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LEGISLATIVE ACTION

Senate

House

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The Conference Committee on CS for SB 2574 recommended the following:

Senate Conference Committee Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (7) of section 11.90, Florida Statutes, is amended to read:

11.90 Legislative Budget Commission.—

(7) The commission shall review ~~information resources management needs identified in agency long-range program plans for consistency with the State Annual Report on Enterprise~~



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12 ~~Resource Planning and Management and statewide policies adopted~~
13 ~~by the State Technology Office. The commission shall also review~~
14 proposed budget amendments associated with information
15 technology that involve more than one agency, that have an
16 outcome that impacts another agency, or that exceed \$500,000 in
17 total cost over a 1-year period.

18 Section 2. Section 14.204, Florida Statutes, is amended to
19 read:

20 14.204 Agency for Enterprise Information Technology.—The
21 Agency for Enterprise Information Technology is created within
22 the Executive Office of the Governor.

23 (1) The head of the agency shall be the Governor and
24 Cabinet.

25 (2) The agency is ~~shall be~~ a separate budget entity and
26 ~~that~~ is not subject to control, supervision, or direction by the
27 Executive Office of the Governor ~~in any manner~~, including, but
28 not limited to, purchasing, transactions involving real or
29 personal property, personnel, or budgetary matters.

30 (3) The agency shall have an executive director who is the
31 state's Chief Information Officer and who must:

32 (a) Have a degree from an accredited postsecondary
33 institution;

34 (b) Have at least 7 years of executive-level experience in
35 managing information technology organizations; and

36 (c) Be appointed by the Governor and confirmed by the
37 Cabinet, subject to confirmation by the Senate, and serve at the
38 pleasure of the Governor and Cabinet. ~~;~~ and

39 ~~(d) Be the chief information officer of the state.~~

40 (4) The agency shall have the following duties and



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41 responsibilities:

42 (a) Develop strategies for the design, delivery, and
43 management of the enterprise information technology services
44 established in law.

45 (b) Monitor the delivery and management of the enterprise
46 information technology services as established in law.

47 (c) Make recommendations to the agency head and the
48 Legislature concerning other information technology services
49 that should be designed, delivered, and managed as enterprise
50 information technology services as defined in s. 282.0041.

51 (d) Plan and establish policies for managing proposed
52 statutorily authorized enterprise information technology
53 services, which includes:

54 1. Developing business cases that, when applicable, include
55 the components identified in s. 287.0574;

56 2. Establishing and coordinating project-management teams;

57 3. Establishing formal risk-assessment and mitigation
58 processes; and

59 4. Providing for independent monitoring of projects for
60 recommended corrective actions.

61 ~~(e) Define the architecture standards for enterprise~~
62 ~~information technology services and develop implementation~~
63 ~~approaches for statewide migration to those standards.~~

64 (e)-(f) Beginning October 1, 2010, develop, and publish, and
65 biennially update a long-term strategic enterprise information
66 technology plan that identifies and recommends strategies and
67 opportunities to improve the delivery of cost-effective and
68 efficient for how enterprise information technology services to
69 be proposed for establishment pursuant to s. 282.0056 will



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70 ~~deliver effective and efficient government services to state~~
71 ~~residents and improve the operations of state agencies.~~

72 ~~(f)(g)~~ Perform duties related to the state data center
73 system as provided in s. 282.201.

74 ~~(g)(h)~~ Coordinate procurement negotiations for hardware and
75 software acquisition necessary to consolidate data center or
76 computer facilities infrastructure.

77 ~~(h)(i)~~ In consultation with the Division of Purchasing in
78 the Department of Management Services, coordinate procurement
79 negotiations for software that will be used by multiple
80 agencies.

81 ~~(i)(j)~~ In coordination with, and through the services of,
82 the Division of Purchasing in the Department of Management
83 Services, develop best practices for technology procurements.

84 (5) The Office of Information Security shall be created
85 within the agency. The agency shall designate a state Chief
86 Information Security Officer who shall oversee the office and
87 report directly to the executive director.

88 ~~(6)(5)~~ The agency shall operate in a manner that ensures
89 the participation and representation of state agencies and the
90 Agency Chief Information Officers Council established in s.
91 282.315.

92 ~~(7)(6)~~ The agency may adopt rules ~~pursuant to ss.~~
93 ~~120.536(1) and 120.54~~ to carry out its statutory duties.

94 Section 3. Subsection (10) of section 20.315, Florida
95 Statutes, is amended to read:

96 20.315 Department of Corrections.—There is created a
97 Department of Corrections.

98 (10) SINGLE INFORMATION AND RECORDS SYSTEM.—There shall be



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99 only one offender-based information and records computer system
100 maintained by the Department of Corrections for the joint use of
101 the department and the Parole Commission. This data system shall
102 be ~~is~~ managed through the department's Justice Data Center,
103 ~~which is hereby transferred to the department under this act~~
104 ~~pursuant to a type two transfer authorized under s. 20.06(2).~~
105 The department shall develop and maintain, in consultation with
106 the Criminal and Juvenile Justice Information Systems Council
107 under s. 943.08, such offender-based information, including
108 clemyency administration information and other computer services
109 ~~system designed~~ to serve the needs of both the department and
110 the Parole Commission. The department shall notify the
111 commission of all violations of parole and the circumstances
112 thereof.

113 Section 4. Paragraphs (e), (w), (x), and (y) of subsection
114 (2) of section 110.205, Florida Statutes, are amended to read:

115 110.205 Career service; exemptions.—

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

118 (e) The Chief Information Officer in the Agency for
119 Enterprise Information Technology, ~~deputy chief information~~
120 ~~officers, chief technology officers, and deputy chief technology~~
121 ~~officers in the State Technology Office~~. Unless otherwise fixed
122 by law, the Agency for Enterprise Information Technology ~~State~~
123 ~~Technology Office~~ shall set the salary and benefits of this
124 position ~~these positions~~ in accordance with the rules of the
125 Senior Management Service.

126 (w) ~~All managers, supervisors, and confidential employees~~
127 ~~of the State Technology Office. The State Technology Office~~



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128 ~~shall set the salaries and benefits of these positions in~~
129 ~~accordance with the rules established for the Selected Exempt~~
130 ~~Service.~~

131 (w)~~(x)~~ Managerial employees, as defined in s. 447.203(4),
132 confidential employees, as defined in s. 447.203(5), and
133 supervisory employees who spend the majority of their time
134 communicating with, motivating, training, and evaluating
135 employees, and planning and directing employees' work, and who
136 have the authority to hire, transfer, suspend, lay off, recall,
137 promote, discharge, assign, reward, or discipline subordinate
138 employees or effectively recommend such action, including all
139 employees serving as supervisors, administrators, and directors.
140 Excluded are employees also designated as special risk or
141 special risk administrative support and attorneys who serve as
142 administrative law judges pursuant to s. 120.65 or for hearings
143 conducted pursuant to s. 120.57(1)(a). Additionally, registered
144 nurses licensed under chapter 464, dentists licensed under
145 chapter 466, psychologists licensed under chapter 490 or chapter
146 491, nutritionists or dietitians licensed under part X of
147 chapter 468, pharmacists licensed under chapter 465,
148 psychological specialists licensed under chapter 491, physical
149 therapists licensed under chapter 486, and speech therapists
150 licensed under part I of chapter 468 are excluded, unless
151 otherwise collectively bargained.

152 (x)~~(y)~~ All officers and employees of the Justice
153 Administrative Commission, Office of the State Attorney, Office
154 of the Public Defender, regional offices of capital collateral
155 counsel, offices of criminal conflict and civil regional
156 counsel, and Statewide Guardian Ad Litem Office, including the



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157 circuit guardian ad litem programs.

158 Section 5. Section 282.003, Florida Statutes, is amended to
159 read:

160 282.003 Short title.—This part may be cited as the
161 “Enterprise Information Technology Services Resources Management
162 Act.”

163 Section 6. Section 282.0041, Florida Statutes, is amended
164 to read:

165 282.0041 Definitions.—As used in this chapter ~~For the~~
166 ~~purposes of this part,~~ the term:

167 (1) “Agency” has the same meaning as ~~means those entities~~
168 ~~described~~ in s. 216.011(1)(qq).

169 (2) “Agency chief information officer” means the person
170 employed ~~appointed~~ by the agency head to coordinate and manage
171 the information technology functions and responsibilities
172 applicable to that agency, ~~and~~ to participate and represent the
173 agency in developing strategies for implementing enterprise
174 information technology services established pursuant to this
175 part, identified in law and to develop ~~developing~~
176 recommendations for enterprise information technology policy.

177 (3) “Agency Chief Information Officers Council” means the
178 council created in s. 282.315.

179 (4) “Agency for Enterprise Information Technology” means
180 the agency created in s. 14.204.

181 (5) “Agency information technology service” means a service
182 that directly helps an agency fulfill its statutory or
183 constitutional responsibilities and policy objectives and is
184 usually associated with the agency’s primary or core business
185 functions.



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

191 (7) "Breach" has the same meaning as in s. 817.5681(4).

192 (8)~~(7)~~ "Business continuity plan" means a plan for disaster
193 recovery which provides for the continued functioning of a
194 primary data center during and after a disaster.

195 (9)~~(8)~~ "Computing facility" means agency space containing
196 fewer than a total of 10 physical or logical servers, any of
197 which supports a strategic or nonstrategic information
198 technology service, as described in budget instructions
199 developed pursuant to s. 216.023, but excluding single, logical-
200 server ~~single-server~~ installations that exclusively perform a
201 utility function such as file and print servers.

202 (10)~~(9)~~ "Customer entity" means an entity that obtains
203 services from a primary data center.

204 (11)~~(10)~~ "Data center" means agency space containing 10 or
205 more physical or logical servers any of which supports a
206 strategic or nonstrategic information technology service, as
207 described in budget instructions developed pursuant to s.
208 216.023.

209 (12) "Department" means the Department of Management
210 Services.

211 ~~(11) "Enterprise level" means all executive branch agencies~~
212 ~~created or authorized in statute to perform legislatively~~
213 ~~delegated functions.~~

214 (13)~~(12)~~ "Enterprise information technology service" means



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215 an information technology service that is used in all agencies
216 or a subset of agencies and is established in law to be
217 designed, delivered, and managed at the enterprise level.

218 (14)~~(13)~~ "E-mail, messaging, and calendaring service" means
219 the enterprise information technology service that enables users
220 to send, receive, file, store, manage, and retrieve electronic
221 messages, attachments, appointments, and addresses.

222 (15)~~(14)~~ "Information-system utility" means a full-service
223 information-processing facility offering hardware, software,
224 operations, integration, networking, and consulting services.

225 (16)~~(15)~~ "Information technology" means equipment,
226 hardware, software, firmware, programs, systems, networks,
227 infrastructure, media, and related material used to
228 automatically, electronically, and wirelessly collect, receive,
229 access, transmit, display, store, record, retrieve, analyze,
230 evaluate, process, classify, manipulate, manage, assimilate,
231 control, communicate, exchange, convert, converge, interface,
232 switch, or disseminate information of any kind or form.

233 (17)~~(16)~~ "Information technology policy" means statements
234 that describe clear choices for how information technology will
235 deliver effective and efficient government services to residents
236 and improve state agency operations. A policy may relate to
237 investments, business applications, architecture, or
238 infrastructure. A policy describes its rationale, implications
239 of compliance or noncompliance, the timeline for implementation,
240 metrics for determining compliance, and the accountable
241 structure responsible for its implementation.

242 (18)~~(17)~~ "Performance metrics" means the measures of an
243 organization's activities and performance.



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244 ~~(19)-(18)~~ "Primary data center" means a state or nonstate
245 agency data center that is a recipient entity for consolidation
246 of nonprimary data centers and computing facilities. A primary
247 data center may be authorized in law or designated by the Agency
248 for Enterprise Information Technology pursuant to s. 282.201.

249 ~~(20)-(19)~~ "Project" means an endeavor that has a defined
250 start and end point; is undertaken to create or modify a unique
251 product, service, or result; and has specific objectives that,
252 when attained, signify completion.

253 ~~(21)~~ "Risk analysis" means the process of identifying
254 security risks, determining their magnitude, and identifying
255 areas needing safeguards.

256 ~~(22)-(20)~~ "Service level" means the key performance
257 indicators (KPI) of an organization or service which must be
258 regularly performed, monitored, and achieved.

259 ~~(23)-(21)~~ "Service-level agreement" means a written contract
260 between a data center and a customer entity which specifies the
261 scope of services provided, service level, the duration of the
262 agreement, the responsible parties, and service costs. A
263 service-level agreement is not a rule pursuant to chapter 120.

264 ~~(24)-(22)~~ "Standards" means required practices, controls,
265 components, or configurations established by an authority ~~the~~
266 ~~use of current, open, nonproprietary, or non-vendor-specific~~
267 ~~technologies.~~

268 ~~(25)~~ "Threat" means any circumstance or event that may
269 cause harm to the integrity, availability, or confidentiality of
270 information technology resources.

271 ~~(26)-(23)~~ "Total cost" means all costs associated with
272 information technology projects or initiatives, including, but



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273 not limited to, value of hardware, software, service,
274 maintenance, incremental personnel, and facilities. Total cost
275 of a loan or gift of information technology resources to an
276 agency includes the fair market value of the resources; however,
277 the total cost of loans or gifts of information technology to
278 state universities to be used in instruction or research does
279 not include fair market value.

280 ~~(27)-(24)~~ "Usage" means the billing amount charged by the
281 primary data center, less any pass-through charges, to the
282 customer entity.

283 ~~(28)-(25)~~ "Usage rate" means a customer entity's usage or
284 billing amount as a percentage of total usage.

285 Section 7. Subsections (2) and (3) of section 282.0056,
286 Florida Statutes, are amended to read:

287 282.0056 Development of work plan; development of
288 implementation plans; and policy recommendations.—

289 (2) ~~By December 31, 2009,~~ The agency may ~~shall~~ develop, and
290 submit to the President of the Senate, and ~~and~~ the Speaker of the
291 House of Representatives, and the Governor by October 1 of each
292 year ~~implementation plans for at least one of the following~~
293 proposed enterprise information technology services to be
294 established in law:

295 ~~(a) A shared or consolidated enterprise information~~
296 ~~technology service delivery and support model for the e-mail,~~
297 ~~messaging, and calendaring service.~~

298 ~~(b) Information security.~~

299 ~~(c) Consideration of a planned replacement cycle for~~
300 ~~computer equipment.~~

301 (3) In developing policy recommendations and implementation



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302 plans for established and proposed enterprise information
303 technology services, the agency shall describe the scope of
304 operation, conduct costs and requirements analyses, conduct an
305 inventory of all existing information technology resources that
306 are associated with each service, and develop strategies and
307 timeframes for statewide migration. ~~For purposes of~~
308 ~~consolidating state owned or state operated computer rooms and~~
309 ~~data centers, the agency shall develop a migration plan for any~~
310 ~~consolidation effort.~~

311 Section 8. Subsection (2), paragraph (c) of subsection (3),
312 and subsection (4) of section 282.201, Florida Statutes, are
313 amended to read:

314 282.201 State data center system; agency duties and
315 limitations.—A state data center system that includes all
316 primary data centers, other nonprimary data centers, and
317 computing facilities, and that provides an enterprise
318 information technology service as defined in s. 282.0041, is
319 established.

320 (2) AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY DUTIES.—
321 The Agency for Enterprise Information Technology shall:

322 (a) Collect and maintain information necessary for
323 developing policies relating to the data center system,
324 including, but not limited to, an inventory of facilities.

325 (b) Annually approve cost-recovery mechanisms and rate
326 structures for primary data centers which recover costs through
327 charges to customer entities.

328 (c) By December 31 of each year beginning in 2009, submit
329 to the Legislature recommendations to improve the efficiency and
330 effectiveness of computing services provided by state data



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331 center system facilities. Such recommendations may include, but
332 need not be limited to:

333 1. Policies for improving the cost-effectiveness and
334 efficiency of the state data center system.

335 2. Infrastructure improvements supporting the consolidation
336 of facilities or preempting the need to create additional data
337 centers ~~center facilities~~ or computing facilities.

338 3. Standards for an objective, credible energy performance
339 rating system that data center boards of trustees can use to
340 measure state data center energy consumption and efficiency on a
341 biannual basis.

342 4. Uniform disaster recovery standards.

343 5. Standards for primary data centers providing transparent
344 financial data to user agencies.

345 6. Consolidation of contract practices or coordination of
346 software, hardware, or other technology-related procurements.

347 7. Improvements to data center governance structures.

348 (d) By October 1 ~~December 31~~ of each year beginning in
349 2009, recommend to the Governor and Legislature ~~identify~~ at
350 least two nonprimary data centers ~~or computing facilities~~ for
351 consolidation into a primary data center or nonprimary data
352 center facility.

353 1. The consolidation proposal must provide a transition
354 plan that includes: ~~including~~

355 a. Estimated transition costs for each data center or
356 computing facility recommended for consolidation;

357 b. Detailed timeframes for the complete transition of each
358 data center or computing facility recommended for
359 consolidation;



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360 c. Proposed recurring and nonrecurring fiscal impacts,
361 including increased or decreased costs and associated budget
362 impacts for affected budget entities; ~~budgetary savings,~~ and
363 d. Substantive legislative changes necessary to implement
364 the transition.
365 e. Identification of computing resources to be transferred
366 and those that will remain in the agency. The transfer of
367 resources must include all hardware, software, staff, contracted
368 services, and facility resources performing data center
369 management and operations, security, backup and recovery,
370 disaster recovery, system administration, database
371 administration, system programming, job control, production
372 control, print, storage, technical support, help desk, and
373 managed services but excluding application development.
374 ~~2.1.~~ Recommendations shall be based on the goal of
375 maximizing current and future cost savings. The agency shall
376 consider the following criteria in selecting consolidations that
377 maximize efficiencies by providing the ability to:
378 a. Consolidate purchase decisions;
379 b. Leverage expertise and other resources to gain economies
380 of scale;
381 c. Implement state information technology policies more
382 effectively;
383 d. Maintain or improve the level of service provision to
384 customer entities; and
385 e. Make progress towards the state's goal of consolidating
386 data centers and computing facilities into primary data centers.
387 ~~3.2.~~ The agency shall establish workgroups as necessary to
388 ensure participation by affected agencies in the development of



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389 recommendations related to consolidations.

390 ~~(e)3.~~ By December 31, 2010, the agency shall develop and
391 submit to the Legislature an overall consolidation plan for
392 state data centers ~~and computing facilities~~. The plan shall
393 indicate a timeframe for the consolidation of all remaining
394 nonprimary data centers facilities into primary data centers,
395 including existing and proposed primary data centers, by 2019.

396 ~~4. This paragraph expires July 1, 2017.~~

397 ~~(f)(e)~~ Develop and establish rules ~~policies by rule~~
398 relating to the operation of the state data center system which
399 ~~must~~ comply with applicable federal regulations, including 2
400 C.F.R. part 225 and 45 C.F.R. The rules ~~policies~~ may address:

401 1. Ensuring that financial information is captured and
402 reported consistently and accurately.

403 2. Requiring the establishment of service-level agreements
404 executed between a data center and its customer entities for
405 services provided.

406 3. Requiring annual full cost recovery on an equitable
407 rational basis. The cost-recovery methodology must ensure that
408 no service is subsidizing another service and may include
409 adjusting the subsequent year's rates as a means to recover
410 deficits or refund surpluses from a prior year.

411 4. Requiring that any special assessment imposed to fund
412 expansion is based on a methodology that apportions the
413 assessment according to the proportional benefit to each
414 customer entity.

415 5. Requiring that rebates be given when revenues have
416 exceeded costs, that rebates be applied to offset charges to
417 those customer entities that have subsidized the costs of other



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418 customer entities, and that such rebates may be in the form of
419 credits against future billings.

420 6. Requiring that all service-level agreements have a
421 contract term of up to 3 years, but may include an option to
422 renew for up to 3 additional years contingent on approval by the
423 board, and require at least a 180-day notice of termination.

424 7. Designating any nonstate data centers as primary data
425 centers if the center:

426 a. Has an established governance structure that represents
427 customer entities proportionally.

428 b. Maintains an appropriate cost-allocation methodology
429 that accurately bills a customer entity based on the actual
430 direct and indirect costs to the customer entity, and prohibits
431 the subsidization of one customer entity's costs by another
432 entity.

433 c. Has sufficient raised floor space, cooling, redundant
434 power capacity, including uninterruptible power supply and
435 backup power generation, to accommodate the computer processing
436 platforms and support necessary to host the computing
437 requirements of additional customer entities.

438 8. Removing nonstate data centers from primary data center
439 designation if the nonstate data center fails to meet standards
440 necessary to ensure that the state's data is maintained pursuant
441 to subparagraph 7.

442 (3) STATE AGENCY DUTIES.—

443 (c) The chief information officer of each state agency
444 shall assist the Agency for Enterprise Information Technology at
445 the request of ~~as required by the Agency for Enterprise~~
446 Information Technology ~~agency~~.



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447 (4) AGENCY LIMITATIONS.—

448 (a) Unless authorized by the Legislature or as provided in
449 paragraphs (b) and (c) ~~paragraph (b)~~, a state agency may not:

450 1. Create a new computing facility or data center, or
451 expand the capability to support additional computer equipment
452 in an existing computing facility or nonprimary data center;

453 2. Transfer existing computer services to a nonprimary data
454 center or computing facility;

455 3. Terminate services with a primary data center or
456 transfer services between primary data centers without giving
457 written notice of intent to terminate or transfer services 180
458 days before such termination or transfer; or

459 4. Initiate a new computer service if it does not currently
460 have an internal data center except with a primary data center.

461 (b) Exceptions to the limitations in subparagraphs (a)1.,
462 2., and 4. ~~paragraph (a)~~ may be granted by ~~the agency head of~~
463 the Agency for Enterprise Information Technology if there is
464 insufficient capacity in a primary data center to absorb the
465 workload associated with agency computing services.

466 1. A request for an exception must be submitted in writing
467 to the Agency for Enterprise Information Technology. The agency
468 must accept, accept with conditions, or deny the request within
469 60 days after receipt of the written request. The agency's
470 decision is not subject to chapter 120.

471 2. At a minimum, the agency may not approve a request
472 unless it includes:

473 a. Documentation approved by the primary data center's
474 board of trustees which confirms that the center cannot meet the
475 capacity requirements of the agency requesting the exception



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476 within the current fiscal year.

477 b. A description of the capacity requirements of the agency
478 requesting the exception.

479 c. Documentation from the agency demonstrating why it is
480 critical to the agency's mission that the expansion or transfer
481 must be completed within the fiscal year rather than when
482 capacity is established at a primary data center.

483 (c) Exceptions to subparagraph (a)3. may be granted by the
484 board of trustees of the primary data center if the termination
485 or transfer of services can be absorbed within the current cost-
486 allocation plan.

487 (d) Upon the termination of or transfer of agency computing
488 services from the primary data center, the primary data center
489 shall require information sufficient to determine compliance
490 with this section. If a primary data center determines that an
491 agency is in violation of this section, it shall report the
492 violation to the Agency for Enterprise Information Technology.

493 Section 9. Paragraph (j) is added to subsection (1) of
494 section 282.203, Florida Statutes, subsection (2) of that
495 section is amended, and paragraph (j) is added to subsection (3)
496 of that section, to read:

497 282.203 Primary data centers.—

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

499 (j) Be the custodian of resources and equipment that are
500 located, operated, supported, and managed by the center for the
501 purposes of chapter 273.

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

504 (a) The members of the board shall be appointed by the



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505 agency head or chief executive officer of the representative
506 customer entities of the primary data center and shall serve at
507 the pleasure of the appointing customer entity. ~~The initial~~
508 ~~appointments of members shall be made as soon as practicable,~~
509 ~~but not later than July 1, 2008.~~

510 1. For each of the first 2 fiscal years that a center is in
511 operation, membership shall be ~~apportioned~~ as provided in
512 subparagraph 3. based on projected customer entity usage rates
513 for the fiscal operating year of the primary data center.
514 However, at a minimum:

515 a. During the Southwood Shared Resource Center's first 2
516 operating years, the Department of Transportation, the
517 Department of Highway Safety and Motor Vehicles, the Department
518 of Health, and the Department of Revenue must each have at least
519 one trustee.

520 b. During the Northwood Shared Resource Center's first
521 operating year, the Department of State and the Department of
522 Education must each have at least one trustee.

523 2. After the second full year of operation, membership
524 shall be ~~apportioned~~ as provided in subparagraph 3. based on the
525 most recent estimate of customer entity usage rates for the
526 prior year and a projection of usage rates for the first 9
527 months of the next fiscal year. Such calculation must be
528 completed before the annual budget meeting held before the
529 beginning of the next fiscal year so that any decision to add or
530 remove board members can be voted on at the budget meeting and
531 become effective on July 1 of the subsequent fiscal year.

532 3. Each customer entity that has a projected usage rate of
533 4 percent or greater during the fiscal operating year of the



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534 primary data center shall have one trustee on the board.
535 ~~Membership shall be apportioned using the following criteria:~~
536 4. The total number of votes for each trustee shall be
537 apportioned as follows:
538 a. Customer entities of a primary data center whose usage
539 rate represents 4 but less than 15 ~~to 14~~ percent of total usage
540 shall have one vote trustee.
541 b. Customer entities of a primary data center whose usage
542 rate represents 15 but less than 30 ~~to 29~~ percent of total usage
543 shall have two votes trustees.
544 c. Customer entities of a primary data center whose usage
545 rate represents 30 but less than 50 ~~to 49~~ percent of total usage
546 shall have three votes trustees.
547 d. A customer entity of a primary data center whose usage
548 rate represents 50 percent or more of total usage shall have
549 four votes trustees.
550 e. A single trustee having one vote shall represent those
551 customer entities that represent less than 4 percent of the
552 total usage. The trustee shall be selected by a process
553 determined by the board.
554 ~~f. The executive director of the Agency for Enterprise~~
555 ~~Information Technology shall serve as a voting member of the~~
556 ~~board.~~
557 (b) Before July 1 of each year, each board of trustees of a
558 primary data center shall elect a chair and a vice chair to a
559 term of 1 year or until a successor is elected. The vice chair
560 shall serve in the absence of the chair. ~~The vice chair may not~~
561 ~~be from the same customer entity as the chair.~~ The chair may be
562 elected to serve one additional successive term.



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563 (c) Members of the board representing customer entities who
564 fail to timely pay for data center services do not have voting
565 rights.

566 (d) The board shall take action by majority vote. If there
567 is a tie, the chair shall be on the prevailing side.

568 (e) The executive director of the Agency for Enterprise
569 Information Technology shall be the advisor to the board.

570 (f) To facilitate planned data center consolidations, board
571 membership may be adjusted as provided in the General
572 Appropriations Act.

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

575 (j) Maintain the capabilities of the primary data center's
576 facilities. Maintenance responsibilities include, but are not
577 limited to, ensuring that adequate conditioned floor space, fire
578 suppression, cooling, and power is in place; replacing aging
579 equipment when necessary; and making decisions related to data
580 center expansion and renovation, periodic upgrades, and
581 improvements that are required to ensure the ongoing suitability
582 of the facility as an enterprise data center consolidation site
583 in the state data center system. To the extent possible, the
584 board shall ensure that its approved annual cost-allocation plan
585 recovers sufficient funds from its customers to provide for
586 these needs pursuant to s. 282.201(2) (e).

587 Section 10. Section 282.204, Florida Statutes, is amended
588 to read:

589 282.204 Northwood Shared Resource Center.—

590 (1) ~~Beginning July 1, 2008,~~ A workgroup shall be
591 established within the Department of Children and Family



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592 Services for the purpose of developing a plan for converting its
593 data center to a primary data center.

594 (a) The workgroup shall be chaired by a member appointed by
595 the secretary of the department. Workgroup members may include
596 other state agencies who will be customers of the data center
597 during the 2009-2010 fiscal year. The workgroup shall include
598 staff members who have appropriate financial and technical
599 skills as determined by the chair of the workgroup.

600 (b) The conversion plan shall address organizational
601 changes, personnel changes, cost-allocation plan changes, and
602 any other changes necessary to effectively convert to a primary
603 state data center capable of providing computer services as
604 required by s. 282.201.

605 (c) The workgroup shall submit recommendations for
606 facilitating the conversion to the Governor and Cabinet, the
607 President of the Senate, and the Speaker of the House of
608 Representatives by December 31, 2008.

609 (2) Effective July 1, 2009, The Northwood Shared Resource
610 Center is an agency ~~is~~ established within the Department of
611 Children and Family Services for administrative purposes only.

612 (a) The center is ~~designated as~~ a primary data center and
613 shall be a separate budget entity that is not subject to
614 control, supervision, or direction of the department in any
615 manner, including, but not limited to, purchasing, transactions
616 involving real or personal property, personnel, or budgetary
617 matters.

618 (b) ~~(3)~~ The center shall be headed by a board of trustees as
619 provided in s. 282.203, who shall comply with all requirements
620 of that section related to the operation of the center and with



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621 the rules ~~policies~~ of the Agency for Enterprise Information
622 Technology related to the design and delivery of enterprise
623 information technology services. The secretary of the department
624 may appoint a temporary board chair for the purpose of convening
625 the board of trustees, selecting a chair, and determining board
626 membership.

627 (3) The Department of Children and Family Services and the
628 center shall identify resources associated with information
629 technology functions which are not related to the support,
630 management, and operation of the data center but which currently
631 exist within the same budget entity as the data center. By
632 October 1, 2009, the center shall submit a budget amendment to
633 transfer resources associated with these functions to the
634 department.

635 Section 11. Section 282.205, Florida Statutes, is amended
636 to read:

637 282.205 Southwood Shared Resource Center.—

638 ~~(1) Effective July 1, 2008, The Southwood Shared Resource~~
639 ~~Center is an agency established within the department of~~
640 ~~Management Services for administrative purposes only.~~

641 (1) The center is designated as a primary data center and
642 shall be a separate budget entity that is not subject to
643 control, supervision, or direction of the department in any
644 manner, including, but not limited to, purchasing, transactions
645 involving real or personal property, personnel, or budgetary
646 matters.

647 ~~(2) The Department of Management Services and the center~~
648 ~~shall identify resources associated with information technology~~
649 ~~functions which are not related to the support, management, and~~



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650 ~~operation of the data center but which currently exist within~~
651 ~~the same budget entity as the data center. By October 1, 2008,~~
652 ~~the center shall submit a budget amendment to transfer resources~~
653 ~~associated with these functions to the Department of Management~~
654 ~~Services.~~

655 ~~(2)(3)~~ The center shall be headed by a board of trustees as
656 provided in s. 282.203, who shall comply with all requirements
657 of that section related to the operation of the center and with
658 the rules ~~policies~~ of the Agency for Enterprise Information
659 Technology related to the design and delivery of enterprise
660 information technology services.

661 Section 12. Section 282.318, Florida Statutes, is amended
662 to read:

663 282.318 Security of data and information technology
664 resources.—

665 (1) This section may be cited as the "Enterprise Security
666 of Data and Information Technology Infrastructure Act."

667 (2) Information technology security is established as an
668 enterprise information technology service as defined in s.
669 287.0041.

670 ~~(3)(2)(a)~~ The Office of Information Security within the
671 Agency for Enterprise Information Technology, ~~in consultation~~
672 ~~with each agency head,~~ is responsible for establishing rules and
673 publishing guidelines ~~assessing and recommending minimum~~
674 ~~operating procedures~~ for ensuring an appropriate adequate level
675 of security for all data and information technology resources
676 for executive branch agencies ~~created or authorized in statute~~
677 ~~to perform legislatively delegated functions.~~ The office shall
678 also perform the following duties and responsibilities:



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679 (a) Develop, and annually update by February 1, an
680 enterprise information security strategic plan that includes
681 security goals and objectives for the strategic issues of
682 information security policy, risk management, training, incident
683 management, and survivability planning.

684 (b) Develop enterprise security rules and published
685 guidelines for:

686 1. Comprehensive risk analyses and information security
687 audits conducted by state agencies.

688 2. Responding to suspected or confirmed information
689 security incidents, including suspected or confirmed breaches of
690 personal information or exempt data.

691 3. Agency security plans, including strategic security
692 plans and security program plans.

693 4. The recovery of information technology and data
694 following a disaster.

695 5. The managerial, operational, and technical safeguards
696 for protecting state government data and information technology
697 resources.

698 (c) Assist agencies in complying with the provisions of s.
699 282.318.

700 (d) Pursue appropriate funding for the purpose of enhancing
701 domestic security.

702 (e) Provide training for agency information security
703 managers.

704 (f) Annually review the strategic and operational
705 information security plans of executive branch agencies.

706 (4) To assist the Office of Information Security agency in
707 carrying out its responsibilities ~~this responsibility~~, each



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708 agency head shall, at a minimum:

709 (a)1. Designate an information security manager to ~~who~~
710 ~~shall~~ administer the security program of the agency for its data
711 and information technology resources. This designation must be
712 provided annually in writing to the office by January 1.

713 (b) Submit to the office annually by July 31, the agency's
714 strategic and operational information security plans developed
715 pursuant to the rules and guidelines established by the office.

716 1. The agency strategic information security plan must
717 cover a 3-year period and define security goals, intermediate
718 objectives, and projected agency costs for the strategic issues
719 of agency information security policy, risk management, security
720 training, security incident response, and survivability. The
721 plan must be based on the enterprise strategic information
722 security plan created by the office. Additional issues may be
723 included.

724 2. The agency operational information security plan must
725 include a progress report for the prior operational information
726 security plan and a project plan that includes activities,
727 timelines, and deliverables for security objectives that,
728 subject to current resources, the agency will implement during
729 the current fiscal year. The cost of implementing the portions
730 of the plan which cannot be funded from current resources must
731 be identified in the plan.

732 (c)2. Conduct, and update every 3 years, a comprehensive
733 risk analysis to determine the security threats to the data,
734 information, and information technology resources of the agency.
735 The risk analysis information is confidential and exempt from
736 the provisions of s. 119.07(1), except that such information



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737 shall be available to the Auditor General and the Agency for
738 Enterprise Information Technology for ~~in~~ performing postauditing
739 duties.

740 (d)3. Develop, and periodically update, written internal
741 policies and procedures, which ~~shall~~ include procedures for
742 notifying the office ~~Agency for Enterprise Information~~
743 ~~Technology~~ when a suspected or confirmed breach, or an
744 information security incident, occurs ~~or data is compromised~~.
745 Such policies and procedures must be consistent with the rules
746 and guidelines established ~~standard operating procedures adopted~~
747 by the office ~~Agency for Enterprise Information Technology in~~
748 ~~order~~ to ensure the security of the data, information, and
749 information technology resources of the agency. The internal
750 policies and procedures that, if disclosed, could facilitate the
751 unauthorized modification, disclosure, or destruction of data or
752 information technology resources are confidential information
753 and exempt from ~~the provisions of~~ s. 119.07(1), except that such
754 information shall be available to the Auditor General and the
755 Agency for Enterprise Information Technology for ~~in~~ performing
756 postauditing duties.

757 (e)4. Implement appropriate cost-effective safeguards to
758 address ~~reduce, eliminate, or recover from the~~ identified risks
759 to the data, information, and information technology resources
760 of the agency.

761 (f)5. Ensure that periodic internal audits and evaluations
762 of the agency's security program for the data, information, and
763 information technology resources of the agency are conducted.
764 The results of such ~~internal~~ audits and evaluations are
765 confidential information and exempt from ~~the provisions of~~ s.



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766 119.07(1), except that such information shall be available to
767 the Auditor General and the Agency for Enterprise Information
768 Technology for ~~in~~ performing postauditing duties.

769 (g) ~~6.~~ Include appropriate security requirements in the
770 written specifications for the solicitation of information
771 technology and information technology resources and services,
772 which are consistent with the rules and guidelines established
773 ~~standard security operating procedures adopted by the office~~
774 ~~Agency for Enterprise Information Technology.~~

775 (h) Provide security awareness training to employees and
776 users of the agency's communication and information resources
777 concerning information security risks and the responsibility of
778 employees and users to comply with policies, standards,
779 guidelines, and operating procedures adopted by the agency to
780 reduce those risks.

781 (i) Develop a process for detecting, reporting, and
782 responding to suspected or confirmed security incidents,
783 including suspected or confirmed breaches consistent with the
784 security rules and guidelines established by the office.

785 1. Suspected or confirmed information security incidents
786 and breaches must be immediately reported to the office.

787 2. For incidents involving breaches, agencies shall provide
788 notice in accordance with s. 817.5681 and to the office in
789 accordance with this subsection.

790 (5) ~~(b)~~ Each ~~In those instances under this subsection in~~
791 ~~which the state agency or department develops state contracts,~~
792 ~~the state agency or department shall include appropriate~~
793 security requirements in the specifications for the solicitation
794 of ~~for~~ state contracts for procuring information technology or



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795 information technology resources or services which are
796 consistent with the rules and guidelines established by the
797 Office of Information Security.

798 ~~(3) The Agency for Enterprise Information Technology shall~~
799 ~~designate a chief information security officer.~~

800 ~~(4) The Agency for Enterprise Information Technology shall~~
801 ~~develop standards and templates for conducting comprehensive~~
802 ~~risk analyses and information security audits by state agencies,~~
803 ~~assist agencies in their compliance with the provisions of this~~
804 ~~section, pursue appropriate funding provided for the purpose of~~
805 ~~enhancing domestic security, establish minimum guidelines and~~
806 ~~procedures for the recovery of information technology following~~
807 ~~a disaster, and provide training for agency information security~~
808 ~~managers. Standards, templates, guidelines, and procedures shall~~
809 ~~be published annually, no later than September 30 each year, to~~
810 ~~enable agencies to incorporate them in their planning for the~~
811 ~~following fiscal year.~~

812 ~~(6)-(5)~~ The Agency for Enterprise Information Technology may
813 adopt rules pursuant to ~~ss. 120.536(1) and 120.54~~ relating to
814 information security and to administer the provisions of this
815 section.

816 (7) By December 31, 2010, the Agency for Enterprise
817 Information Technology shall develop, and submit to the
818 Governor, the President of the Senate, and the Speaker of the
819 House of Representatives a proposed implementation plan for
820 information technology security. The agency shall describe the
821 scope of operation, conduct costs and requirements analyses,
822 conduct an inventory of all existing security information
823 technology resources, and develop strategies, timeframes, and



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824 resources necessary for statewide migration.

825 Section 13. Paragraph (b) of subsection (2) of section
826 282.33, Florida Statutes, is amended to read:

827 282.33 Objective standards for data center energy
828 efficiency.—

829 (2) State shared resource data centers and other data
830 centers that the Agency for Enterprise Information Technology
831 has determined will be recipients for consolidating data
832 centers, which are designated by the Agency for Enterprise
833 Information Technology, shall evaluate their data center
834 facilities for energy efficiency using the standards established
835 in this section.

836 (b) By December 31, 2010, and biennially ~~biannually~~
837 thereafter, the Agency for Enterprise Information Technology
838 shall submit to the Legislature recommendations for reducing
839 energy consumption and improving the energy efficiency of state
840 primary data centers.

841 Section 14. Section 282.34, Florida Statutes, is created to
842 read:

843 282.34 Statewide e-mail system.—A state e-mail system that
844 includes the service delivery and support for a statewide e-
845 mail, messaging, and calendaring service is established as an
846 enterprise information technology service as defined in s.
847 282.0041. The service shall be designed to meet the needs of all
848 executive branch agencies and reduce the current cost of
849 operation and support.

850 (1) The Southwood Shared Resource Center, a primary data
851 center, shall be the provider of the statewide e-mail system.
852 The center shall centrally host, manage, and operate the e-mail



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853 system.

854 (2) By December 31, 2009, the Agency for Enterprise
855 Information Technology shall submit a proposed plan for the
856 establishment of the e-mail system to the Governor, the
857 President of the Senate, and the Speaker of the House of
858 Representatives. The plan shall be developed to reduce costs to
859 the state and include, at a minimum:

860 (a) An analysis of the in-house and external sourcing
861 options that should be considered for delivery and support of
862 the service. The analysis shall include an internally hosted
863 system option, an externally sourced system option, and, if
864 necessary, a combined in-house and externally sourced option.

865 (b) A cost-benefit analysis that estimates all major cost
866 elements associated with each sourcing option, including the
867 nonrecurring and recurring costs of each option. The analysis
868 must also include a comparison of the total cost of each
869 enterprise e-mail sourcing option and the total cost of existing
870 e-mail services in order to determine the level of savings that
871 can be expected.

872 (c) Estimated expenditures for each state agency associated
873 with e-mail costs for the 2009-2010 fiscal year.

874 (d) The plan must identify any existing e-mail
875 infrastructure that should be considered for reuse.

876 (e) A concise analysis of the ability of each sourcing
877 option to meet major system requirements, including federal and
878 state requirements for confidentiality, privacy, security, and
879 records retention.

880 (f) A complete description of the scope of functionality,
881 operations, and required resources associated with each sourcing



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882 option.

883 (g) Recommendations for standardizing the format of state
884 e-mail addresses.

885 (h) A reliable schedule for the decommissioning of all
886 state agency e-mail systems and the migration of all agencies to
887 the new system beginning by July 1, 2010, and completing by June
888 30, 2013.

889 (3) In order to develop the recommended plan for the new
890 system, the Agency for Enterprise Information Technology shall
891 consult with and, as necessary, form workgroups consisting of
892 agency e-mail management staff, agency chief information
893 officers, and agency budget directors. State agencies must
894 cooperate with the Agency for Enterprise Technology in its
895 development of the plan.

896 (4) Unless authorized by the Legislature or as provided in
897 subsection (5), a state agency shall not:

898 (a) Initiate a new e-mail service with any entity other
899 than the provider of the statewide e-mail system service;

900 (b) Terminate a statewide e-mail system service without
901 giving written notice of termination 180 days in advance; or

902 (c) Transfer e-mail system services from the provider of
903 the statewide e-mail system service.

904 (5) Exceptions to paragraphs (4) (a), (b), and (c) may be
905 granted by the Agency for Enterprise Information Technology only
906 if the Southwood Shared Resource Center is unable to meet agency
907 e-mail service requirements. Requests for exceptions must be
908 submitted in writing to the Agency for Enterprise Information
909 Technology and include confirmation by the Southwood Shared
910 Resource Center board of trustees that it cannot meet the



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911 requesting agency's e-mail service requirements.

912 Section 15. The Division of Statutory Revision is requested
913 to create part IV of chapter 282, consisting of sections 282.701
914 through 282.711, Florida Statutes.

915 Section 16. Section 282.701, Florida Statutes, is created
916 to read:

917 282.701 Short title.—This part may be cited as the
918 “Communication Information Technology Services Act.”

919 Section 17. Section 282.102, Florida Statutes, is
920 transferred and renumbered as section 282.702, Florida Statutes.

921 Section 18. Section 282.103, Florida Statutes, is
922 transferred, renumbered as section 282.703, Florida Statutes,
923 and amended to read:

924 282.703 ~~282.103~~ SUNCOM Network; exemptions from the
925 required use.—

926 (1) There is created within the department ~~of Management~~
927 ~~Services~~ the SUNCOM Network, which shall be developed to serve
928 as the state communications system for providing local and long-
929 distance communications services to state agencies, political
930 subdivisions of the state, municipalities, state universities,
931 and nonprofit corporations pursuant to this part ~~ss. 282.102-~~
932 ~~282.111~~. The SUNCOM Network shall be developed to transmit all
933 types of communications signals, including, but not limited to,
934 voice, data, video, image, and radio. State agencies shall
935 cooperate and assist in the development and joint use of
936 communications systems and services.

937 (2) The department ~~State Technology Office~~ shall design,
938 engineer, implement, manage, and operate through state
939 ownership, commercial leasing, or some combination thereof, the



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940 facilities and equipment providing SUNCOM Network services, and
941 shall develop a system of equitable billings and charges for
942 communication services.

943 (3) All state agencies and state universities shall ~~are~~
944 ~~required to~~ use the SUNCOM Network for agency and state
945 university communications services as the services become
946 available; however, no agency or university is relieved of
947 responsibility for maintaining communications services necessary
948 for effective management of its programs and functions. If a
949 SUNCOM Network service does not meet the communications
950 requirements of an agency or university, the agency or
951 university shall notify the department ~~State Technology Office~~
952 in writing and detail the requirements for that communications
953 service. If the department ~~office~~ is unable to meet an agency's
954 or university's requirements by enhancing SUNCOM Network
955 service, the department ~~office~~ may grant the agency or
956 university an exemption from the required use of specified
957 SUNCOM Network services.

958 Section 19. Section 282.104, Florida Statutes, is
959 transferred, renumbered as section 282.704, Florida Statutes,
960 and amended to read:

961 282.704 ~~282.104~~ Use of state SUNCOM Network by
962 municipalities.—Any municipality may request the department
963 ~~State Technology Office~~ to provide any or all of the SUNCOM
964 Network's portfolio of communications services upon such terms
965 and ~~under such~~ conditions as the department ~~office~~ may
966 establish. The requesting municipality shall pay its share of
967 installation and recurring costs according to the published
968 rates for SUNCOM Network services and as invoiced by the



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969 ~~department office~~. Such municipality shall also pay for any
970 requested modifications to existing SUNCOM Network services, if
971 any charges apply.

972 Section 20. Section 282.105, Florida Statutes, is
973 transferred, renumbered as section 282.705, Florida Statutes,
974 and amended to read:

975 282.705 ~~282.105~~ Use of state SUNCOM Network by nonprofit
976 corporations.—

977 (1) The department ~~State Technology Office~~ shall provide a
978 means whereby private nonprofit corporations under contract with
979 state agencies or political subdivisions of the state may use
980 the state SUNCOM Network, subject to the limitations in this
981 section. In order to qualify to use the state SUNCOM Network, a
982 nonprofit corporation shall:

983 (a) Expend the majority of its total direct revenues for
984 the provision of contractual services to the state, a
985 municipality, or a political subdivision ~~of the state~~; and

986 (b) Receive only a small portion of its total revenues from
987 any source other than a state agency, a municipality, or a
988 political subdivision ~~of the state~~ during the ~~period of~~ time
989 SUNCOM Network services are requested.

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

994 (3) Nonprofit corporations established pursuant to general
995 law and an association of municipal governments which is wholly
996 owned by the municipalities are ~~shall be~~ eligible to use the
997 state SUNCOM Network, subject to the terms and conditions of the



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998 department office.

999 (4) Institutions qualified to participate in the William L.
1000 Boyd, IV, Florida Resident Access Grant Program pursuant to s.
1001 1009.89 are ~~shall be~~ eligible to use the state SUNCOM Network,
1002 subject to the terms and conditions of the department office.
1003 Such entities are ~~shall not be~~ required to satisfy the other
1004 criteria of this section.

1005 (5) Private, nonprofit elementary and secondary schools are
1006 ~~shall be~~ eligible for rates and services on the same basis as
1007 public schools if such, ~~providing these nonpublic~~ schools do not
1008 have an endowment in excess of \$50 million.

1009 Section 21. Section 282.106, Florida Statutes, is
1010 transferred, renumbered as section 282.706, Florida Statutes,
1011 and amended to read:

1012 282.706 ~~282.106~~ Use of SUNCOM Network by libraries.—The
1013 department ~~State Technology Office~~ may provide SUNCOM Network
1014 services to any library in the state, including libraries in
1015 public schools, community colleges, state universities, and
1016 nonprofit private postsecondary educational institutions, and
1017 libraries owned and operated by municipalities and political
1018 subdivisions.

1019 Section 22. Section 282.107, Florida Statutes, is
1020 transferred and renumbered as section 282.707, Florida Statutes,
1021 and amended to read:

1022 282.707 ~~282.107~~ SUNCOM Network; criteria for usage.—

1023 (1) The department ~~of Management Services~~ shall
1024 periodically review the qualifications of subscribers using the
1025 state SUNCOM Network and shall terminate services provided to
1026 any facility not qualified under this part ~~pursuant to ss.~~



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1027 ~~282.102-282.111~~ or rules adopted hereunder. In the event of
1028 nonpayment of invoices by subscribers whose SUNCOM Network
1029 invoices are paid from sources other than legislative
1030 appropriations, such nonpayment represents good and sufficient
1031 reason to terminate service.

1032 (2) The department ~~of Management Services~~ shall adopt rules
1033 for implementing and operating the state SUNCOM Network, which
1034 ~~shall~~ include ~~its~~ procedures for withdrawing and restoring
1035 authorization to use the state SUNCOM Network. Such rules shall
1036 provide a minimum of 30 days' notice to affected parties before
1037 terminating ~~prior to termination of~~ voice communications
1038 service.

1039 (3) ~~Nothing in~~ This section does not ~~shall be construed to~~
1040 limit or restrict the ability of the Florida Public Service
1041 Commission to set jurisdictional tariffs of telecommunications
1042 companies.

1043 Section 23. Section 282.109, Florida Statutes, is
1044 transferred and renumbered as section 282.708, Florida Statutes.

1045 Section 24. Section 282.1095, Florida Statutes, is
1046 transferred, renumbered as section 282.709, Florida Statutes,
1047 and amended to read:

1048 282.709 ~~282.1095~~ State agency law enforcement radio system
1049 and interoperability network.—

1050 (1) The department ~~State Technology Office~~ may acquire and
1051 administer ~~implement~~ a statewide radio communications system to
1052 serve law enforcement units of state agencies, and to serve
1053 local law enforcement agencies through mutual aid channels. ~~The~~
1054 ~~Joint Task Force on State Agency Law Enforcement Communications~~
1055 ~~is established in the State Technology Office to advise the~~



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1056 ~~office of member agency needs for the planning, designing, and~~
1057 ~~establishment of the joint system. The State Agency Law~~
1058 ~~Enforcement Radio System Trust Fund is established in the State~~
1059 ~~Technology Office. The trust fund shall be funded from~~
1060 ~~surcharges collected under ss. 320.0802 and 328.72.~~

1061 (a) The department shall, in conjunction with the
1062 Department of Law Enforcement and the Division of Emergency
1063 Management of the Department of Community Affairs, establish
1064 policies, procedures, and standards to be incorporated into a
1065 comprehensive management plan for the use and operation of the
1066 statewide radio communications system.

1067 (b) The department shall bear the overall responsibility
1068 for the design, engineering, acquisition, and implementation of
1069 the statewide radio communications system and for ensuring the
1070 proper operation and maintenance of all common system equipment.

1071 (c)1. The department may rent or lease space on any tower
1072 under its control and refuse to lease space on any tower at any
1073 site.

1074 2. The department may rent, lease, or sublease ground space
1075 as necessary to locate equipment to support antennae on the
1076 towers. The costs for the use of such space shall be established
1077 by the department for each site if it is determined to be
1078 practicable and feasible to make space available.

1079 3. The department may rent, lease, or sublease ground space
1080 on lands acquired by the department for the construction of
1081 privately owned or publicly owned towers. The department may, as
1082 a part of such rental, lease, or sublease agreement, require
1083 space on such towers for antennae as necessary for the
1084 construction and operation of the state agency law enforcement



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1085 radio system or any other state need.

1086 4. All moneys collected by the department for rents,
1087 leases, and subleases under this subsection shall be deposited
1088 directly into the State Agency Law Enforcement Radio System
1089 Trust Fund established in subsection (3) and may be used by the
1090 department to construct, maintain, or support the system.

1091 5. The positions necessary for the department to accomplish
1092 its duties under this subsection shall be established in the
1093 General Appropriations Act and funded by the Law Enforcement
1094 Radio Operating Trust Fund or other revenue sources.

1095 (d) The department shall exercise its powers and duties
1096 under this part to plan, manage, and administer the mutual aid
1097 channels in the statewide radio communication system.

1098 1. In implementing such powers and duties, the department
1099 shall consult and act in conjunction with the Department of Law
1100 Enforcement and the Division of Emergency Management of the
1101 Department of Community Affairs, and shall manage and administer
1102 the mutual aid channels in a manner that reasonably addresses
1103 the needs and concerns of the involved law enforcement agencies
1104 and emergency response agencies and entities.

1105 2. The department may make the mutual aid channels
1106 available to federal agencies, state agencies, and agencies of
1107 the political subdivisions of the state for the purpose of
1108 public safety and domestic security.

1109 (e) The department may allow other state agencies to use
1110 the statewide radio communications system under terms and
1111 conditions established by the department.

1112 (2) The Joint Task Force on State Agency Law Enforcement
1113 Communications is created adjunct to the department to advise



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1114 the department of member-agency needs relating to the planning,
1115 designing, and establishment of the statewide communication
1116 system.

1117 (a) The Joint Task Force on State Agency Law Enforcement
1118 Communications shall consist of eight members, as follows:

1119 1. A representative of the Division of Alcoholic Beverages
1120 and Tobacco of the Department of Business and Professional
1121 Regulation who shall be appointed by the secretary of the
1122 department.

1123 2. A representative of the Division of Florida Highway
1124 Patrol of the Department of Highway Safety and Motor Vehicles
1125 who shall be appointed by the executive director of the
1126 department.

1127 3. A representative of the Department of Law Enforcement
1128 who shall be appointed by the executive director of the
1129 department.

1130 4. A representative of the Fish and Wildlife Conservation
1131 Commission who shall be appointed by the executive director of
1132 the commission.

1133 5. A representative of the Division of Law Enforcement of
1134 the Department of Environmental Protection who shall be
1135 appointed by the secretary of the department.

1136 6. A representative of the Department of Corrections who
1137 shall be appointed by the secretary of the department.

1138 7. A representative of the Division of State Fire Marshal
1139 of the Department of Financial Services who shall be appointed
1140 by the State Fire Marshal.

1141 8. A representative of the Department of Transportation who
1142 shall be appointed by the secretary of the department.



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1143 (b) Each appointed member of the joint task force shall
1144 serve at the pleasure of the appointing official. Any vacancy on
1145 the joint task force shall be filled in the same manner as the
1146 original appointment. A ~~Any~~ joint task force member may, upon
1147 notification to the chair before ~~prior to~~ the beginning of any
1148 scheduled meeting, appoint an alternative to represent the
1149 member on the task force and vote on task force business in his
1150 or her absence.

1151 (c) The joint task force shall elect a chair from among its
1152 members to serve a 1-year term. A vacancy in the chair of the
1153 joint task force must be filled for the remainder of the
1154 unexpired term by an election of the joint task force members.

1155 (d) The joint task force shall meet as necessary, but at
1156 least quarterly, at the call of the chair and at the time and
1157 place designated by him or her.

1158 (e) The per diem and travel expenses incurred by a member
1159 of the joint task force in attending its meetings and in
1160 attending to its affairs shall be paid pursuant to s. 112.061,
1161 from funds budgeted to the state agency that the member
1162 represents.

1163 (f) The department shall provide technical support to the
1164 joint task force.

1165 ~~(f) The State Technology Office is hereby authorized to~~
1166 ~~rent or lease space on any tower under its control. The office~~
1167 ~~may also rent, lease, or sublease ground space as necessary to~~
1168 ~~locate equipment to support antennae on the towers. The costs~~
1169 ~~for use of such space shall be established by the office for~~
1170 ~~each site, when it is determined to be practicable and feasible~~
1171 ~~to make space available. The office may refuse to lease space on~~



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1172 ~~any tower at any site. All moneys collected by the office for~~
1173 ~~such rents, leases, and subleases shall be deposited directly~~
1174 ~~into the Law Enforcement Radio Operating Trust Fund and may be~~
1175 ~~used by the office to construct, maintain, or support the~~
1176 ~~system.~~

1177 ~~(g) The State Technology Office is hereby authorized to~~
1178 ~~rent, lease, or sublease ground space on lands acquired by the~~
1179 ~~office for the construction of privately owned or publicly owned~~
1180 ~~towers. The office may, as a part of such rental, lease, or~~
1181 ~~sublease agreement, require space on said tower or towers for~~
1182 ~~antennae as may be necessary for the construction and operation~~
1183 ~~of the state agency law enforcement radio system or any other~~
1184 ~~state need. The positions necessary for the office to accomplish~~
1185 ~~its duties under this paragraph and paragraph (f) shall be~~
1186 ~~established in the General Appropriations Act and shall be~~
1187 ~~funded by the Law Enforcement Radio Operating Trust Fund or~~
1188 ~~other revenue sources.~~

1189 ~~(h) The State Technology Office may make the mutual aid~~
1190 ~~channels in the statewide radio communications system available~~
1191 ~~to federal agencies, state agencies, and agencies of the~~
1192 ~~political subdivisions of the state for the purpose of public~~
1193 ~~safety and domestic security. The office shall exercise its~~
1194 ~~powers and duties, as specified in this chapter, to plan,~~
1195 ~~manage, and administer the mutual aid channels. The office~~
1196 ~~shall, in implementing such powers and duties, act in~~
1197 ~~consultation and conjunction with the Department of Law~~
1198 ~~Enforcement and the Division of Emergency Management of the~~
1199 ~~Department of Community Affairs, and shall manage and administer~~
1200 ~~the mutual aid channels in a manner that reasonably addresses~~



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1201 ~~the needs and concerns of the involved law enforcement agencies~~
1202 ~~and emergency response agencies and entities.~~

1203 (3) The State Agency Law Enforcement Radio System Trust
1204 Fund is established in the department and funded from surcharges
1205 collected under ss. 318.18, 320.0802 and 328.72. Upon
1206 appropriation, moneys in the trust fund may be used by the
1207 department office to acquire by competitive procurement the
1208 equipment, ~~+~~ software, ~~+~~ and engineering, administrative, and
1209 maintenance services it needs to construct, operate, and
1210 maintain the statewide radio system. Moneys in the trust fund
1211 collected as a result of the surcharges set forth in ss. 318.18,
1212 320.0802, and 328.72 shall be used to help fund the costs of the
1213 system. Upon completion of the system, moneys in the trust fund
1214 may also be used by the department office ~~to provide~~ for payment
1215 of the recurring maintenance costs of the system.

1216 ~~(4) (a) The office shall, in conjunction with the Department~~
1217 ~~of Law Enforcement and the Division of Emergency Management of~~
1218 ~~the Department of Community Affairs, establish policies,~~
1219 ~~procedures, and standards which shall be incorporated into a~~
1220 ~~comprehensive management plan for the use and operation of the~~
1221 ~~statewide radio communications system.~~

1222 ~~(b) The joint task force, in consultation with the office,~~
1223 ~~shall have the authority to permit other state agencies to use~~
1224 ~~the communications system, under terms and conditions~~
1225 ~~established by the joint task force.~~

1226 ~~(5) The office shall provide technical support to the joint~~
1227 ~~task force and shall bear the overall responsibility for the~~
1228 ~~design, engineering, acquisition, and implementation of the~~
1229 ~~statewide radio communications system and for ensuring the~~



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1230 ~~proper operation and maintenance of all system common equipment.~~

1231 ~~(4)-(6)-(a)~~ The department ~~State Technology Office~~ may create
1232 and administer ~~implement~~ an interoperability network to enable
1233 interoperability between various radio communications
1234 technologies and to serve federal agencies, state agencies, and
1235 agencies of political subdivisions of the state for the purpose
1236 of public safety and domestic security.

1237 ~~(a)~~ The department ~~office~~ shall, in conjunction with the
1238 Department of Law Enforcement and the Division of Emergency
1239 Management of the Department of Community Affairs, exercise its
1240 powers and duties pursuant to this chapter to plan, manage, and
1241 administer the interoperability network. The office may:

1242 1. Enter into mutual aid agreements among federal agencies,
1243 state agencies, and political subdivisions of the state for the
1244 use of the interoperability network.

1245 2. Establish the cost of maintenance and operation of the
1246 interoperability network and charge subscribing federal and
1247 local law enforcement agencies for access and use of the
1248 network. The department ~~State Technology Office~~ may not charge
1249 state law enforcement agencies identified in paragraph (2) (a) to
1250 use the network.

1251 3. In consultation with the Department of Law Enforcement
1252 and the Division of Emergency Management of the Department of
1253 Community Affairs, amend and enhance the statewide radio
1254 communications system as necessary to implement the
1255 interoperability network.

1256 ~~(b)~~ The department ~~State Technology Office~~, in consultation
1257 with the Joint Task Force on State Agency Law Enforcement
1258 Communications, and in conjunction with the Department of Law



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1259 Enforcement and the Division of Emergency Management of the
1260 Department of Community Affairs, shall establish policies,
1261 procedures, and standards to incorporate into a comprehensive
1262 management plan for the use and operation of the
1263 interoperability network.

1264 Section 25. Section 282.111, Florida Statutes, is
1265 transferred, renumbered as section 282.710, Florida Statutes,
1266 and amended to read:

1267 282.710 ~~282.111~~ Statewide system of regional law
1268 enforcement communications.-

1269 (1) It is the intent and purpose of the Legislature that a
1270 statewide system of regional law enforcement communications be
1271 developed whereby maximum efficiency in the use of existing
1272 radio channels is achieved in order to deal more effectively
1273 with the apprehension of criminals and the prevention of crime
1274 ~~generally~~. To this end, all law enforcement agencies within the
1275 state are directed to provide the department ~~State Technology~~
1276 ~~Office~~ with any information the department ~~office~~ requests for
1277 the purpose of implementing the provisions of subsection (2).

1278 (2) The department ~~State Technology Office~~ is hereby
1279 authorized and directed to develop and maintain a statewide
1280 system of regional law enforcement communications. In
1281 formulating such a system, the department ~~office~~ shall divide
1282 the state into appropriate regions and shall develop a program
1283 that includes ~~which shall include~~, but is not ~~be~~ limited to, ~~the~~
1284 ~~following~~ provisions:

1285 (a) The communications requirements for each county and
1286 municipality comprising the region.

1287 (b) An interagency communications provision that depicts



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1288 ~~which shall depict~~ the communication interfaces between
1289 municipal, county, and state law enforcement entities operating
1290 ~~which operate~~ within the region.

1291 (c) A frequency allocation and use provision that includes
1292 ~~which shall include~~, on an entity basis, each assigned and
1293 planned radio channel and the type of operation, simplex,
1294 duplex, or half-duplex, on each channel.

1295 (3) The department office shall adopt any necessary rules
1296 and regulations for administering ~~implementing~~ and coordinating
1297 the statewide system of regional law enforcement communications.

1298 (4) The secretary of the department ~~Chief Information~~
1299 ~~Officer of the State Technology Office~~ or his or her designee is
1300 designated as the director of the statewide system of regional
1301 law enforcement communications and, for the purpose of carrying
1302 out the provisions of this section, may ~~is authorized to~~
1303 coordinate the activities of the system with other interested
1304 state agencies and local law enforcement agencies.

1305 (5) A ~~No~~ law enforcement communications system may not
1306 ~~shall~~ be established or ~~present system~~ expanded without the
1307 prior approval of the department ~~State Technology Office~~.

1308 (6) Within the limits of its capability, the Department of
1309 Law Enforcement is encouraged to lend assistance to the
1310 department ~~State Technology Office~~ in the development of the
1311 statewide system of regional law enforcement communications
1312 proposed by this section.

1313 Section 26. Section 282.21, Florida Statutes, is
1314 transferred, renumbered as section 282.711, Florida Statutes,
1315 and amended to read:

1316 282.711 ~~282.21~~ ~~The State Technology Office's~~ Remote



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1317 electronic access services.—The department ~~State Technology~~
1318 ~~Office~~ may collect fees for providing remote electronic access
1319 pursuant to s. 119.07(2). The fees may be imposed on individual
1320 transactions or as a fixed subscription for a designated period
1321 of time. All fees collected under this section shall be
1322 deposited in the appropriate trust fund of the program or
1323 activity that made the remote electronic access available.

1324 Section 27. Section 282.22, Florida Statutes, is repealed.

1325 Section 28. Paragraph (h) is added to subsection (3) of
1326 section 287.042, Florida Statutes, and paragraph (b) of
1327 subsection (4) and subsections (15) and (16) of that section are
1328 amended, to read:

1329 287.042 Powers, duties, and functions.—The department shall
1330 have the following powers, duties, and functions:

1331 (3) To establish a system of coordinated, uniform
1332 procurement policies, procedures, and practices to be used by
1333 agencies in acquiring commodities and contractual services,
1334 which shall include, but not be limited to:

1335 (h) Development, in consultation with the Agency Chief
1336 Information Officers Council, of procedures to be used by state
1337 agencies when procuring information technology commodities and
1338 contractual services to ensure compliance with public-records
1339 requirements and records-retention and archiving requirements.

1340 (4)

1341 (b) To prescribe, in consultation with the Agency Chief
1342 Information Officers Council ~~State Technology Office~~, procedures
1343 for procuring information technology and information technology
1344 consultant services which provide for public announcement and
1345 qualification, competitive solicitations, contract award, and



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1346 prohibition against contingent fees. Such procedures shall be
1347 limited to information technology consultant contracts for which
1348 the total project costs, or planning or study activities, are
1349 estimated to exceed the threshold amount provided for in s.
1350 287.017, for CATEGORY TWO.

1351 (15) ~~(a)~~ To enter into joint agreements with governmental
1352 agencies, as defined in s. 163.3164(10), for the purpose of
1353 pooling funds for the purchase of commodities or information
1354 technology that can be used by multiple agencies. ~~However, the~~
1355 ~~department shall consult with the State Technology Office on~~
1356 ~~joint agreements that involve the purchase of information~~
1357 ~~technology. Agencies entering into joint purchasing agreements~~
1358 ~~with the department or the State Technology Office shall~~
1359 ~~authorize the department or the State Technology Office to~~
1360 ~~contract for such purchases on their behalf.~~

1361 (a) ~~(b)~~ Each agency that has been appropriated or has
1362 existing funds for such purchase ~~the purchases~~, shall, upon
1363 contract award by the department, transfer their portion of the
1364 funds into the department's Operating Trust Fund for payment by
1365 the department. The ~~These~~ funds shall be transferred by the
1366 Executive Office of the Governor pursuant to the agency budget
1367 amendment request provisions in chapter 216.

1368 (b) ~~(c)~~ Agencies that sign the joint agreements are
1369 financially obligated for their portion of the agreed-upon
1370 funds. If an ~~any~~ agency becomes more than 90 days delinquent in
1371 paying the funds, the department shall certify to the Chief
1372 Financial Officer the amount due, and the Chief Financial
1373 Officer shall transfer the amount due to the Operating Trust
1374 Fund of the department from any of the agency's available funds.



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1375 The Chief Financial Officer shall report ~~all of~~ these transfers
1376 and the reasons for the transfers to the Executive Office of the
1377 Governor and the legislative appropriations committees.

1378 (16) ~~(a)~~ To evaluate contracts let by the Federal
1379 Government, another state, or a political subdivision for the
1380 provision of commodities and contract services, and, if ~~when~~ it
1381 is determined in writing to be cost-effective and in the best
1382 interest of the state, to enter into a written agreement
1383 authorizing an agency to make purchases under such a contract
1384 ~~approved by the department and let by the Federal Government,~~
1385 ~~another state, or a political subdivision.~~

1386 ~~(b) For contracts pertaining to the provision of~~
1387 ~~information technology, the State Technology Office, in~~
1388 ~~consultation with the department, shall assess the technological~~
1389 ~~needs of a particular agency, evaluate the contracts, and~~
1390 ~~determine whether to enter into a written agreement with the~~
1391 ~~letting federal, state, or political subdivision body to provide~~
1392 ~~information technology for a particular agency.~~

1393 Section 29. Subsection (9) of section 1004.52, Florida
1394 Statutes, is amended to read:

1395 1004.52 Community computer access grant program.—

1396 (9) ~~The institute, based upon guidance from the State~~
1397 ~~Technology Office and the state's Chief Information Officer,~~
1398 shall establish minimum requirements governing the
1399 specifications and capabilities of any computers purchased with
1400 funds awarded under this grant program.

1401 Section 30. Rules 60DD-1, 60DD-4, 60DD-5, 60DD-6, 60DD-7,
1402 and 60DD-8, Florida Administrative Code, are repealed, and the
1403 Department of State is directed to remove these rules from the



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1404 Florida Administrative Code. Rule 60DD-2, Florida Administrative
1405 Code, is transferred to the Agency for Enterprise Information
1406 Technology.

1407 Section 31. Section 17 of chapter 2008-116, 2008 Laws of
1408 Florida, is amended to read:

1409 Section 17. All data center functions performed, managed,
1410 operated, or supported by state agencies with resources and
1411 equipment currently located in a state primary data center
1412 created by this act, excluding application development, shall be
1413 transferred to the primary data center and that agency shall
1414 become a full-service customer entity by July 1, 2010. All
1415 resources and equipment located in the primary data center shall
1416 be operated, managed, and controlled by the primary data center.
1417 The primary data center in which such resources and equipment
1418 are located shall be the custodian of such resources and
1419 equipment for purposes of chapter 273, Florida Statutes. Data
1420 center functions include, but are not limited to, responsibility
1421 for all data center hardware, software, staff, contracted
1422 services, and facility resources performing data center
1423 management and operations, security, ~~production control~~, backup
1424 and recovery, disaster recovery, system administration, database
1425 administration, system programming, job control, production
1426 control, print, storage, technical support, help desk, and
1427 managed services.

1428 (1) To accomplish the transition, each state agency that is
1429 a customer entity of a primary data center shall:

1430 (a) By October 1, 2009, submit a plan to the board of
1431 trustees of the appropriate primary data center describing costs
1432 and resources currently used to manage and maintain hardware and



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1433 operating and support software housed at the primary data
1434 center, and a plan for transferring all resources allocated to
1435 data center functions to the primary data center. The plan
1436 shall:

1437 1. Include the itemized expenditures for all of the related
1438 equipment and software in the previous 5 fiscal years.

1439 2. Propose averages or weighted averages for transferring
1440 spending authority related to equipment and software based upon
1441 spending in the previous 5 fiscal years and projected needs for
1442 the upcoming 2 fiscal years.

1443 (b) Submit with its 2010-2011 legislative budget request
1444 budget adjustments necessary to accomplish the transfers. These
1445 adjustments shall include budget requests to replace existing
1446 spending authority in the appropriations categories used to
1447 manage, maintain, and upgrade hardware, operating software, and
1448 support software with an amount in a single appropriation
1449 category to pay for the services of the primary data center.

1450 (2) The board of trustees of each primary data center
1451 shall:

1452 (a) Be responsible for the efficient transfer of resources
1453 in user agencies relating to the provision of full services and
1454 shall coordinate the legislative budget requests of the affected
1455 agencies.

1456 (b) Include in its 2010-2011 legislative budget request
1457 additional budget authority to accommodate the transferred
1458 functions.

1459 (c) Develop proposed cost-recovery plans for its customer
1460 entities at its annual budget meeting held before July 1, 2010,
1461 using the principles established in s. 282.203, Florida



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1462 Statutes.

1463 Section 32. Subsection (17) of section 318.18, Florida
1464 Statutes, is amended to read:

1465 318.18 Amount of penalties.—The penalties required for a
1466 noncriminal disposition pursuant to s. 318.14 or a criminal
1467 offense listed in s. 318.17 are as follows:

1468 (17) In addition to any penalties imposed, a surcharge of
1469 \$3 must be paid for all criminal offenses listed in s. 318.17
1470 and for all noncriminal moving traffic violations under chapter
1471 316. Revenue from the surcharge shall be remitted to the
1472 Department of Revenue and deposited quarterly into the State
1473 Agency Law Enforcement Radio System Trust Fund of the Department
1474 of Management Services for the state agency law enforcement
1475 radio system, as described in s. 282.709 ~~s. 282.1095~~, and to
1476 provide technical assistance to state agencies and local law
1477 enforcement agencies with their statewide systems of regional
1478 law enforcement communications, as described in s. 282.710 ~~s.~~
1479 ~~282.111~~. This subsection expires July 1, 2012. The Department of
1480 Management Services may retain funds sufficient to recover the
1481 costs and expenses incurred for ~~the purposes of~~ managing,
1482 administering, and overseeing the Statewide Law Enforcement
1483 Radio System, and providing technical assistance to state
1484 agencies and local law enforcement agencies with their statewide
1485 systems of regional law enforcement communications. The
1486 Department of Management Services working in conjunction with
1487 the Joint Task Force on State Agency Law Enforcement
1488 Communications shall determine and direct the purposes for which
1489 these funds are used to enhance and improve the radio system.

1490 Section 33. Subsection (4) of section 393.002, Florida



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1491 Statutes, is amended to read:

1492 393.002 Transfer of Florida Developmental Disabilities
1493 Council as formerly created in this chapter to private nonprofit
1494 corporation.-

1495 (4) The ~~This~~ designated nonprofit corporation is ~~shall be~~
1496 eligible to use the state communications system in accordance
1497 with s. 282.705(3) ~~s. 282.105(3)~~.

1498 Section 34. Paragraph (a) of subsection (2) of section
1499 1001.26, Florida Statutes, is amended to read:

1500 1001.26 Public broadcasting program system.-

1501 (2) (a) The Department of Education is responsible for
1502 implementing the provisions of this section pursuant to s.
1503 282.702 ~~s. 282.102~~ and may employ personnel, acquire equipment
1504 and facilities, and perform all duties necessary for carrying
1505 out the purposes and objectives of this section.

1506 Section 35. This act shall take effect upon becoming a law.

1507

1508 ===== T I T L E A M E N D M E N T =====

1509 And the title is amended as follows:

1510 Delete everything before the enacting clause
1511 and insert:

1512 A bill to be entitled
1513 An act relating to information technology; amending s.
1514 11.90, F.S.; deleting an obsolete provision relating
1515 to duties of the Legislative Budget Commission;
1516 amending s. 14.204, F.S.; revising the duties of the
1517 Agency for Enterprise Information Technology;
1518 requiring the agency to complete certain duties
1519 relating to a proposed enterprise information



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1520 technology services plan by a specified date; creating
1521 the Office of Information Security within the agency;
1522 designating the Chief Information Security Officer as
1523 head of the office and who reports to the executive
1524 director of the agency; amending 20.315, F.S.,
1525 relating to the offender-based information system;
1526 deleting obsolete provisions; amending s. 110.205,
1527 F.S.; revising certain positions relating to the
1528 obsolete State Technology Office that are exempted
1529 from career service; amending s. 282.003, F.S.;
1530 renaming the Information Technology Resources
1531 Management Act as the "Enterprise Information
1532 Technology Services Management Act"; amending s.
1533 282.0041, F.S.; revising definitions; amending s.
1534 282.0056, F.S.; revising provisions relating to
1535 proposed enterprise information technology services
1536 submitted by the agency; deleting the requirement that
1537 the agency develop a migration plan; amending s.
1538 282.201, F.S.; revising the duties of the agency;
1539 specifying the requirements for obtaining an exception
1540 to the limitations on agencies relating to computer
1541 services; amending s. 282.203, F.S.; providing an
1542 additional duty for a state primary data center;
1543 revising the date for appointing a board of trustees
1544 of a primary data center; revising the method for
1545 determining representation on the board of trustees;
1546 revising the role on the board of the executive
1547 director of the Agency for Enterprise Information
1548 Technology; allowing board membership resulting from



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1549 consolidations to be adjusted in the appropriations
1550 act; providing an additional duty of the board;
1551 amending s. 282.204, F.S.; deleting obsolete
1552 provisions; providing that the Northwood Shared
1553 Resource Center is an agency established with the
1554 Department of Children and Family Services;
1555 authorizing the secretary of the department to appoint
1556 a temporary chair of the center's board of trustees;
1557 requiring the agency and the department to identify
1558 and transfer department resources by budget amendment;
1559 amending s. 282.205, F.S.; deleting obsolete
1560 provisions relating to the Southwood Shared Resource
1561 Center; amending s. 282.318, F.S.; renaming the
1562 Security of Data and Information Technology
1563 Infrastructure Act as the "Enterprise Security of Data
1564 and Information Technology Act"; providing that
1565 information technology security is an enterprise
1566 information technology service; substituting the
1567 Office of Information Security for the agency and
1568 revising the associated duties related to information
1569 technology security; requiring the agency to submit a
1570 plan for information technology security to the
1571 Legislature and Governor by a certain date; amending
1572 s. 282.33, F.S.; specifying that the Agency for
1573 Enterprise Information Technology shall make
1574 recommendations relating to the efficiency of state
1575 primary data centers; creating s. 282.34, F.S.;
1576 establishing a state e-mail system as an enterprise
1577 information technology service; directing the



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1578 Southwood Shared Resource Center to manage and operate
1579 the system; directing the agency to conduct an
1580 analysis of such service by a certain date and
1581 establish a workgroup to develop an implementation
1582 plan; prohibiting a state agency from terminating such
1583 service unless authorized by the Legislature;
1584 requesting the Division of Statutory Revision to
1585 create part IV of ch. 282, F.S.; creating s. 282.701,
1586 F.S.; providing a short title; transferring and
1587 renumbering s. 282.102, F.S., relating to the powers
1588 of the Department of Management Services with respect
1589 to a state communication system; transferring,
1590 renumbering, and amending ss. 282.103, 282.104,
1591 282.105, 282.106, and 282.107, F.S., relating to the
1592 SUNCOM system; substituting the department for the
1593 State Technology Office; transferring and renumbering
1594 s. 282.109, F.S., relating to the emergency control of
1595 the state communications system; transferring,
1596 renumbering, and amending ss. 282.1095 and 282.111,
1597 F.S., relating to the communications system for law
1598 enforcement agencies; substituting the department for
1599 the State Technology Office; transferring,
1600 renumbering, and amending ss. 282.21, F.S., relating
1601 to remote electronic access; substituting the
1602 department for the State Technology Office; repealing
1603 s. 282.22, F.S., relating to materials and products
1604 acquired or developed by the State Technology Office;
1605 amending s. 287.042, F.S.; revising the duties of the
1606 department to include the development of procedures



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1607 that ensure certain records requirements; deleting the
1608 requirement that the department consult with the
1609 office on agreements for the joint purchase of
1610 information technology; deleting a requirement for the
1611 department and office to access certain contracts;
1612 amending s. 1004.52, F.S.; deleting the requirement
1613 that the Institute on Urban Policy and Commerce
1614 consult with the office and the Chief Information
1615 Officer on requirements for computers purchased for
1616 the community computer access grant program; repealing
1617 and transferring certain administrative rules relating
1618 to the State Technology Office; amending s. 17,
1619 chapter 2008-116, Laws of Florida; providing that a
1620 state primary data center is the custodian of
1621 resources and equipment located in the data center for
1622 the purposes of ch. 272, F.S.; amending ss. 318.18,
1623 393.002, and 1001.26, F.S.; conforming cross-
1624 references; providing an effective date.