

HB 1215

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1 A bill to be entitled
2 An act relating to state technology; abolishing the
3 Agency for Enterprise Information Technology;
4 transferring the personnel, functions, and funds of
5 the Agency for Enterprise Information Technology to
6 the Agency for State Technology; transferring
7 specified personnel, functions, and funds relating to
8 technology programs from the Department of Management
9 Services to the Agency for State Technology;
10 transferring the Northwood Shared Resource Center and
11 the Southwood Shared Resource Center to the agency;
12 repealing s. 14.204, F.S., relating to the Agency for
13 Enterprise Information Technology; creating s. 14.206,
14 F.S.; creating the Agency for State Technology;
15 providing for organization of the agency; providing
16 for an executive director who shall be the state's
17 Chief Information Officer; providing duties and
18 responsibilities of the agency and of the executive
19 director; requiring certain status reports to the
20 Governor, the Cabinet, and the Legislature;
21 authorizing the agency to adopt rules; amending s.
22 282.0041, F.S.; revising and providing definitions of
23 terms as used in the Enterprise Information Technology
24 Services Management Act; amending s. 282.0055, F.S.;
25 revising provisions for assignment of information
26 technology services; directing the agency to create a
27 road map for enterprise information technology service
28 consolidation and a comprehensive transition plan;

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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29 requiring the transition plan to be submitted to the
30 Governor and Cabinet and the Legislature by a certain
31 date; providing duties for state agencies relating to
32 the transition plan; prohibiting state agencies from
33 certain technology-related activities; providing for
34 exceptions; amending s. 282.0056, F.S.; providing for
35 development by the agency executive director of a
36 biennial State Information Technology Strategic Plan
37 for approval by the Governor and the Cabinet;
38 directing state agencies to submit their own
39 information technology plans and any requested
40 information to the agency; revising provisions for
41 development of work plans and implementation plans;
42 revising provisions for reporting on achievements;
43 amending s. 282.201, F.S.; revising provisions for a
44 state data center system; providing legislative
45 intent; directing the agency to provide
46 recommendations to the Governor and Legislature
47 relating to changes to the schedule for the
48 consolidations of state agency data centers; providing
49 duties of a state agency consolidating a data center
50 into a primary data center; suspending the
51 consolidations scheduled for state agency data centers
52 for a specified period; amending s. 282.203, F.S.;;
53 revising duties of primary data centers; removing
54 provisions for boards of trustees to head primary data
55 centers; requiring a memorandum of understanding
56 between the primary data center and the participating

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57 | state agency; limiting the term of the memorandum;
58 | providing for failure to enter into a memorandum;
59 | repealing s. 282.204, F.S., relating to Northwood
60 | Shared Resource Center; repealing s. 282.205, F.S.,
61 | relating to Southwood Shared Resource Center; creating
62 | s. 282.206, F.S.; establishing the Fletcher Shared
63 | Resource Center within the Department of Financial
64 | Services to provide enterprise information technology
65 | services; directing the center to collaborate with the
66 | agency; directing the center to provide colocation
67 | services to the Office of the Attorney General and the
68 | Department of Legal Affairs, the Department of
69 | Agriculture and Consumer Services, and the Department
70 | of Financial Services; directing the Department of
71 | Financial Services to continue to use the center and
72 | provide service to the Office of Financial Regulation
73 | and the Office of Insurance Regulation and host the
74 | Legislative Appropriations System/Planning and
75 | Budgeting Subsystem; providing for governance of the
76 | center; providing for a steering committee to ensure
77 | adequacy and appropriateness of services; directing
78 | the Department of Legal Affairs and the Department of
79 | Agriculture and Consumer Services to move data center
80 | equipment to the center by certain dates; repealing s.
81 | 282.33, F.S., relating to objective standards for data
82 | center energy efficiency; amending s. 282.34, F.S.;
83 | revising provisions for a statewide e-mail service to
84 | meet the needs of executive branch agencies; requiring

85 | state agencies to receive email services through the
 86 | agency; authorizing the Department of Agriculture and
 87 | Consumer Services, the Department of Financial
 88 | Services, the Office of Financial Regulation, and the
 89 | Office of Insurance Regulation to receive email
 90 | services from the Fletcher Shared Resource Center or
 91 | the agency; amending s. 282.702, F.S.; directing the
 92 | agency to develop a plan for statewide voice-over-
 93 | Internet protocol services; requiring certain content
 94 | in the plan; requiring the plan to be submitted to the
 95 | Governor, the Cabinet, and the Legislature by a
 96 | certain date; amending ss. 20.22, 110.205, 215.22,
 97 | 215.322, 216.292, 282.318, 282.604, 282.703, 282.704,
 98 | 282.705, 282.706, 282.707, 282.709, 282.7101, 282.711,
 99 | 287.012, 287.057, 318.18, 320.0802, 328.72, 364.0135,
 100 | 365.171, 365.172, 365.173, 365.174, 401.013, 401.015,
 101 | 401.018, 401.021, 401.024, 401.027, 401.465, 445.011,
 102 | 445.045, and 668.50, F.S., relating to financial and
 103 | cash management system task force, career service
 104 | exemptions, trust funds, payment cards and electronic
 105 | funds transfers, the Communications Working Capital
 106 | Trust Fund, the Enterprise Information Technology
 107 | Services Management Act, adoption of rules, the
 108 | Communication Information Technology Services Act,
 109 | procurement of commodities and contractual services,
 110 | the Florida Uniform Disposition of Traffic Infractions
 111 | Act, surcharge on vehicle license tax, vessel
 112 | registration, broadband Internet service, the

113 emergency communications number E911, regional
 114 emergency medical telecommunications, the Workforce
 115 Innovation Act of 2000, and the Uniform Electronic
 116 Transaction Act; conforming provisions and cross-
 117 references to changes made by the act; revising and
 118 deleting obsolete provisions; providing an effective
 119 date.

120

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

122

123 Section 1. (1) The Agency for Enterprise Information
 124 Technology is abolished.

125 (2) All of the powers, duties, functions, records,
 126 personnel, and property; funds, trust funds, and unexpended
 127 balances of appropriations, allocations, and other funds;
 128 administrative authority; administrative rules; pending issues;
 129 and existing contracts of the Agency for Enterprise Information
 130 Technology are transferred by a type two transfer, pursuant to
 131 s. 20.06(2), Florida Statutes, to the Agency for State
 132 Technology.

133 Section 2. Transfers from the Department of Management
 134 Services.—

135 (1) The Technology Program established under section
 136 20.22(2), Florida Statutes, is transferred intact by a type one
 137 transfer, as defined in section 20.06(1), Florida Statutes, from
 138 the Department of Management Services to the Agency for State
 139 Technology.

140 (2) All of the powers, duties, functions, records,
 141 personnel, and property; funds, trust funds, and unexpended
 142 balances of appropriations, allocations, and other funds;
 143 administrative authority; administrative rules; pending issues;
 144 and existing contracts relating to the following
 145 responsibilities of the Department of Management Services are
 146 transferred by a type one transfer, as defined in section
 147 20.06(2), Florida Statutes, to the Agency for State Technology:

148 (a) Administrative and regulatory responsibilities under
 149 part II of chapter 282, Florida Statutes, consisting of sections
 150 282.601-282.606, Florida Statutes, relating to accessibility of
 151 electronic information and information technology for state
 152 employees and members of the public with disabilities, including
 153 the responsibility for rules for the development, procurement,
 154 maintenance, and use of accessible electronic information
 155 technology by governmental units pursuant to section 282.604,
 156 Florida Statutes.

157 (b) Administrative and regulatory responsibilities under
 158 part III of chapter 282, Florida Statutes, consisting of
 159 sections 282.701-282.711, relating to the state
 160 telecommunications network, state communications,
 161 telecommunications services with state agencies and political
 162 subdivisions of the state, the SUNCOM network, the law
 163 enforcement radio system and interoperability network, regional
 164 law enforcement communications, and remote electronic access.

165 (c) Administrative and regulatory responsibilities under
 166 section 364.0135, Florida Statutes, relating to broadband
 167 Internet service.

168 (d) Administrative and regulatory responsibilities under
 169 sections 365.171, 365.172, 365.173, 365.174, and 365.175,
 170 Florida Statutes, relating to emergency communications number
 171 E911.

172 (e) Administrative and regulatory responsibilities under
 173 part I of chapter 401, Florida Statutes, consisting of sections
 174 401.013-401.027, relating to a statewide system of regional
 175 emergency medical telecommunications.

176 (3) (a) The following trust funds are transferred by a type
 177 one transfer, as defined in section 20.06(1), Florida Statutes,
 178 from the Department of Management Services to the Agency for
 179 State Technology:

- 180 1. The Communications Working Capital Trust Fund.
- 181 2. The Emergency Communications Number E911 System Fund.
- 182 3. The State Agency Law Enforcement Radio System Trust
 183 Fund.

184 (b) All unexpended balances of appropriations,
 185 allocations, and other funds of the Department of Management
 186 Services relating to ss. 282.701-282.711, s. 364.0135, ss.
 187 365.171-365.175, and part I of chapter 401, Florida Statutes,
 188 which are not specifically transferred by this subsection are
 189 transferred by a type one transfer, as defined in s. 20.06(1),
 190 Florida Statutes, to the Agency for State Technology.

191 (4) All lawful orders issued by the Department of
 192 Management Services implementing or enforcing or otherwise in
 193 regard to ss. 282.701-282.711, s. 364.0135, ss. 365.171-365.175,
 194 or part I of chapter 401, Florida Statutes, issued before July

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195 1, 2012, shall remain in effect and be enforceable after that
196 date unless thereafter modified in accordance with law.

197 (5) Any binding contract or interagency agreement entered
198 into pursuant to ss. 282.701-282.711, s. 364.0135, ss. 365.171-
199 365.175, or part I of chapter 401, Florida Statutes, and
200 existing before July 1, 2012, between the Department of
201 Management Services or an entity or agent of the department and
202 any other agency, entity, or person shall continue as a binding
203 contract or agreement for the remainder of the term of such
204 contract or agreement on the Agency for State Technology.

205 (6) The rules of the Department of Management Services
206 relating to ss. 282.701-282.711, s. 364.0135, ss. 365.171-
207 365.175, or part I of chapter 401, Florida Statutes, that were
208 in effect at 11:59 p.m. on June 30, 2012, shall become the rules
209 of the Agency for State Technology and shall remain in effect
210 until amended or repealed in the manner provided by law.

211 (7) The transfer of regulatory authority under ss.
212 282.701-282.711, s. 364.0135, ss. 365.171-365.175, or part I of
213 chapter 401, Florida Statutes, provided by this section shall
214 not affect the validity of any judicial or administrative action
215 pending as of 11:59 p.m. on June 30, 2012, to which the
216 Department of Management Services is at that time a party, and
217 the Agency for State Technology shall be substituted as a party
218 in interest in any such action.

219 (8) The Northwood Shared Resource Center is transferred by
220 a type one transfer, as defined in s. 20.06(1), Florida
221 Statutes, from the Department of Management Services to the
222 Agency for State Technology.

223 (a) Any binding contract or interagency agreement entered
 224 into between the Northwood Shared Resource Center or an entity
 225 or agent of the center and any other agency, entity, or person
 226 shall continue as a binding contract or agreement for the
 227 remainder of the term of such contract or agreement on the
 228 Agency for State Technology.

229 (b) The rules of the Northwood Shared Resource Center that
 230 were in effect at 11:59 p.m. on June 30, 2012, shall become the
 231 rules of the Agency for State Technology and shall remain in
 232 effect until amended or repealed in the manner provided by law.

233 (9) The Southwood Shared Resource Center is transferred by
 234 a type one transfer, as defined in s. 20.06(1), Florida
 235 Statutes, from the Department of Management Services to the
 236 Agency for State Technology.

237 (a) Any binding contract or interagency agreement entered
 238 into between the Southwood Shared Resource Center or an entity
 239 or agent of the center and any other agency, entity, or person
 240 shall continue as a binding contract or agreement for the
 241 remainder of the term of such contract or agreement on the
 242 Agency for State Technology.

243 (b) The rules of the Southwood Shared Resource Center that
 244 were in effect at 11:59 p.m. on June 30, 2012, shall become the
 245 rules of the Agency for State Technology and shall remain in
 246 effect until amended or repealed in the manner provided by law.

247 Section 3. Section 14.204, Florida Statutes, is repealed.

248 Section 4. Section 14.206, Florida Statutes, is created to
 249 read:

250 14.206 Agency for State Technology; creation; powers and
 251 duties.-

252 (1) There is created the Agency for State Technology. The
 253 head of the agency shall be the Governor and Cabinet.

254 (2) The following officers, divisions, and units of the
 255 agency are established:

256 (a) Under the Chief Technology Officer:

257 1. The Division of Telecommunications.

258 a. SUNCOM.

259 b. State Agency Law Enforcement Radio System.

260 c. State E911 Program.

261 2. The Division of Data Center Operations.

262 a. Northwood Shared Resource Center.

263 b. Southwood Shared Resource Center.

264 3. The Division of Enterprise Service Delivery.

265 a. Enterprise e-mail.

266 (b) Under the Chief Enterprise Applications Officer:

267 1. Enterprise Software Design and Projects.

268 2. Enterprise Software Operations.

269 3. Enterprise Data Standards.

270 4. Enterprise Data Management.

271 (c) Under the Deputy Director of Enterprise Information
 272 Technology Standards, Procurement, and Service Design:

273 1. Strategic Planning.

274 2. Enterprise Information Technology Standards.

275 a. Enterprise Information Technology Procurement.

276 b. Information Technology Security and Compliance.

277 3. Enterprise Services Planning and Consolidation.

278 (d) Under the Director of Administration:
 279 1. Accounting and Budgeting.
 280 2. Personnel.
 281 3. Procurement and Contracts.
 282 (e) Under the Office of the Executive Director:
 283 1. Inspector General.
 284 2. Legal.
 285 3. Project Management Office.
 286 4. Governmental Affairs.
 287 (3) The agency shall have an executive director who is the
 288 state's Chief Information Officer and who must be qualified by
 289 education and experience for the office. The executive director
 290 shall be appointed by the Governor, subject to confirmation by
 291 the Cabinet and the Senate, and serve at the pleasure of the
 292 Governor and Cabinet. The executive director:
 293 (a) Shall be responsible for developing and administering
 294 a comprehensive long-range plan for the state's information
 295 technology resources, ensuring the proper management of such
 296 resources, and delivering services.
 297 (b) Shall appoint a Chief Technology Officer to lead the
 298 divisions of the agency dedicated to the operation and delivery
 299 of enterprise information technology services.
 300 (c) Shall designate a state Chief Information Security
 301 Officer.
 302 (d) May appoint all employees necessary to thoroughly
 303 carry out the duties and responsibilities of the agency.
 304 (4) The agency shall operate in a manner that ensures the
 305 participation and representation of state agencies.

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306 (5) The agency shall have the following duties and
307 responsibilities. The agency shall:

308 (a) Develop and publish a long-term State Information
309 Technology Resources Strategic Plan.

310 (b) Project manage, plan, design, implement, and manage
311 enterprise information technology services.

312 (c) Beginning October 1, 2012, and every 3 months
313 thereafter, provide a status report on its initiatives. The
314 report shall be presented at a meeting of the Governor and
315 Cabinet.

316 (d) Beginning September 1, 2013, and every 3 months
317 thereafter until enterprise information technology service
318 consolidations are complete, provide a status report on the
319 implementation of the consolidations that must be completed
320 during the fiscal year. The report shall be submitted to the
321 Executive Office of the Governor, the Cabinet, the President of
322 the Senate, and the Speaker of the House of Representatives. The
323 report must, at a minimum, describe:

324 1. Whether the consolidation is on schedule, including
325 progress on achieving the milestones necessary for successful
326 and timely consolidation of scheduled agency data centers and
327 computing facilities; and

328 2. The risks that may affect the progress or outcome of
329 the consolidation and how such risks are being mitigated or
330 managed.

331 (e) Set technical standards for information technology,
332 review major information technology projects and procurements,
333 establish information technology security standards, provide for

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334 the procurement of information technology resources, excluding
335 human resources, and deliver enterprise information technology
336 services as defined in s. 282.0041.

337 (f) Establish and operate shared resource centers.

338 (g) Establish and deliver enterprise information
339 technology services to serve state agencies on a cost-sharing
340 basis, charging each state agency its proportionate share of the
341 cost of maintaining and delivering a service based on at state
342 agency's use of the service.

343 (h) Use the following principles to develop a means of
344 chargeback for primary data center services:

345 1. The customers of the primary data center shall provide
346 payments to the primary data center that are sufficient to
347 maintain the solvency of the primary data center operation for
348 all costs not directly funded through the General Appropriations
349 Act.

350 2. Per unit cost of usage shall be the primary basis for
351 pricing, and usage shall be accurately measurable and
352 attributable to the appropriate customer.

353 3. The primary data center shall combine the aggregate
354 purchasing power of large and small customers to achieve
355 collective savings opportunities to all customers.

356 4. Chargeback methodologies shall be devised to consider
357 restrictions on grants to customers.

358 5. Chargeback methodologies should establish incentives
359 that lead to customer usage practices that result in lower costs
360 to the state.

361 6. Chargeback methodologies shall consider technological

362 change when:

363 a. New services require short-term investments before
 364 achieving long-term, full-cost recovery for the service.

365 b. Customers of antiquated services may not be able to
 366 bear all of the costs for the antiquated services during periods
 367 when customers are migrating to replacement services.

368 7. Prices may be established that allow for accrual of
 369 cash balances for the purpose of maintaining contingent
 370 operating funds and funding planned capital investments. Accrual
 371 of the cash balances shall be considered to be costs for the
 372 purposes of this section.

373 8. The primary data center may not knowingly enter into an
 374 agreement with a customer for more than 2 years if associated
 375 charges will not be sufficient to cover the associated
 376 proportional costs.

377 9. Flat rate charges may be used only if there are
 378 provisions for reconciling charges to comport with actual costs
 379 and use.

380 (i) Exercise technical and fiscal tact in determining the
 381 best way to deliver enterprise information technology services.

382 (j) Collect and maintain an inventory of the information
 383 technology resources in the state agencies.

384 (k) Assume ownership or custody and control of information
 385 processing equipment, supplies, and positions required in order
 386 to thoroughly carry out the duties and responsibilities of the
 387 agency.

388 (l) Adopt rules and policies for the efficient, secure,
 389 and economical management and operation of the shared resource

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390 centers and state telecommunications services.

391 (m) Provide other public sector organizations as defined
392 in s. 282.0041 with access to the services provided by the
393 agency. Access shall be provided on the same cost basis that
394 applies to state agencies.

395 (n) Ensure that data that is confidential under state or
396 federal law may not be entered into or processed through any
397 shared resource center or network established under the agency
398 until safeguards for the data's security satisfactory to the
399 department head and the executive director have been designed,
400 installed, and tested and are fully operational. This paragraph
401 may not be construed to prescribe what actions to satisfy a
402 department's objectives are to be undertaken or to remove from
403 the control and administration of the departments the
404 responsibility for working with the agency to implement
405 safeguards, regardless of whether such control and
406 administration are specifically required by general law or
407 administered under the general program authority and
408 responsibility of the department.

409 (o) Conduct periodic assessments of state agencies for
410 compliance with statewide information technology policies and
411 recommend to the Governor and Cabinet statewide policies for
412 information technology.

413 (6) The agency may adopt rules to carry out its duties and
414 responsibilities.

415 Section 5. Section 282.0041, Florida Statutes, is amended
416 to read:

417 282.0041 Definitions.—As used in this chapter, the term:

418 ~~(1) "Agency" has the same meaning as in s. 216.011(1)(qq),~~
 419 ~~except that for purposes of this chapter, "agency" does not~~
 420 ~~include university boards of trustees or state universities.~~

421 (1)(2) "Agency for State Enterprise Information
 422 Technology" or "agency" means the agency created in s. 14.206
 423 14.204.

424 (2)(3) "Agency information technology service" means a
 425 service that directly helps a state agency ~~an agency~~ fulfill its
 426 statutory or constitutional responsibilities and policy
 427 objectives and is usually associated with the state agency's
 428 primary or core business functions.

429 ~~(4) "Annual budget meeting" means a meeting of the board~~
 430 ~~of trustees of a primary data center to review data center usage~~
 431 ~~to determine the apportionment of board members for the~~
 432 ~~following fiscal year, review rates for each service provided,~~
 433 ~~and determine any other required changes.~~

434 (3)(5) "Breach" has the same meaning as in s. 817.5681(4).

435 (4)(6) "Business continuity plan" means a plan for
 436 disaster recovery which provides for the continued functioning
 437 of a primary data center during and after a disaster.

438 (5)(7) "Computing facility" means a state agency site
 439 space containing fewer than a total of 10 physical or logical
 440 servers, any of which supports a strategic or nonstrategic
 441 information technology service, as described in budget
 442 instructions developed pursuant to s. 216.023, but excluding
 443 telecommunications and voice gateways and a clustered pair of
 444 servers operating as a single logical server to provide file,
 445 print, security, and endpoint management services ~~single,~~

446 ~~logical server installations that exclusively perform a utility~~
 447 ~~function such as file and print servers.~~

448 (6) "Computing service" means an information technology
 449 service that is used in all state agencies or a subset of
 450 agencies and is, therefore, a candidate for being established as
 451 an enterprise information technology service. Examples include,
 452 but are not limited to, e-mail, service hosting,
 453 telecommunications, and disaster recovery.

454 ~~(8) "Customer entity" means an entity that obtains~~
 455 ~~services from a primary data center.~~

456 (7)-(9) "Data center" means state agency space containing
 457 10 or more physical or logical servers any of which supports a
 458 strategic or nonstrategic information technology service, as
 459 described in budget instructions developed pursuant to s.
 460 216.023.

461 ~~(10) "Department" means the Department of Management~~
 462 ~~Services.~~

463 (8)-(12) "E-mail, messaging, and calendaring service" means
 464 the enterprise information technology service that enables users
 465 to send, receive, file, store, manage, and retrieve electronic
 466 messages, attachments, appointments, and addresses. ~~The e-mail,~~
 467 messaging, and calendaring service must include e-mail account
 468 management; help desk; technical support and user provisioning
 469 services; disaster recovery and backup and restore capabilities;
 470 antispam and antivirus capabilities; archiving and e-discovery;
 471 and remote access and mobile messaging capabilities.

472 (9)-(11) "Enterprise information technology service" means
 473 an information technology service that is used in all state

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474 agencies or a subset of state agencies and is established in law
475 to be designed, delivered, and managed at the enterprise level.
476 Current enterprise information technology services include data
477 center services, e-mail, and security.

478 ~~(10)-(13)~~ "Information-system utility" means an information
479 processing a full-service information-processing facility
480 offering hardware, software, operations, integration,
481 networking, floor space, and consulting services.

482 ~~(11)-(15)~~ "Information technology policy" means statements
483 that describe clear choices for how information technology will
484 deliver effective and efficient government services to residents
485 and improve state agency operations. A policy may relate to
486 investments, business applications, architecture, or
487 infrastructure. A policy describes its rationale, implications
488 of compliance or noncompliance, the timeline for implementation,
489 metrics for determining compliance, and the accountable
490 structure responsible for its implementation.

491 ~~(12)-(14)~~ "Information technology resources" means
492 equipment, hardware, software, firmware, programs, systems,
493 networks, infrastructure, media, and related material used to
494 automatically, electronically, and wirelessly collect, receive,
495 access, transmit, display, store, record, retrieve, analyze,
496 evaluate, process, classify, manipulate, manage, assimilate,
497 control, communicate, exchange, convert, converge, interface,
498 switch, or disseminate information of any kind or form, and
499 includes the human resources to perform such duties, but
500 excludes application developers and logical database
501 administrators.

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502 (13) "Local area network" means any telecommunications
503 network through which messages and data are exchanged strictly
504 within a single building or contiguous campus.

505 (14) "Logical database administration" means the resources
506 required to build and maintain database structure, implement and
507 maintain role-based data access controls, and perform
508 performance optimization of data queries and includes the
509 manipulation, transformation, modification, and maintenance of
510 data within a logical database. Typical tasks include schema
511 design and modifications, user provisioning, query tuning, index
512 and statistics maintenance, and data import, export, and
513 manipulation.

514 (15) "Memorandum of understanding" means a written
515 agreement between a shared resource center or the Division of
516 Telecommunications and a state agency which specifies the scope
517 of services provided, service level, duration of the agreement,
518 responsible parties, and service costs. A memorandum of
519 understanding is not a rule pursuant to chapter 120.

520 (16) "Other public sector organizations" means entities of
521 the legislative and judicial branches, the State University
522 System, the Florida Community College System, counties, and
523 municipalities. Such organizations may elect to participate in
524 the information technology programs, services, or contracts
525 offered by the Agency for State Technology, including
526 information technology procurement, in accordance with general
527 law, policies, and administrative rules.

528 (17)~~(16)~~ "Performance metrics" means the measures of an
529 organization's activities and performance.

530 (18) "Physical database administration" means the
531 resources responsible for installing, maintaining, and operating
532 an environment within which a database is hosted. Typical tasks
533 include database engine installation, configuration, and
534 security patching, as well as performing backup and restoration
535 of hosted databases, setup and maintenance of instance-based
536 data replication, and monitoring the health and performance of
537 the database environment.

538 (19)~~(17)~~ "Primary data center" means a data center that is
539 a recipient entity for consolidation of state agency information
540 technology resources ~~nonprimary data centers and computing~~
541 ~~facilities and that is established by law.~~

542 (20)~~(18)~~ "Project" means an endeavor that has a defined
543 start and end point; is undertaken to create or modify a unique
544 product, service, or result; and has specific objectives that,
545 when attained, signify completion.

546 (21)~~(19)~~ "Risk analysis" means the process of identifying
547 security risks, determining their magnitude, and identifying
548 areas needing safeguards.

549 (22)~~(20)~~ "Service level" means the key performance
550 indicators (KPI) of an organization or service which must be
551 regularly performed, monitored, and achieved.

552 ~~(21) "Service level agreement" means a written contract~~
553 ~~between a data center and a customer entity which specifies the~~
554 ~~scope of services provided, service level, the duration of the~~
555 ~~agreement, the responsible parties, and service costs. A~~
556 ~~service-level agreement is not a rule pursuant to chapter 120.~~

557 (23) "Shared resource center" means a primary data center

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558 that has been designated and assigned specific duties under this
559 chapter or by the Agency for State Technology under s. 14.206.

560 (24)~~(22)~~ "Standards" means required practices, controls,
561 components, or configurations established by an authority.

562 (25) "State agency" means any official, officer,
563 commission, board, authority, council, committee, or department
564 of the executive branch of state government. The term "state
565 agency" does not include university boards of trustees or state
566 universities.

567 (26) "State agency site" means a single, contiguous local
568 area network segment that does not traverse a metropolitan area
569 network or wide area network.

570 (27)~~(23)~~ "SUNCOM Network" means the state enterprise
571 telecommunications system that provides all methods of
572 electronic or optical telecommunications beyond a single
573 building or contiguous building complex and used by entities
574 authorized as network users under this part.

575 (28)~~(24)~~ "Telecommunications" means the science and
576 technology of communication at a distance, including electronic
577 systems used in the transmission or reception of information.

578 (29)~~(25)~~ "Threat" means any circumstance or event that may
579 cause harm to the integrity, availability, or confidentiality of
580 information technology resources.

581 (30)~~(26)~~ "Total cost" means all costs associated with
582 information technology projects or initiatives, including, but
583 not limited to, value of hardware, software, service,
584 maintenance, incremental personnel, and facilities. Total cost
585 of a loan or gift of information technology resources to a state

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586 ~~an~~ agency includes the fair market value of the resources.

587 ~~(31)-(27)~~ "Usage" means the billing amount charged by the
588 primary data center, less any pass-through charges, to the state
589 agency customer entity.

590 ~~(32)-(28)~~ "Usage rate" means a state agency's customer
591 entity's usage or billing amount as a percentage of total usage.

592 (33) "Wide area network" means any telecommunications
593 network or components thereof through which messages and data
594 are exchanged outside of a local area network.

595 Section 6. Section 282.0055, Florida Statutes, is amended
596 to read:

597 (Substantial rewording of section. See s. 282.0055,
598 Florida Statutes, for current text.)

599 282.0055 Assignment of enterprise information technology.—

600 (1) In order to establish a systematic process for the
601 planning, design, implementation, procurement, delivery, and
602 maintenance of enterprise information technology services, such
603 duties shall be the responsibility of the Agency for State
604 Technology for executive branch agencies created or authorized
605 in statute to perform legislatively delegated functions. The
606 duties shall be performed in collaboration with the state
607 agencies. The supervision, design, development, delivery, and
608 maintenance of state-agency specific or unique software
609 applications shall remain within the responsibility and control
610 of the individual state agency or other public sector
611 organization.

612 (2) During the 2012-2013 fiscal year, the Agency for State
613 Technology shall, in collaboration with the state agencies and

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614 other stakeholders, create a road map for enterprise information
615 technology service consolidation. At a minimum, the road map
616 must include:

617 (a) An enterprise architecture that provides innovative,
618 yet pragmatic and cost-effective offerings.

619 (b) A schedule for the consolidation of state agency data
620 centers.

621 (c) Cost-saving targets and timeframes when the savings
622 will be realized.

623 (d) Recommendations, including cost estimates, for
624 enhancements to the Northwood Shared Resource Center and the
625 Southwood Shared Resource Center that will improve their ability
626 to deliver enterprise information technology services.

627 (3) By October 15th of each year beginning in 2013, the
628 Agency for State Technology shall develop a comprehensive
629 transition plan for scheduled consolidations occurring the next
630 fiscal year. This plan shall be submitted to the Governor, the
631 Cabinet, the President of the Senate, and the Speaker of the
632 House of Representatives. The transition plan shall be developed
633 in consultation with agencies submitting agency transition
634 plans. The comprehensive transition plan must include:

635 (a) Recommendations for accomplishing the proposed
636 transitions as efficiently and effectively as possible with
637 minimal disruption to state agency business processes.

638 (b) Strategies to minimize risks associated with any of
639 the proposed consolidations.

640 (c) A compilation of the state agency transition plans
641 submitted by state agencies scheduled for consolidation for the

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642 following fiscal year.

643 (d) An estimate of the cost to provide enterprise
644 information technology services for each state agency scheduled
645 for consolidation.

646 (e) An analysis of the cost effects resulting from the
647 planned consolidations on existing state agencies.

648 (f) The fiscal year adjustments to budget categories in
649 order to absorb the transfer of agency information technology
650 resources pursuant to the legislative budget request
651 instructions provided in s. 216.023.

652 (g) A description of any issues that must be resolved in
653 order to accomplish as efficiently and effectively as possible
654 all consolidations required during the fiscal year.

655 (4) State agencies have the following duties:

656 (a) For the purpose of completing its work activities,
657 each state agency shall provide to the Agency for State
658 Technology all requested information and any other information
659 relevant to the state agency's ability to effectively transition
660 its information technology resources into the agency.

661 (b) For the purpose of completing its work activities,
662 each state agency shall temporarily assign staff to assist the
663 agency as negotiated between the agency and the state agency.

664 (c) Each state agency identified for consolidation into an
665 enterprise information technology service offering shall submit
666 a transition plan to the Agency for State Technology by
667 September 1 of the fiscal year before the fiscal year in which
668 the scheduled consolidation will occur. Transition plans shall
669 be developed in consultation with the Agency for State

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670 Technology and must include:

671 1. An inventory of the state agency data center's
672 resources being consolidated, including all hardware, software,
673 staff, and contracted services, and the facility resources
674 performing data center management and operations, security,
675 backup and recovery, disaster recovery, system administration,
676 database administration, system programming, job control,
677 production control, print, storage, technical support, help
678 desk, and managed services, but excluding application
679 development.

680 2. A description of the level of services needed to meet
681 the technical and operational requirements of the platforms
682 being consolidated and an estimate of the primary data center's
683 cost for the provision of such services.

684 3. A description of expected changes to its information
685 technology needs and the timeframe when such changes will occur.

686 4. A description of the information technology resources
687 proposed to remain in the state agency.

688 5. A baseline project schedule for the completion of the
689 consolidation.

690 6. The specific recurring and nonrecurring budget
691 adjustments of budget resources by appropriation category into
692 the appropriate data processing category pursuant to the
693 legislative budget instructions in s. 216.023 necessary to
694 support state agency costs for the transfer.

695 (5) (a) Unless authorized by the Legislature or as provided
696 in paragraphs (b) and (c), a state agency may not:

697 1. Create a new computing service or expand an existing

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698 computing service if that service has been designated as an
699 enterprise information technology service.

700 2. Spend funds before the state agency's scheduled
701 consolidation to an enterprise information technology service to
702 purchase or modify hardware or operations software that does not
703 comply with hardware and software standards established by the
704 Agency for State Technology.

705 3. Unless for the purpose of offsite disaster recovery
706 services, transfer existing computing services to any service
707 provider other than the Agency for State Technology.

708 4. Terminate services with the Agency for State Technology
709 without giving written notice of intent to terminate or transfer
710 services 180 days before such termination or transfer.

711 5. Initiate a new computing service with any service
712 provider other than the Agency for State Technology if that
713 service has been designated as an enterprise information
714 technology service.

715 (b) Exceptions to the limitations in subparagraphs (a)1.,
716 2., 3., and 5. may be granted by the Agency for State Technology
717 if there is insufficient capacity in the primary data centers to
718 absorb the workload associated with agency computing services,
719 expenditures are compatible with the scheduled consolidation and
720 established standards, or the equipment or resources are needed
721 to meet a critical state agency business need that cannot be
722 satisfied from surplus equipment or resources of the primary
723 data center until the state agency data center is consolidated.

724 1. A request for an exception must be submitted in writing
725 to the Agency for State Technology. The agency must accept,

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726 accept with conditions, or deny the request within 60 days after
727 receipt of the written request. The agency's decision is not
728 subject to chapter 120.

729 2. The Agency for State Technology may not approve a
730 request unless it includes, at a minimum:

731 a. A detailed description of the capacity requirements of
732 the state agency requesting the exception.

733 b. Documentation from the state agency head demonstrating
734 why it is critical to the state agency's mission that the
735 expansion or transfer must be completed within the fiscal year
736 rather than when capacity is established at a primary data
737 center.

738 3. Exceptions to subparagraph (a)4. may be granted by the
739 Agency for State Technology if the termination or transfer of
740 services can be absorbed within the current cost-allocation
741 plan.

742 Section 7. Section 282.0056, Florida Statutes, is amended
743 to read:

744 282.0056 Development of strategic plan; development and
745 administration of work plan; development of implementation
746 plans; ~~and~~ policy recommendations.-

747 (1) In order to provide a systematic process for meeting
748 the state's technology needs, the executive director shall
749 develop a biennial state Information Technology Strategic Plan.
750 The Governor and Cabinet shall approve the plan before
751 transmitting it to the Legislature, biennially, starting October
752 1, 2013. The plan shall include the following elements:

753 (a) The vision, goals, initiatives, and targets for state

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754 information technology for the short term of 2 years, midterm of
755 3 to 5 years, and long term of more than 5 years.

756 (b) An inventory of the information technology resources
757 in state agencies and major projects currently in progress. As
758 used in this section, the term "major project" means projects
759 that cost more than \$500,000 to implement.

760 (c) An analysis of opportunities for statewide initiatives
761 that would yield efficiencies, cost savings, or avoidance or
762 improve effectiveness in state programs. The analysis shall
763 include:

764 1. Information technology services that should be
765 designed, delivered, and managed as enterprise information
766 technology services.

767 2. Techniques for consolidating the purchase of
768 information technology commodities and services that may result
769 in savings for the state and for establishing a process to
770 achieve savings through consolidated purchases.

771 (d) Recommended initiatives based on the analysis in
772 paragraph (c).

773 (e) Implementation plans for enterprise information
774 technology services that the agency recommends be established in
775 law in the upcoming fiscal year. The implementation plans shall
776 describe the scope of the service, requirements analyses, costs
777 and savings projects, and a project schedule for statewide
778 implementation.

779 (2) Each state agency shall, biennially, develop its own
780 information technology plan that includes the information
781 required under paragraph (1) (b). The agency shall consult with

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782 and assist state agencies in the preparation of these plans.
783 Each state agency shall submit its plan to the agency
784 biennially, starting January 1, 2013.

785 (3) For the purpose of completing its work activities,
786 each state agency shall provide to the agency all requested
787 information, including, but not limited to, the state agency's
788 costs, service requirements, staffing, and equipment
789 inventories.

790 (4)~~(1)~~ For the purpose of ensuring accountability for the
791 duties and responsibilities of the executive director and the
792 agency under ss. 14.206 and 282.0055, the executive director ~~For~~
793 ~~the purposes of carrying out its responsibilities under s.~~
794 ~~282.0055, the Agency for Enterprise Information Technology shall~~
795 develop an annual work plan within 60 days after the beginning
796 of the fiscal year describing the activities that the agency
797 intends to undertake for that year and must identify the
798 critical success factors, risks, and issues associated with the
799 work planned. The work plan must also include planned ~~including~~
800 ~~proposed~~ outcomes and ~~completion~~ timeframes for the planning and
801 implementation of ~~all~~ enterprise information technology
802 services. The work plan must align with the state Information
803 Technology Strategic Plan, be presented at a public hearing, and
804 be approved by the Governor and Cabinet; ~~and,~~ thereafter, be
805 submitted to the President of the Senate and the Speaker of the
806 House of Representatives. The work plan may be amended as
807 needed, subject to approval by the Governor and Cabinet.

808 ~~(2) The agency may develop and submit to the President of~~
809 ~~the Senate, the Speaker of the House of Representatives, and the~~

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810 ~~Governor by October 1 of each year implementation plans for~~
811 ~~proposed enterprise information technology services to be~~
812 ~~established in law.~~

813 ~~(3) In developing policy recommendations and~~
814 ~~implementation plans for established and proposed enterprise~~
815 ~~information technology services, the agency shall describe the~~
816 ~~scope of operation, conduct costs and requirements analyses,~~
817 ~~conduct an inventory of all existing information technology~~
818 ~~resources that are associated with each service, and develop~~
819 ~~strategies and timeframes for statewide migration.~~

820 ~~(4) For the purpose of completing its work activities,~~
821 ~~each state agency shall provide to the agency all requested~~
822 ~~information, including, but not limited to, the state agency's~~
823 ~~costs, service requirements, and equipment inventories.~~

824 (5) For the purpose of ensuring accountability for the
825 duties and responsibilities of the executive director and the
826 agency under ss. 14.206 and 282.0055, within 60 days after the
827 end of each fiscal year, the executive director agency shall
828 report to the Governor and Cabinet, the President of the Senate,
829 and the Speaker of the House of Representatives on what was
830 achieved or not achieved in the prior year's work plan.

831 Section 8. Section 282.201, Florida Statutes, is amended
832 to read:

833 (Substantial rewording of section. See s. 282.201,
834 Florida Statutes, for current text.)

835 282.201 State data center system; agency duties and
836 limitations.—A state data center system that includes all
837 primary data centers, other nonprimary data centers, and

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838 computing facilities, and that provides an enterprise
839 information technology service, is established.

840 (1) INTENT.—The Legislature finds that the most efficient
841 and effective means of providing quality utility data processing
842 services to state agencies requires that computing resources be
843 concentrated in quality facilities that provide the proper
844 security, infrastructure, and staff resources to ensure that the
845 state's data is maintained reliably and safely and is
846 recoverable in the event of a disaster. Efficiencies resulting
847 from such consolidation include the increased ability to
848 leverage technological expertise and hardware and software
849 capabilities; increased savings through consolidated purchasing
850 decisions; and the enhanced ability to deploy technology
851 improvements and implement new policies consistently throughout
852 the consolidated organization. Therefore, it is the intent of
853 the Legislature that state agency data centers and computing
854 facilities be consolidated into the Agency for State Technology
855 to the maximum extent possible by June 30, 2018.

856 (2) AGENCY FOR STATE TECHNOLOGY DUTIES.—The Agency for
857 State Technology shall by October 1 of each year, beginning in
858 2013, provide recommendations to the Governor and Legislature
859 relating to changes to the schedule for the consolidations of
860 state agency data centers. The recommendations must be based on
861 the goals of maximizing efficiency of service delivery and
862 current and future cost savings.

863 (3) STATE AGENCY DUTIES.—

864 (a) Any state agency that is consolidating agency data
865 centers into a primary data center must execute a new or update

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866 an existing memorandum of understanding within 60 days after the
867 specified consolidation date, as required by s. 282.203, in
868 order to specify the services and levels of service it is to
869 receive from the primary data center as a result of the
870 consolidation. If a state agency is unable to execute a
871 memorandum of understanding by that date, the state agency shall
872 submit a report to the Executive Office of the Governor, the
873 Cabinet, the President of the Senate, and the Speaker of the
874 House of Representatives within 5 working days after that date
875 which explains the specific issues preventing execution and
876 describes its plan and schedule for resolving those issues.

877 (b) On the date of each consolidation specified in general
878 law or the General Appropriations Act, each state agency shall
879 retain the least-privileged administrative access rights
880 necessary to perform the duties not assigned to the primary data
881 centers.

882 (4) SCHEDULE FOR CONSOLIDATIONS OF STATE AGENCY DATA
883 CENTERS.—Consolidations of agency data centers shall be
884 suspended for the 2012-2013 fiscal year. Consolidations shall
885 resume during the 2013-2014 fiscal year based upon a revised
886 schedule developed by the agency.

887 Section 9. Section 282.203, Florida Statutes, is amended
888 to read:

889 (Substantial rewording of section. See s. 282.203,
890 Florida Statutes, for current text.)

891 282.203 Primary data centers; duties.—

892 (1) Each primary data center shall:

893 (a) Serve participating state agencies as an information-

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894 system utility.

895 (b) Cooperate with participating state agencies to offer,
896 develop, and support the services and applications.

897 (c) Comply with rules adopted by the Agency for State
898 Technology, pursuant to this section, and coordinate with the
899 agency in the consolidation of data centers.

900 (d) Provide transparent financial statements to
901 participating state agencies.

902 (e) Assume the least-privileged administrative access
903 rights necessary to perform the services provided by the data
904 center for the software and equipment that is consolidated into
905 a primary data center.

906 (2) (a) Each primary data center shall enter into a
907 memorandum of understanding with each participating state agency
908 to provide services. A memorandum of understanding may not have
909 a term exceeding 3 years but may include an option to renew for
910 up to 3 years.

911 (b) The failure to execute a memorandum of understanding
912 within 60 days after service commencement shall, in the case of
913 a participating state agency, result in a continuation of the
914 terms of the memorandum of understanding from the previous
915 fiscal year, including any amendments that were formally
916 proposed to the state agency by the primary data center within
917 the 3 months before service commencement, and a revised cost-of-
918 service estimate. If a participating state agency fails to
919 execute a memorandum of understanding within 60 days after
920 service commencement, the data center may cease services.

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921 Section 10. Section 282.204, Florida Statutes, is
922 repealed.

923 Section 11. Section 282.205, Florida Statutes, is
924 repealed.

925 Section 12. Section 282.206, Florida Statutes, is created
926 to read:

927 282.206 Fletcher Shared Resource Center.—The Fletcher
928 Shared Resource Center is established as a state agency within
929 the Department of Financial Services.

930 (1) The center shall collaborate with the Agency for State
931 Technology to develop policies, procedures, standards, and rules
932 for the delivery of enterprise information technology services.

933 (2) The center may comply with the policies and rules of
934 the Agency for State Technology related to the design and
935 delivery of enterprise information technology services.

936 (3) The center shall provide colocation services to the
937 Department of Legal Affairs and the Department of Agriculture
938 and Consumer Services.

939 (4) The Department of Financial Services shall continue to
940 use the Fletcher Shared Resource Center, provide full service to
941 the Office of Financial Regulation and the Office of Insurance
942 Regulation, and host the Legislative Appropriations
943 System/Planning and Budgeting Subsystem (LAS/PBS).

944 (5) The center shall be governed through a master
945 memorandum of understanding and complemented by a steering
946 committee comprised of the chief information officers of the
947 Department of Legal Affairs, the Department of Agriculture and
948 Consumer Services, and the Department of Financial Services. The

949 steering committee shall meet quarterly to ensure that customers
 950 are receiving expected services in accordance with the
 951 memorandum of understanding and to discuss services and
 952 structure. The committee may create ad hoc workgroups to account
 953 for, mitigate, and manage any unforeseen issues.

954 (6) The Department of Legal Affairs shall move its data
 955 center equipment to the center by June 30, 2014.

956 (7) The Department of Agriculture and Consumer Services
 957 shall move its Mayo Building data center equipment to the center
 958 by June 30, 2014.

959 Section 13. Section 282.33, Florida Statutes, is repealed.

960 Section 14. Section 282.34, Florida Statutes, is amended
 961 to read:

962 282.34 Statewide e-mail service.—A statewide e-mail
 963 service that includes the delivery and support of e-mail,
 964 messaging, and calendaring capabilities is established as an
 965 enterprise information technology service as defined in s.
 966 282.0041. The service shall be provisioned ~~designed~~ to meet the
 967 needs of all executive branch agencies and may also be used by
 968 other public sector nonstate-agency entities. The primary goals
 969 of the service are to leverage the state's existing investment
 970 in e-mail; provide a reliable collaborative communication
 971 service to state agencies; minimize the state investment
 972 required to establish, operate, and support the statewide
 973 service; reduce the cost of current e-mail operations and the
 974 number of duplicative e-mail systems; and eliminate the need for
 975 each state agency to maintain its own e-mail staff.

976 (1) With the exception of the Department of Agriculture

977 and Consumer Services, the Department of Legal Affairs, and the
 978 Department of Financial Services, all state agencies shall
 979 receive their primary e-mail services exclusively through the
 980 Agency for State Technology. ~~The Southwood Shared Resource~~
 981 ~~Center, a primary data center, shall be the provider of the~~
 982 ~~statewide e-mail service for all state agencies. The center~~
 983 ~~shall centrally host, manage, operate, and support the service,~~
 984 ~~or outsource the hosting, management, operational, or support~~
 985 ~~components of the service in order to achieve the primary goals~~
 986 ~~identified in this section.~~

987 (2) The Department of Agriculture and Consumer Services,
 988 the Department of Financial Services, the Office of Financial
 989 Regulation, and the Office of Insurance Regulation may receive
 990 e-mail services from the Fletcher Shared Resource Center or the
 991 Agency for State Technology. ~~The Agency for Enterprise~~
 992 ~~Information Technology, in cooperation and consultation with all~~
 993 ~~state agencies, shall prepare and submit for approval by the~~
 994 ~~Legislative Budget Commission at a meeting scheduled before June~~
 995 ~~30, 2011, a proposed plan for the migration of all state~~
 996 ~~agencies to the statewide e-mail service. The plan for migration~~
 997 ~~must include:~~

998 (a) ~~A cost-benefit analysis that compares the total~~
 999 ~~recurring and nonrecurring operating costs of the current agency~~
 1000 ~~e-mail systems, including monthly mailbox costs, staffing,~~
 1001 ~~licensing and maintenance costs, hardware, and other related e-~~
 1002 ~~mail product and service costs to the costs associated with the~~
 1003 ~~proposed statewide e-mail service. The analysis must also~~
 1004 ~~include:~~

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1005 ~~1. A comparison of the estimated total 7-year life-cycle~~
1006 ~~cost of the current agency e-mail systems versus the feasibility~~
1007 ~~of funding the migration and operation of the statewide e-mail~~
1008 ~~service.~~

1009 ~~2. An estimate of recurring costs associated with the~~
1010 ~~energy consumption of current agency e-mail equipment, and the~~
1011 ~~basis for the estimate.~~

1012 ~~3. An identification of the overall cost savings resulting~~
1013 ~~from state agencies migrating to the statewide e-mail service~~
1014 ~~and decommissioning their agency e-mail systems.~~

1015 ~~(b) A proposed migration date for all state agencies to be~~
1016 ~~migrated to the statewide e-mail service. The Agency for~~
1017 ~~Enterprise Information Technology shall work with the Executive~~
1018 ~~Office of the Governor to develop the schedule for migrating all~~
1019 ~~state agencies to the statewide e-mail service except for the~~
1020 ~~Department of Legal Affairs. The Department of Legal Affairs~~
1021 ~~shall provide to the Agency for Enterprise Information~~
1022 ~~Technology by June 1, 2011, a proposed migration date based upon~~
1023 ~~its decision to participate in the statewide e-mail service and~~
1024 ~~the identification of any issues that require resolution in~~
1025 ~~order to migrate to the statewide e-mail service.~~

1026 ~~(c) A budget amendment, submitted pursuant to chapter 216,~~
1027 ~~for adjustments to each agency's approved operating budget~~
1028 ~~necessary to transfer sufficient budget resources into the~~
1029 ~~appropriate data processing category to support its statewide e-~~
1030 ~~mail service costs.~~

1031 ~~(d) A budget amendment, submitted pursuant to chapter 216,~~
1032 ~~for adjustments to the Southwood Shared Resource Center approved~~

1033 ~~operating budget to include adjustments in the number of~~
 1034 ~~authorized positions, salary budget and associated rate,~~
 1035 ~~necessary to implement the statewide e-mail service.~~

1036 ~~(3) Contingent upon approval by the Legislative Budget~~
 1037 ~~Commission, the Southwood Shared Resource Center may contract~~
 1038 ~~for the provision of a statewide e-mail service. Executive~~
 1039 ~~branch agencies must be completely migrated to the statewide e-~~
 1040 ~~mail service based upon the migration date included in the~~
 1041 ~~proposed plan approved by the Legislative Budget Commission.~~

1042 ~~(4) Notwithstanding chapter 216, general revenue funds may~~
 1043 ~~be increased or decreased for each agency provided the net~~
 1044 ~~change to general revenue in total for all agencies is zero or~~
 1045 ~~less.~~

1046 ~~(5) Subsequent to the approval of the consolidated budget~~
 1047 ~~amendment to reflect budget adjustments necessary to migrate to~~
 1048 ~~the statewide e-mail service, an agency may make adjustments~~
 1049 ~~subject to s. 216.177, notwithstanding provisions in chapter 216~~
 1050 ~~which may require such adjustments to be approved by the~~
 1051 ~~Legislative Budget Commission.~~

1052 ~~(6) No agency may initiate a new e-mail service or execute~~
 1053 ~~a new e-mail contract or amend a current e-mail contract, other~~
 1054 ~~than with the Southwood Shared Resource Center, for nonessential~~
 1055 ~~products or services unless the Legislative Budget Commission~~
 1056 ~~denies approval for the Southwood Shared Resource Center to~~
 1057 ~~enter into a contract for the statewide e-mail service.~~

1058 ~~(7) The Agency for Enterprise Information Technology shall~~
 1059 ~~work with the Southwood Shared Resource Center to develop an~~
 1060 ~~implementation plan that identifies and describes the detailed~~

1061 ~~processes and timelines for an agency's migration to the~~
 1062 ~~statewide e-mail service based on the migration date approved by~~
 1063 ~~the Legislative Budget Commission. The agency may establish and~~
 1064 ~~coordinate workgroups consisting of agency e-mail management,~~
 1065 ~~information technology, budget, and administrative staff to~~
 1066 ~~assist the agency in the development of the plan.~~

1067 ~~(8) Each executive branch agency shall provide all~~
 1068 ~~information necessary to develop the implementation plan,~~
 1069 ~~including, but not limited to, required mailbox features and the~~
 1070 ~~number of mailboxes that will require migration services. Each~~
 1071 ~~agency must also identify any known business, operational, or~~
 1072 ~~technical plans, limitations, or constraints that should be~~
 1073 ~~considered when developing the plan.~~

1074 Section 15. Section 282.702, Florida Statutes, is amended
 1075 to read:

1076 282.702 Powers and duties.—The Agency for State Technology
 1077 ~~Department of Management Services~~ shall have the following
 1078 powers, duties, and functions:

1079 (1) To publish electronically the portfolio of services
 1080 available from the agency department, including pricing
 1081 information; the policies and procedures governing usage of
 1082 available services; and a forecast of the agency's department's
 1083 priorities for each telecommunications service.

1084 (2) To adopt technical standards by rule for the state
 1085 telecommunications network which ensure the interconnection and
 1086 operational security of computer networks, telecommunications,
 1087 and information systems of agencies.

1088 (3) To enter into agreements related to information

1089 technology and telecommunications services with state agencies
 1090 and political subdivisions of the state.

1091 (4) To purchase from or contract with information
 1092 technology providers for information technology, including
 1093 private line services.

1094 (5) To apply for, receive, and hold authorizations,
 1095 patents, copyrights, trademarks, service marks, licenses, and
 1096 allocations or channels and frequencies to carry out the
 1097 purposes of this part.

1098 (6) To purchase, lease, or otherwise acquire and to hold,
 1099 sell, transfer, license, or otherwise dispose of real, personal,
 1100 and intellectual property, including, but not limited to,
 1101 patents, trademarks, copyrights, and service marks.

1102 (7) To cooperate with any federal, state, or local
 1103 emergency management agency in providing for emergency
 1104 telecommunications services.

1105 (8) To control and approve the purchase, lease, or
 1106 acquisition and the use of telecommunications services,
 1107 software, circuits, and equipment provided as part of any other
 1108 total telecommunications system to be used by the state or its
 1109 agencies.

1110 (9) To adopt rules pursuant to ss. 120.536(1) and 120.54
 1111 relating to telecommunications and to administer the provisions
 1112 of this part.

1113 (10) To apply for and accept federal funds for the
 1114 purposes of this part as well as gifts and donations from
 1115 individuals, foundations, and private organizations.

1116 (11) To monitor issues relating to telecommunications

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1117 facilities and services before the Florida Public Service
 1118 Commission and the Federal Communications Commission and, if
 1119 necessary, prepare position papers, prepare testimony, appear as
 1120 a witness, and retain witnesses on behalf of state agencies in
 1121 proceedings before the commissions.

1122 (12) Unless delegated to the state agencies by the agency
 1123 ~~department~~, to manage and control, but not intercept or
 1124 interpret, telecommunications within the SUNCOM Network by:

1125 (a) Establishing technical standards to physically
 1126 interface with the SUNCOM Network.

1127 (b) Specifying how telecommunications are transmitted
 1128 within the SUNCOM Network.

1129 (c) Controlling the routing of telecommunications within
 1130 the SUNCOM Network.

1131 (d) Establishing standards, policies, and procedures for
 1132 access to and the security of the SUNCOM Network.

1133 (e) Ensuring orderly and reliable telecommunications
 1134 services in accordance with the service level agreements
 1135 executed with state agencies.

1136 (13) To plan, design, and conduct experiments for
 1137 telecommunications services, equipment, and technologies, and to
 1138 implement enhancements in the state telecommunications network
 1139 if in the public interest and cost-effective. Funding for such
 1140 experiments must be derived from SUNCOM Network service revenues
 1141 and may not exceed 2 percent of the annual budget for the SUNCOM
 1142 Network for any fiscal year or as provided in the General
 1143 Appropriations Act. New services offered as a result of this
 1144 subsection may not affect existing rates for facilities or

1145 services.

1146 (14) To enter into contracts or agreements, with or

1147 without competitive bidding or procurement, to make available,

1148 on a fair, reasonable, and nondiscriminatory basis, property and

1149 other structures under agency ~~departmental~~ control for the

1150 placement of new facilities by any wireless provider of mobile

1151 service as defined in 47 U.S.C. s. 153(27) or s. 332(d) and any

1152 telecommunications company as defined in s. 364.02 if it is

1153 practical and feasible to make such property or other structures

1154 available. The agency ~~department~~ may, without adopting a rule,

1155 charge a just, reasonable, and nondiscriminatory fee for the

1156 placement of the facilities, payable annually, based on the fair

1157 market value of space used by comparable telecommunications

1158 facilities in the state. The agency ~~department~~ and a wireless

1159 provider or telecommunications company may negotiate the

1160 reduction or elimination of a fee in consideration of services

1161 provided to the agency ~~department~~ by the wireless provider or

1162 telecommunications company. All such fees collected by the

1163 agency ~~department~~ shall be deposited directly into the Law

1164 Enforcement Radio Operating Trust Fund, and may be used by the

1165 agency ~~department~~ to construct, maintain, or support the system.

1166 (15) Establish policies that ensure that the agency's

1167 ~~department's~~ cost-recovery methodologies, billings, receivables,

1168 expenditures, budgeting, and accounting data are captured and

1169 reported timely, consistently, accurately, and transparently and

1170 are in compliance with all applicable federal and state laws and

1171 rules. The agency ~~department~~ shall annually submit to the

1172 Governor, the President of the Senate, and the Speaker of the

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1173 House of Representatives a report that describes each service
 1174 and its cost, the billing methodology for recovering the cost of
 1175 the service, and, if applicable, the identity of those services
 1176 that are subsidized.

1177 (16) The agency shall develop a plan for statewide voice-
 1178 over-Internet protocol services. The plan shall include cost
 1179 estimates and the estimated return on investment. The plan shall
 1180 be submitted to the Governor, the Cabinet, the President of the
 1181 Senate, and the Speaker of the House of Representatives by June
 1182 30, 2013.

1183 Section 16. Subsection (2) of section 20.22, Florida
 1184 Statutes, is amended to read:

1185 20.22 Department of Management Services.—There is created
 1186 a Department of Management Services.

1187 (2) The following divisions and programs within the
 1188 Department of Management Services are established:

- 1189 (a) Facilities Program.
- 1190 ~~(b) Technology Program.~~
- 1191 (b)(e) Workforce Program.
- 1192 (c)(d)1. Support Program.
- 1193 2. Federal Property Assistance Program.
- 1194 (d)(e) Administration Program.
- 1195 (e)(f) Division of Administrative Hearings.
- 1196 (f)(g) Division of Retirement.
- 1197 (g)(h) Division of State Group Insurance.

1198 Section 17. Paragraph (e) of subsection (2) of section
 1199 110.205, Florida Statutes, is amended to read:

1200 110.205 Career service; exemptions.—

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1201 (2) EXEMPT POSITIONS.—The exempt positions that are not
 1202 covered by this part include the following:

1203 (e) The executive director of ~~Chief Information Officer in~~
 1204 the Agency for State Enterprise Information Technology. Unless
 1205 otherwise fixed by law, the Governor and Cabinet Agency for
 1206 ~~Enterprise Information Technology~~ shall set the salary and
 1207 benefits of this position in accordance with the rules of the
 1208 Senior Management Service.

1209 Section 18. Paragraph (o) of subsection (1) of section
 1210 215.22, Florida Statutes, is amended to read:

1211 215.22 Certain income and certain trust funds exempt.—

1212 (1) The following income of a revenue nature or the
 1213 following trust funds shall be exempt from the appropriation
 1214 required by s. 215.20(1):

1215 (o) The Communications Working Capital Trust Fund of the
 1216 Agency for State Technology ~~Department of Management Services~~.

1217 Section 19. Subsections (2) and (9) of section 215.322,
 1218 Florida Statutes, are amended to read:

1219 215.322 Acceptance of credit cards, charge cards, debit
 1220 cards, or electronic funds transfers by state agencies, units of
 1221 local government, and the judicial branch.—

1222 (2) A state agency as defined in s. 216.011, or the
 1223 judicial branch, may accept credit cards, charge cards, debit
 1224 cards, or electronic funds transfers in payment for goods and
 1225 services with the prior approval of the Chief Financial Officer.
 1226 If the Internet or other related electronic methods are to be
 1227 used as the collection medium, the Agency for State Enterprise
 1228 ~~Information~~ Technology shall review and recommend to the Chief

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1229 Financial Officer whether to approve the request with regard to
 1230 the process or procedure to be used.

1231 (9) For payment programs in which credit cards, charge
 1232 cards, or debit cards are accepted by state agencies, the
 1233 judicial branch, or units of local government, the Chief
 1234 Financial Officer, in consultation with the Agency for State
 1235 ~~Enterprise Information~~ Technology, may adopt rules to establish
 1236 uniform security safeguards for cardholder data and to ensure
 1237 compliance with the Payment Card Industry Data Security
 1238 Standards.

1239 Section 20. Paragraph (c) of subsection (6) of section
 1240 216.292, Florida Statutes, is amended to read:

1241 216.292 Appropriations nontransferable; exceptions.—

1242 (6) The Chief Financial Officer shall transfer from any
 1243 available funds of an agency or the judicial branch the
 1244 following amounts and shall report all such transfers and the
 1245 reasons therefor to the legislative appropriations committees
 1246 and the Executive Office of the Governor:

1247 (c) The amount due to the Communications Working Capital
 1248 Trust Fund from moneys appropriated in the General
 1249 Appropriations Act for the purpose of paying for services
 1250 provided by the state communications system in the Agency for
 1251 State Technology ~~Department of Management Services~~ which is
 1252 unpaid 45 days after the billing date. The amount transferred
 1253 shall be that billed by the department.

1254 Section 21. Subsections (3), (4), (5), and (6) of section
 1255 282.318, Florida Statutes, are amended to read:

1256 282.318 Enterprise security of data and information

1257 | technology.—

1258 | (3) The Agency for State ~~Enterprise Information~~ Technology
 1259 | is responsible for establishing rules and publishing guidelines
 1260 | for ensuring an appropriate level of security for all data and
 1261 | information technology resources for executive branch agencies.
 1262 | The agency shall also perform the following duties and
 1263 | responsibilities:

1264 | (a) Develop, and annually update by February 1, an
 1265 | enterprise information security strategic plan that includes
 1266 | security goals and objectives for the strategic issues of
 1267 | information security policy, risk management, training, incident
 1268 | management, and survivability planning.

1269 | (b) Develop enterprise security rules and published
 1270 | guidelines for:

1271 | 1. Comprehensive risk analyses and information security
 1272 | audits conducted by state agencies.

1273 | 2. Responding to suspected or confirmed information
 1274 | security incidents, including suspected or confirmed breaches of
 1275 | personal information or exempt data.

1276 | 3. Agency security plans, including strategic security
 1277 | plans and security program plans.

1278 | 4. The recovery of information technology and data
 1279 | following a disaster.

1280 | 5. The managerial, operational, and technical safeguards
 1281 | for protecting state government data and information technology
 1282 | resources.

1283 | (c) Assist agencies in complying with the provisions of
 1284 | this section.

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1285 (d) Pursue appropriate funding for the purpose of
 1286 enhancing domestic security.

1287 (e) Provide training for agency information security
 1288 managers.

1289 (f) Annually review the strategic and operational
 1290 information security plans of executive branch agencies.

1291 (4) To assist the Agency for State ~~Enterprise Information~~
 1292 Technology in carrying out its responsibilities, each state
 1293 agency head shall, at a minimum:

1294 (a) Designate an information security manager to
 1295 administer the security program of the state agency for its data
 1296 and information technology resources. This designation must be
 1297 provided annually in writing to the Agency for State ~~Enterprise~~
 1298 ~~Information~~ Technology by January 1.

1299 (b) Submit to the Agency for State ~~Enterprise Information~~
 1300 Technology annually by July 31, the state agency's comprehensive
 1301 ~~strategie~~ and operational information security plans developed
 1302 pursuant to the rules and guidelines established by the Agency
 1303 for State ~~Enterprise Information~~ Technology.

1304 1. The state agency comprehensive ~~strategie~~ information
 1305 security plan must cover a 3-year period and define security
 1306 goals, intermediate objectives, and projected agency costs for
 1307 the strategic issues of agency information security policy, risk
 1308 management, security training, security incident response, and
 1309 survivability. The plan must be based on the enterprise
 1310 strategic information security plan created by the Agency for
 1311 State ~~Enterprise Information~~ Technology. Additional issues may
 1312 be included.

1313 2. The state agency operational information security plan
 1314 must include a progress report for the prior operational
 1315 information security plan and a project plan that includes
 1316 activities, timelines, and deliverables for security objectives
 1317 that, subject to current resources, the state agency will
 1318 implement during the current fiscal year. The cost of
 1319 implementing the portions of the plan which cannot be funded
 1320 from current resources must be identified in the plan.

1321 (c) Conduct, and update every 3 years, a comprehensive
 1322 risk analysis to determine the security threats to the data,
 1323 information, and information technology resources of the state
 1324 agency. The risk analysis information is confidential and exempt
 1325 from the provisions of s. 119.07(1), except that such
 1326 information shall be available to the Auditor General and the
 1327 Agency for State ~~Enterprise Information~~ Technology for
 1328 performing postauditing duties.

1329 (d) Develop, and periodically update, written internal
 1330 policies and procedures that, ~~which~~ include procedures for
 1331 notifying the Agency for State ~~Enterprise Information~~ Technology
 1332 when a suspected or confirmed breach, or an information security
 1333 incident, occurs. Such policies and procedures must be
 1334 consistent with the rules and guidelines established by the
 1335 Agency for State ~~Enterprise Information~~ Technology to ensure the
 1336 security of the data, information, and information technology
 1337 resources of the state agency. The internal policies and
 1338 procedures that, if disclosed, could facilitate the unauthorized
 1339 modification, disclosure, or destruction of data or information
 1340 technology resources are confidential information and exempt

1341 from s. 119.07(1), except that such information shall be
 1342 available to the Auditor General and the Agency for State
 1343 ~~Enterprise Information~~ Technology for performing postauditing
 1344 duties.

1345 (e) Implement appropriate cost-effective safeguards to
 1346 address identified risks to the data, information, and
 1347 information technology resources of the state agency.

1348 (f) Ensure that periodic internal audits and evaluations
 1349 of the state agency's security program for the data,
 1350 information, and information technology resources of the state
 1351 agency are conducted. The results of such audits and evaluations
 1352 are confidential information and exempt from s. 119.07(1),
 1353 except that such information shall be available to the Auditor
 1354 General and the Agency for State ~~Enterprise Information~~
 1355 Technology for performing postauditing duties.

1356 (g) Include appropriate security requirements in the
 1357 written specifications for the solicitation of information
 1358 technology and information technology resources and services,
 1359 which are consistent with the rules and guidelines established
 1360 by the Agency for State ~~Enterprise Information~~ Technology.

1361 (h) Provide security awareness training to employees and
 1362 users of the state agency's communication and information
 1363 resources concerning information security risks and the
 1364 responsibility of employees and users to comply with policies,
 1365 standards, guidelines, and operating procedures adopted by the
 1366 state agency to reduce those risks.

1367 (i) Develop a process for detecting, reporting, and
 1368 responding to suspected or confirmed security incidents,

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1369 including suspected or confirmed breaches consistent with the
 1370 security rules and guidelines established by the Agency for
 1371 State Enterprise Information Technology.

1372 1. Suspected or confirmed information security incidents
 1373 and breaches must be immediately reported to the Agency for
 1374 State Enterprise Information Technology.

1375 2. For incidents involving breaches, agencies shall
 1376 provide notice in accordance with s. 817.5681 and to the Agency
 1377 for State Enterprise Information Technology in accordance with
 1378 this subsection.

1379 (5) Each state agency shall include appropriate security
 1380 requirements in the specifications for the solicitation of
 1381 contracts for procuring information technology or information
 1382 technology resources or services which are consistent with the
 1383 rules and guidelines established by the Agency for State
 1384 ~~Enterprise Information~~ Technology.

1385 (6) The Agency for State Enterprise Information Technology
 1386 may adopt rules relating to information security and to
 1387 administer the provisions of this section.

1388 Section 22. Section 282.604, Florida Statutes, is amended
 1389 to read:

1390 282.604 Adoption of rules.—The Agency for State Technology
 1391 ~~Department of Management Services~~ shall, with input from
 1392 stakeholders, adopt rules pursuant to ss. 120.536(1) and 120.54
 1393 for the development, procurement, maintenance, and use of
 1394 accessible electronic information technology by governmental
 1395 units.

1396 Section 23. Section 282.703, Florida Statutes, is amended

1397 to read:

1398 282.703 SUNCOM Network; exemptions from the required use.—

1399 (1) The SUNCOM Network is established within the Agency

1400 for State Technology ~~department~~ as the state enterprise

1401 telecommunications system for providing local and long-distance

1402 communications services to state agencies, political

1403 subdivisions of the state, municipalities, and nonprofit

1404 corporations pursuant to this part. The SUNCOM Network shall be

1405 developed to transmit all types of telecommunications signals,

1406 including, but not limited to, voice, data, video, image, and

1407 radio. State agencies shall cooperate and assist in the

1408 development and joint use of telecommunications systems and

1409 services.

1410 (2) The Agency for State Technology ~~department~~ shall

1411 design, engineer, implement, manage, and operate through state

1412 ownership, commercial leasing, contracted services, or some

1413 combination thereof, the facilities, equipment, and contracts

1414 providing SUNCOM Network services, and shall develop a system of

1415 equitable billings and charges for telecommunications services.

1416 (3) The Agency for State Technology ~~department~~ shall own,

1417 manage, and establish standards for the telecommunications

1418 addressing and numbering plans for the SUNCOM Network. This

1419 includes distributing or revoking numbers and addresses to

1420 authorized users of the network and delegating or revoking the

1421 delegation of management of subsidiary groups of numbers and

1422 addresses to authorized users of the network.

1423 (4) The Agency for State Technology ~~department~~ shall

1424 maintain a directory of information and services which provides

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1425 the names, phone numbers, and e-mail addresses for employees,
1426 state agencies, and network devices that are served, in whole or
1427 in part, by the SUNCOM Network. State agencies and political
1428 subdivisions of the state shall cooperate with the Agency for
1429 State Technology ~~department~~ by providing timely and accurate
1430 directory information in the manner established by the Agency
1431 for State Technology ~~department~~.

1432 (5) All state agencies shall use the SUNCOM Network for
1433 state agency telecommunications services as the services become
1434 available; however, a state ~~an~~ agency is not relieved of
1435 responsibility for maintaining telecommunications services
1436 necessary for effective management of its programs and
1437 functions. The Agency for State Technology ~~department~~ may
1438 provide such communications services to a state university if
1439 requested by the university.

1440 (a) If a SUNCOM Network service does not meet the
1441 telecommunications requirements of a state ~~an~~ agency, the state
1442 agency must notify the Agency for State Technology ~~department~~ in
1443 writing and detail the requirements for that service. If the
1444 agency ~~department~~ is unable to meet a state ~~an~~ agency's
1445 requirements by enhancing SUNCOM Network service, the Agency for
1446 State Technology ~~department~~ may grant the state agency an
1447 exemption from the required use of specified SUNCOM Network
1448 services.

1449 (b) Unless an exemption has been granted by the agency
1450 ~~department~~, effective October 1, 2010, all customers of a state
1451 primary data center, excluding state universities, must use the
1452 shared SUNCOM Network telecommunications services connecting the

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1453 state primary data center to SUNCOM services for all
1454 telecommunications needs in accordance with rules of the Agency
1455 for State Technology ~~department~~ rules.

1456 1. Upon discovery of customer noncompliance with this
1457 paragraph, the agency ~~department~~ shall provide the affected
1458 customer with a schedule for transferring to the shared
1459 telecommunications services provided by the SUNCOM Network and
1460 an estimate of all associated costs. The state primary data
1461 centers and their customers shall cooperate with the agency
1462 ~~department~~ to accomplish the transfer.

1463 2. Customers may request an exemption from this paragraph
1464 in the same manner as authorized in paragraph (a).

1465 (6) This section may not be construed to require a state
1466 university to use SUNCOM Network communication services.

1467 Section 24. Section 282.704, Florida Statutes, is amended
1468 to read:

1469 282.704 Use of state SUNCOM Network by municipalities.—Any
1470 municipality may request the Agency for State Technology
1471 ~~department~~ to provide any or all of the SUNCOM Network's
1472 portfolio of communications services upon such terms and
1473 conditions as the agency ~~department~~ may establish. The
1474 requesting municipality shall pay its share of installation and
1475 recurring costs according to the published rates for SUNCOM
1476 Network services and as invoiced by the agency ~~department~~. Such
1477 municipality shall also pay for any requested modifications to
1478 existing SUNCOM Network services, if any charges apply.

1479 Section 25. Section 282.705, Florida Statutes, is amended
1480 to read:

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1481 282.705 Use of state SUNCOM Network by nonprofit
1482 corporations.—

1483 (1) The Agency for State Technology ~~department~~ shall
1484 provide a means whereby private nonprofit corporations under
1485 contract with state agencies or political subdivisions of the
1486 state may use the state SUNCOM Network, subject to the
1487 limitations in this section. In order to qualify to use the
1488 state SUNCOM Network, a nonprofit corporation shall:

1489 (a) Expend the majority of its total direct revenues for
1490 the provision of contractual services to the state, a
1491 municipality, or a political subdivision; and

1492 (b) Receive only a small portion of its total revenues
1493 from any source other than a state agency, a municipality, or a
1494 political subdivision during the time SUNCOM Network services
1495 are requested.

1496 (2) Each nonprofit corporation seeking authorization to
1497 use the state SUNCOM Network shall provide to the agency
1498 ~~department~~, upon request, proof of compliance with subsection
1499 (1).

1500 (3) Nonprofit corporations established pursuant to general
1501 law and an association of municipal governments which is wholly
1502 owned by the municipalities are eligible to use the state SUNCOM
1503 Network, subject to the terms and conditions of the agency
1504 ~~department~~.

1505 (4) Institutions qualified to participate in the William
1506 L. Boyd, IV, Florida Resident Access Grant Program pursuant to
1507 s. 1009.89 are eligible to use the state SUNCOM Network, subject
1508 to the terms and conditions of the agency ~~department~~. Such

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1509 entities are not required to satisfy the other criteria of this
 1510 section.

1511 (5) Private, nonprofit elementary and secondary schools
 1512 are eligible for rates and services on the same basis as public
 1513 schools if such schools do not have an endowment in excess of
 1514 \$50 million.

1515 Section 26. Section 282.706, Florida Statutes, is amended
 1516 to read:

1517 282.706 Use of SUNCOM Network by libraries.—The Agency for
 1518 State Technology ~~department~~ may provide SUNCOM Network services
 1519 to any library in the state, including libraries in public
 1520 schools, community colleges, state universities, and nonprofit
 1521 private postsecondary educational institutions, and libraries
 1522 owned and operated by municipalities and political subdivisions.
 1523 This section may not be construed to require a state university
 1524 library to use SUNCOM Network services.

1525 Section 27. Section 282.707, Florida Statutes, is amended
 1526 to read:

1527 282.707 SUNCOM Network; criteria for usage.—

1528 (1) The Agency for State Technology ~~department~~ and
 1529 customers served by the agency ~~department~~ shall periodically
 1530 review the qualifications of subscribers using the state SUNCOM
 1531 Network and terminate services provided to a facility not
 1532 qualified under this part or rules adopted hereunder. In the
 1533 event of nonpayment of invoices by subscribers whose SUNCOM
 1534 Network invoices are paid from sources other than legislative
 1535 appropriations, such nonpayment represents good and sufficient
 1536 reason to terminate service.

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1537 (2) The Agency for State Technology ~~department~~ shall adopt
1538 rules for implementing and operating the state SUNCOM Network,
1539 which include procedures for withdrawing and restoring
1540 authorization to use the state SUNCOM Network. Such rules shall
1541 provide a minimum of 30 days' notice to affected parties before
1542 terminating voice communications service.

1543 (3) This section does not limit or restrict the ability of
1544 the Florida Public Service Commission to set jurisdictional
1545 tariffs of telecommunications companies.

1546 Section 28. Section 282.709, Florida Statutes, is amended
1547 to read:

1548 282.709 State agency law enforcement radio system and
1549 interoperability network.—

1550 (1) The Agency for State Technology ~~department~~ may acquire
1551 and administer a statewide radio communications system to serve
1552 law enforcement units of state agencies, and to serve local law
1553 enforcement agencies through mutual aid channels.

1554 (a) The agency ~~department~~ shall, in conjunction with the
1555 Department of Law Enforcement and the Division of Emergency
1556 Management, establish policies, procedures, and standards to be
1557 incorporated into a comprehensive management plan for the use
1558 and operation of the statewide radio communications system.

1559 (b) The agency ~~department~~ shall bear the overall
1560 responsibility for the design, engineering, acquisition, and
1561 implementation of the statewide radio communications system and
1562 for ensuring the proper operation and maintenance of all common
1563 system equipment.

1564 (c)1. The agency ~~department~~ may rent or lease space on any

1565 tower under its control and refuse to lease space on any tower
 1566 at any site.

1567 2. The agency ~~department~~ may rent, lease, or sublease
 1568 ground space as necessary to locate equipment to support
 1569 antennae on the towers. The costs for the use of such space
 1570 shall be established by the agency ~~department~~ for each site if
 1571 it is determined to be practicable and feasible to make space
 1572 available.

1573 3. The agency ~~department~~ may rent, lease, or sublease
 1574 ground space on lands acquired by the agency ~~department~~ for the
 1575 construction of privately owned or publicly owned towers. The
 1576 agency ~~department~~ may, as a part of such rental, lease, or
 1577 sublease agreement, require space on such towers for antennae as
 1578 necessary for the construction and operation of the state agency
 1579 law enforcement radio system or any other state need.

1580 4. All moneys collected by the agency ~~department~~ for
 1581 rents, leases, and subleases under this subsection shall be
 1582 deposited directly into the State Agency Law Enforcement Radio
 1583 System Trust Fund established in subsection (3) and may be used
 1584 by the agency ~~department~~ to construct, maintain, or support the
 1585 system.

1586 5. The positions necessary for the agency ~~department~~ to
 1587 accomplish its duties under this subsection shall be established
 1588 in the General Appropriations Act and funded by the Law
 1589 Enforcement Radio Operating Trust Fund or other revenue sources.

1590 (d) The agency ~~department~~ shall exercise its powers and
 1591 duties under this part to plan, manage, and administer the
 1592 mutual aid channels in the statewide radio communication system.

1593 | 1. In implementing such powers and duties, the agency
 1594 | ~~department~~ shall consult and act in conjunction with the
 1595 | Department of Law Enforcement and the Division of Emergency
 1596 | Management, and shall manage and administer the mutual aid
 1597 | channels in a manner that reasonably addresses the needs and
 1598 | concerns of the involved law enforcement agencies and emergency
 1599 | response agencies and entities.

1600 | 2. The agency ~~department~~ may make the mutual aid channels
 1601 | available to federal agencies, state agencies, and agencies of
 1602 | the political subdivisions of the state for the purpose of
 1603 | public safety and domestic security.

1604 | (e) The agency ~~department~~ may allow other state agencies
 1605 | to use the statewide radio communications system under terms and
 1606 | conditions established by the agency ~~department~~.

1607 | (2) The Joint Task Force on State Agency Law Enforcement
 1608 | Communications is created adjunct to the Agency for State
 1609 | Technology ~~department~~ to advise the agency ~~department~~ of member-
 1610 | agency needs relating to the planning, designing, and
 1611 | establishment of the statewide communication system.

1612 | (a) The Joint Task Force on State Agency Law Enforcement
 1613 | Communications shall consist of eight members, as follows:

1614 | 1. A representative of the Division of Alcoholic Beverages
 1615 | and Tobacco of the Department of Business and Professional
 1616 | Regulation who shall be appointed by the secretary of the
 1617 | department.

1618 | 2. A representative of the Division of Florida Highway
 1619 | Patrol of the Department of Highway Safety and Motor Vehicles
 1620 | who shall be appointed by the executive director of the

1621 department.

1622 3. A representative of the Department of Law Enforcement
 1623 who shall be appointed by the executive director of the
 1624 department.

1625 4. A representative of the Fish and Wildlife Conservation
 1626 Commission who shall be appointed by the executive director of
 1627 the commission.

1628 5. A representative of the Division of Law Enforcement of
 1629 the Department of Environmental Protection who shall be
 1630 appointed by the secretary of the department.

1631 6. A representative of the Department of Corrections who
 1632 shall be appointed by the secretary of the department.

1633 7. A representative of the Division of State Fire Marshal
 1634 of the Department of Financial Services who shall be appointed
 1635 by the State Fire Marshal.

1636 8. A representative of the Department of Transportation
 1637 who shall be appointed by the secretary of the department.

1638 (b) Each appointed member of the joint task force shall
 1639 serve at the pleasure of the appointing official. Any vacancy on
 1640 the joint task force shall be filled in the same manner as the
 1641 original appointment. A joint task force member may, upon
 1642 notification to the chair before the beginning of any scheduled
 1643 meeting, appoint an alternative to represent the member on the
 1644 task force and vote on task force business in his or her
 1645 absence.

1646 (c) The joint task force shall elect a chair from among
 1647 its members to serve a 1-year term. A vacancy in the chair of
 1648 the joint task force must be filled for the remainder of the

1649 unexpired term by an election of the joint task force members.

1650 (d) The joint task force shall meet as necessary, but at
 1651 least quarterly, at the call of the chair and at the time and
 1652 place designated by him or her.

1653 (e) The per diem and travel expenses incurred by a member
 1654 of the joint task force in attending its meetings and in
 1655 attending to its affairs shall be paid pursuant to s. 112.061,
 1656 from funds budgeted to the state agency that the member
 1657 represents.

1658 (f) The agency ~~department~~ shall provide technical support
 1659 to the joint task force.

1660 (3) (a) The State Agency Law Enforcement Radio System Trust
 1661 Fund is established in the Agency for State Technology
 1662 ~~department~~ and funded from surcharges collected under ss.
 1663 318.18, 320.0802, and 328.72. Upon appropriation, moneys in the
 1664 trust fund may be used by the agency ~~department~~ to acquire by
 1665 competitive procurement the equipment, software, and
 1666 engineering, administrative, and maintenance services it needs
 1667 to construct, operate, and maintain the statewide radio system.
 1668 Moneys in the trust fund from surcharges shall be used to help
 1669 fund the costs of the system. Upon completion of the system,
 1670 moneys in the trust fund may also be used by the agency
 1671 ~~department~~ for payment of the recurring maintenance costs of the
 1672 system.

1673 (b) Funds from the State Agency Law Enforcement Radio
 1674 System Trust Fund may be used by the agency ~~department~~ to fund
 1675 mutual aid buildout maintenance and sustainment as appropriated
 1676 by law. This paragraph expires July 1, 2012.

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1677 (4) The Agency for State Technology ~~department~~ may create
1678 and administer an interoperability network to enable
1679 interoperability between various radio communications
1680 technologies and to serve federal agencies, state agencies, and
1681 agencies of political subdivisions of the state for the purpose
1682 of public safety and domestic security.

1683 (a) The agency ~~department~~ shall, in conjunction with the
1684 Department of Law Enforcement and the Division of Emergency
1685 Management, exercise its powers and duties pursuant to this
1686 chapter to plan, manage, and administer the interoperability
1687 network. The agency ~~office~~ may:

1688 1. Enter into mutual aid agreements among federal
1689 agencies, state agencies, and political subdivisions of the
1690 state for the use of the interoperability network.

1691 2. Establish the cost of maintenance and operation of the
1692 interoperability network and charge subscribing federal and
1693 local law enforcement agencies for access and use of the
1694 network. The agency ~~department~~ may not charge state law
1695 enforcement agencies identified in paragraph (2) (a) to use the
1696 network.

1697 3. In consultation with the Department of Law Enforcement
1698 and the Division of Emergency Management, amend and enhance the
1699 statewide radio communications system as necessary to implement
1700 the interoperability network.

1701 (b) The agency ~~department~~, in consultation with the Joint
1702 Task Force on State Agency Law Enforcement Communications, and
1703 in conjunction with the Department of Law Enforcement and the
1704 Division of Emergency Management, shall establish policies,

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1705 procedures, and standards to incorporate into a comprehensive
 1706 management plan for the use and operation of the
 1707 interoperability network.

1708 Section 29. Section 282.7101, Florida Statutes, is amended
 1709 to read:

1710 282.7101 Statewide system of regional law enforcement
 1711 communications.—

1712 (1) It is the intent and purpose of the Legislature that a
 1713 statewide system of regional law enforcement communications be
 1714 developed whereby maximum efficiency in the use of existing
 1715 radio channels is achieved in order to deal more effectively
 1716 with the apprehension of criminals and the prevention of crime.
 1717 To this end, all law enforcement agencies within the state are
 1718 directed to provide the Agency for State Technology ~~department~~
 1719 with any information the agency ~~department~~ requests for the
 1720 purpose of implementing the provisions of subsection (2).

1721 (2) The Agency for State Technology ~~department~~ is hereby
 1722 ~~authorized and~~ directed to develop and maintain a statewide
 1723 system of regional law enforcement communications. In
 1724 formulating such a system, the agency ~~department~~ shall divide
 1725 the state into appropriate regions and shall develop a program
 1726 that includes, but is not limited to:

1727 (a) The communications requirements for each county and
 1728 municipality comprising the region.

1729 (b) An interagency communications provision that depicts
 1730 the communication interfaces between municipal, county, and
 1731 state law enforcement entities operating within the region.

1732 (c) A frequency allocation and use provision that

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1733 includes, on an entity basis, each assigned and planned radio
1734 channel and the type of operation, simplex, duplex, or half-
1735 duplex, on each channel.

1736 (3) The Agency for State Technology ~~department~~ shall adopt
1737 any necessary rules and regulations for administering and
1738 coordinating the statewide system of regional law enforcement
1739 communications.

1740 (4) The executive director ~~secretary~~ of the Agency for
1741 State Technology ~~department~~ or his or her designee is designated
1742 as the director of the statewide system of regional law
1743 enforcement communications and, for the purpose of carrying out
1744 the provisions of this section, may coordinate the activities of
1745 the system with other interested state agencies and local law
1746 enforcement agencies.

1747 (5) A law enforcement communications system may not be
1748 established or expanded without the prior approval of the Agency
1749 for State Technology ~~department~~.

1750 (6) Within the limits of its capability, the Department of
1751 Law Enforcement is encouraged to lend assistance to the Agency
1752 for State Technology ~~department~~ in the development of the
1753 statewide system of regional law enforcement communications
1754 proposed by this section.

1755 Section 30. Section 282.711, Florida Statutes, is amended
1756 to read:

1757 282.711 Remote electronic access services.—The Agency for
1758 State Technology ~~department~~ may collect fees for providing
1759 remote electronic access pursuant to s. 119.07(2). The fees may
1760 be imposed on individual transactions or as a fixed subscription

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1761 for a designated period of time. All fees collected under this
1762 section shall be deposited in the appropriate trust fund of the
1763 program or activity that made the remote electronic access
1764 available.

1765 Section 31. Subsection (14) of section 287.012, Florida
1766 Statutes, is amended to read:

1767 287.012 Definitions.—As used in this part, the term:

1768 (14) "Information technology" means equipment, hardware,
1769 software, firmware, programs, systems, networks, infrastructure,
1770 media, and related material used to automatically,
1771 electronically, and wirelessly collect, receive, access,
1772 transmit, display, store, record, retrieve, analyze, evaluate,
1773 process, classify, manipulate, manage, assimilate, control,
1774 communicate, exchange, convert, converge, interface, switch, or
1775 disseminate information of any kind or form ~~has the meaning~~
1776 ~~ascribed in s. 282.0041.~~

1777 Section 32. Subsection (22) of section 287.057, Florida
1778 Statutes, is amended to read:

1779 287.057 Procurement of commodities or contractual
1780 services.—

1781 (22) The department, in consultation with the Agency for
1782 State Enterprise Information Technology and the Chief Financial
1783 Officer ~~Comptroller~~, shall develop a program for online
1784 procurement of commodities and contractual services. To enable
1785 the state to promote open competition and to leverage its buying
1786 power, agencies shall participate in the online procurement
1787 program, and eligible users may participate in the program. Only
1788 vendors prequalified as meeting mandatory requirements and

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1789 qualifications criteria may participate in online procurement.

1790 (a) The department, in consultation with the agency, may
 1791 contract for equipment and services necessary to develop and
 1792 implement online procurement.

1793 (b) The department, in consultation with the agency, shall
 1794 adopt rules, pursuant to ss. 120.536(1) and 120.54, to
 1795 administer the program for online procurement. The rules shall
 1796 include, but not be limited to:

1797 1. Determining the requirements and qualification criteria
 1798 for prequalifying vendors.

1799 2. Establishing the procedures for conducting online
 1800 procurement.

1801 3. Establishing the criteria for eligible commodities and
 1802 contractual services.

1803 4. Establishing the procedures for providing access to
 1804 online procurement.

1805 5. Determining the criteria warranting any exceptions to
 1806 participation in the online procurement program.

1807 (c) The department may impose and shall collect all fees
 1808 for the use of the online procurement systems.

1809 1. The fees may be imposed on an individual transaction
 1810 basis or as a fixed percentage of the cost savings generated. At
 1811 a minimum, the fees must be set in an amount sufficient to cover
 1812 the projected costs of the services, including administrative
 1813 and project service costs in accordance with the policies of the
 1814 department.

1815 2. If the department contracts with a provider for online
 1816 procurement, the department, pursuant to appropriation, shall

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1817 | compensate the provider from the fees after the department has
 1818 | satisfied all ongoing costs. The provider shall report
 1819 | transaction data to the department each month so that the
 1820 | department may determine the amount due and payable to the
 1821 | department from each vendor.

1822 | 3. All fees that are due and payable to the state on a
 1823 | transactional basis or as a fixed percentage of the cost savings
 1824 | generated are subject to s. 215.31 and must be remitted within
 1825 | 40 days after receipt of payment for which the fees are due. For
 1826 | fees that are not remitted within 40 days, the vendor shall pay
 1827 | interest at the rate established under s. 55.03(1) on the unpaid
 1828 | balance from the expiration of the 40-day period until the fees
 1829 | are remitted.

1830 | 4. All fees and surcharges collected under this paragraph
 1831 | shall be deposited in the Operating Trust Fund as provided by
 1832 | law.

1833 | Section 33. Subsection (17) of section 318.18, Florida
 1834 | Statutes, is amended to read:

1835 | 318.18 Amount of penalties.—The penalties required for a
 1836 | noncriminal disposition pursuant to s. 318.14 or a criminal
 1837 | offense listed in s. 318.17 are as follows:

1838 | (17) In addition to any penalties imposed, a surcharge of
 1839 | \$3 must be paid for all criminal offenses listed in s. 318.17
 1840 | and for all noncriminal moving traffic violations under chapter
 1841 | 316. Revenue from the surcharge shall be remitted to the
 1842 | Department of Revenue and deposited quarterly into the State
 1843 | Agency Law Enforcement Radio System Trust Fund of the Agency for
 1844 | State Technology ~~Department of Management Services~~ for the state

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1845 agency law enforcement radio system, as described in s. 282.709,
 1846 and to provide technical assistance to state agencies and local
 1847 law enforcement agencies with their statewide systems of
 1848 regional law enforcement communications, as described in s.
 1849 282.7101. This subsection expires July 1, 2012. The Agency for
 1850 State Technology ~~Department of Management Services~~ may retain
 1851 funds sufficient to recover the costs and expenses incurred for
 1852 managing, administering, and overseeing the Statewide Law
 1853 Enforcement Radio System, and providing technical assistance to
 1854 state agencies and local law enforcement agencies with their
 1855 statewide systems of regional law enforcement communications.
 1856 The Agency for State Technology ~~Department of Management~~
 1857 ~~Services~~ working in conjunction with the Joint Task Force on
 1858 State Agency Law Enforcement Communications shall determine and
 1859 direct the purposes for which these funds are used to enhance
 1860 and improve the radio system.

1861 Section 34. Section 320.0802, Florida Statutes, is amended
 1862 to read:

1863 320.0802 Surcharge on license tax.—There is hereby levied
 1864 and imposed on each license tax imposed under s. 320.08, except
 1865 those set forth in s. 320.08(11), a surcharge in the amount of
 1866 \$1, which shall be collected in the same manner as the license
 1867 tax and deposited into the State Agency Law Enforcement Radio
 1868 System Trust Fund of the Agency for State Technology ~~Department~~
 1869 ~~of Management Services~~.

1870 Section 35. Subsection (9) of section 328.72, Florida
 1871 Statutes, is amended to read:

1872 328.72 Classification; registration; fees and charges;

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1873 surcharge; disposition of fees; fines; marine turtle stickers.-

1874 (9) SURCHARGE.—In addition, there is hereby levied and
 1875 imposed on each vessel registration fee imposed under subsection
 1876 (1) a surcharge in the amount of \$1 for each 12-month period of
 1877 registration, which shall be collected in the same manner as the
 1878 fee and deposited into the State Agency Law Enforcement Radio
 1879 System Trust Fund of the Agency for State Technology ~~Department~~
 1880 ~~of Management Services~~.

1881 Section 36. Section 364.0135, Florida Statutes, is amended
 1882 to read:

1883 364.0135 Promotion of broadband adoption.—

1884 (1) The Legislature finds that the sustainable adoption of
 1885 broadband Internet service is critical to the economic and
 1886 business development of the state and is beneficial for
 1887 libraries, schools, colleges and universities, health care
 1888 providers, and community organizations. The term "sustainable
 1889 adoption" means the ability for communications service providers
 1890 to offer broadband services in all areas of the state by
 1891 encouraging adoption and utilization levels that allow for these
 1892 services to be offered in the free market absent the need for
 1893 governmental subsidy.

1894 (2) The Agency for State Technology ~~may~~ ~~Department of~~
 1895 ~~Management Services is authorized to~~ work collaboratively with,
 1896 and to receive staffing support and other resources from,
 1897 Enterprise Florida, Inc., state agencies, local governments,
 1898 private businesses, and community organizations to:

1899 (a) Monitor the adoption of broadband Internet service in
 1900 collaboration with communications service providers, including,

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1901 but not limited to, wireless and wireline Internet service
1902 providers, to develop geographical information system maps at
1903 the census tract level that will:

1904 1. Identify geographic gaps in broadband services,
1905 including areas unserved by any broadband provider and areas
1906 served by a single broadband provider;

1907 2. Identify the download and upload transmission speeds
1908 made available to businesses and individuals in the state, at
1909 the census tract level of detail, using data rate benchmarks for
1910 broadband service used by the Federal Communications Commission
1911 to reflect different speed tiers; and

1912 3. Provide a baseline assessment of statewide broadband
1913 deployment in terms of percentage of households with broadband
1914 availability.

1915 (b) Create a strategic plan that has goals and strategies
1916 for increasing the use of broadband Internet service in the
1917 state.

1918 (c) Build and facilitate local technology planning teams
1919 or partnerships with members representing cross-sections of the
1920 community, which may include, but are not limited to,
1921 representatives from the following organizations and industries:
1922 libraries, K-12 education, colleges and universities, local
1923 health care providers, private businesses, community
1924 organizations, economic development organizations, local
1925 governments, tourism, parks and recreation, and agriculture.

1926 (d) Encourage the use of broadband Internet service,
1927 especially in the rural, unserved, and underserved communities
1928 of the state through grant programs having effective strategies

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1929 | to facilitate the statewide deployment of broadband Internet
 1930 | service. For any grants to be awarded, priority must be given to
 1931 | projects that:

1932 | 1. Provide access to broadband education, awareness,
 1933 | training, access, equipment, and support to libraries, schools,
 1934 | colleges and universities, health care providers, and community
 1935 | support organizations.

1936 | 2. Encourage the sustainable adoption of broadband in
 1937 | primarily unserved areas by removing barriers to entry.

1938 | 3. Work toward encouraging investments in establishing
 1939 | affordable and sustainable broadband Internet service in
 1940 | unserved areas of the state.

1941 | 4. Facilitate the development of applications, programs,
 1942 | and services, including, but not limited to, telework,
 1943 | telemedicine, and e-learning to increase the usage of, and
 1944 | demand for, broadband Internet service in the state.

1945 | (3) The Agency for State Technology ~~department~~ may apply
 1946 | for and accept federal funds for purposes of this section, as
 1947 | well as gifts and donations from individuals, foundations, and
 1948 | private organizations.

1949 | (4) The Agency for State Technology ~~department~~ may:

1950 | (a) Enter into contracts necessary or useful to carry out
 1951 | the purposes of this section.

1952 | (b) ~~(5) The department may~~ Establish any committee or
 1953 | workgroup to administer and carry out the purposes of this
 1954 | section.

1955 | (c) ~~(6) The department may~~ Adopt rules necessary to carry
 1956 | out the purposes of this section. Any rule, contract, grant, or

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1957 other activity undertaken by the agency ~~department~~ shall ensure
 1958 that all entities are in compliance with any applicable federal
 1959 or state laws, rules, and regulations, including, but not
 1960 limited to, those applicable to private entities providing
 1961 communications services for hire and the requirements of s.
 1962 350.81.

1963 Section 37. Subsections (3), (4), (5), (7), (9), (10), and
 1964 (11) of section 365.171, Florida Statutes, are amended to read:

1965 365.171 Emergency communications number E911 state plan.—

1966 (3) DEFINITIONS.—As used in this section, the term:

1967 (a) "Agency" means the Agency for State Technology
 1968 ~~"Office" means the Technology Program within the Department of~~
 1969 ~~Management Services, as designated by the secretary of the~~
 1970 ~~department.~~

1971 (b) "Local government" means any city, county, or
 1972 political subdivision of the state and its agencies.

1973 (c) "Public agency" means the state and any city, county,
 1974 city and county, municipal corporation, chartered organization,
 1975 public district, or public authority located in whole or in part
 1976 within this state which provides, or has authority to provide,
 1977 firefighting, law enforcement, ambulance, medical, or other
 1978 emergency services.

1979 (d) "Public safety agency" means a functional division of
 1980 a public agency which provides firefighting, law enforcement,
 1981 medical, or other emergency services.

1982 (4) STATE PLAN.—The agency ~~office~~ shall develop, maintain,
 1983 and implement appropriate modifications for a statewide
 1984 emergency communications E911 system plan. The plan shall

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1985 provide for:

1986 (a) The public agency emergency communications
1987 requirements for each entity of local government in the state.

1988 (b) A system to meet specific local government
1989 requirements. Such system shall include law enforcement,
1990 firefighting, and emergency medical services and may include
1991 other emergency services such as poison control, suicide
1992 prevention, and emergency management services.

1993 (c) Identification of the mutual aid agreements necessary
1994 to obtain an effective E911 system.

1995 (d) A funding provision that identifies the cost necessary
1996 to implement the E911 system.

1997
1998 The agency ~~office~~ shall be responsible for the implementation
1999 and coordination of such plan. The agency ~~office~~ shall adopt any
2000 necessary rules and schedules related to public agencies for
2001 implementing and coordinating the plan, pursuant to chapter 120.

2002 (5) SYSTEM DIRECTOR.—The executive director of the agency
2003 ~~secretary of the department~~ or his or her designee is designated
2004 as the director of the statewide emergency communications number
2005 E911 system and, for the purpose of carrying out the provisions
2006 of this section, may ~~is authorized to~~ coordinate the activities
2007 of the system with state, county, local, and private agencies.
2008 The director, in implementing the system, shall consult,
2009 cooperate, and coordinate with local law enforcement agencies.

2010 (7) TELECOMMUNICATIONS INDUSTRY COORDINATION.—The agency
2011 ~~office~~ shall coordinate with the Florida Public Service
2012 Commission which shall encourage the Florida telecommunications

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2013 industry to activate facility modification plans for timely E911
 2014 implementation.

2015 (9) SYSTEM APPROVAL.—~~An~~ ~~no~~ emergency communications number
 2016 E911 system may not ~~shall~~ be established or ~~and no~~ present
 2017 system ~~shall be~~ expanded without prior approval of the agency
 2018 ~~office~~.

2019 (10) COMPLIANCE.—All public agencies shall assist the
 2020 agency office ~~office~~ in their efforts to carry out the intent of this
 2021 section, and such agencies shall comply with the developed plan.

2022 (11) FEDERAL ASSISTANCE.—The executive director of the
 2023 agency ~~secretary of the department~~ or his or her designee may
 2024 apply for and accept federal funding assistance in the
 2025 development and implementation of a statewide emergency
 2026 communications number E911 system.

2027 Section 38. Paragraphs (a) through (s) of subsection (3)
 2028 of section 365.172, Florida Statutes, are redesignated as
 2029 paragraphs (b) through (t), respectively, a new paragraph (a) is
 2030 added to that subsection, and paragraph (d) of subsection (2),
 2031 present paragraph (t) of subsection (3), subsection (4),
 2032 paragraph (a) of subsection (5), paragraph (c) of subsection
 2033 (6), and paragraph (f) of subsection (12) of that section are
 2034 amended to read:

2035 365.172 Emergency communications number "E911."—

2036 (2) LEGISLATIVE INTENT.—It is the intent of the
 2037 Legislature to:

2038 (d) Provide for an E911 board to administer the fee, with
 2039 oversight by the Agency for State Technology ~~office~~, in a manner
 2040 that is competitively and technologically neutral as to all

2041 voice communications services providers.

2042

2043 It is further the intent of the Legislature that the fee
 2044 authorized or imposed by this section not necessarily provide
 2045 the total funding required for establishing or providing E911
 2046 service.

2047 (3) DEFINITIONS.—Only as used in this section and ss.
 2048 365.171, 365.173, and 365.174, the term:

2049 (a) "Agency" means the Agency for State Technology.

2050 ~~(t) "Office" means the Technology Program within the~~
 2051 ~~Department of Management Services, as designated by the~~
 2052 ~~secretary of the department.~~

2053 (4) POWERS AND DUTIES OF THE AGENCY FOR STATE TECHNOLOGY
 2054 ~~OFFICE~~.—The agency office shall oversee the administration of
 2055 the fee authorized and imposed on subscribers of voice
 2056 communications services under subsection (8).

2057 (5) THE E911 BOARD.—

2058 (a) The E911 Board is established to administer, with
 2059 oversight by the agency office, the fee imposed under subsection
 2060 (8), including receiving revenues derived from the fee;
 2061 distributing portions of the revenues to wireless providers,
 2062 counties, and the agency office; accounting for receipts,
 2063 distributions, and income derived by the funds maintained in the
 2064 fund; and providing annual reports to the Governor and the
 2065 Legislature for submission by the agency office on amounts
 2066 collected and expended, the purposes for which expenditures have
 2067 been made, and the status of E911 service in this state. In
 2068 order to advise and assist the agency office in carrying out the

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2069 | purposes of this section, the board, which shall have the power
 2070 | of a body corporate, has the powers enumerated in subsection
 2071 | (6).

2072 | (6) AUTHORITY OF THE BOARD; ANNUAL REPORT.—

2073 | (c) By February 28 of each year, the board shall prepare a
 2074 | report for submission by the agency ~~office~~ to the Governor, the
 2075 | President of the Senate, and the Speaker of the House of
 2076 | Representatives which addresses for the immediately preceding
 2077 | calendar year:

2078 | 1. The annual receipts, including the total amount of fee
 2079 | revenues collected by each provider, the total disbursements of
 2080 | money in the fund, including the amount of fund-reimbursed
 2081 | expenses incurred by each wireless provider to comply with the
 2082 | order, and the amount of moneys on deposit in the fund.

2083 | 2. Whether the amount of the fee and the allocation
 2084 | percentages set forth in s. 365.173 have been or should be
 2085 | adjusted to comply with the requirements of the order or other
 2086 | provisions of this chapter, and the reasons for making or not
 2087 | making a recommended adjustment to the fee.

2088 | 3. Any other issues related to providing E911 services.

2089 | 4. The status of E911 services in this state.

2090 | (12) FACILITATING E911 SERVICE IMPLEMENTATION.—To balance
 2091 | the public need for reliable E911 services through reliable
 2092 | wireless systems and the public interest served by governmental
 2093 | zoning and land development regulations and notwithstanding any
 2094 | other law or local ordinance to the contrary, the following
 2095 | standards shall apply to a local government's actions, as a
 2096 | regulatory body, in the regulation of the placement,

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2097 construction, or modification of a wireless communications
 2098 facility. This subsection shall not, however, be construed to
 2099 waive or alter the provisions of s. 286.011 or s. 286.0115. For
 2100 the purposes of this subsection only, "local government" shall
 2101 mean any municipality or county and any agency of a municipality
 2102 or county only. The term "local government" does not, however,
 2103 include any airport, as defined by s. 330.27(2), even if it is
 2104 owned or controlled by or through a municipality, county, or
 2105 agency of a municipality or county. Further, notwithstanding
 2106 anything in this section to the contrary, this subsection does
 2107 not apply to or control a local government's actions as a
 2108 property or structure owner in the use of any property or
 2109 structure owned by such entity for the placement, construction,
 2110 or modification of wireless communications facilities. In the
 2111 use of property or structures owned by the local government,
 2112 however, a local government may not use its regulatory authority
 2113 so as to avoid compliance with, or in a manner that does not
 2114 advance, the provisions of this subsection.

2115 (f) Any other law to the contrary notwithstanding, the
 2116 agency ~~Department of Management Services~~ shall negotiate, in the
 2117 name of the state, leases for wireless communications facilities
 2118 that provide access to state government-owned property not
 2119 acquired for transportation purposes, and the Department of
 2120 Transportation shall negotiate, in the name of the state, leases
 2121 for wireless communications facilities that provide access to
 2122 property acquired for state rights-of-way. On property acquired
 2123 for transportation purposes, leases shall be granted in
 2124 accordance with s. 337.251. On other state government-owned

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2125 | property, leases shall be granted on a space available, first-
 2126 | come, first-served basis. Payments required by state government
 2127 | under a lease must be reasonable and must reflect the market
 2128 | rate for the use of the state government-owned property. The
 2129 | agency ~~Department of Management Services~~ and the Department of
 2130 | Transportation are authorized to adopt rules for the terms and
 2131 | conditions and granting of any such leases.

2132 | Section 39. Subsection (1) and paragraph (g) of subsection
 2133 | (2) of section 365.173, Florida Statutes, are amended to read:

2134 | 365.173 Emergency Communications Number E911 System Fund.—

2135 | (1) All revenues derived from the fee levied on
 2136 | subscribers under s. 365.172 must be paid by the board into the
 2137 | State Treasury on or before the 15th day of each month. Such
 2138 | moneys must be accounted for in a special fund to be designated
 2139 | as the Emergency Communications Number E911 System Fund, a fund
 2140 | created in the Agency for State Technology Program, ~~or other~~
 2141 | ~~office as designated by the Secretary of Management Services,~~
 2142 | and, for accounting purposes, must be segregated into two
 2143 | separate categories:

- 2144 | (a) The wireless category; and
- 2145 | (b) The nonwireless category.

2146 |
 2147 | All moneys must be invested by the Chief Financial Officer
 2148 | pursuant to s. 17.61. All moneys in such fund are to be expended
 2149 | by the agency ~~office~~ for the purposes provided in this section
 2150 | and s. 365.172. These funds are not subject to s. 215.20.

2151 | (2) As determined by the board pursuant to s.
 2152 | 365.172 (8) (h), and subject to any modifications approved by the

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2153 board pursuant to s. 365.172(6)(a)3. or (8)(i), the moneys in
 2154 the fund shall be distributed and used only as follows:

2155 (g) Two percent of the moneys in the fund shall be used to
 2156 make monthly distributions to rural counties for the purpose of
 2157 providing facilities and network and service enhancements and
 2158 assistance for the 911 or E911 systems operated by rural
 2159 counties and for the provision of grants by the agency ~~office~~ to
 2160 rural counties for upgrading and replacing E911 systems.

2161
 2162 The Legislature recognizes that the fee authorized under s.
 2163 365.172 may not necessarily provide the total funding required
 2164 for establishing or providing the E911 service. It is the intent
 2165 of the Legislature that all revenue from the fee be used as
 2166 specified in this subsection.

2167 Section 40. Subsection (1) of section 365.174, Florida
 2168 Statutes, is amended to read:

2169 365.174 Proprietary confidential business information.—

2170 (1) All proprietary confidential business information
 2171 submitted by a provider to the board or the Agency for State
 2172 Technology ~~office~~, including the name and billing or service
 2173 addresses of service subscribers, and trade secrets as defined
 2174 by s. 812.081, is confidential and exempt from s. 119.07(1) and
 2175 s. 24(a), Art. I of the State Constitution. Statistical
 2176 abstracts of information collected by the board or the agency
 2177 ~~office~~ may be released or published, but only in a manner that
 2178 does not identify or allow identification of subscribers or
 2179 their service numbers or of revenues attributable to any
 2180 provider.

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2181 Section 41. Section 401.013, Florida Statutes, is amended
 2182 to read:

2183 401.013 Legislative intent.—It is the intention and
 2184 purpose of the Legislature that a statewide system of regional
 2185 emergency medical telecommunications be developed whereby
 2186 maximum use of existing radio channels is achieved in order to
 2187 more effectively and rapidly provide emergency medical service
 2188 to the general population. To this end, all emergency medical
 2189 service entities within the state are directed to provide the
 2190 Agency for State Technology ~~Department of Management Services~~
 2191 with any information the agency ~~department~~ requests for the
 2192 purpose of implementing the provisions of s. 401.015, and such
 2193 entities shall comply with the resultant provisions established
 2194 pursuant to this part.

2195 Section 42. Section 401.015, Florida Statutes, is amended
 2196 to read:

2197 401.015 Statewide regional emergency medical
 2198 telecommunication system.—The Agency for State Technology shall
 2199 ~~Department of Management Services is authorized and directed to~~
 2200 develop a statewide system of regional emergency medical
 2201 telecommunications. For the purpose of this part, the term
 2202 "telecommunications" means ~~those~~ voice, data, and signaling
 2203 transmissions and receptions between emergency medical service
 2204 components, including, but not limited to: ambulances; rescue
 2205 vehicles; hospitals or other related emergency receiving
 2206 facilities; emergency communications centers; physicians and
 2207 emergency medical personnel; paging facilities; law enforcement
 2208 and fire protection agencies; and poison control, suicide, and

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2209 emergency management agencies. In formulating such a system, the
 2210 agency ~~department~~ shall divide the state into appropriate
 2211 regions and ~~shall~~ develop a program that ~~which~~ includes, but is
 2212 not limited to, the following provisions:

2213 (1) A requirements provision that states, ~~which shall~~
 2214 ~~state~~ the telecommunications requirements for each emergency
 2215 medical entity comprising the region.

2216 (2) An interfacility communications provision that
 2217 depicts, ~~which shall depict~~ the telecommunications interfaces
 2218 between the various medical service entities that ~~which~~ operate
 2219 within the region and state.

2220 (3) An organizational layout provision that includes,
 2221 ~~which shall include~~ each emergency medical entity and the number
 2222 of radio operating units (base, mobile, handheld, etc.) per
 2223 entity.

2224 (4) A frequency allocation and use provision that
 2225 includes, ~~which shall include~~ on an entity basis each assigned
 2226 and planned radio channel and the type of operation (simplex,
 2227 duplex, half duplex, etc.) on each channel.

2228 (5) An operational provision that includes, ~~which shall~~
 2229 ~~include~~ dispatching, logging, and operating procedures
 2230 pertaining to telecommunications on an entity basis and regional
 2231 basis.

2232 (6) An emergency medical service telephone provision that
 2233 includes, ~~which shall include~~ the telephone and the numbering
 2234 plan throughout the region for both the public and interface
 2235 requirements.

2236 Section 43. Section 401.018, Florida Statutes, is amended

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2237 to read:

2238 401.018 System coordination.—

2239 (1) The statewide system of regional emergency medical
 2240 telecommunications shall be developed by the Agency for State
 2241 Technology Department of Management Services, which department
 2242 shall be responsible for the implementation and coordination of
 2243 such system into the state telecommunications plan. The agency
 2244 ~~department~~ shall adopt any necessary rules and regulations for
 2245 implementing and coordinating such a system.

2246 (2) The Agency for State Technology Department of
 2247 ~~Management Services~~ shall be designated as the state frequency
 2248 coordinator for the special emergency radio service.

2249 Section 44. Section 401.021, Florida Statutes, is amended
 2250 to read:

2251 401.021 System director.—The executive director of the
 2252 Agency for State Technology Secretary of Management Services or
 2253 his or her designee is designated as the director of the
 2254 statewide telecommunications system of the regional emergency
 2255 medical service and, for the purpose of carrying out the
 2256 provisions of this part, may ~~is authorized to~~ coordinate the
 2257 activities of the telecommunications system with other
 2258 interested state, county, local, and private agencies.

2259 Section 45. Section 401.024, Florida Statutes, is amended
 2260 to read:

2261 401.024 System approval.—An ~~From July 1, 1973, no~~
 2262 emergency medical telecommunications system may not ~~shall~~ be
 2263 established or present systems expanded without prior approval
 2264 of the Agency for State Technology Department of Management

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2265 ~~Services.~~

2266 Section 46. Section 401.027, Florida Statutes, is amended
2267 to read:

2268 401.027 Federal assistance.—The executive director of the
2269 Agency for State Technology ~~Secretary of Management Services~~ or
2270 his or her designee may ~~is authorized to~~ apply for and accept
2271 federal funding assistance in the development and implementation
2272 of a statewide emergency medical telecommunications system.

2273 Section 47. Paragraph (a) of subsection (2) of section
2274 401.465, Florida Statutes, is amended to read:

2275 401.465 911 public safety telecommunicator certification.—

2276 (2) PERSONNEL; STANDARDS AND CERTIFICATION.—

2277 (a) Effective October 1, 2012, any person employed as a
2278 911 public safety telecommunicator at a public safety answering
2279 point, as defined in s. 365.172(3)(b) ~~s. 365.172(3)(a)~~, must be
2280 certified by the department.

2281 Section 48. Subsection (4) of section 445.011, Florida
2282 Statutes, is amended to read:

2283 445.011 Workforce information systems.—

2284 (4) Workforce Florida, Inc., shall coordinate development
2285 and implementation of workforce information systems with the
2286 executive director of the Agency for State Enterprise
2287 ~~Information~~ Technology to ensure compatibility with the state's
2288 information system strategy and enterprise architecture.

2289 Section 49. Subsection (2) and paragraphs (a) and (b) of
2290 subsection (4) of section 445.045, Florida Statutes, are amended
2291 to read:

2292 445.045 Development of an Internet-based system for

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2293 information technology industry promotion and workforce
 2294 recruitment.—

2295 (2) Workforce Florida, Inc., shall coordinate with the
 2296 Agency for State ~~Enterprise Information~~ Technology and the
 2297 Department of Economic Opportunity to ensure links, where
 2298 feasible and appropriate, to existing job information websites
 2299 maintained by the state and state agencies and to ensure that
 2300 information technology positions offered by the state and state
 2301 agencies are posted on the information technology website.

2302 (4) (a) Workforce Florida, Inc., shall coordinate
 2303 development and maintenance of the website under this section
 2304 with the executive director of the Agency for State ~~Enterprise~~
 2305 ~~Information~~ Technology to ensure compatibility with the state's
 2306 information system strategy and enterprise architecture.

2307 (b) Workforce Florida, Inc., may enter into an agreement
 2308 with the Agency for State ~~Enterprise Information~~ Technology, the
 2309 Department of Economic Opportunity, or any other public agency
 2310 with the requisite information technology expertise for the
 2311 provision of design, operating, or other technological services
 2312 necessary to develop and maintain the website.

2313 Section 50. Paragraph (b) of subsection (18) of section
 2314 668.50, Florida Statutes, is amended to read:

2315 668.50 Uniform Electronic Transaction Act.—

2316 (18) ACCEPTANCE AND DISTRIBUTION OF ELECTRONIC RECORDS BY
 2317 GOVERNMENTAL AGENCIES.—

2318 (b) To the extent that a governmental agency uses
 2319 electronic records and electronic signatures under paragraph
 2320 (a), the Agency for State ~~Enterprise Information~~ Technology, in

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2321 consultation with the governmental agency, giving due
2322 consideration to security, may specify:

2323 1. The manner and format in which the electronic records
2324 must be created, generated, sent, communicated, received, and
2325 stored and the systems established for those purposes.

2326 2. If electronic records must be signed by electronic
2327 means, the type of electronic signature required, the manner and
2328 format in which the electronic signature must be affixed to the
2329 electronic record, and the identity of, or criteria that must be
2330 met by, any third party used by a person filing a document to
2331 facilitate the process.

2332 3. Control processes and procedures as appropriate to
2333 ensure adequate preservation, disposition, integrity, security,
2334 confidentiality, and auditability of electronic records.

2335 4. Any other required attributes for electronic records
2336 which are specified for corresponding nonelectronic records or
2337 reasonably necessary under the circumstances.

2338 Section 51. This act shall take effect July 1, 2012.