

1 A bill to be entitled
2 An act relating to domestic security; amending
3 s. 252.35, F.S.; permitting the Division of
4 Emergency Management to create a statewide
5 vendor list for emergency cleanup; providing
6 guidelines for contracts awarded for such
7 cleanup services; amending s. 282.318, F.S.;
8 requiring the Department of Management Services
9 to recommend minimum operating procedures for
10 the security of data and information technology
11 resources; requiring each agency to conduct
12 certain procedures to assure the security of
13 data, information, and information technology
14 resources; requiring that the results of
15 certain internal audits and evaluations be
16 available to the Auditor General; requiring the
17 department to establish an Office of
18 Information Security and to designate a Chief
19 Information Security Officer; requiring the
20 office to develop a strategic plan; providing
21 that the office is responsible for certain
22 procedures and standards; providing legislative
23 findings with respect to the provision of
24 additional funds for enhancements and
25 improvements to the radio system used by state
26 law enforcement agencies; providing for the
27 implementation of certain recommendations
28 contingent upon appropriation; providing an
29 appropriation and authorizing positions;
30 prescribing requirements for fire hydrants to
31 prevent backflow contamination of the domestic

1 water supply; imposing a surcharge to be paid
 2 for specified traffic-related criminal offenses
 3 and all noncriminal moving traffic violations;
 4 providing for the proceeds of the surcharge to
 5 be used for the state agency law enforcement
 6 radio system; amending s. 318.21, F.S.;
 7 revising provisions for disposition of civil
 8 penalties to provide for distribution of a
 9 specified surcharge; providing an effective
 10 date.

11

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

13

14 Section 1. Paragraph (w) is added to subsection (2) of
 15 section 252.35, Florida Statutes, to read:

16 252.35 Emergency management powers; Division of
 17 Emergency Management.--

18 (2) The division is responsible for carrying out the
 19 provisions of ss. 252.31-252.90. In performing its duties
 20 under ss. 252.31-252.90, the division shall:

21 (w) In cooperation with the local governing board or
 22 county commission, local emergency management agencies shall
 23 establish and maintain a vendor and price list for contractual
 24 services of disaster-relief cleanup for use by the county and
 25 municipalities during emergencies declared by the Governor
 26 pursuant to s. 252.36. Such contracts must be awarded after a
 27 competitive solicitation process, must require the
 28 establishment of hauling rates and debris removal and
 29 reduction, and must comply with all guidelines of the Federal
 30 Emergency Management Agency which are established at the time
 31 of the contract. Purchases by any county, municipality, or

1 other local governmental agency from a state term contract for
 2 the collection, removal, or reduction of disaster debris are
 3 exempt from competitive-solicitation requirements.

4 Section 2. Section 282.318, Florida Statutes, is
 5 amended to read:

6 282.318 Security of data and information technology
 7 resources.--

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

10 (2)~~(a)~~ The Department of Management Services,
 11 hereafter referred to as the department ~~The State Technology~~
 12 ~~Office~~, in consultation with each agency head, is responsible
 13 for coordinating, assessing, and recommending minimum
 14 operating procedures for ~~and accountable for~~ assuring an
 15 adequate level of security for ~~all~~ data and information
 16 technology resources. To assist the department in carrying of
 17 ~~each agency and, to carry~~ out this responsibility, each agency
 18 shall, at a minimum:

19 ~~(a)1-~~ Designate an information security manager who
 20 shall administer the security program of each agency for its
 21 data and information technology resources.

22 ~~(b)2-~~ Conduct, and ~~periodically~~ every 3 years,
 23 a comprehensive risk analysis to determine the security
 24 threats to the data, information, and information technology
 25 resources of each agency. The risk analysis information is
 26 confidential and exempt from the provisions of s. 119.07(1),
 27 except that such information shall be available to the Auditor
 28 General in performing his or her postauditing duties.

29 ~~(c)3-~~ Develop, and periodically update, written
 30 internal policies and procedures that are consistent with the
 31 standard operating procedures recommended by the department to

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

9 ~~(d)4.~~ Implement appropriate cost-effective safeguards
10 to reduce, eliminate, or recover from the identified risks to
11 the data and information technology resources of each agency.

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

20 ~~(f)6.~~ Include appropriate security requirements, ~~as~~
21 ~~determined by the State Technology Office, in consultation~~
22 ~~with each agency head,~~ in the written specifications for the
23 solicitation of information technology resources which are
24 consistent with the standard security operating procedures as
25 recommended by the department.

26 ~~(b)~~ In those instances in which the department State
27 ~~Technology Office~~ develops state contracts for use by state
28 agencies, the department office shall include appropriate
29 security requirements in the specifications for the
30 solicitation for state contracts for procuring information
31 technology resources.

1 (3) In order to ensure the security of data,
2 information, and information technology resources, the
3 department shall establish the Office of Information Security
4 and shall designate a Chief Information Security Officer as
5 the head of the office. The office shall coordinate its
6 activities with the Agency Chief Information Officers Council
7 as established in s. 282.315. The office is responsible for
8 developing a strategic plan for information technology
9 security which shall be submitted by December 1, 2006, to the
10 Executive Office of the Governor, the President of the Senate,
11 and the Speaker of the House of Representatives; developing
12 standards and templates for conducting comprehensive risk
13 analyses and information security audits by state agencies;
14 assisting agencies in their compliance with the provisions of
15 this section; establishing minimum standards for the recovery
16 of information technology following a disaster; and conducting
17 training for agency information security managers. This
18 subsection shall expire on June 30, 2007.

19 Section 3. The Legislature finds that infrastructure
20 enhancements and improvements to the radio system used by
21 state law enforcement agencies will provide increased
22 protection to the residents of this state and should be
23 considered for additional funding. In order to ensure
24 continued, improved communication and protection by state and
25 local law enforcement personnel, the recommendations of the
26 Joint Task Force on State Agency Law Enforcement
27 Communications, dated February 2005, or any subsequent
28 recommendations of the joint task force, should be implemented
29 contingent upon the appropriation of funds.

30 Section 4. For the 2006-2007 fiscal year, the sums of
31 \$529,387 in recurring funds and \$25,863 in nonrecurring funds

1 are appropriated from the General Revenue Fund to the
2 Department of Management Services for the Office of
3 Information Security, and five full-time equivalent positions
4 and an associated salary rate of 339,405 are authorized.

5 Section 5. All new and replacement fire hydrants in
6 this state shall have an internal hydrant valve device
7 installed which will prevent intentional or accidental
8 backflow contamination of the domestic water supply. Such
9 device may in no way delay access to the water supply for fire
10 protection.

11 Section 6. Subsection (12) of section 318.18, Florida
12 Statutes, is amended, and subsection (16) is added to that
13 section, to read:

14 318.18 Amount of civil penalties.--The penalties
15 required for a noncriminal disposition pursuant to s. 318.14
16 are as follows:

17 (12) Two ~~One~~ hundred dollars for a violation of s.
18 316.520(1) or (2). If, at a hearing, the alleged offender is
19 found to have committed this offense, the court shall impose a
20 minimum civil penalty of ~~\$200~~\$100. For a second or subsequent
21 adjudication within a period of 5 years, the department shall
22 suspend the driver's license of the person for not less than 1
23 year ~~180 days~~ and not more than 2 years ~~1 year~~.

24 (16) In addition to any penalties imposed, a surcharge
25 of \$4 must be paid for all criminal offenses listed in s.
26 318.17 and for all noncriminal moving traffic violations under
27 chapter 316. Revenue from the surcharge shall be remitted to
28 the Department of Revenue and deposited quarterly into the
29 State Agency Law Enforcement Radio System Trust Fund of the
30 Department of Management Services for the state agency law
31 enforcement radio system, as described in s. 282.1095. The

1 Department of Management Services may retain funds sufficient
2 to recover the costs and expenses incurred for the purposes of
3 managing, administering, and overseeing the Statewide Law
4 Enforcement Radio System. The Department of Management
5 Services working in conjunction with the Joint Task Force on
6 State Agency Law Enforcement Communications shall determine
7 and direct the purposes for which these funds are used to
8 enhance and improve the radio system.

9 Section 7. Subsection (15) is added to section 318.21,
10 Florida Statutes, to read:

11 318.21 Disposition of civil penalties by county
12 courts.--All civil penalties received by a county court
13 pursuant to the provisions of this chapter shall be
14 distributed and paid monthly as follows:

15 (15) Notwithstanding subsections (1) and (2), the
16 proceeds from the surcharge imposed under s. 318.18(16) shall
17 be distributed as provided in that subsection.

18 Section 8. This act shall take effect upon becoming a
19 law.