

20092574er

1
2 An act relating to information technology; amending s.
3 11.90, F.S.; deleting an obsolete provision relating
4 to duties of the Legislative Budget Commission;
5 amending s. 14.204, F.S.; revising the duties of the
6 Agency for Enterprise Information Technology;
7 requiring the agency to complete certain duties
8 relating to a proposed enterprise information
9 technology services plan by a specified date; creating
10 the Office of Information Security within the agency;
11 designating the Chief Information Security Officer as
12 head of the office and who reports to the executive
13 director of the agency; amending 20.315, F.S.,
14 relating to the offender-based information system;
15 deleting obsolete provisions; amending s. 110.205,
16 F.S.; revising certain positions relating to the
17 obsolete State Technology Office that are exempted
18 from career service; amending s. 282.003, F.S.;
19 renaming the Information Technology Resources
20 Management Act as the "Enterprise Information
21 Technology Services Management Act"; amending s.
22 282.0041, F.S.; revising definitions; amending s.
23 282.0056, F.S.; revising provisions relating to
24 proposed enterprise information technology services
25 submitted by the agency; deleting the requirement that
26 the agency develop a migration plan; amending s.
27 282.201, F.S.; revising the duties of the agency;
28 specifying the requirements for obtaining an exception
29 to the limitations on agencies relating to computer

20092574er

30 services; amending s. 282.203, F.S.; providing an
31 additional duty for a state primary data center;
32 revising the date for appointing a board of trustees
33 of a primary data center; revising the method for
34 determining representation on the board of trustees;
35 revising the role on the board of the executive
36 director of the Agency for Enterprise Information
37 Technology; allowing board membership resulting from
38 consolidations to be adjusted in the appropriations
39 act; providing an additional duty of the board;
40 amending s. 282.204, F.S.; deleting obsolete
41 provisions; providing that the Northwood Shared
42 Resource Center is an agency established with the
43 Department of Children and Family Services;
44 authorizing the secretary of the department to appoint
45 a temporary chair of the center's board of trustees;
46 requiring the agency and the department to identify
47 and transfer department resources by budget amendment;
48 amending s. 282.205, F.S.; deleting obsolete
49 provisions relating to the Southwood Shared Resource
50 Center; amending s. 282.318, F.S.; renaming the
51 Security of Data and Information Technology
52 Infrastructure Act as the "Enterprise Security of Data
53 and Information Technology Act"; providing that
54 information technology security is an enterprise
55 information technology service; substituting the
56 Office of Information Security for the agency and
57 revising the associated duties related to information
58 technology security; requiring the agency to submit a

20092574er

59 plan for information technology security to the
60 Legislature and Governor by a certain date; amending
61 s. 282.33, F.S.; specifying that the Agency for
62 Enterprise Information Technology shall make
63 recommendations relating to the efficiency of state
64 primary data centers; creating s. 282.34, F.S.;
65 establishing a state e-mail system as an enterprise
66 information technology service; directing the
67 Southwood Shared Resource Center to manage and operate
68 the system; directing the agency to conduct an
69 analysis of such service by a certain date and
70 establish a workgroup to develop an implementation
71 plan; prohibiting a state agency from terminating such
72 service unless authorized by the Legislature;
73 requesting the Division of Statutory Revision to
74 create part IV of ch. 282, F.S.; creating s. 282.701,
75 F.S.; providing a short title; transferring and
76 renumbering s. 282.102, F.S., relating to the powers
77 of the Department of Management Services with respect
78 to a state communication system; transferring,
79 renumbering, and amending ss. 282.103, 282.104,
80 282.105, 282.106, and 282.107, F.S., relating to the
81 SUNCOM system; substituting the department for the
82 State Technology Office; transferring and renumbering
83 s. 282.109, F.S., relating to the emergency control of
84 the state communications system; transferring,
85 renumbering, and amending ss. 282.1095 and 282.111,
86 F.S., relating to the communications system for law
87 enforcement agencies; substituting the department for

20092574er

88 the State Technology Office; transferring,
89 renumbering, and amending s. 282.21, F.S., relating to
90 remote electronic access; substituting the department
91 for the State Technology Office; repealing s. 282.22,
92 F.S., relating to materials and products acquired or
93 developed by the State Technology Office; amending s.
94 287.042, F.S.; revising the duties of the department
95 to include the development of procedures that ensure
96 certain records requirements; deleting the requirement
97 that the department consult with the office on
98 agreements for the joint purchase of information
99 technology; deleting a requirement for the department
100 and office to access certain contracts; amending s.
101 1004.52, F.S.; deleting the requirement that the
102 Institute on Urban Policy and Commerce consult with
103 the office and the Chief Information Officer on
104 requirements for computers purchased for the community
105 computer access grant program; repealing and
106 transferring certain administrative rules relating to
107 the State Technology Office; amending s. 17, chapter
108 2008-116, Laws of Florida; providing that a state
109 primary data center is the custodian of resources and
110 equipment located in the data center for the purposes
111 of ch. 272, F.S.; amending ss. 318.18, 393.002, and
112 1001.26, F.S.; conforming cross-references; providing
113 an effective date.

114
115 Be It Enacted by the Legislature of the State of Florida:
116

20092574er

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

119 11.90 Legislative Budget Commission.—

120 (7) The commission shall review ~~information resources~~
121 ~~management needs identified in agency long-range program plans~~
122 ~~for consistency with the State Annual Report on Enterprise~~
123 ~~Resource Planning and Management and statewide policies adopted~~
124 ~~by the State Technology Office. The commission shall also review~~
125 proposed budget amendments associated with information
126 technology that involve more than one agency, that have an
127 outcome that impacts another agency, or that exceed \$500,000 in
128 total cost over a 1-year period.

129 Section 2. Section 14.204, Florida Statutes, is amended to
130 read:

131 14.204 Agency for Enterprise Information Technology.—The
132 Agency for Enterprise Information Technology is created within
133 the Executive Office of the Governor.

134 (1) The head of the agency shall be the Governor and
135 Cabinet.

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

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

143 (a) Have a degree from an accredited postsecondary
144 institution;

145 (b) Have at least 7 years of executive-level experience in

20092574er

146 managing information technology organizations; and

147 (c) Be appointed by the Governor and confirmed by the
148 Cabinet, subject to confirmation by the Senate, and serve at the
149 pleasure of the Governor and Cabinet. ~~and~~

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

151 (4) The agency shall have the following duties and
152 responsibilities:

153 (a) Develop strategies for the design, delivery, and
154 management of the enterprise information technology services
155 established in law.

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

158 (c) Make recommendations to the agency head and the
159 Legislature concerning other information technology services
160 that should be designed, delivered, and managed as enterprise
161 information technology services as defined in s. 282.0041.

162 (d) Plan and establish policies for managing proposed
163 statutorily authorized enterprise information technology
164 services, which includes:

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

167 2. Establishing and coordinating project-management teams;

168 3. Establishing formal risk-assessment and mitigation
169 processes; and

170 4. Providing for independent monitoring of projects for
171 recommended corrective actions.

172 ~~(e) Define the architecture standards for enterprise
173 information technology services and develop implementation
174 approaches for statewide migration to those standards.~~

20092574er

175 ~~(e)(f)~~ Beginning October 1, 2010, develop, and publish, and
176 biennially update a long-term strategic enterprise information
177 technology plan that identifies and recommends strategies and
178 opportunities to improve the delivery of cost-effective and
179 efficient ~~for how~~ enterprise information technology services to
180 be proposed for establishment pursuant to s. 282.0056 will
181 ~~deliver effective and efficient government services to state~~
182 ~~residents and improve the operations of state agencies.~~

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

185 ~~(g)(h)~~ Coordinate procurement negotiations for hardware and
186 software acquisition necessary to consolidate data center or
187 computer facilities infrastructure.

188 ~~(h)(i)~~ In consultation with the Division of Purchasing in
189 the Department of Management Services, coordinate procurement
190 negotiations for software that will be used by multiple
191 agencies.

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

195 (5) The Office of Information Security shall be created
196 within the agency. The agency shall designate a state Chief
197 Information Security Officer who shall oversee the office and
198 report directly to the executive director.

199 ~~(6)(5)~~ The agency shall operate in a manner that ensures
200 the participation and representation of state agencies and the
201 Agency Chief Information Officers Council established in s.
202 282.315.

203 ~~(7)(6)~~ The agency may adopt rules ~~pursuant to ss.~~

20092574er

204 ~~120.536(1) and 120.54~~ to carry out its statutory duties.

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

207 20.315 Department of Corrections.—There is created a
208 Department of Corrections.

209 (10) SINGLE INFORMATION AND RECORDS SYSTEM.—There shall be
210 only one offender-based information and records computer system
211 maintained by the Department of Corrections for the joint use of
212 the department and the Parole Commission. This data system shall
213 be ~~is~~ managed through the department's Justice Data Center,
214 ~~which is hereby transferred to the department under this act~~
215 ~~pursuant to a type two transfer authorized under s. 20.06(2).~~
216 The department shall develop and maintain, in consultation with
217 the Criminal and Juvenile Justice Information Systems Council
218 under s. 943.08, such offender-based information, including
219 clemency administration information and other computer services
220 ~~system designed~~ to serve the needs of both the department and
221 the Parole Commission. The department shall notify the
222 commission of all violations of parole and the circumstances
223 thereof.

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

226 110.205 Career service; exemptions.—

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

229 (e) The Chief Information Officer in the Agency for
230 Enterprise Information Technology, ~~deputy chief information~~
231 ~~officers, chief technology officers, and deputy chief technology~~
232 ~~officers in the State Technology Office~~. Unless otherwise fixed

20092574er

233 by law, the Agency for Enterprise Information Technology State
234 Technology Office shall set the salary and benefits of this
235 position ~~these positions~~ in accordance with the rules of the
236 Senior Management Service.

237 ~~(w) All managers, supervisors, and confidential employees~~
238 ~~of the State Technology Office. The State Technology Office~~
239 ~~shall set the salaries and benefits of these positions in~~
240 ~~accordance with the rules established for the Selected Exempt~~
241 ~~Service.~~

242 (w) ~~(*)~~ Managerial employees, as defined in s. 447.203(4),
243 confidential employees, as defined in s. 447.203(5), and
244 supervisory employees who spend the majority of their time
245 communicating with, motivating, training, and evaluating
246 employees, and planning and directing employees' work, and who
247 have the authority to hire, transfer, suspend, lay off, recall,
248 promote, discharge, assign, reward, or discipline subordinate
249 employees or effectively recommend such action, including all
250 employees serving as supervisors, administrators, and directors.
251 Excluded are employees also designated as special risk or
252 special risk administrative support and attorneys who serve as
253 administrative law judges pursuant to s. 120.65 or for hearings
254 conducted pursuant to s. 120.57(1)(a). Additionally, registered
255 nurses licensed under chapter 464, dentists licensed under
256 chapter 466, psychologists licensed under chapter 490 or chapter
257 491, nutritionists or dietitians licensed under part X of
258 chapter 468, pharmacists licensed under chapter 465,
259 psychological specialists licensed under chapter 491, physical
260 therapists licensed under chapter 486, and speech therapists
261 licensed under part I of chapter 468 are excluded, unless

20092574er

262 otherwise collectively bargained.

263 (x)~~(y)~~ All officers and employees of the Justice
264 Administrative Commission, Office of the State Attorney, Office
265 of the Public Defender, regional offices of capital collateral
266 counsel, offices of criminal conflict and civil regional
267 counsel, and Statewide Guardian Ad Litem Office, including the
268 circuit guardian ad litem programs.

269 Section 5. Section 282.003, Florida Statutes, is amended to
270 read:

271 282.003 Short title.—This part may be cited as the
272 "Enterprise Information Technology Services Resources Management
273 Act."

274 Section 6. Section 282.0041, Florida Statutes, is amended
275 to read:

276 282.0041 Definitions.—As used in this chapter ~~For the~~
277 ~~purposes of this part,~~ the term:

278 (1) "Agency" has the same meaning as ~~means those entities~~
279 ~~described~~ in s. 216.011(1)(qq).

280 (2) "Agency chief information officer" means the person
281 employed ~~appointed~~ by the agency head to coordinate and manage
282 the information technology functions and responsibilities
283 applicable to that agency, ~~and~~ to participate and represent the
284 agency in developing strategies for implementing enterprise
285 information technology services established pursuant to this
286 part, identified in law and to develop ~~developing~~
287 recommendations for enterprise information technology policy.

288 (3) "Agency Chief Information Officers Council" means the
289 council created in s. 282.315.

290 (4) "Agency for Enterprise Information Technology" means

20092574er

291 the agency created in s. 14.204.

292 (5) "Agency information technology service" means a service
293 that directly helps an agency fulfill its statutory or
294 constitutional responsibilities and policy objectives and is
295 usually associated with the agency's primary or core business
296 functions.

297 (6) "Annual budget meeting" means a meeting of the board of
298 trustees of a primary data center to review data center usage to
299 determine the apportionment of board members for the following
300 fiscal year, review rates for each service provided, and
301 determine any other required changes.

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

303 (8)~~(7)~~ "Business continuity plan" means a plan for disaster
304 recovery which provides for the continued functioning of a
305 primary data center during and after a disaster.

306 (9)~~(8)~~ "Computing facility" means agency space containing
307 fewer than a total of 10 physical or logical servers, any of
308 which supports a strategic or nonstrategic information
309 technology service, as described in budget instructions
310 developed pursuant to s. 216.023, but excluding single, logical-
311 server ~~single-server~~ installations that exclusively perform a
312 utility function such as file and print servers.

313 (10)~~(9)~~ "Customer entity" means an entity that obtains
314 services from a primary data center.

315 (11)~~(10)~~ "Data center" means agency space containing 10 or
316 more physical or logical servers any of which supports a
317 strategic or nonstrategic information technology service, as
318 described in budget instructions developed pursuant to s.
319 216.023.

20092574er

320 (12) "Department" means the Department of Management
321 Services.

322 ~~(11) "Enterprise level" means all executive branch agencies~~
323 ~~created or authorized in statute to perform legislatively~~
324 ~~delegated functions.~~

325 (13)~~(12)~~ "Enterprise information technology service" means
326 an information technology service that is used in all agencies
327 or a subset of agencies and is established in law to be
328 designed, delivered, and managed at the enterprise level.

329 (14)~~(13)~~ "E-mail, messaging, and calendaring service" means
330 the enterprise information technology service that enables users
331 to send, receive, file, store, manage, and retrieve electronic
332 messages, attachments, appointments, and addresses.

333 (15)~~(14)~~ "Information-system utility" means a full-service
334 information-processing facility offering hardware, software,
335 operations, integration, networking, and consulting services.

336 (16)~~(15)~~ "Information technology" means equipment,
337 hardware, software, firmware, programs, systems, networks,
338 infrastructure, media, and related material used to
339 automatically, electronically, and wirelessly collect, receive,
340 access, transmit, display, store, record, retrieve, analyze,
341 evaluate, process, classify, manipulate, manage, assimilate,
342 control, communicate, exchange, convert, converge, interface,
343 switch, or disseminate information of any kind or form.

344 (17)~~(16)~~ "Information technology policy" means statements
345 that describe clear choices for how information technology will
346 deliver effective and efficient government services to residents
347 and improve state agency operations. A policy may relate to
348 investments, business applications, architecture, or

20092574er

349 infrastructure. A policy describes its rationale, implications
350 of compliance or noncompliance, the timeline for implementation,
351 metrics for determining compliance, and the accountable
352 structure responsible for its implementation.

353 (18)~~(17)~~ "Performance metrics" means the measures of an
354 organization's activities and performance.

355 (19)~~(18)~~ "Primary data center" means a state or nonstate
356 agency data center that is a recipient entity for consolidation
357 of nonprimary data centers and computing facilities. A primary
358 data center may be authorized in law or designated by the Agency
359 for Enterprise Information Technology pursuant to s. 282.201.

360 (20)~~(19)~~ "Project" means an endeavor that has a defined
361 start and end point; is undertaken to create or modify a unique
362 product, service, or result; and has specific objectives that,
363 when attained, signify completion.

364 (21) "Risk analysis" means the process of identifying
365 security risks, determining their magnitude, and identifying
366 areas needing safeguards.

367 (22)~~(20)~~ "Service level" means the key performance
368 indicators (KPI) of an organization or service which must be
369 regularly performed, monitored, and achieved.

370 (23)~~(21)~~ "Service-level agreement" means a written contract
371 between a data center and a customer entity which specifies the
372 scope of services provided, service level, the duration of the
373 agreement, the responsible parties, and service costs. A
374 service-level agreement is not a rule pursuant to chapter 120.

375 (24)~~(22)~~ "Standards" means required practices, controls,
376 components, or configurations established by an authority ~~the~~
377 ~~use of current, open, nonproprietary, or non-vendor-specific~~

20092574er

378 technologies.

379 (25) "Threat" means any circumstance or event that may
380 cause harm to the integrity, availability, or confidentiality of
381 information technology resources.

382 (26)~~(23)~~ "Total cost" means all costs associated with
383 information technology projects or initiatives, including, but
384 not limited to, value of hardware, software, service,
385 maintenance, incremental personnel, and facilities. Total cost
386 of a loan or gift of information technology resources to an
387 agency includes the fair market value of the resources; however,
388 the total cost of loans or gifts of information technology to
389 state universities to be used in instruction or research does
390 not include fair market value.

391 (27)~~(24)~~ "Usage" means the billing amount charged by the
392 primary data center, less any pass-through charges, to the
393 customer entity.

394 (28)~~(25)~~ "Usage rate" means a customer entity's usage or
395 billing amount as a percentage of total usage.

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

398 282.0056 Development of work plan; development of
399 implementation plans; and policy recommendations.-

400 (2) ~~By December 31, 2009,~~ The agency may ~~shall~~ develop, and
401 submit to the President of the Senate, and the Speaker of the
402 House of Representatives, and the Governor by October 1 of each
403 year implementation plans for ~~at least one of the following~~
404 proposed enterprise information technology services to be
405 established in law~~;~~

406 ~~(a) A shared or consolidated enterprise information~~

20092574er

407 ~~technology service delivery and support model for the e-mail,~~
408 ~~messaging, and calendaring service.~~

409 ~~(b) Information security.~~

410 ~~(c) Consideration of a planned replacement cycle for~~
411 ~~computer equipment.~~

412 (3) In developing policy recommendations and implementation
413 plans for established and proposed enterprise information
414 technology services, the agency shall describe the scope of
415 operation, conduct costs and requirements analyses, conduct an
416 inventory of all existing information technology resources that
417 are associated with each service, and develop strategies and
418 timeframes for statewide migration. ~~For purposes of~~
419 ~~consolidating state owned or state operated computer rooms and~~
420 ~~data centers, the agency shall develop a migration plan for any~~
421 ~~consolidation effort.~~

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

425 282.201 State data center system; agency duties and
426 limitations.—A state data center system that includes all
427 primary data centers, other nonprimary data centers, and
428 computing facilities, and that provides an enterprise
429 information technology service as defined in s. 282.0041, is
430 established.

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

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

20092574er

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

439 (c) By December 31 of each year beginning in 2009, submit
440 to the Legislature recommendations to improve the efficiency and
441 effectiveness of computing services provided by state data
442 center system facilities. Such recommendations may include, but
443 need not be limited to:

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

446 2. Infrastructure improvements supporting the consolidation
447 of facilities or preempting the need to create additional data
448 centers ~~center facilities~~ or computing facilities.

449 3. Standards for an objective, credible energy performance
450 rating system that data center boards of trustees can use to
451 measure state data center energy consumption and efficiency on a
452 biannual basis.

453 4. Uniform disaster recovery standards.

454 5. Standards for primary data centers providing transparent
455 financial data to user agencies.

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

458 7. Improvements to data center governance structures.

459 (d) By October 1 ~~December 31~~ of each year beginning in
460 2009, recommend to the Governor and Legislature ~~identify~~ at
461 least two nonprimary data centers ~~or computing facilities~~ for
462 consolidation into a primary data center or nonprimary data
463 center facility.

464 1. The consolidation proposal must provide a transition

20092574er

465 plan that includes;~~including~~

466 a. Estimated transition costs for each data center or
467 computing facility recommended for consolidation;~~;~~

468 b. Detailed timeframes for the complete transition of each
469 data center or computing facility recommended for
470 consolidation;~~;~~

471 c. Proposed recurring and nonrecurring fiscal impacts,
472 including increased or decreased costs and associated budget
473 impacts for affected budget entities; ~~budgetary savings,~~ and

474 d. Substantive legislative changes necessary to implement
475 the transition.

476 e. Identification of computing resources to be transferred
477 and those that will remain in the agency. The transfer of
478 resources must include all hardware, software, staff, contracted
479 services, and facility resources performing data center
480 management and operations, security, backup and recovery,
481 disaster recovery, system administration, database
482 administration, system programming, job control, production
483 control, print, storage, technical support, help desk, and
484 managed services but excluding application development.

485 ~~2.1.~~ Recommendations shall be based on the goal of
486 maximizing current and future cost savings. The agency shall
487 consider the following criteria in selecting consolidations that
488 maximize efficiencies by providing the ability to:

489 a. Consolidate purchase decisions;

490 b. Leverage expertise and other resources to gain economies
491 of scale;

492 c. Implement state information technology policies more
493 effectively;

20092574er

494 d. Maintain or improve the level of service provision to
495 customer entities; and

496 e. Make progress towards the state's goal of consolidating
497 data centers and computing facilities into primary data centers.

498 ~~3.2.~~ The agency shall establish workgroups as necessary to
499 ensure participation by affected agencies in the development of
500 recommendations related to consolidations.

501 ~~(e)3.~~ By December 31, 2010, the agency shall develop and
502 submit to the Legislature an overall consolidation plan for
503 state data centers ~~and computing facilities~~. The plan shall
504 indicate a timeframe for the consolidation of all remaining
505 nonprimary data centers facilities into primary data centers,
506 including existing and proposed primary data centers, by 2019.

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

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

512 1. Ensuring that financial information is captured and
513 reported consistently and accurately.

514 2. Requiring the establishment of service-level agreements
515 executed between a data center and its customer entities for
516 services provided.

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

522 4. Requiring that any special assessment imposed to fund

20092574er

523 expansion is based on a methodology that apportions the
524 assessment according to the proportional benefit to each
525 customer entity.

526 5. Requiring that rebates be given when revenues have
527 exceeded costs, that rebates be applied to offset charges to
528 those customer entities that have subsidized the costs of other
529 customer entities, and that such rebates may be in the form of
530 credits against future billings.

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

535 7. Designating any nonstate data centers as primary data
536 centers if the center:

537 a. Has an established governance structure that represents
538 customer entities proportionally.

539 b. Maintains an appropriate cost-allocation methodology
540 that accurately bills a customer entity based on the actual
541 direct and indirect costs to the customer entity, and prohibits
542 the subsidization of one customer entity's costs by another
543 entity.

544 c. Has sufficient raised floor space, cooling, redundant
545 power capacity, including uninterruptible power supply and
546 backup power generation, to accommodate the computer processing
547 platforms and support necessary to host the computing
548 requirements of additional customer entities.

549 8. Removing nonstate data centers from primary data center
550 designation if the nonstate data center fails to meet standards
551 necessary to ensure that the state's data is maintained pursuant

20092574er

552 to subparagraph 7.

553 (3) STATE AGENCY DUTIES.—

554 (c) The chief information officer of each state agency
555 shall assist the Agency for Enterprise Information Technology at
556 the request of ~~as required by~~ the Agency for Enterprise
557 Information Technology agency.

558 (4) AGENCY LIMITATIONS.—

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

- 561 1. Create a new computing facility or data center, or
562 expand the capability to support additional computer equipment
563 in an existing computing facility or nonprimary data center;
564 2. Transfer existing computer services to a nonprimary data
565 center or computing facility;
566 3. Terminate services with a primary data center or
567 transfer services between primary data centers without giving
568 written notice of intent to terminate or transfer services 180
569 days before such termination or transfer; or
570 4. Initiate a new computer service if it does not currently
571 have an internal data center except with a primary data center.

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

577 1. A request for an exception must be submitted in writing
578 to the Agency for Enterprise Information Technology. The agency
579 must accept, accept with conditions, or deny the request within
580 60 days after receipt of the written request. The agency's

20092574er

581 decision is not subject to chapter 120.

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

584 a. Documentation approved by the primary data center's
585 board of trustees which confirms that the center cannot meet the
586 capacity requirements of the agency requesting the exception
587 within the current fiscal year.

588 b. A description of the capacity requirements of the agency
589 requesting the exception.

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

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

598 (d) Upon the termination of or transfer of agency computing
599 services from the primary data center, the primary data center
600 shall require information sufficient to determine compliance
601 with this section. If a primary data center determines that an
602 agency is in violation of this section, it shall report the
603 violation to the Agency for Enterprise Information Technology.

604 Section 9. Paragraph (j) is added to subsection (1) of
605 section 282.203, Florida Statutes, subsection (2) of that
606 section is amended, and paragraph (j) is added to subsection (3)
607 of that section, to read:

608 282.203 Primary data centers.—

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

20092574er

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

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

615 (a) The members of the board shall be appointed by the
616 agency head or chief executive officer of the representative
617 customer entities of the primary data center and shall serve at
618 the pleasure of the appointing customer entity. ~~The initial~~
619 ~~appointments of members shall be made as soon as practicable,~~
620 ~~but not later than July 1, 2008.~~

621 1. For each of the first 2 fiscal years that a center is in
622 operation, membership shall be ~~apportioned~~ as provided in
623 subparagraph 3. based on projected customer entity usage rates
624 for the fiscal operating year of the primary data center.

625 However, at a minimum:

626 a. During the Southwood Shared Resource Center's first 2
627 operating years, the Department of Transportation, the
628 Department of Highway Safety and Motor Vehicles, the Department
629 of Health, and the Department of Revenue must each have at least
630 one trustee.

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

634 2. After the second full year of operation, membership
635 shall be ~~apportioned~~ as provided in subparagraph 3. based on the
636 most recent estimate of customer entity usage rates for the
637 prior year and a projection of usage rates for the first 9
638 months of the next fiscal year. Such calculation must be

20092574er

639 completed before the annual budget meeting held before the
640 beginning of the next fiscal year so that any decision to add or
641 remove board members can be voted on at the budget meeting and
642 become effective on July 1 of the subsequent fiscal year.

643 3. Each customer entity that has a projected usage rate of
644 4 percent or greater during the fiscal operating year of the
645 primary data center shall have one trustee on the board.

646 ~~Membership shall be apportioned using the following criteria:~~

647 4. The total number of votes for each trustee shall be
648 apportioned as follows:

649 a. Customer entities of a primary data center whose usage
650 rate represents 4 but less than 15 ~~to 14~~ percent of total usage
651 shall have one vote ~~trustee~~.

652 b. Customer entities of a primary data center whose usage
653 rate represents 15 but less than 30 ~~to 29~~ percent of total usage
654 shall have two votes ~~trustees~~.

655 c. Customer entities of a primary data center whose usage
656 rate represents 30 but less than 50 ~~to 49~~ percent of total usage
657 shall have three votes ~~trustees~~.

658 d. A customer entity of a primary data center whose usage
659 rate represents 50 percent or more of total usage shall have
660 four votes ~~trustees~~.

661 e. A single trustee having one vote shall represent those
662 customer entities that represent less than 4 percent of the
663 total usage. The trustee shall be selected by a process
664 determined by the board.

665 ~~f. The executive director of the Agency for Enterprise~~
666 ~~Information Technology shall serve as a voting member of the~~
667 ~~board.~~

20092574er

668 (b) Before July 1 of each year, each board of trustees of a
669 primary data center shall elect a chair and a vice chair to a
670 term of 1 year or until a successor is elected. The vice chair
671 shall serve in the absence of the chair. ~~The vice chair may not~~
672 ~~be from the same customer entity as the chair.~~ The chair may be
673 elected to serve one additional successive term.

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

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

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

681 (f) To facilitate planned data center consolidations, board
682 membership may be adjusted as provided in the General
683 Appropriations Act.

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

686 (j) Maintain the capabilities of the primary data center's
687 facilities. Maintenance responsibilities include, but are not
688 limited to, ensuring that adequate conditioned floor space, fire
689 suppression, cooling, and power is in place; replacing aging
690 equipment when necessary; and making decisions related to data
691 center expansion and renovation, periodic upgrades, and
692 improvements that are required to ensure the ongoing suitability
693 of the facility as an enterprise data center consolidation site
694 in the state data center system. To the extent possible, the
695 board shall ensure that its approved annual cost-allocation plan
696 recovers sufficient funds from its customers to provide for

20092574er

697 these needs pursuant to s. 282.201(2) (e).

698 Section 10. Section 282.204, Florida Statutes, is amended
699 to read:

700 282.204 Northwood Shared Resource Center.—

701 (1) ~~Beginning July 1, 2008,~~ A workgroup shall be
702 established within the Department of Children and Family
703 Services for the purpose of developing a plan for converting its
704 data center to a primary data center.

705 (a) The workgroup shall be chaired by a member appointed by
706 the secretary of the department. Workgroup members may include
707 other state agencies who will be customers of the data center
708 during the 2009-2010 fiscal year. The workgroup shall include
709 staff members who have appropriate financial and technical
710 skills as determined by the chair of the workgroup.

711 (b) The conversion plan shall address organizational
712 changes, personnel changes, cost-allocation plan changes, and
713 any other changes necessary to effectively convert to a primary
714 state data center capable of providing computer services as
715 required by s. 282.201.

716 (c) The workgroup shall submit recommendations for
717 facilitating the conversion to the Governor and Cabinet, the
718 President of the Senate, and the Speaker of the House of
719 Representatives by December 31, 2008.

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

723 (a) The center is ~~designated as~~ a primary data center and
724 shall be a separate budget entity that is not subject to
725 control, supervision, or direction of the department in any

20092574er

726 manner, including, but not limited to, purchasing, transactions
727 involving real or personal property, personnel, or budgetary
728 matters.

729 (b)(3) The center shall be headed by a board of trustees as
730 provided in s. 282.203, who shall comply with all requirements
731 of that section related to the operation of the center and with
732 the rules policies of the Agency for Enterprise Information
733 Technology related to the design and delivery of enterprise
734 information technology services. The secretary of the department
735 may appoint a temporary board chair for the purpose of convening
736 the board of trustees, selecting a chair, and determining board
737 membership.

738 (3) The Department of Children and Family Services and the
739 center shall identify resources associated with information
740 technology functions which are not related to the support,
741 management, and operation of the data center but which currently
742 exist within the same budget entity as the data center. By
743 October 1, 2009, the center shall submit a budget amendment to
744 transfer resources associated with these functions to the
745 department.

746 Section 11. Section 282.205, Florida Statutes, is amended
747 to read:

748 282.205 Southwood Shared Resource Center.—

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

752 (1) The center is designated as a primary data center and
753 shall be a separate budget entity that is not subject to
754 control, supervision, or direction of the department in any

20092574er

755 manner, including, but not limited to, purchasing, transactions
756 involving real or personal property, personnel, or budgetary
757 matters.

758 ~~(2) The Department of Management Services and the center~~
759 ~~shall identify resources associated with information technology~~
760 ~~functions which are not related to the support, management, and~~
761 ~~operation of the data center but which currently exist within~~
762 ~~the same budget entity as the data center. By October 1, 2008,~~
763 ~~the center shall submit a budget amendment to transfer resources~~
764 ~~associated with these functions to the Department of Management~~
765 ~~Services.~~

766 ~~(2)(3)~~ The center shall be headed by a board of trustees as
767 provided in s. 282.203, who shall comply with all requirements
768 of that section related to the operation of the center and with
769 the rules ~~policies~~ of the Agency for Enterprise Information
770 Technology related to the design and delivery of enterprise
771 information technology services.

772 Section 12. Section 282.318, Florida Statutes, is amended
773 to read:

774 282.318 Security of data and information technology
775 resources.—

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

778 (2) Information technology security is established as an
779 enterprise information technology service as defined in s.
780 287.0041.

781 ~~(3)(2)(a)~~ The Office of Information Security within the
782 Agency for Enterprise Information Technology, ~~in consultation~~
783 ~~with each agency head,~~ is responsible for establishing rules and

20092574er

784 ~~publishing guidelines assessing and recommending minimum~~
785 ~~operating procedures~~ for ensuring an appropriate adequate level
786 of security for all data and information technology resources
787 for executive branch agencies ~~created or authorized in statute~~
788 ~~to perform legislatively delegated functions.~~ The office shall
789 also perform the following duties and responsibilities:

790 (a) Develop, and annually update by February 1, an
791 enterprise information security strategic plan that includes
792 security goals and objectives for the strategic issues of
793 information security policy, risk management, training, incident
794 management, and survivability planning.

795 (b) Develop enterprise security rules and published
796 guidelines for:

797 1. Comprehensive risk analyses and information security
798 audits conducted by state agencies.

799 2. Responding to suspected or confirmed information
800 security incidents, including suspected or confirmed breaches of
801 personal information or exempt data.

802 3. Agency security plans, including strategic security
803 plans and security program plans.

804 4. The recovery of information technology and data
805 following a disaster.

806 5. The managerial, operational, and technical safeguards
807 for protecting state government data and information technology
808 resources.

809 (c) Assist agencies in complying with the provisions of s.
810 282.318.

811 (d) Pursue appropriate funding for the purpose of enhancing
812 domestic security.

20092574er

813 (e) Provide training for agency information security
814 managers.

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

817 (4) To assist the Office of Information Security ~~agency~~ in
818 carrying out its responsibilities ~~this responsibility~~, each
819 agency head shall, at a minimum:

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

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

827 1. The agency strategic information security plan must
828 cover a 3-year period and define security goals, intermediate
829 objectives, and projected agency costs for the strategic issues
830 of agency information security policy, risk management, security
831 training, security incident response, and survivability. The
832 plan must be based on the enterprise strategic information
833 security plan created by the office. Additional issues may be
834 included.

835 2. The agency operational information security plan must
836 include a progress report for the prior operational information
837 security plan and a project plan that includes activities,
838 timelines, and deliverables for security objectives that,
839 subject to current resources, the agency will implement during
840 the current fiscal year. The cost of implementing the portions
841 of the plan which cannot be funded from current resources must

20092574er

842 be identified in the plan.

843 (c)2. Conduct, and update every 3 years, a comprehensive
844 risk analysis to determine the security threats to the data,
845 information, and information technology resources of the agency.
846 The risk analysis information is confidential and exempt from
847 the provisions of s. 119.07(1), except that such information
848 shall be available to the Auditor General and the Agency for
849 Enterprise Information Technology for ~~in~~ performing postauditing
850 duties.

851 (d)3. Develop, and periodically update, written internal
852 policies and procedures, which ~~shall~~ include procedures for
853 notifying the office ~~Agency for Enterprise Information~~
854 ~~Technology~~ when a suspected or confirmed breach, or an
855 information security incident, occurs ~~or data is compromised~~.
856 Such policies and procedures must be consistent with the rules
857 and guidelines established ~~standard operating procedures adopted~~
858 by the office ~~Agency for Enterprise Information Technology in~~
859 ~~order~~ to ensure the security of the data, information, and
860 information technology resources of the agency. The internal
861 policies and procedures that, if disclosed, could facilitate the
862 unauthorized modification, disclosure, or destruction of data or
863 information technology resources are confidential information
864 and exempt from ~~the provisions of~~ s. 119.07(1), except that such
865 information shall be available to the Auditor General and the
866 Agency for Enterprise Information Technology for ~~in~~ performing
867 postauditing duties.

868 (e)4. Implement appropriate cost-effective safeguards to
869 address ~~reduce, eliminate, or recover from the~~ identified risks
870 to the data, information, and information technology resources

20092574er

871 of the agency.

872 (f)5. Ensure that periodic internal audits and evaluations
873 of the agency's security program for the data, information, and
874 information technology resources of the agency are conducted.
875 The results of such ~~internal~~ audits and evaluations are
876 confidential information and exempt from ~~the provisions of s.~~
877 119.07(1), except that such information shall be available to
878 the Auditor General and the Agency for Enterprise Information
879 Technology for ~~in~~ performing postauditing duties.

880 (g)6. Include appropriate security requirements in the
881 written specifications for the solicitation of information
882 technology and information technology resources and services,
883 which are consistent with the rules and guidelines established
884 standard security operating procedures adopted by the office
885 Agency for Enterprise Information Technology.

886 (h) Provide security awareness training to employees and
887 users of the agency's communication and information resources
888 concerning information security risks and the responsibility of
889 employees and users to comply with policies, standards,
890 guidelines, and operating procedures adopted by the agency to
891 reduce those risks.

892 (i) Develop a process for detecting, reporting, and
893 responding to suspected or confirmed security incidents,
894 including suspected or confirmed breaches consistent with the
895 security rules and guidelines established by the office.

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

898 2. For incidents involving breaches, agencies shall provide
899 notice in accordance with s. 817.5681 and to the office in

20092574er

900 accordance with this subsection.

901 (5)(b) Each ~~In those instances under this subsection in~~
902 ~~which the state agency or department develops state contracts,~~
903 ~~the state agency or department shall include appropriate~~
904 ~~security requirements in the specifications for the solicitation~~
905 ~~of for state contracts for procuring information technology or~~
906 ~~information technology resources~~ or services which are
907 consistent with the rules and guidelines established by the
908 Office of Information Security.

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

911 ~~(4) The Agency for Enterprise Information Technology shall~~
912 ~~develop standards and templates for conducting comprehensive~~
913 ~~risk analyses and information security audits by state agencies,~~
914 ~~assist agencies in their compliance with the provisions of this~~
915 ~~section, pursue appropriate funding provided for the purpose of~~
916 ~~enhancing domestic security, establish minimum guidelines and~~
917 ~~procedures for the recovery of information technology following~~
918 ~~a disaster, and provide training for agency information security~~
919 ~~managers. Standards, templates, guidelines, and procedures shall~~
920 ~~be published annually, no later than September 30 each year, to~~
921 ~~enable agencies to incorporate them in their planning for the~~
922 ~~following fiscal year.~~

923 (6)(5) ~~The Agency for Enterprise Information Technology may~~
924 ~~adopt rules pursuant to ss. 120.536(1) and 120.54 relating to~~
925 ~~information security and to administer the provisions of this~~
926 ~~section.~~

927 (7) By December 31, 2010, the Agency for Enterprise
928 Information Technology shall develop, and submit to the

20092574er

929 Governor, the President of the Senate, and the Speaker of the
930 House of Representatives a proposed implementation plan for
931 information technology security. The agency shall describe the
932 scope of operation, conduct costs and requirements analyses,
933 conduct an inventory of all existing security information
934 technology resources, and develop strategies, timeframes, and
935 resources necessary for statewide migration.

936 Section 13. Paragraph (b) of subsection (2) of section
937 282.33, Florida Statutes, is amended to read:

938 282.33 Objective standards for data center energy
939 efficiency.—

940 (2) State shared resource data centers and other data
941 centers that the Agency for Enterprise Information Technology
942 has determined will be recipients for consolidating data
943 centers, which are designated by the Agency for Enterprise
944 Information Technology, shall evaluate their data center
945 facilities for energy efficiency using the standards established
946 in this section.

947 (b) By December 31, 2010, and biennially ~~biannually~~
948 thereafter, the Agency for Enterprise Information Technology
949 shall submit to the Legislature recommendations for reducing
950 energy consumption and improving the energy efficiency of state
951 primary data centers.

952 Section 14. Section 282.34, Florida Statutes, is created to
953 read:

954 282.34 Statewide e-mail system.—A state e-mail system that
955 includes the service delivery and support for a statewide e-
956 mail, messaging, and calendaring service is established as an
957 enterprise information technology service as defined in s.

20092574er

958 282.0041. The service shall be designed to meet the needs of all
959 executive branch agencies and reduce the current cost of
960 operation and support.

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

965 (2) By December 31, 2009, the Agency for Enterprise
966 Information Technology shall submit a proposed plan for the
967 establishment of the e-mail system to the Governor, the
968 President of the Senate, and the Speaker of the House of
969 Representatives. The plan shall be developed to reduce costs to
970 the state and include, at a minimum:

971 (a) An analysis of the in-house and external sourcing
972 options that should be considered for delivery and support of
973 the service. The analysis shall include an internally hosted
974 system option, an externally sourced system option, and, if
975 necessary, a combined in-house and externally sourced option.

976 (b) A cost-benefit analysis that estimates all major cost
977 elements associated with each sourcing option, including the
978 nonrecurring and recurring costs of each option. The analysis
979 must also include a comparison of the total cost of each
980 enterprise e-mail sourcing option and the total cost of existing
981 e-mail services in order to determine the level of savings that
982 can be expected.

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

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

20092574er

987 (e) A concise analysis of the ability of each sourcing
988 option to meet major system requirements, including federal and
989 state requirements for confidentiality, privacy, security, and
990 records retention.

991 (f) A complete description of the scope of functionality,
992 operations, and required resources associated with each sourcing
993 option.

994 (g) Recommendations for standardizing the format of state
995 e-mail addresses.

996 (h) A reliable schedule for the decommissioning of all
997 state agency e-mail systems and the migration of all agencies to
998 the new system beginning by July 1, 2010, and completing by June
999 30, 2013.

1000 (3) In order to develop the recommended plan for the new
1001 system, the Agency for Enterprise Information Technology shall
1002 consult with and, as necessary, form workgroups consisting of
1003 agency e-mail management staff, agency chief information
1004 officers, and agency budget directors. State agencies must
1005 cooperate with the Agency for Enterprise Technology in its
1006 development of the plan.

1007 (4) Unless authorized by the Legislature or as provided in
1008 subsection (5), a state agency shall not:

1009 (a) Initiate a new e-mail service with any entity other
1010 than the provider of the statewide e-mail system service;

1011 (b) Terminate a statewide e-mail system service without
1012 giving written notice of termination 180 days in advance; or

1013 (c) Transfer e-mail system services from the provider of
1014 the statewide e-mail system service.

1015 (5) Exceptions to paragraphs (4) (a), (b), and (c) may be

20092574er

1016 granted by the Agency for Enterprise Information Technology only
1017 if the Southwood Shared Resource Center is unable to meet agency
1018 e-mail service requirements. Requests for exceptions must be
1019 submitted in writing to the Agency for Enterprise Information
1020 Technology and include confirmation by the Southwood Shared
1021 Resource Center board of trustees that it cannot meet the
1022 requesting agency's e-mail service requirements.

1023 Section 15. The Division of Statutory Revision is requested
1024 to create part IV of chapter 282, consisting of sections 282.701
1025 through 282.711, Florida Statutes.

1026 Section 16. Section 282.701, Florida Statutes, is created
1027 to read:

1028 282.701 Short title.—This part may be cited as the
1029 "Communication Information Technology Services Act."

1030 Section 17. Section 282.102, Florida Statutes, is
1031 transferred and renumbered as section 282.702, Florida Statutes.

1032 Section 18. Section 282.103, Florida Statutes, is
1033 transferred, renumbered as section 282.703, Florida Statutes,
1034 and amended to read:

1035 282.703 ~~282.103~~ SUNCOM Network; exemptions from the
1036 required use.—

1037 (1) There is created within the department ~~of Management~~
1038 ~~Services~~ the SUNCOM Network, which shall be developed to serve
1039 as the state communications system for providing local and long-
1040 distance communications services to state agencies, political
1041 subdivisions of the state, municipalities, state universities,
1042 and nonprofit corporations pursuant to this part ~~ss. 282.102-~~
1043 ~~282.111~~. The SUNCOM Network shall be developed to transmit all
1044 types of communications signals, including, but not limited to,

20092574er

1045 voice, data, video, image, and radio. State agencies shall
1046 cooperate and assist in the development and joint use of
1047 communications systems and services.

1048 (2) The department ~~State Technology Office~~ shall design,
1049 engineer, implement, manage, and operate through state
1050 ownership, commercial leasing, or some combination thereof, the
1051 facilities and equipment providing SUNCOM Network services, and
1052 shall develop a system of equitable billings and charges for
1053 communication services.

1054 (3) All state agencies and state universities shall ~~are~~
1055 ~~required to~~ use the SUNCOM Network for agency and state
1056 university communications services as the services become
1057 available; however, no agency or university is relieved of
1058 responsibility for maintaining communications services necessary
1059 for effective management of its programs and functions. If a
1060 SUNCOM Network service does not meet the communications
1061 requirements of an agency or university, the agency or
1062 university shall notify the department ~~State Technology Office~~
1063 in writing and detail the requirements for that communications
1064 service. If the department ~~office~~ is unable to meet an agency's
1065 or university's requirements by enhancing SUNCOM Network
1066 service, the department ~~office~~ may grant the agency or
1067 university an exemption from the required use of specified
1068 SUNCOM Network services.

1069 Section 19. Section 282.104, Florida Statutes, is
1070 transferred, renumbered as section 282.704, Florida Statutes,
1071 and amended to read:

1072 282.704 ~~282.104~~ Use of state SUNCOM Network by
1073 municipalities.—Any municipality may request the department

20092574er

1074 ~~State Technology Office~~ to provide any or all of the SUNCOM
1075 Network's portfolio of communications services upon such terms
1076 and ~~under such~~ conditions as the department ~~office~~ may
1077 establish. The requesting municipality shall pay its share of
1078 installation and recurring costs according to the published
1079 rates for SUNCOM Network services and as invoiced by the
1080 department ~~office~~. Such municipality shall also pay for any
1081 requested modifications to existing SUNCOM Network services, if
1082 any charges apply.

1083 Section 20. Section 282.105, Florida Statutes, is
1084 transferred, renumbered as section 282.705, Florida Statutes,
1085 and amended to read:

1086 282.705 ~~282.105~~ Use of state SUNCOM Network by nonprofit
1087 corporations.—

1088 (1) The department ~~State Technology Office~~ shall provide a
1089 means whereby private nonprofit corporations under contract with
1090 state agencies or political subdivisions of the state may use
1091 the state SUNCOM Network, subject to the limitations in this
1092 section. In order to qualify to use the state SUNCOM Network, a
1093 nonprofit corporation shall:

1094 (a) Expend the majority of its total direct revenues for
1095 the provision of contractual services to the state, a
1096 municipality, or a political subdivision ~~of the state~~; and

1097 (b) Receive only a small portion of its total revenues from
1098 any source other than a state agency, a municipality, or a
1099 political subdivision ~~of the state~~ during the ~~period of~~ time
1100 SUNCOM Network services are requested.

1101 (2) Each nonprofit corporation seeking authorization to use
1102 the state SUNCOM Network ~~pursuant to this section~~ shall provide

20092574er

1103 to the department ~~office~~, upon request, proof of compliance with
1104 subsection (1).

1105 (3) Nonprofit corporations established pursuant to general
1106 law and an association of municipal governments which is wholly
1107 owned by the municipalities are ~~shall be~~ eligible to use the
1108 state SUNCOM Network, subject to the terms and conditions of the
1109 department ~~office~~.

1110 (4) Institutions qualified to participate in the William L.
1111 Boyd, IV, Florida Resident Access Grant Program pursuant to s.
1112 1009.89 are ~~shall be~~ eligible to use the state SUNCOM Network,
1113 subject to the terms and conditions of the department ~~office~~.
1114 Such entities are ~~shall~~ not be required to satisfy the other
1115 criteria of this section.

1116 (5) Private, nonprofit elementary and secondary schools are
1117 ~~shall be~~ eligible for rates and services on the same basis as
1118 public schools if such, ~~providing these nonpublic~~ schools do not
1119 have an endowment in excess of \$50 million.

1120 Section 21. Section 282.106, Florida Statutes, is
1121 transferred, renumbered as section 282.706, Florida Statutes,
1122 and amended to read:

1123 282.706 ~~282.106~~ Use of SUNCOM Network by libraries.—The
1124 department ~~State Technology Office~~ may provide SUNCOM Network
1125 services to any library in the state, including libraries in
1126 public schools, community colleges, state universities, and
1127 nonprofit private postsecondary educational institutions, and
1128 libraries owned and operated by municipalities and political
1129 subdivisions.

1130 Section 22. Section 282.107, Florida Statutes, is
1131 transferred and renumbered as section 282.707, Florida Statutes,

20092574er

1132 and amended to read:

1133 282.707 ~~282.107~~ SUNCOM Network; criteria for usage.—

1134 (1) The department ~~of Management Services~~ shall
1135 periodically review the qualifications of subscribers using the
1136 state SUNCOM Network and shall terminate services provided to
1137 any facility not qualified under this part ~~pursuant to ss.~~
1138 ~~282.102–282.111~~ or rules adopted hereunder. In the event of
1139 nonpayment of invoices by subscribers whose SUNCOM Network
1140 invoices are paid from sources other than legislative
1141 appropriations, such nonpayment represents good and sufficient
1142 reason to terminate service.

1143 (2) The department ~~of Management Services~~ shall adopt rules
1144 for implementing and operating the state SUNCOM Network, which
1145 ~~shall~~ include ~~its~~ procedures for withdrawing and restoring
1146 authorization to use the state SUNCOM Network. Such rules shall
1147 provide a minimum of 30 days' notice to affected parties before
1148 terminating ~~prior to termination of~~ voice communications
1149 service.

1150 (3) ~~Nothing in~~ This section does not ~~shall be construed to~~
1151 limit or restrict the ability of the Florida Public Service
1152 Commission to set jurisdictional tariffs of telecommunications
1153 companies.

1154 Section 23. Section 282.109, Florida Statutes, is
1155 transferred and renumbered as section 282.708, Florida Statutes.

1156 Section 24. Section 282.1095, Florida Statutes, is
1157 transferred, renumbered as section 282.709, Florida Statutes,
1158 and amended to read:

1159 282.709 ~~282.1095~~ State agency law enforcement radio system
1160 and interoperability network.—

20092574er

1161 (1) The department ~~State Technology Office~~ may acquire and
1162 administer ~~implement~~ a statewide radio communications system to
1163 serve law enforcement units of state agencies, and to serve
1164 local law enforcement agencies through mutual aid channels. ~~The~~
1165 ~~Joint Task Force on State Agency Law Enforcement Communications~~
1166 ~~is established in the State Technology Office to advise the~~
1167 ~~office of member agency needs for the planning, designing, and~~
1168 ~~establishment of the joint system. The State Agency Law~~
1169 ~~Enforcement Radio System Trust Fund is established in the State~~
1170 ~~Technology Office. The trust fund shall be funded from~~
1171 ~~surcharges collected under ss. 320.0802 and 328.72.~~

1172 (a) The department shall, in conjunction with the
1173 Department of Law Enforcement and the Division of Emergency
1174 Management of the Department of Community Affairs, establish
1175 policies, procedures, and standards to be incorporated into a
1176 comprehensive management plan for the use and operation of the
1177 statewide radio communications system.

1178 (b) The department shall bear the overall responsibility
1179 for the design, engineering, acquisition, and implementation of
1180 the statewide radio communications system and for ensuring the
1181 proper operation and maintenance of all common system equipment.

1182 (c)1. The department may rent or lease space on any tower
1183 under its control and refuse to lease space on any tower at any
1184 site.

1185 2. The department may rent, lease, or sublease ground space
1186 as necessary to locate equipment to support antennae on the
1187 towers. The costs for the use of such space shall be established
1188 by the department for each site if it is determined to be
1189 practicable and feasible to make space available.

20092574er

1190 3. The department may rent, lease, or sublease ground space
1191 on lands acquired by the department for the construction of
1192 privately owned or publicly owned towers. The department may, as
1193 a part of such rental, lease, or sublease agreement, require
1194 space on such towers for antennae as necessary for the
1195 construction and operation of the state agency law enforcement
1196 radio system or any other state need.

1197 4. All moneys collected by the department for rents,
1198 leases, and subleases under this subsection shall be deposited
1199 directly into the State Agency Law Enforcement Radio System
1200 Trust Fund established in subsection (3) and may be used by the
1201 department to construct, maintain, or support the system.

1202 5. The positions necessary for the department to accomplish
1203 its duties under this subsection shall be established in the
1204 General Appropriations Act and funded by the Law Enforcement
1205 Radio Operating Trust Fund or other revenue sources.

1206 (d) The department shall exercise its powers and duties
1207 under this part to plan, manage, and administer the mutual aid
1208 channels in the statewide radio communication system.

1209 1. In implementing such powers and duties, the department
1210 shall consult and act in conjunction with the Department of Law
1211 Enforcement and the Division of Emergency Management of the
1212 Department of Community Affairs, and shall manage and administer
1213 the mutual aid channels in a manner that reasonably addresses
1214 the needs and concerns of the involved law enforcement agencies
1215 and emergency response agencies and entities.

1216 2. The department may make the mutual aid channels
1217 available to federal agencies, state agencies, and agencies of
1218 the political subdivisions of the state for the purpose of

20092574er

1219 public safety and domestic security.

1220 (e) The department may allow other state agencies to use
1221 the statewide radio communications system under terms and
1222 conditions established by the department.

1223 (2) The Joint Task Force on State Agency Law Enforcement
1224 Communications is created adjunct to the department to advise
1225 the department of member-agency needs relating to the planning,
1226 designing, and establishment of the statewide communication
1227 system.

1228 (a) The Joint Task Force on State Agency Law Enforcement
1229 Communications shall consist of eight members, as follows:

1230 1. A representative of the Division of Alcoholic Beverages
1231 and Tobacco of the Department of Business and Professional
1232 Regulation who shall be appointed by the secretary of the
1233 department.

1234 2. A representative of the Division of Florida Highway
1235 Patrol of the Department of Highway Safety and Motor Vehicles
1236 who shall be appointed by the executive director of the
1237 department.

1238 3. A representative of the Department of Law Enforcement
1239 who shall be appointed by the executive director of the
1240 department.

1241 4. A representative of the Fish and Wildlife Conservation
1242 Commission who shall be appointed by the executive director of
1243 the commission.

1244 5. A representative of the Division of Law Enforcement of
1245 the Department of Environmental Protection who shall be
1246 appointed by the secretary of the department.

1247 6. A representative of the Department of Corrections who

20092574er

1248 shall be appointed by the secretary of the department.

1249 7. A representative of the Division of State Fire Marshal
1250 of the Department of Financial Services who shall be appointed
1251 by the State Fire Marshal.

1252 8. A representative of the Department of Transportation who
1253 shall be appointed by the secretary of the department.

1254 (b) Each appointed member of the joint task force shall
1255 serve at the pleasure of the appointing official. Any vacancy on
1256 the joint task force shall be filled in the same manner as the
1257 original appointment. A ~~Any~~ joint task force member may, upon
1258 notification to the chair before ~~prior to~~ the beginning of any
1259 scheduled meeting, appoint an alternative to represent the
1260 member on the task force and vote on task force business in his
1261 or her absence.

1262 (c) The joint task force shall elect a chair from among its
1263 members to serve a 1-year term. A vacancy in the chair of the
1264 joint task force must be filled for the remainder of the
1265 unexpired term by an election of the joint task force members.

1266 (d) The joint task force shall meet as necessary, but at
1267 least quarterly, at the call of the chair and at the time and
1268 place designated by him or her.

1269 (e) The per diem and travel expenses incurred by a member
1270 of the joint task force in attending its meetings and in
1271 attending to its affairs shall be paid pursuant to s. 112.061,
1272 from funds budgeted to the state agency that the member
1273 represents.

1274 (f) The department shall provide technical support to the
1275 joint task force.

1276 ~~(f) The State Technology Office is hereby authorized to~~

20092574er

1277 ~~rent or lease space on any tower under its control. The office~~
1278 ~~may also rent, lease, or sublease ground space as necessary to~~
1279 ~~locate equipment to support antennae on the towers. The costs~~
1280 ~~for use of such space shall be established by the office for~~
1281 ~~each site, when it is determined to be practicable and feasible~~
1282 ~~to make space available. The office may refuse to lease space on~~
1283 ~~any tower at any site. All moneys collected by the office for~~
1284 ~~such rents, leases, and subleases shall be deposited directly~~
1285 ~~into the Law Enforcement Radio Operating Trust Fund and may be~~
1286 ~~used by the office to construct, maintain, or support the~~
1287 ~~system.~~

1288 ~~(g) The State Technology Office is hereby authorized to~~
1289 ~~rent, lease, or sublease ground space on lands acquired by the~~
1290 ~~office for the construction of privately owned or publicly owned~~
1291 ~~towers. The office may, as a part of such rental, lease, or~~
1292 ~~sublease agreement, require space on said tower or towers for~~
1293 ~~antennae as may be necessary for the construction and operation~~
1294 ~~of the state agency law enforcement radio system or any other~~
1295 ~~state need. The positions necessary for the office to accomplish~~
1296 ~~its duties under this paragraph and paragraph (f) shall be~~
1297 ~~established in the General Appropriations Act and shall be~~
1298 ~~funded by the Law Enforcement Radio Operating Trust Fund or~~
1299 ~~other revenue sources.~~

1300 ~~(h) The State Technology Office may make the mutual aid~~
1301 ~~channels in the statewide radio communications system available~~
1302 ~~to federal agencies, state agencies, and agencies of the~~
1303 ~~political subdivisions of the state for the purpose of public~~
1304 ~~safety and domestic security. The office shall exercise its~~
1305 ~~powers and duties, as specified in this chapter, to plan,~~

20092574er

1306 ~~manage, and administer the mutual aid channels. The office~~
1307 ~~shall, in implementing such powers and duties, act in~~
1308 ~~consultation and conjunction with the Department of Law~~
1309 ~~Enforcement and the Division of Emergency Management of the~~
1310 ~~Department of Community Affairs, and shall manage and administer~~
1311 ~~the mutual aid channels in a manner that reasonably addresses~~
1312 ~~the needs and concerns of the involved law enforcement agencies~~
1313 ~~and emergency response agencies and entities.~~

1314 (3) The State Agency Law Enforcement Radio System Trust
1315 Fund is established in the department and funded from surcharges
1316 collected under ss. 318.18, 320.0802 and 328.72. Upon
1317 appropriation, moneys in the trust fund may be used by the
1318 department office to acquire by competitive procurement the
1319 equipment, ~~+~~ software, ~~+~~ and engineering, administrative, and
1320 maintenance services it needs to construct, operate, and
1321 maintain the statewide radio system. Moneys in the trust fund
1322 collected as a result of the surcharges set forth in ss. 318.18,
1323 320.0802, and 328.72 shall be used to help fund the costs of the
1324 system. Upon completion of the system, moneys in the trust fund
1325 may also be used by the department office ~~to provide~~ for payment
1326 of the recurring maintenance costs of the system.

1327 (4) (a) ~~The office shall, in conjunction with the Department~~
1328 ~~of Law Enforcement and the Division of Emergency Management of~~
1329 ~~the Department of Community Affairs, establish policies,~~
1330 ~~procedures, and standards which shall be incorporated into a~~
1331 ~~comprehensive management plan for the use and operation of the~~
1332 ~~statewide radio communications system.~~

1333 (b) ~~The joint task force, in consultation with the office,~~
1334 ~~shall have the authority to permit other state agencies to use~~

20092574er

1335 ~~the communications system, under terms and conditions~~
1336 ~~established by the joint task force.~~

1337 ~~(5) The office shall provide technical support to the joint~~
1338 ~~task force and shall bear the overall responsibility for the~~
1339 ~~design, engineering, acquisition, and implementation of the~~
1340 ~~statewide radio communications system and for ensuring the~~
1341 ~~proper operation and maintenance of all system common equipment.~~

1342 (4) ~~(6) (a)~~ The department ~~State Technology Office~~ may create
1343 and administer ~~implement~~ an interoperability network to enable
1344 interoperability between various radio communications
1345 technologies and to serve federal agencies, state agencies, and
1346 agencies of political subdivisions of the state for the purpose
1347 of public safety and domestic security.

1348 (a) The department ~~office~~ shall, in conjunction with the
1349 Department of Law Enforcement and the Division of Emergency
1350 Management of the Department of Community Affairs, exercise its
1351 powers and duties pursuant to this chapter to plan, manage, and
1352 administer the interoperability network. The office may:

1353 1. Enter into mutual aid agreements among federal agencies,
1354 state agencies, and political subdivisions of the state for the
1355 use of the interoperability network.

1356 2. Establish the cost of maintenance and operation of the
1357 interoperability network and charge subscribing federal and
1358 local law enforcement agencies for access and use of the
1359 network. The department ~~State Technology Office~~ may not charge
1360 state law enforcement agencies identified in paragraph (2) (a) to
1361 use the network.

1362 3. In consultation with the Department of Law Enforcement
1363 and the Division of Emergency Management of the Department of

20092574er

1364 Community Affairs, amend and enhance the statewide radio
1365 communications system as necessary to implement the
1366 interoperability network.

1367 (b) The department ~~State Technology Office~~, in consultation
1368 with the Joint Task Force on State Agency Law Enforcement
1369 Communications, and in conjunction with the Department of Law
1370 Enforcement and the Division of Emergency Management of the
1371 Department of Community Affairs, shall establish policies,
1372 procedures, and standards to incorporate into a comprehensive
1373 management plan for the use and operation of the
1374 interoperability network.

1375 Section 25. Section 282.111, Florida Statutes, is
1376 transferred, renumbered as section 282.710, Florida Statutes,
1377 and amended to read:

1378 282.710 ~~282.111~~ Statewide system of regional law
1379 enforcement communications.—

1380 (1) It is the intent and purpose of the Legislature that a
1381 statewide system of regional law enforcement communications be
1382 developed whereby maximum efficiency in the use of existing
1383 radio channels is achieved in order to deal more effectively
1384 with the apprehension of criminals and the prevention of crime
1385 ~~generally~~. To this end, all law enforcement agencies within the
1386 state are directed to provide the department ~~State Technology~~
1387 ~~Office~~ with any information the department ~~office~~ requests for
1388 the purpose of implementing the provisions of subsection (2).

1389 (2) The department ~~State Technology Office~~ is hereby
1390 authorized and directed to develop and maintain a statewide
1391 system of regional law enforcement communications. In
1392 formulating such a system, the department ~~office~~ shall divide

20092574er

1393 the state into appropriate regions and shall develop a program
1394 that includes ~~which shall include~~, but is not ~~be~~ limited to, ~~the~~
1395 ~~following provisions:~~

1396 (a) The communications requirements for each county and
1397 municipality comprising the region.

1398 (b) An interagency communications provision that depicts
1399 ~~which shall depict~~ the communication interfaces between
1400 municipal, county, and state law enforcement entities operating
1401 ~~which operate~~ within the region.

1402 (c) A frequency allocation and use provision that includes
1403 ~~which shall include~~, on an entity basis, each assigned and
1404 planned radio channel and the type of operation, simplex,
1405 duplex, or half-duplex, on each channel.

1406 (3) The department ~~office~~ shall adopt any necessary rules
1407 and regulations for administering ~~implementing~~ and coordinating
1408 the statewide system of regional law enforcement communications.

1409 (4) The secretary of the department ~~Chief Information~~
1410 ~~Officer of the State Technology Office~~ or his or her designee is
1411 designated as the director of the statewide system of regional
1412 law enforcement communications and, for the purpose of carrying
1413 out the provisions of this section, may ~~is authorized to~~
1414 coordinate the activities of the system with other interested
1415 state agencies and local law enforcement agencies.

1416 (5) A ~~No~~ law enforcement communications system may not
1417 ~~shall~~ be established or ~~present system~~ expanded without the
1418 prior approval of the department ~~State Technology Office~~.

1419 (6) Within the limits of its capability, the Department of
1420 Law Enforcement is encouraged to lend assistance to the
1421 department ~~State Technology Office~~ in the development of the

20092574er

1422 statewide system of regional law enforcement communications
1423 proposed by this section.

1424 Section 26. Section 282.21, Florida Statutes, is
1425 transferred, renumbered as section 282.711, Florida Statutes,
1426 and amended to read:

1427 282.711 ~~282.21~~ ~~The State Technology Office's Remote~~
1428 ~~electronic access services.~~—The department ~~State Technology~~
1429 ~~Office~~ may collect fees for providing remote electronic access
1430 pursuant to s. 119.07(2). The fees may be imposed on individual
1431 transactions or as a fixed subscription for a designated period
1432 of time. All fees collected under this section shall be
1433 deposited in the appropriate trust fund of the program or
1434 activity that made the remote electronic access available.

1435 Section 27. Section 282.22, Florida Statutes, is repealed.

1436 Section 28. Paragraph (h) is added to subsection (3) of
1437 section 287.042, Florida Statutes, and paragraph (b) of
1438 subsection (4) and subsections (15) and (16) of that section are
1439 amended, to read:

1440 287.042 Powers, duties, and functions.—The department shall
1441 have the following powers, duties, and functions:

1442 (3) To establish a system of coordinated, uniform
1443 procurement policies, procedures, and practices to be used by
1444 agencies in acquiring commodities and contractual services,
1445 which shall include, but not be limited to:

1446 (h) Development, in consultation with the Agency Chief
1447 Information Officers Council, of procedures to be used by state
1448 agencies when procuring information technology commodities and
1449 contractual services to ensure compliance with public-records
1450 requirements and records-retention and archiving requirements.

20092574er

1451 (4)
1452 (b) To prescribe, in consultation with the Agency Chief
1453 Information Officers Council ~~State Technology Office~~, procedures
1454 for procuring information technology and information technology
1455 consultant services which provide for public announcement and
1456 qualification, competitive solicitations, contract award, and
1457 prohibition against contingent fees. Such procedures shall be
1458 limited to information technology consultant contracts for which
1459 the total project costs, or planning or study activities, are
1460 estimated to exceed the threshold amount provided for in s.
1461 287.017, for CATEGORY TWO.

1462 (15) ~~(a)~~ To enter into joint agreements with governmental
1463 agencies, as defined in s. 163.3164(10), for the purpose of
1464 pooling funds for the purchase of commodities or information
1465 technology that can be used by multiple agencies. ~~However, the~~
1466 ~~department shall consult with the State Technology Office on~~
1467 ~~joint agreements that involve the purchase of information~~
1468 ~~technology. Agencies entering into joint purchasing agreements~~
1469 ~~with the department or the State Technology Office shall~~
1470 ~~authorize the department or the State Technology Office to~~
1471 ~~contract for such purchases on their behalf.~~

1472 (a) ~~(b)~~ Each agency that has been appropriated or has
1473 existing funds for such purchase ~~the purchases~~, shall, upon
1474 contract award by the department, transfer their portion of the
1475 funds into the department's Operating Trust Fund for payment by
1476 the department. The ~~These~~ funds shall be transferred by the
1477 Executive Office of the Governor pursuant to the agency budget
1478 amendment request provisions in chapter 216.

1479 (b) ~~(e)~~ Agencies that sign the joint agreements are

20092574er

1480 financially obligated for their portion of the agreed-upon
1481 funds. If an ~~any~~ agency becomes more than 90 days delinquent in
1482 paying the funds, the department shall certify to the Chief
1483 Financial Officer the amount due, and the Chief Financial
1484 Officer shall transfer the amount due to the Operating Trust
1485 Fund of the department from any of the agency's available funds.
1486 The Chief Financial Officer shall report ~~all of~~ these transfers
1487 and the reasons for the transfers to the Executive Office of the
1488 Governor and the legislative appropriations committees.

1489 (16) ~~(a)~~ To evaluate contracts let by the Federal
1490 Government, another state, or a political subdivision for the
1491 provision of commodities and contract services, and, if ~~when~~ it
1492 is determined in writing to be cost-effective and in the best
1493 interest of the state, to enter into a written agreement
1494 authorizing an agency to make purchases under such ~~a~~ contract
1495 approved by the department and let by the Federal Government,
1496 another state, or a political subdivision.

1497 ~~(b) For contracts pertaining to the provision of~~
1498 ~~information technology, the State Technology Office, in~~
1499 ~~consultation with the department, shall assess the technological~~
1500 ~~needs of a particular agency, evaluate the contracts, and~~
1501 ~~determine whether to enter into a written agreement with the~~
1502 ~~letting federal, state, or political subdivision body to provide~~
1503 ~~information technology for a particular agency.~~

1504 Section 29. Subsection (9) of section 1004.52, Florida
1505 Statutes, is amended to read:

1506 1004.52 Community computer access grant program.—

1507 (9) The institute, ~~based upon guidance from the State~~
1508 ~~Technology Office and the state's Chief Information Officer,~~

20092574er

1509 shall establish minimum requirements governing the
1510 specifications and capabilities of any computers purchased with
1511 funds awarded under this grant program.

1512 Section 30. Rules 60DD-1, 60DD-4, 60DD-5, 60DD-6, 60DD-7,
1513 and 60DD-8, Florida Administrative Code, are repealed, and the
1514 Department of State is directed to remove these rules from the
1515 Florida Administrative Code. Rule 60DD-2, Florida Administrative
1516 Code, is transferred to the Agency for Enterprise Information
1517 Technology.

1518 Section 31. Section 17 of chapter 2008-116, 2008 Laws of
1519 Florida, is amended to read:

1520 Section 17. All data center functions performed, managed,
1521 operated, or supported by state agencies with resources and
1522 equipment currently located in a state primary data center
1523 created by this act, excluding application development, shall be
1524 transferred to the primary data center and that agency shall
1525 become a full-service customer entity by July 1, 2010. All
1526 resources and equipment located in the primary data center shall
1527 be operated, managed, and controlled by the primary data center.
1528 The primary data center in which such resources and equipment
1529 are located shall be the custodian of such resources and
1530 equipment for purposes of chapter 273, Florida Statutes. Data
1531 center functions include, but are not limited to, responsibility
1532 for all data center hardware, software, staff, contracted
1533 services, and facility resources performing data center
1534 management and operations, security, ~~production control~~, backup
1535 and recovery, disaster recovery, system administration, database
1536 administration, system programming, job control, production
1537 control, print, storage, technical support, help desk, and

20092574er

1538 managed services.

1539 (1) To accomplish the transition, each state agency that is
1540 a customer entity of a primary data center shall:

1541 (a) By October 1, 2009, submit a plan to the board of
1542 trustees of the appropriate primary data center describing costs
1543 and resources currently used to manage and maintain hardware and
1544 operating and support software housed at the primary data
1545 center, and a plan for transferring all resources allocated to
1546 data center functions to the primary data center. The plan
1547 shall:

1548 1. Include the itemized expenditures for all of the related
1549 equipment and software in the previous 5 fiscal years.

1550 2. Propose averages or weighted averages for transferring
1551 spending authority related to equipment and software based upon
1552 spending in the previous 5 fiscal years and projected needs for
1553 the upcoming 2 fiscal years.

1554 (b) Submit with its 2010-2011 legislative budget request
1555 budget adjustments necessary to accomplish the transfers. These
1556 adjustments shall include budget requests to replace existing
1557 spending authority in the appropriations categories used to
1558 manage, maintain, and upgrade hardware, operating software, and
1559 support software with an amount in a single appropriation
1560 category to pay for the services of the primary data center.

1561 (2) The board of trustees of each primary data center
1562 shall:

1563 (a) Be responsible for the efficient transfer of resources
1564 in user agencies relating to the provision of full services and
1565 shall coordinate the legislative budget requests of the affected
1566 agencies.

20092574er

1567 (b) Include in its 2010-2011 legislative budget request
1568 additional budget authority to accommodate the transferred
1569 functions.

1570 (c) Develop proposed cost-recovery plans for its customer
1571 entities at its annual budget meeting held before July 1, 2010,
1572 using the principles established in s. 282.203, Florida
1573 Statutes.

1574 Section 32. Subsection (17) of section 318.18, Florida
1575 Statutes, is amended to read:

1576 318.18 Amount of penalties.—The penalties required for a
1577 noncriminal disposition pursuant to s. 318.14 or a criminal
1578 offense listed in s. 318.17 are as follows:

1579 (17) In addition to any penalties imposed, a surcharge of
1580 \$3 must be paid for all criminal offenses listed in s. 318.17
1581 and for all noncriminal moving traffic violations under chapter
1582 316. Revenue from the surcharge shall be remitted to the
1583 Department of Revenue and deposited quarterly into the State
1584 Agency Law Enforcement Radio System Trust Fund of the Department
1585 of Management Services for the state agency law enforcement
1586 radio system, as described in s. 282.709 ~~s. 282.1095~~, and to
1587 provide technical assistance to state agencies and local law
1588 enforcement agencies with their statewide systems of regional
1589 law enforcement communications, as described in s. 282.710 ~~s.~~
1590 ~~282.111~~. This subsection expires July 1, 2012. The Department of
1591 Management Services may retain funds sufficient to recover the
1592 costs and expenses incurred for ~~the purposes of~~ managing,
1593 administering, and overseeing the Statewide Law Enforcement
1594 Radio System, and providing technical assistance to state
1595 agencies and local law enforcement agencies with their statewide

20092574er

1596 systems of regional law enforcement communications. The
1597 Department of Management Services working in conjunction with
1598 the Joint Task Force on State Agency Law Enforcement
1599 Communications shall determine and direct the purposes for which
1600 these funds are used to enhance and improve the radio system.

1601 Section 33. Subsection (4) of section 393.002, Florida
1602 Statutes, is amended to read:

1603 393.002 Transfer of Florida Developmental Disabilities
1604 Council as formerly created in this chapter to private nonprofit
1605 corporation.—

1606 (4) The ~~This~~ designated nonprofit corporation is ~~shall be~~
1607 eligible to use the state communications system in accordance
1608 with s. 282.705(3) ~~s. 282.105(3)~~.

1609 Section 34. Paragraph (a) of subsection (2) of section
1610 1001.26, Florida Statutes, is amended to read:

1611 1001.26 Public broadcasting program system.—

1612 (2) (a) The Department of Education is responsible for
1613 implementing the provisions of this section pursuant to s.
1614 282.702 ~~s. 282.102~~ and may employ personnel, acquire equipment
1615 and facilities, and perform all duties necessary for carrying
1616 out the purposes and objectives of this section.

1617 Section 35. This act shall take effect upon becoming a law.