in accordance with paragraph (a).

21 (f) A record retained as an electronic record in
22 accordance with paragraph (a) satisfies a provision of law
23 requiring a person to retain a record for evidentiary, audit,
24 or similar purposes, unless a provision of law enacted after
25 July 1, 2000, specifically prohibits the use of an electronic
26 record for the specified purpose.

27 (g) This section does not preclude a governmental
28 agency of this state from specifying additional requirements
29 for the retention of a record subject to the agency's
30 jurisdiction.

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

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

6 (a) A contract may be formed by the interaction of
7 electronic agents of the parties, even if no individual was
8 aware of or reviewed the electronic agents' actions or the
9 resulting terms and agreements.

10 (b) A contract may be formed by the interaction of an
11 electronic agent and an individual, acting on the individual's
12 own behalf or for another person, including by an interaction
13 in which the individual performs actions that the individual
14 is free to refuse to perform and which the individual knows or
15 has reason to know will cause the electronic agent to complete
16 the transaction or performance.

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

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

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

22 1. Is addressed properly or otherwise directed
23 properly to an information processing system that the
24 recipient has designated or uses for the purpose of receiving
25 electronic records or information of the type sent and from
26 which the recipient is able to retrieve the electronic record.

27 2. Is in a form capable of being processed by that
28 system.

29 3. Enters an information processing system outside the
30 control of the sender or of a person that sent the electronic
31 record on behalf of the sender or enters a region of the

1 information processing system designated or used by the
2 recipient which is under the control of the recipient.

3 (b) Unless otherwise agreed between a sender and the
4 recipient, an electronic record is received when the record
5 enters an information processing system that the recipient has
6 designated or uses for the purpose of receiving electronic
7 records or information of the type sent and from which the
8 recipient is able to retrieve the electronic record; and is in
9 a form capable of being processed by that system.

10 (c) Paragraph (b) applies even if the place the
11 information processing system is located is different from the
12 place the electronic record is deemed to be received under
13 paragraph (d).

14 (d) Unless otherwise expressly provided in the
15 electronic record or agreed between the sender and the
16 recipient, an electronic record is deemed to be sent from the
17 sender's place of business and to be received at the
18 recipient's place of business. For purposes of this paragraph,
19 the following rules apply:

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

23 2. If the sender or the recipient does not have a
24 place of business, the place of business is the sender's or
25 recipient's residence, as the case may be.

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

28 (f) Receipt of an electronic acknowledgment from an
29 information processing system described in paragraph (b)
30 establishes that a record was received but, by itself, does
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1 not establish that the content sent corresponds to the content
2 received.

3 (g) If a person is aware that an electronic record
4 purportedly sent under paragraph (a), or purportedly received
5 under paragraph (b), was not actually sent or received, the
6 legal effect of the sending or receipt is determined by other
7 applicable provisions of law. Except to the extent permitted
8 by the other provisions of law, the requirements of this
9 paragraph may not be varied by agreement.

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

12 (16) TRANSFERABLE RECORDS.--

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

15 1. Would be a note under chapter 673, Florida
16 Statutes, or a document under chapter 677, Florida Statutes,
17 if the electronic record were in writing.

18 2. The issuer of the electronic record expressly has
19 agreed is a transferable record.

20 (b) A person has control of a transferable record if a
21 system employed for evidencing the transfer of interests in
22 the transferable record reliably establishes that person as
23 the person to which the transferable record was issued or
24 transferred.

25 (c) A system satisfies paragraph (b), and a person is
26 deemed to have control of a transferable record, if the
27 transferable record is created, stored, and assigned in such a
28 manner that:

29 1. A single authoritative copy of the transferable
30 record exists which is unique, identifiable, and, except as
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1 otherwise provided in subparagraphs 4., 5., and 6.,
2 unalterable.

3 2. The authoritative copy identifies the person
4 asserting control as the person to which the transferable
5 record was issued or, if the authoritative copy indicates that
6 the transferable record has been transferred, the person to
7 which the transferable record was most recently transferred.

8 3. The authoritative copy is communicated to and
9 maintained by the person asserting control or its designated
10 custodian.

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

14 5. Each copy of the authoritative copy and any copy of
15 a copy is readily identifiable as a copy that is not the
16 authoritative copy.

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

19 (d) Except as otherwise agreed, a person having
20 control of a transferable record is the holder, as defined in
21 s. 671.201(20), of the transferable record and has the same
22 rights and defenses as a holder of an equivalent record or
23 writing under the Uniform Commercial Code, including, if the
24 applicable statutory requirements under s. 673.3021, s.
25 677.501, or s. 679.308 are satisfied, the rights and defenses
26 of a holder in due course, a holder to which a negotiable
27 document of title has been duly negotiated, or a purchaser,
28 respectively. Delivery, possession, and indorsement are not
29 required to obtain or exercise any of the rights under this
30 paragraph.

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1 (e) Except as otherwise agreed, an obligor under a
2 transferable record has the same rights and defenses as an
3 equivalent obligor under equivalent records or writings under
4 the Uniform Commercial Code.

5 (f) If requested by a person against which enforcement
6 is sought, the person seeking to enforce the transferable
7 record shall provide reasonable proof that the person is in
8 control of the transferable record. Proof may include access
9 to the authoritative copy of the transferable record and
10 related business records sufficient to review the terms of the
11 transferable record and to establish the identity of the
12 person having control of the transferable record.

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

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

20 (a) Except as otherwise provided in paragraph (12)(f),
21 each governmental agency shall determine whether, and the
22 extent to which, such agency will send and accept electronic
23 records and electronic signatures to and from other persons
24 and otherwise create, generate, communicate, store, process,
25 use, and rely upon electronic records and electronic
26 signatures.

27 (b) To the extent that a governmental agency uses
28 electronic records and electronic signatures under paragraph
29 (a), the state technology office, in consultation with the
30 governmental agency, giving due consideration to security, may
31 specify:

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

5 2. If electronic records must be signed by electronic
6 means, the type of electronic signature required, the manner
7 and format in which the electronic signature must be affixed
8 to the electronic record, and the identity of, or criteria
9 that must be met by, any third party used by a person filing a
10 document to facilitate the process.

11 3. Control processes and procedures as appropriate to
12 ensure adequate preservation, disposition, integrity,
13 security, confidentiality, and auditability of electronic
14 records.

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

18 (c) Except as otherwise provided in paragraph (12)(f),
19 this section does not require a governmental agency of this
20 state to use or permit the use of electronic records or
21 electronic signatures.

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

25 (19) INTEROPERABILITY.--The governmental agency which
26 adopts standards pursuant to subsection (18) may encourage and
27 promote consistency and interoperability with similar
28 requirements adopted by other governmental agencies of this
29 and other states and the Federal Government and
30 nongovernmental persons interacting with governmental agencies
31 of this state. If appropriate, those standards may specify

1 differing levels of standards from which governmental agencies
2 of this state may choose in implementing the most appropriate
3 standard for a particular application.

4 (20) SEVERABILITY.--If any provision of this section
5 or its application to any person or circumstance is held
6 invalid, the invalidity does not affect other provisions or
7 applications of this section which can be given effect without
8 the invalid provision or application, and to this end the
9 provisions of this act are severable.

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

15 (2) No later than January 1, 2002, the county recorder
16 in each county shall provide a current index of documents
17 recorded in the official records of the county for the period
18 beginning no later than January 1, 1990, on a publicly
19 available Internet website which shall also contain a document
20 requisition point for obtaining images or copies of the
21 documents reflected in the index and which has the capability
22 of electronically providing the index data to a central
23 statewide search site.

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

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

30 (5) By January 1, 2006, each county recorder shall
31 provide for electronic retrieval, at a minimum, of images of

1 documents referenced as the index required to be maintained on
2 the county's official records website by this section.

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

5 282.005 Legislative findings and intent.--The
6 Legislature finds that:

7 (1) Information is a strategic asset of the state,
8 and, as such, it should be managed as a valuable state
9 resource.

10 (2) The state makes significant investments in
11 information technology resources in order to manage
12 information and to provide services to its citizens.

13 (3) An office must be created to provide support and
14 guidance to enhance the state's use and management of
15 information technology resources and to design, procure, and
16 deploy, on behalf of the state, information technology
17 resources.

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

21 (5)(3) The head of each state agency, in consultation
22 with the State Technology Office, has primary responsibility
23 and accountability for the planning, budgeting, acquisition,
24 development, implementation, use, and management of
25 information technology resources within the agency.

26 (6)(4) The expanding need for, use of, and dependence
27 on information technology resources requires focused
28 management attention and managerial accountability by state
29 agencies and the state as a whole.

30 (7)(5) The agency head, in consultation with the State
31 Technology Office, has primary responsibility for the agency's

1 information technology resources and for their use in
 2 accomplishing the agency's mission. However, each agency
 3 shall also use its information technology resources in the
 4 best interests of the state as a whole and thus contribute to
 5 and make use of shared data and related resources whenever
 6 appropriate.

7 (8)~~(6)~~ The state shall provide, by whatever means is
 8 most cost-effective and efficient, the information resources
 9 management infrastructure needed to collect, store, and
 10 process the state's data and information, provide
 11 connectivity, and facilitate the exchange of data and
 12 information among both public and private parties.

13 (9)~~(7)~~ A necessary part of the state's information
 14 resources management infrastructure is a statewide
 15 communications system for all types of signals, including
 16 voice, data, video, radio, and image.

17 (10)~~(8)~~ To ensure the best management of the state's
 18 information technology resources, and notwithstanding other
 19 provisions of law to the contrary, the functions of
 20 information resources management are hereby assigned to the
 21 Board of Regents as the agency responsible for the development
 22 and implementation of policy, planning, management,
 23 rulemaking, standards, and guidelines for the State University
 24 System; to the State Board of Community Colleges as the agency
 25 responsible for establishing and developing rules and policies
 26 for the Florida Community College System; to the Supreme
 27 Court, for the judicial branch; ~~and~~ to each state attorney and
 28 public defender; and to the State Technology Office for the
 29 executive branch of state government.

30 (11) Notwithstanding anything to the contrary
 31 contained in this act, the State Technology Office shall take

1 no action affecting the supervision or control of the
2 personnel or data-processing equipment that the Comptroller
3 deems necessary for the exercise of his or her official
4 constitutional duties as set forth in s. 4(d) and 4(e) of Art.
5 IV of the State Constitution.

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

13 Section 4. Section 282.101, Florida Statutes, is
14 amended to read:

15 282.101 Construction of terms, "information
16 technology"~~"communications"~~or "information technology
17 ~~"communications system."~~--Any reference in this part to
18 "information technology"~~"communications"~~or "information
19 technology"~~"communications system"~~ means any transmission,
20 emission, and reception of signs, signals, writings, images,
21 and sounds of intelligence of any nature by wire, radio,
22 optical, or other electromagnetic systems and includes all
23 facilities and equipment owned, leased, or used by all
24 agencies and political subdivisions of state government, and a
25 full-service, information-processing facility offering
26 hardware, software, operations, integration, networking, and
27 consulting services.

28 Section 5. Section 282.102, Florida Statutes, is
29 amended to read:

30 282.102 Powers and duties of the State Technology
31 Office of the Department of Management Services.--There is

1 created a State Technology Office, administratively placed
2 within the Department of Management Services, which shall be
3 headed by a Chief Information Officer who is appointed by the
4 Governor and is in the Senior Management Service. The office
5 shall have the following powers, duties, and functions:

6 (1) To publish electronically the portfolio of
7 services available from the office ~~department~~, including
8 pricing information; the policies and procedures of the office
9 ~~department~~ governing usage of available services; and a
10 forecast of the priorities and initiatives for the state
11 communications system for the ensuing 2 years. The office
12 ~~department~~ shall provide a hard copy of its portfolio of
13 services upon request.

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

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

23 (4) To integrate ~~consolidate~~ the information
24 technology ~~communications~~ systems and services of state
25 agencies ~~and to provide for their joint use by the agencies~~
26 ~~when determined by the department to be economically efficient~~
27 ~~or performance-effective.~~

28 (5) To adopt technical standards for the state
29 information technology ~~communications~~ system which will assure
30 the interconnection of computer networks and information
31 systems of state agencies.

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

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

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

11 (9) To standardize policies and procedures for the use
12 of such services.

13 (10) To purchase from or contract with information
14 technology providers ~~suppliers and communications companies~~
15 for information technology ~~communications~~ facilities or
16 services, including private line services.

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

21 (12) To acquire real estate, equipment, and other
22 property.

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

26 (14) To delegate to state agencies the powers of
27 acquisition and utilization of information technology
28 ~~communications~~ equipment, facilities, and services or to
29 control and approve the purchase, lease, and use of all
30 information technology ~~communications~~ equipment, services, and
31 facilities, including communications services provided as part

1 of any other total system to be used by the state or any of
2 its agencies. ~~This subsection does not apply to the data~~
3 ~~processing hardware of an agency as defined in this part.~~

4 (15) To take ownership, custody, and control of
5 existing communications equipment and facilities, with agency
6 concurrence, including all right, title, interest, and equity
7 therein, to carry out the purposes of ss. 282.101-282.109.
8 However, the provisions of this subsection shall in no way
9 affect the rights, title, interest, or equity in any such
10 equipment or facilities owned by, or leased to, the state or
11 any state agency by any telecommunications company.

12 (16) To adopt ~~prescribe~~ rules pursuant to ss. 120.54
13 and 120.536(1) relating to information technology and to
14 administer the provisions of this part ~~and regulations for the~~
15 ~~use of the state communications system.~~

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

20 (18) To apply for and accept federal funds for any of
21 the purposes of ss. 282.101-282.109 as well as gifts and
22 donations from individuals, foundations, and private
23 organizations.

24 (19) To monitor issues relating to communications
25 facilities and services before the Florida Public Service
26 Commission and, when necessary, prepare position papers,
27 prepare testimony, appear as a witness, and retain witnesses
28 on behalf of state agencies in proceedings before the
29 commission.

30
31

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

4 (a) Establishing technical standards to physically
5 interface with the SUNCOM Network.

6 (b) Specifying how communications are transmitted
7 within the SUNCOM Network.

8 (c) Controlling the routing of communications within
9 the SUNCOM Network.

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

12 (e) Ensuring orderly and reliable communications
13 services in accordance with the standards and policies of all
14 state agencies and the service agreements executed with state
15 agencies.

16 (21) To plan, design, and conduct experiments for
17 information technology ~~in communications~~ services, equipment,
18 and technologies, and to implement enhancements in the state
19 information technology ~~communications~~ system when in the
20 public interest ~~justified~~ and cost-effective. Funding for
21 such experiments shall be derived from SUNCOM Network service
22 revenues and shall not exceed 2~~1~~ percent of the annual budget
23 for the SUNCOM Network for any fiscal year or as provided in
24 the General Appropriations Act for fiscal year 2000-2001. New
25 services offered as a result of this subsection shall not
26 affect existing rates for facilities or services.

27 (22) To enter into contracts or agreements, with or
28 without competitive bidding or procurement, to make available,
29 on a fair, reasonable, and nondiscriminatory basis, property
30 and other structures under office ~~department~~ control for the
31 placement of new facilities by any wireless provider of mobile

1 service as defined in 47 U.S.C. s. 153(n) or s. 332(d) and any
2 telecommunications company as defined in s. 364.02 when it is
3 determined to be practical and feasible to make such property
4 or other structures available. The office ~~department~~ may,
5 without adopting a rule, charge a just, reasonable, and
6 nondiscriminatory fee for the placement of the facilities,
7 payable annually, based on the fair market value of space used
8 by comparable communications facilities in the state. The
9 office ~~department~~ and a wireless provider or
10 telecommunications company may negotiate the reduction or
11 elimination of a fee in consideration of services provided to
12 the office ~~department~~ by the wireless provider or
13 telecommunications company. All such fees collected by the
14 office ~~department~~ shall be deposited directly into the State
15 Agency Law Enforcement Radio System Trust Fund, and may be
16 used by the office ~~department~~ to construct, maintain, or
17 support the system.

18 (23) To provide an integrated electronic system for
19 deploying government products, services, and information to
20 individuals and businesses.

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

25 (b) The office shall provide a method for assessing
26 fiscal accountability for the integrated electronic system and
27 shall establish the organizational structure required to
28 implement this system.

29 (24) To provide administrative support to the Chief
30 Information Officers' Council and other workgroups created by
31 the Chief Information Officer.

1 (25) To facilitate state information technology
2 education and training for senior management and other agency
3 staff.

4 (26) To prepare, on behalf of the Executive Office of
5 the Governor, memoranda on recommended guidelines and best
6 practices for information resources management, when
7 requested.

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

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

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

16 Section 6. Section 282.103, Florida Statutes, is
17 amended to read:

18 282.103 SUNCOM Network; exemptions from the required
19 use.--

20 (1) There is created within the State Technology
21 Office of the Department of Management Services the SUNCOM
22 Network which shall be developed to serve as the state
23 communications system for providing local and long-distance
24 communications services to state agencies, political
25 subdivisions of the state, municipalities, and nonprofit
26 corporations pursuant to ss. 282.101-282.111. The SUNCOM
27 Network shall be developed to transmit all types of
28 communications signals, including, but not limited to, voice,
29 data, video, image, and radio. State agencies shall cooperate
30 and assist in the development and joint use of communications
31 systems and services.

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

7 (3) All state agencies are required to use the SUNCOM
8 Network for agency communications services as the services
9 become available; however, no agency is relieved of
10 responsibility for maintaining communications services
11 necessary for effective management of its programs and
12 functions. If a SUNCOM Network service does not meet the
13 communications requirements of an agency, the agency shall
14 notify the State Technology Office of the Department of
15 Management Services in writing and detail the requirements for
16 that communications service. If the office department is
17 ~~unable, within 90 days,~~ to meet an agency's requirements by
18 enhancing SUNCOM Network service, the office department shall
19 grant the agency an exemption from the required use of
20 specified SUNCOM Network services.

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

23 282.104 Use of state SUNCOM Network by
24 municipalities.--Any municipality may request the State
25 Technology Office of the Department of Management Services to
26 provide any or all of the SUNCOM Network's portfolio of
27 communications services upon such terms and under such
28 conditions as the department may establish. The requesting
29 municipality shall pay its share of installation and recurring
30 costs according to the published rates for SUNCOM Network
31 services and as invoiced by the office department. Such

1 municipality shall also pay for any requested modifications to
2 existing SUNCOM Network services, if any charges apply.

3 Section 8. Section 282.105, Florida Statutes, is
4 amended to read:

5 282.105 Use of state SUNCOM Network by nonprofit
6 corporations.--

7 (1) The State Technology Office of the Department of
8 Management Services shall provide a means whereby private
9 nonprofit corporations under contract with state agencies or
10 political subdivisions of the state may use the state SUNCOM
11 Network, subject to the limitations in this section. In order
12 to qualify to use the state SUNCOM Network, a nonprofit
13 corporation shall:

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

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

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

25 (3) Nonprofit corporations established pursuant to
26 general law and an association of municipal governments which
27 is wholly owned by the municipalities shall be eligible to use
28 the state SUNCOM Network, subject to the terms and conditions
29 of the office ~~department~~.

30 (4) Institutions qualified pursuant to s. 240.605
31 shall be eligible to use the state SUNCOM Network, subject to

1 the terms and conditions of the office ~~department~~. Such
2 entities shall not be required to satisfy the other criteria
3 of this section.

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

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

10 282.106 Use of SUNCOM Network by libraries.--The State
11 Technology Office of the Department of Management Services may
12 provide SUNCOM Network services to any library in the state,
13 including libraries in public schools, community colleges, the
14 State University System, and nonprofit private postsecondary
15 educational institutions, and libraries owned and operated by
16 municipalities and political subdivisions.

17 Section 10. Subsections (1) and (2) of section
18 282.107, Florida Statutes, are amended to read:

19 282.107 SUNCOM Network; criteria for usage.--

20 (1) The State Technology Office ~~division~~ shall
21 periodically review the qualifications of subscribers using
22 the state SUNCOM Network and shall terminate services provided
23 to any facility not qualified pursuant to ss. 282.101-282.111
24 or rules adopted hereunder. In the event of nonpayment of
25 invoices by subscribers whose SUNCOM Network invoices are paid
26 from sources other than legislative appropriations, such
27 nonpayment represents good and sufficient reason to terminate
28 service.

29 (2) The State Technology Office ~~division~~ shall adopt
30 rules setting forth its procedures for withdrawing and
31 restoring authorization to use the state SUNCOM Network. Such

1 rules shall provide a minimum of 30 days' notice to affected
2 parties prior to termination of voice communications service.

3 Section 11. Section 282.1095, Florida Statutes, is
4 amended to read:

5 282.1095 State agency law enforcement radio system.--

6 (1) The State Technology Office of the Department of
7 Management Services may acquire and implement a statewide
8 radio communications system to serve law enforcement units of
9 state agencies, and to serve local law enforcement agencies
10 through a mutual aid channel. The Joint Task Force on State
11 Agency Law Enforcement Communications is established in the
12 State Technology Office of the Department of Management
13 Services to advise the office ~~department~~ of member-agency
14 needs for the planning, designing, and establishment of the
15 joint system. The State Agency Law Enforcement Radio System
16 Trust Fund is established in the State Technology Office of
17 the Department of Management Services. The trust fund shall be
18 funded from surcharges collected under ss. 320.0802 and
19 328.72.

20 (2)(a) The Joint Task Force on State Agency Law
21 Enforcement Communications shall consist of eight members, as
22 follows:

23 1. A representative of the Division of Alcoholic
24 Beverages and Tobacco of the Department of Business and
25 Professional Regulation who shall be appointed by the
26 secretary of the department.

27 2. A representative of the Division of Florida Highway
28 Patrol of the Department of Highway Safety and Motor Vehicles
29 who shall be appointed by the executive director of the
30 department.

31

1 3. A representative of the Department of Law
2 Enforcement who shall be appointed by the executive director
3 of the department.

4 4. A representative of the Fish and Wildlife
5 Conservation Commission who shall be appointed by the
6 executive director of the commission.

7 5. A representative of the Division of Law Enforcement
8 of the Department of Environmental Protection who shall be
9 appointed by the secretary of the department.

10 6. A representative of the Department of Corrections
11 who shall be appointed by the secretary of the department.

12 7. A representative of the Division of State Fire
13 Marshal of the Department of Insurance who shall be appointed
14 by the State Fire Marshal.

15 8. A representative of the Department of
16 Transportation who shall be appointed by the secretary of the
17 department.

18 (b) Each appointed member of the joint task force
19 shall serve at the pleasure of the appointing official. Any
20 vacancy on the joint task force shall be filled in the same
21 manner as the original appointment.

22 (c) The joint task force shall elect a chair from
23 among its members to serve a 1-year term. A vacancy in the
24 chair of the joint task force must be filled for the remainder
25 of the unexpired term by an election of the joint task force
26 members.

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

30 (e) The per diem and travel expenses incurred by a
31 member of the joint task force in attending its meetings and

1 in attending to its affairs shall be paid pursuant to s.
2 112.061, from funds budgeted to the state agency that the
3 member represents.

4 (f) The State Technology Office of the Department of
5 Management Services is hereby authorized to rent or lease
6 space on any tower under its control. The office ~~department~~
7 may also rent, lease, or sublease ground space as necessary to
8 locate equipment to support antennae on the towers. The costs
9 for use of such space shall be established by the office
10 ~~department~~ for each site, when it is determined to be
11 practicable and feasible to make space available. The office
12 ~~department~~ may refuse to lease space on any tower at any site.
13 All moneys collected by the office ~~department~~ for such rents,
14 leases, and subleases shall be deposited directly into the
15 State Agency Law Enforcement Radio System Trust Fund and may
16 be used by the office ~~department~~ to construct, maintain, or
17 support the system.

18 (g) The State Technology Office of the Department of
19 Management Services is hereby authorized to rent, lease, or
20 sublease ground space on lands acquired by the office
21 ~~department~~ for the construction of privately owned or publicly
22 owned towers. The office ~~department~~ may, as a part of such
23 rental, lease, or sublease agreement, require space on said
24 tower or towers for antennae as may be necessary for the
25 construction and operation of the state agency law enforcement
26 radio system or any other state need. The positions necessary
27 for the office ~~department~~ to accomplish its duties under this
28 paragraph and paragraph (f) shall be established in the
29 General Appropriations Act and shall be funded by the State
30 Agency Law Enforcement Radio System Trust Fund.

31

1 (3) Upon appropriation, moneys in the trust fund may
2 be used by the office ~~department~~ to acquire by competitive
3 procurement the equipment; software; and engineering,
4 administrative, and maintenance services it needs to
5 construct, operate, and maintain the statewide radio system.
6 Moneys in the trust fund collected as a result of the
7 surcharges set forth in ss. 320.0802 and 328.72 shall be used
8 to help fund the costs of the system. Upon completion of the
9 system, moneys in the trust fund may also be used by the
10 office ~~department~~ to provide for payment of the recurring
11 maintenance costs of the system. Moneys in the trust fund may
12 be appropriated to maintain and enhance, over and above
13 existing agency budgets, existing radio equipment systems of
14 the state agencies represented by the task force members, in
15 an amount not to exceed 10 percent per year per agency, of the
16 existing radio equipment inventory until the existing radio
17 equipment can be replaced pursuant to implementation of the
18 statewide radio communications system.

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

23 (b) The joint task force shall have the authority to
24 permit other state agencies to use the communications system,
25 under terms and conditions established by the joint task
26 force.

27 (5)(a) The State Technology Office of the Department
28 of Management Services shall provide technical support to the
29 joint task force and shall bear the overall responsibility for
30 the design, engineering, acquisition, and implementation of
31 the statewide radio communications system and for ensuring the

1 proper operation and maintenance of all system common
2 equipment.

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

7 Section 12. Section 282.111, Florida Statutes, is
8 amended to read:

9 282.111 Statewide system of regional law enforcement
10 communications.--

11 (1) It is the intent and purpose of the Legislature
12 that a statewide system of regional law enforcement
13 communications be developed whereby maximum efficiency in the
14 use of existing radio channels is achieved in order to deal
15 more effectively with the apprehension of criminals and the
16 prevention of crime generally. To this end, all law
17 enforcement agencies within the state are directed to provide
18 the State Technology Office of the Department of Management
19 Services with any information the office ~~department~~
20 for the purpose of implementing the provisions of subsection
21 (2).

22 (2) The State Technology Office of the Department of
23 Management Services is hereby authorized and directed to
24 develop and maintain a statewide system of regional law
25 enforcement communications. In formulating such a system, the
26 office ~~department~~ shall divide the state into appropriate
27 regions and shall develop a program which shall include, but
28 not be limited to, the following provisions:

29 (a) The communications requirements for each county
30 and municipality comprising the region.

31

1 (b) An interagency communications provision which
2 shall depict the communication interfaces between municipal,
3 county, and state law enforcement entities which operate
4 within the region.

5 (c) Frequency allocation and use provision which shall
6 include, on an entity basis, each assigned and planned radio
7 channel and the type of operation, simplex, duplex, or
8 half-duplex, on each channel.

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

12 (4) The Chief Information Officer of the State
13 Technology Office ~~Secretary of Management Services~~ or his or
14 her designee is designated as the director of the statewide
15 system of regional law enforcement communications and, for the
16 purpose of carrying out the provisions of this section, is
17 authorized to coordinate the activities of the system with
18 other interested state agencies and local law enforcement
19 agencies.

20 (5) No law enforcement communications system shall be
21 established or present system expanded without the prior
22 approval of the State Technology Office of the Department of
23 Management Services.

24 (6) Within the limits of its capability, the
25 Department of Law Enforcement is encouraged to lend assistance
26 to the State Technology Office of the Department of Management
27 Services in the development of the statewide system of
28 regional law enforcement communications proposed by this
29 section.

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

1 282.20 Technology Resource Center.--

2 (1)(a) The State Technology Office ~~Division of~~
3 ~~Information Services~~ of the Department of Management Services
4 shall operate and manage the Technology Resource Center.

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

6 1. "Office" ~~Department~~ means the State Technology
7 Office of the Department of Management Services.

8 2. ~~"Division" means the Division of Information~~
9 ~~Services of the Department of Management Services.~~

10 ~~2.3.~~ "Information-system utility" means a full-service
11 information-processing facility offering hardware, software,
12 operations, integration, networking, and consulting services.

13 ~~3.4.~~ "Customer" means a state agency or other entity
14 which is authorized to utilize the SUNCOM Network pursuant to
15 this part.

16 (2) The ~~division and the~~ Technology Resource Center
17 shall:

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

20 (b) Cooperate with ~~the Information Resource Commission~~
21 ~~and with other~~ customers to offer, develop, and support a wide
22 range of services and applications needed by users of the
23 Technology Resource Center.

24 (c) Cooperate with the Florida Legal Resource Center
25 of the Department of Legal Affairs and other state agencies to
26 develop and provide access to repositories of legal
27 information throughout the state.

28 (d) Cooperate with the office ~~Division of~~
29 ~~Communications of the department~~ to facilitate
30 interdepartmental networking and integration of network
31 services for its customers.

1 (e) Assist customers in testing and evaluating new and
2 emerging technologies that could be used to meet the needs of
3 the state.

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

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

13 (5) The Technology Resource Center may plan, design,
14 establish pilot projects for, and conduct experiments with
15 information technology resources, and may implement
16 enhancements in services when such implementation is
17 cost-effective. Funding for experiments and pilot projects
18 shall be derived from service revenues and may not exceed 5
19 percent of the service revenues for the Technology Resource
20 Center for any single fiscal year. Any experiment, pilot
21 project, plan, or design must be approved by the Chief
22 Information Officer of the State Technology Office ~~data~~
23 ~~processing policy board of the center.~~

24 (6) Notwithstanding the provisions of s. 216.272, the
25 Technology Resource Center may spend the funds in the reserve
26 account of its working capital trust fund for enhancements to
27 center operations or for information technology resources. Any
28 expenditure of reserve account funds must be approved by the
29 Chief Information Officer of the State Technology Office ~~data~~
30 ~~processing policy board of the center.~~ Any funds remaining in
31 the reserve account at the end of the fiscal year may be

1 carried forward and spent as approved by the Chief Information
2 Officer of the State Technology Office, provided that such
3 approval conforms to any applicable provisions of chapter 216
4 policy board.

5 Section 14. Section 282.21, Florida Statutes, is
6 amended to read:

7 282.21 The State Technology Office of the Department
8 of Management Services' electronic access services.--The State
9 Technology Office of the Department of Management Services may
10 collect fees for providing remote electronic access pursuant
11 to s. 119.085. The fees may be imposed on individual
12 transactions or as a fixed subscription for a designated
13 period of time. All fees collected under this section shall
14 be deposited in the appropriate trust fund of the program or
15 activity that made the remote electronic access available.

16 Section 15. Section 282.22, Florida Statutes, is
17 amended to read:

18 282.22 The State Technology Office of the Department
19 of Management Services production and dissemination of
20 materials and products.--

21 (1) It is the intent of the Legislature that when
22 materials, ~~and~~ products, information, and services are
23 collected or developed by or under the direction of the State
24 Technology Office of the Department of Management Services,
25 through research and development or other efforts, including
26 those subject to copyright, patent, or trademark, they shall
27 be made available for use by state and local government
28 entities at the earliest practicable date and in the most
29 economical and efficient manner possible and consistent with
30 chapter 119.

31

1 (2) To accomplish this objective the office department
 2 is authorized to publish or partner with private sector
 3 entities to, produce, or have produced materials and products
 4 and to make them readily available for appropriate use. The
 5 office department is authorized to charge an amount or receive
 6 value-added services adequate to cover the essential cost of
 7 producing and disseminating such materials, information,
 8 services, or ~~and~~ products and is authorized to sell services,
 9 when appropriate, ~~copies for use~~ to any entity who is
 10 authorized to use ~~utilize~~ the SUNCOM Network pursuant to this
 11 part and to the public.

12 (3) In cases in which the materials or products are of
 13 such nature, or the circumstances are such, that it is not
 14 practicable or feasible for the office department to produce
 15 or have produced materials and products so developed, it is
 16 authorized, after review and approval by the Executive Office
 17 of the Governor Department of State, to license, lease,
 18 assign, sell, or otherwise give written consent to any person,
 19 firm, or corporation for the manufacture or use thereof, on a
 20 royalty basis, or for such other consideration as the office
 21 department shall deem proper and in the best interest of the
 22 state; the office department is authorized and directed to
 23 protect same against improper or unlawful use or infringement
 24 and to enforce the collection of any sums due for the
 25 manufacture or use thereof by any other party.

26 (4) All proceeds from the sale of such materials and
 27 products or other money collected pursuant to this section
 28 shall be deposited into the Grants and Donations Trust Fund of
 29 the office department and, when properly budgeted as approved
 30 by the Legislature and the Executive Office of the Governor,
 31

1 used to pay the cost of producing and disseminating materials
2 and products to carry out the intent of this section.

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

5 282.303 Definitions.--For the purposes of ss.
6 282.303-282.322, the term:

7 (1) "Agency" means those entities described in s.
8 216.011(1)(mm) chapter 216.

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

12 (2)(3) "Chief Information Officer" means the person
13 appointed by the agency head, in consultation with the State
14 Technology Office, to coordinate and manage the information
15 resources management policies and activities within that
16 agency.

17 (3)(4) "Chief Information Officers Council" means the
18 council created in s. 282.315 to facilitate the sharing and
19 coordination of information resources management issues and
20 initiatives among the agencies.

21 (4)(5) "State Technology Office" means the office
22 created in s. 282.102 ~~s. 282.3093~~ to support and coordinate
23 cost-effective deployment of technology and information
24 resources and services across state government ~~specified~~
25 ~~information resources management activities and to facilitate~~
26 ~~educational and training opportunities.~~

27 (5)(6) "Information technology"~~"Data processing~~
28 ~~hardware"~~ means ~~information technology~~ equipment designed for
29 the automated storage, manipulation, and retrieval of data,
30 voice or video, by electronic or mechanical means, or both,
31 and includes, but is not limited to, central processing units,

1 front-end processing units, including miniprocessors and
 2 microprocessors, and related peripheral equipment such as data
 3 storage devices, document scanners, data entry, terminal
 4 controllers and data terminal equipment, ~~computer-related~~ word
 5 processing systems, ~~and~~ equipment and systems for computer
 6 networks, personal communication devices, and wireless
 7 equipment.

8 (6)(7) "Information technology"~~"Data processing~~
 9 services" means all services that include, but are not limited
 10 to, feasibility studies, systems design, software development,
 11 enterprise resource planning, application service provision,
 12 consulting, or time-sharing services.

13 (7)(8) "Data processing software" means the programs
 14 and routines used to employ and control the capabilities of
 15 data processing hardware, including, but not limited to,
 16 operating systems, compilers, assemblers, utilities, library
 17 routines, maintenance routines, applications, and computer
 18 networking programs.

19 (8)(9) "Agency Annual Enterprise Resource Planning and
 20 ~~Information Resources~~ Management Report" means the report
 21 prepared by the Chief Information Officer of each agency as
 22 required by s. 282.3063.

23 (9)(10) "State Annual Report on Enterprise Resource
 24 Planning and Information Resources Management" means the
 25 report prepared by the State Technology Office as defined in
 26 s. 282.3093.

27 (10)(11) "Project" means an undertaking directed at
 28 the accomplishment of a strategic objective relating to
 29 enterprise information resources management or a specific
 30 appropriated program.

31

1 ~~(11)(12)~~ "Enterprise resource planning and information
2 ~~resources~~ management" means the planning, budgeting,
3 acquiring, developing, organizing, directing, training, and
4 control associated with government information technology
5 resources. The term encompasses information and related
6 resources, as well as the controls associated with their
7 acquisition, development, dissemination, and use.

8 ~~(12)(13)~~ "Information technology resources" means data
9 processing hardware and software and services, communications,
10 supplies, personnel, facility resources, maintenance, and
11 training.

12 ~~(13)(14)~~ "Enterprise information resources management
13 infrastructure" means the hardware, software, networks, data,
14 human resources, policies, standards, and facilities that are
15 required to support the business processes of an agency or
16 state enterprise.

17 ~~(14)(15)~~ "Technology Review Workgroup" means the
18 workgroup created in s. 216.0446 to review and make
19 recommendations on agencies' information resources management
20 planning and budgeting proposals.

21 ~~(15)(16)~~ "Total cost" means all costs associated with
22 information resources management projects or initiatives,
23 including, but not limited to, value of hardware, software,
24 service, maintenance, incremental personnel, and facilities.
25 Total cost of a loan or gift of information technology
26 resources to an agency includes the fair market value of the
27 resources, except that the total cost of loans or gifts of
28 information technology resources to state universities to be
29 used in instruction or research does not include fair market
30 value.

31

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

3 Section 17. Section 282.3031, Florida Statutes, is
4 amended to read:

5 282.3031 Assignment of information resources
6 management responsibilities.--For purposes of ss.
7 282.303-282.322, to ensure the best management of state
8 information technology resources, and notwithstanding other
9 provisions of law to the contrary, the functions of
10 information resources management are hereby assigned to the
11 Board of Regents as the agency responsible for the development
12 and implementation of policy, planning, management,
13 rulemaking, standards, and guidelines for the State University
14 System; to the State Board of Community Colleges as the agency
15 responsible for establishing and developing rules and policies
16 for the Florida Community College System; to the Supreme Court
17 for the judicial branch; ~~and~~ to each state attorney and public
18 defender; and to the State Technology Office for the agencies
19 within the executive branch of state government.

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

23 282.3032 Development and implementation of information
24 systems; guiding principles.--To ensure the best management of
25 the state's information technology resources, the following
26 guiding principles are adopted:

27 (1) Enterprise resource ~~Cooperative~~ planning by state
28 governmental entities is a prerequisite for the effective
29 development and implementation of information systems to
30 enable sharing of data and cost-effective and efficient
31 services to individuals.

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

4 (3) State governmental entities should be committed to
5 maximizing information sharing and participate in
6 enterprise-wide efforts when appropriate ~~moving away from~~
7 ~~proprietary positions taken relative to data they collect and~~
8 ~~maintain.~~

9 (4) State governmental entities should maximize public
10 access to data, while complying with legitimate security,
11 privacy, and confidentiality requirements.

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

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

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

20 Section 19. Section 282.3041, Florida Statutes, is
21 amended to read:

22 282.3041 State agency responsibilities.--The head of
23 each state agency, in consultation with the State Technology
24 Office, is responsible and accountable for enterprise resource
25 planning and information resources management within the
26 agency in accordance with legislative intent and as defined in
27 this part.

28 Section 20. Section 282.3055, Florida Statutes, is
29 amended to read:

30 282.3055 Agency Chief Information Officer;
31 appointment; duties.--

1 (1)(a) To assist the agency head in carrying out the
2 enterprise resource planning and information resources
3 management responsibilities, the agency head shall appoint, in
4 consultation with the State Technology Office, or contract for
5 a Chief Information Officer at a level commensurate with the
6 role and importance of information technology resources in the
7 agency. This position may be full time or part time.

8 (b) The Chief Information Officer must, at a minimum,
9 have knowledge and experience in both management and
10 information technology resources.

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

13 (a) Coordinating and facilitating agency enterprise
14 resource planning and information resources management
15 projects and initiatives.

16 (b) Preparing an agency annual report on enterprise
17 resource planning and information resources management
18 pursuant to s. 282.3063.

19 (c) Developing and implementing agency enterprise
20 resource planning and information resources management
21 policies, procedures, and standards, including specific
22 policies and procedures for review and approval of the
23 agency's purchases of information technology resources.

24 (d) Advising agency senior management as to the
25 enterprise resource planning and information resources
26 management needs of the agency for inclusion in planning
27 documents required by law.

28 (e) Assisting in the development and prioritization of
29 the enterprise resource planning and information resources
30 management schedule of the agency's legislative budget
31 request.

1 Section 21. Section 282.3063, Florida Statutes, is
2 amended to read:

3 282.3063 Agency Annual Enterprise Resource Planning
4 and Information Resources Management Report.--

5 (1) By September 1 of each year, and for the State
6 University System within 90 days after completion of the
7 expenditure analysis developed pursuant to s. 240.271(4), each
8 Chief Information Officer shall prepare and submit to the
9 State Technology Office an Agency Annual Enterprise Resource
10 Planning and Information Resources Management Report.

11 Following consultation with the State Technology Office
12 ~~Council~~ and the Chief Information Officers Council, the
13 Executive Office of the Governor and the fiscal committees of
14 the Legislature shall jointly develop and issue instructions
15 for the format and contents of the report.

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

19 (a) A forecast of enterprise resource planning and
20 information resources management priorities and initiatives
21 for the ensuing 2 years.

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

25 (c) A status report on the major enterprise resource
26 planning and information resources management projects of the
27 agency.

28 (d) An assessment of the progress made toward
29 implementing the prior fiscal year legislative appropriation
30 to the agency for enterprise resource planning and information
31 resources management.

1 (e) The estimated expenditures by the agency for
2 enterprise resource planning and information resources
3 management for the prior fiscal year.

4 (f) An inventory list, by major categories, of the
5 agency information technology resources, which specifically
6 identifies the resources acquired during the previous fiscal
7 year.

8 (g) An assessment of opportunities for the agency to
9 share enterprise resource planning and information resources
10 management projects or initiatives with other governmental or
11 private entities.

12 (h) A list of enterprise resource planning and
13 information resources management issues the agency has
14 identified as statewide issues ~~or critical information~~
15 ~~resources management issues for which the State Technology~~
16 ~~Council could provide future leadership or assistance.~~

17 Section 22. Section 282.3095, Florida Statutes, is
18 created to read:

19 282.3095 Task Force on Privacy and Technology.--

20 (1) The State Technology Office shall create a Task
21 Force on Privacy and Technology. The task force shall include
22 professionals in the fields of communications, government, law
23 enforcement, law, marketing, technology, and financial
24 services, including, but not limited to, the Florida
25 Association of Court Clerks and Comptrollers, the Florida
26 Insurance Council, the Society of Consumer Affairs
27 Professionals in Business, the Florida Retail Federation, and
28 the Office of Statewide Prosecution. The task force shall
29 study and make policy recommendations by February 1, 2001 to
30 the Legislature and the Governor which includes, but is not
31 limited to:

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

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

6 (c) Balancing the traditional openness of public
7 records in the state with the need to protect the privacy and
8 identity of individuals.

9 (d) The sale of public records to private individuals
10 and companies.

11 (2) The task force shall recommend to the State
12 Technology Office no fewer than three pilot projects designed
13 to further the deployment of electronic access with protection
14 of privacy. The pilot projects shall apply technologies and
15 operating procedures to increase electronic access to public
16 records and to reduce the reliance on paper documents while
17 including safeguards for the protection of privacy rights and
18 confidential information.

19 (3) In order to carry out its duties and
20 responsibilities, the task force shall hold public meetings
21 necessary to gather the best available knowledge regarding
22 these issues. The State Technology Office shall staff the task
23 force as necessary. The members of the task force shall serve
24 without compensation, but shall be reimbursed for reasonable
25 and necessary expenses of attending the public meetings and
26 performing duties of the task force, including per diem and
27 travel expenses as provided in s. 112.061. Such expenses shall
28 be reimbursed from funds of the Department of Highway Safety
29 and Motor Vehicles. This subsection expires July 1, 2001.

30 Section 23. Section 282.310, Florida Statutes, is
31 amended to read:

1 282.310 State Annual Report on Enterprise Resource
2 Planning and Information Resources Management.--

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

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

10 (a) The state vision for enterprise resource planning
11 and information resources management.

12 (b) A forecast of the state enterprise resource
13 planning and information resources management priorities and
14 initiatives for the ensuing 2 years.

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

18 (d) A summary of memoranda issued by the Executive
19 Office of the Governor.

20 (e) An assessment of the overall progress toward an
21 integrated electronic system for deploying government
22 products, services, and information to individuals and
23 businesses and on state enterprise resource planning and
24 information resources management initiatives and priorities
25 for the past fiscal year.

26 (f) A summary of major statewide issues related to
27 improving enterprise resource planning and information
28 resources management by the state.

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

31

1 (h) A summary of the total agency expenditures or
2 descriptions of agreements, contracts, or partnerships for
3 enterprise resource planning and information resources
4 management and of enterprise-wide procurements done by the
5 office on behalf of the state by each state agency.

6 (i) A summary of the opportunities for government
7 agencies or entities to share enterprise resource planning and
8 information resources management projects or initiatives with
9 other governmental or private sector entities.

10 ~~(j) A list of the information resources management~~
11 ~~issues that have been identified as statewide or critical~~
12 ~~issues for which the State Technology Council could provide~~
13 ~~leadership or assistance.~~

14
15 The state annual report shall also include enterprise resource
16 planning and information resources management information from
17 the annual reports prepared by the Board of Regents for the
18 State University System, from the State Board of Community
19 Colleges for the Florida Community College System, from the
20 Supreme Court for the judicial branch, and from the Justice
21 Administrative Commission on behalf of the state attorneys and
22 public defenders. Expenditure information shall be taken from
23 each agency's annual report as well as the annual reports of
24 the Board of Regents, the State Board of Community Colleges,
25 the Supreme Court, and the Justice Administrative Commission.

26 (3) The state annual report shall be made available in
27 writing or through electronic means to the Executive Office of
28 the Governor, the President of the Senate, the Speaker of the
29 House of Representatives, and the Chief Justice of the Supreme
30 Court.

31

1 Section 24. Section 282.315, Florida Statutes, is
2 amended to read:

3 282.315 Chief Information Officers Council;
4 creation.--The Legislature finds that enhancing communication,
5 consensus building, coordination, and facilitation of
6 statewide enterprise resource planning and information
7 ~~resources~~ management issues is essential to improving state
8 management of such resources.

9 (1) There is created a Chief Information Officers
10 Council to:

11 (a) Enhance communication among the Chief Information
12 Officers of state agencies by sharing enterprise resource
13 planning and information resources management experiences and
14 exchanging ideas.

15 (b) Facilitate the sharing of best practices that are
16 characteristic of highly successful technology organizations,
17 as well as exemplary information technology applications of
18 state agencies.

19 (c) Identify efficiency opportunities among state
20 agencies.

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

23 (e) Assist the State Technology Office Council in
24 identifying critical statewide issues and, when appropriate,
25 make recommendations for solving enterprise resource planning
26 and information resources management deficiencies.

27 (2) Members of the council shall include the Chief
28 Information Officers of all state agencies, including the
29 Chief Information Officers of the agencies and governmental
30 entities enumerated in s. 282.3031, except that there shall be
31 one Chief Information Officer selected by the state attorneys

1 and one Chief Information Officer selected by the public
2 defenders. The chairs, or their designees, of the Geographic
3 Information Board, the Florida Financial Management
4 Information System Coordinating Council, the Criminal and
5 Juvenile Justice Information Systems Council, and the Health
6 Information Systems Council shall represent their respective
7 organizations on the Chief Information Officers Council as
8 voting members.

9 (3) The State Technology Office shall provide
10 administrative support to the council.

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

13 282.318 Security of data and information technology
14 resources.--

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

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

22 1. Designate an information security manager who shall
23 administer the security program of the agency for its data and
24 information technology resources.

25 2. Conduct, and periodically update, a comprehensive
26 risk analysis to determine the security threats to the data
27 and information technology resources of the agency. The risk
28 analysis information is confidential and exempt from the
29 provisions of s. 119.07(1), except that such information shall
30 be available to the Auditor General in performing his or her
31 postauditing duties.

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

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

13 5. Ensure that periodic internal audits and
14 evaluations of the security program for the data and
15 information technology resources of the agency are conducted.
16 The results of such internal audits and evaluations are
17 confidential information and exempt from the provisions of s.
18 119.07(1), except that such information shall be available to
19 the Auditor General in performing his or her postauditing
20 duties.

21 6. Include appropriate security requirements, as
22 determined by the agency, in the written specifications for
23 the solicitation of information technology resources.

24 (b) In those instances in which the State Technology
25 Office of the Department of Management Services develops state
26 contracts for use by state agencies, the department shall
27 include appropriate security requirements in the
28 specifications for the solicitation for state contracts for
29 procuring information technology resources.

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

1 282.404 Geographic information board; definition;
2 membership; creation; duties; advisory council; membership;
3 duties.--

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

17 (b) The Geographic Information Board may issue
18 guidelines on recommended best practices, including
19 recommended policies and standards, for the identification,
20 coordination, collection, and sharing of geographic
21 information.

22 (c) The Geographic Information Board may contract for,
23 accept, and make gifts, grants, loans, or other aid from and
24 to any other governmental entity and to any person. Members
25 may contribute, and the board may receive and expend, funds
26 for board initiatives.

27 (3) The board consists of the Chief Information
28 Officer in the State Technology Office ~~Director of Planning~~
29 ~~and Budgeting within the Executive Office of the Governor~~, the
30 executive director of the Fish and Wildlife Conservation
31 Commission, the executive director of the Department of

1 Revenue, and the State Cadastral Surveyor, as defined in s.
2 177.503, or their designees, and the heads of the following
3 agencies, or their designees: the Department of Agriculture
4 and Consumer Services, the Department of Community Affairs,
5 the Department of Environmental Protection, the Department of
6 Transportation, and the Board of Professional Surveyors and
7 Mappers. The Governor shall appoint to the board one member
8 each to represent the counties, municipalities, regional
9 planning councils, water management districts, and county
10 property appraisers. The Governor shall initially appoint two
11 members to serve 2-year terms and three members to serve
12 4-year terms. Thereafter, the terms of all appointed members
13 must be 4 years and the terms must be staggered. Members may
14 be appointed to successive terms and incumbent members may
15 continue to serve the board until a new appointment is made.

16 (4) The Chief Information Officer in the State
17 Technology Office ~~Director of Planning and Budgeting of the~~
18 ~~Executive Office of the Governor~~, or his or her designee,
19 shall serve as the chair of the board. A majority of the
20 membership of the board constitutes a quorum for the conduct
21 of business. The board shall meet at least twice each year,
22 and the chair may call a meeting of the board as often as
23 necessary to transact business. Administrative and clerical
24 support to the board shall be provided by the State Technology
25 Office of the Department of Management Services.

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

30 (7) The Geographic Information Advisory Council
31 consists of one member each from the State Technology Office

1 ~~Office of Planning and Budgeting within the Executive Office~~
2 ~~of the Governor,~~ the Fish and Wildlife Conservation
3 Commission, the Department of Revenue, the Department of
4 Agriculture and Consumer Services, the Department of Community
5 Affairs, the Department of Environmental Protection, the
6 Department of Transportation, the State Cadastral Surveyor,
7 the Board of Professional Surveyors and Mappers, counties,
8 municipalities, regional planning councils, water management
9 districts, and property appraisers, as appointed by the
10 corresponding member of the board, and the State Geologist.
11 The Governor shall appoint to the council one member each, as
12 recommended by the respective organization, to represent the
13 Department of Children and Family Services, the Department of
14 Health, the Florida Survey and Mapping Society, Florida Region
15 of the American Society of Photogrammetry and Remote Sensing,
16 Florida Association of Cadastral Mappers, the Florida
17 Association of Professional Geologists, Florida Engineering
18 Society, Florida Chapter of the Urban and Regional Information
19 Systems Association, the forestry industry, the State
20 University System survey and mapping academic research
21 programs, and State University System geographic information
22 systems academic research programs; and two members
23 representing utilities, one from a regional utility, and one
24 from a local or municipal utility. These persons must have
25 technical expertise in geographic information issues. The
26 Governor shall initially appoint six members to serve 2-year
27 terms and six members to serve 4-year terms. Thereafter, the
28 terms of all appointed members must be 4 years and must be
29 staggered. Members may be appointed to successive terms, and
30 incumbent members may continue to serve the council until a
31 successor is appointed. Representatives of the Federal

1 Government may serve as ex officio members without voting
2 rights.

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

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

15 119.07 Inspection, examination, and duplication of
16 records; exemptions.--

17 (b) If the nature or volume of public records
18 requested to be inspected, examined, or copied pursuant to
19 this subsection is such as to require extensive use of
20 information technology resources or extensive clerical or
21 supervisory assistance by personnel of the agency involved, or
22 both, the agency may charge, in addition to the actual cost of
23 duplication, a special service charge, which shall be
24 reasonable and shall be based on the cost incurred for such
25 extensive use of information technology resources or the labor
26 cost of the personnel providing the service that is actually
27 incurred by the agency or attributable to the agency for the
28 clerical and supervisory assistance required, or both.

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

31 (3)

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

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

12 2. "Sensitive" means only those portions of data
13 processing software, including the specifications and
14 documentation, used to:

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

17 b. Collect, process, store, and retrieve financial
18 management information of the agency, such as payroll and
19 accounting records; or

20 c. Control and direct access authorizations and
21 security measures for automated systems.

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

24 287.073 Procurement of information technology
25 resources.--

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

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

31

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

3 215.322 Acceptance of credit cards, charge cards, or
4 debit cards by state agencies, units of local government, and
5 the judicial branch.--

6 (1) It is the intent of the Legislature to encourage
7 state agencies, the judicial branch and units of local
8 government to make their goods, services, and information more
9 convenient to the public through the ~~and to reduce the~~
10 ~~administrative costs of government by~~ acceptance of payments
11 by credit cards, charge cards, and debit cards to the maximum
12 extent practicable when the benefits to the participating
13 agency and the public substantiate the cost of accepting these
14 types of payments.

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

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

28 (a) Utilization of a standardized contract between the
29 financial institution or other appropriate intermediaries and
30 the agency or judicial branch which shall be developed by the
31

1 Treasurer or approval by the Treasurer of a substitute
2 agreement.

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

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

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

19 (e) A methodology for agencies to use when completing
20 the cost-benefit analysis referred to in subsection (1). The
21 methodology must consider all quantifiable cost reductions,
22 other benefits to the agency, and potential impact on general
23 revenue. The methodology must also consider nonquantifiable
24 benefits such as the convenience to individuals and businesses
25 that would benefit from the ability to pay for state goods and
26 services through the use of credit cards, charge cards, and
27 debit cards.

28 Section 31. Subsections (5), (11), and (15) of section
29 287.012, Florida Statutes, are amended to read:

30 287.012 Definitions.--The following definitions shall
31 apply in this part:

1 (5) "Competitive sealed bids" or "competitive sealed
2 proposals" refers to the receipt of two or more sealed bids or
3 proposals submitted by responsive and qualified bidders or
4 offerors and includes bids or proposals transmitted by
5 electronic means in lieu of or in addition to written bids or
6 proposals.

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

20 (15) "Request for proposals" means a written
21 solicitation for competitive sealed proposals with the title,
22 date, and hour of the public opening designated. A written
23 solicitation includes a solicitation published or transmitted
24 by electronic means.The request for proposals is used when
25 the agency is incapable of specifically defining the scope of
26 work for which the commodity, group of commodities, or
27 contractual service is required and when the agency is
28 requesting that a qualified offeror propose a commodity, group
29 of commodities, or contractual service to meet the
30 specifications of the solicitation document. A request for
31 proposals includes, but is not limited to, general

1 information, applicable laws and rules, functional or general
2 specifications, statement of work, proposal instructions, and
3 evaluation criteria. Requests for proposals shall state the
4 relative importance of price and any other evaluation
5 criteria.

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

8 287.042 Powers, duties, and functions.--The department
9 shall have the following powers, duties, and functions:

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

20 Section 33. Subsection (22) is added to section
21 287.057, Florida Statutes, to read:

22 287.057 Procurement of commodities or contractual
23 services.--

24 (22)(a) The State Technology Office of the department
25 shall develop a program for on-line procurement of commodities
26 and contractual services. Only bidders prequalified as
27 meeting mandatory requirements and qualifications criteria
28 shall be permitted to participate in on-line procurement. The
29 State Technology Office may contract for equipment and
30 services necessary to develop and implement on-line
31 procurement.

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

5 1. Determining the requirements and qualification
6 criteria for prequalifying bidders.

7 2. Establishing the procedures for conducting on-line
8 procurement.

9 3. Establishing the criteria for eligible commodities
10 and contractual services.

11 4. Establishing the procedures for providing access to
12 on-line procurement.

13 Section 34. Creation and implementation of a marketing
14 and image campaign.--

15 (1) Enterprise Florida, Inc., in collaboration with
16 the private sector, shall create a marketing campaign to help
17 attract, develop, and retain information technology businesses
18 in this state. The campaign must be coordinated with any
19 existing economic development promotion efforts in this state,
20 and shall be jointly funded from private and public resources.

21 (2) The message of the campaign shall be to increase
22 national and international awareness of this state as a state
23 ideally suited for the successful advancement of the
24 information technology business sector. Marketing strategies
25 shall include development of promotional materials, Internet
26 and print advertising, public relations and media placement,
27 trade show attendance at information technology events, and
28 appropriate followup activities. Efforts to promote this state
29 as a high-technology business leader must include
30 identification and coordination of existing business
31 technology resources, partnerships with economic development

1 organizations and private sector businesses, continued
2 retention and growth of businesses based in this state that
3 produce high-technology products or use high-technology skills
4 for manufacturing, and recruitment of new business in such
5 area.

6 Section 35. Development of an Internet-based system
7 for information technology industry promotion and workforce
8 recruitment.--

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

22 (2) The Department of Labor and Employment Security
23 shall coordinate with the State Technology Office and the
24 Workforce Development Board of Enterprise Florida, Inc., to
25 ensure links, where feasible and appropriate, to existing job
26 information websites maintained by the state and state
27 agencies and to ensure that information technology positions
28 offered by the state and state agencies are posted on the
29 information technology website.

30 Section 36. Establishment of a network access
31 point.--The state actively supports efforts that enhance the

1 information technology industry in this state, particularly
2 those efforts that increase broadband technology. A critical
3 initiative to enhance this industry in this state is
4 determined to be the development of a network access point,
5 which is defined to be a carrier-neutral, public-private
6 Internet traffic exchange point. The state encourages private
7 information technology businesses to forge partnerships to
8 develop a network access point in this state. Moreover, the
9 state recognizes the importance of a network access point that
10 addresses the needs of small information technology
11 businesses.

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

14 212.08 Sales, rental, use, consumption, distribution,
15 and storage tax; specified exemptions.--The sale at retail,
16 the rental, the use, the consumption, the distribution, and
17 the storage to be used or consumed in this state of the
18 following are hereby specifically exempt from the tax imposed
19 by this chapter.

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

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

22 1. Beginning July 1, 2000, equipment purchased by a
23 communications service provider that is necessary for use in
24 the deployment of broadband technologies in the state as part
25 of the direct participation by the communications service
26 provider in a network access point, which is defined as a
27 carrier-neutral, public-private Internet traffic exchange
28 point, in this state shall be exempt from the tax imposed by
29 this chapter. This exemption inures to the communications
30 service provider only through a refund of previously paid
31 taxes. A refund shall be authorized upon an affirmative

1 showing by the taxpayer to the satisfaction of the department
2 that the requirements of this paragraph have been met.

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

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

8 b. A specific description of the property for which
9 the exemption is sought, including its serial number or other
10 permanent identification number.

11 c. The location of the property.

12 d. The sales invoice or other proof of purchase of the
13 property, showing the amount of sales tax paid, the date of
14 purchase, and the name and address of the sales tax dealer
15 from whom the property was purchased.

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

19 4. The provisions of s. 212.095 do not apply to any
20 refund application made pursuant to this paragraph. The
21 department shall adopt rules governing the manner and form of
22 refund applications and may establish guidelines as to the
23 requisites for an affirmative showing of qualification for
24 exemption under this paragraph.

25 5. For purposes of this paragraph:

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

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

1 c. "Equipment" includes asynchronous transfer mode
2 switches, digital subscriber line access multiplexers,
3 routers, servers, multiplexers, fiber optic connector
4 equipment, database equipment, and other network equipment
5 used to provide broadband technology and information services.

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

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

14 Section 38. If any provision of this act or the
15 application thereof to any person or circumstance is held
16 invalid, the invalidity shall not affect other provisions or
17 applications of the act which can be given effect without the
18 invalid provision or application, and to this end the
19 provisions of this act are declared severable.

20 Section 39. This act shall take effect July 1, 2000.
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