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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/01/2012	.	
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The Committee on Governmental Oversight and Accountability
(Ring) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

(2) All of the powers, duties, functions, records,
personnel, and property; funds, trust funds, and unexpended
balances of appropriations, allocations, and other funds;
administrative authority; administrative rules; pending issues;
and existing contracts of the Agency for Enterprise Information
Technology are transferred by a type one transfer, pursuant to



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13 s. 20.06(1), Florida Statutes, to the Agency for State
14 Technology.

15 Section 2. Transfers from the Department of Management
16 Services.-

17 (1) The Technology Program established under section
18 20.22(2), Florida Statutes, is transferred by a type one
19 transfer, as defined in s. 20.06(1), Florida Statutes, from the
20 Department of Management Services to the Agency for State
21 Technology in the Executive Office of the Governor.

22 (2) All of the powers, duties, functions, records,
23 personnel, and property; funds, trust funds, and unexpended
24 balances of appropriations, allocations, and other funds;
25 administrative authority; administrative rules; pending issues;
26 and existing contracts relating to the following
27 responsibilities are transferred by a type one transfer, as
28 defined in s. 20.06(1), Florida Statutes, from the Department of
29 Management Services to the Agency for State Technology in the
30 Executive Office of the Governor:

31 (a) Administrative and regulatory responsibilities under
32 part II of chapter 282, Florida Statutes, consisting of ss.
33 282.601-282.606, Florida Statutes, relating to accessibility of
34 electronic information and information technology for state
35 employees and members of the public with disabilities, including
36 the responsibility for rules for the development, procurement,
37 maintenance, and use of accessible electronic information
38 technology by governmental units pursuant to s. 282.604, Florida
39 Statutes.

40 (b) Administrative and regulatory responsibilities under
41 part III of chapter 282, Florida Statutes, consisting of ss.



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42 282.701-282.711, relating to the state telecommunications
43 network, state communications, telecommunications services with
44 state agencies and political subdivisions of the state, the
45 SUNCOM network, the law enforcement radio system and
46 interoperability network, regional law enforcement
47 communications, and remote electronic access.

48 (c) Administrative and regulatory responsibilities under s.
49 364.0135, Florida Statutes, relating to broadband Internet
50 service.

51 (d) Administrative and regulatory responsibilities under
52 ss. 365.171, 365.172, 365.173, 365.174, and 365.175, Florida
53 Statutes, relating to emergency communications number E911.

54 (e) Administrative and regulatory responsibilities under
55 part I of chapter 401, Florida Statutes, consisting of ss.
56 401.013-401.027, relating to a statewide system of regional
57 emergency medical telecommunications.

58 (3) (a) The following trust funds are transferred by a type
59 one transfer, as defined in s. 20.06(1), Florida Statutes, from
60 the Department of Management Services to the Agency for State
61 Technology in the Executive Office of the Governor:

- 62 1. The Communications Working Capital Trust Fund.
63 2. The Emergency Communications Number E911 System Fund.
64 3. The State Agency Law Enforcement Radio System Trust
65 Fund.

66 (b) All unexpended balances of appropriations, allocations,
67 and other funds of the Department of Management Services
68 relating to ss. 282.701-282.711, s. 364.0135, ss. 365.171-
69 365.175, and part I of chapter 401, Florida Statutes, which are
70 not specifically transferred by this subsection are transferred



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71 by a type one transfer, as defined in s. 20.06(1), Florida
72 Statutes, to the Agency for State Technology in the Executive
73 Office of the Governor.

74 (4) All lawful orders issued by the Department of
75 Management Services implementing or enforcing or otherwise in
76 regard to ss. 282.701-282.711, s. 364.0135, ss. 365.171-365.175,
77 or part I of chapter 401, Florida Statutes, issued before July
78 1, 2012, remain in effect and are enforceable after that date
79 unless thereafter modified in accordance with law.

80 (5) Any binding contract or interagency agreement entered
81 into pursuant to ss. 282.701-282.711, s. 364.0135, ss. 365.171-
82 365.175, or part I of chapter 401, Florida Statutes, and
83 existing before July 1, 2012, between the Department of
84 Management Services or an entity or agent of the department and
85 any other agency, entity, or person continue as a binding
86 contract or agreement for the remainder of the term of such
87 contract or agreement on the Agency for State Technology.

88 (6) The rules of the Department of Management Services
89 relating to ss. 282.701-282.711, s. 364.0135, ss. 365.171-
90 365.175, or part I of chapter 401, Florida Statutes, which were
91 in effect at 11:59 p.m. on June 30, 2012, become rules of the
92 Agency for State Technology and remain in effect until amended
93 or repealed in the manner provided by law.

94 (7) The transfer of regulatory authority under ss. 282.701-
95 282.711, s. 364.0135, ss. 365.171-365.175, or part I of chapter
96 401, Florida Statutes, provided by this section does not affect
97 the validity of any judicial or administrative action pending as
98 of 11:59 p.m. on June 30, 2012, to which the Department of
99 Management Services is at that time a party, and the Agency for



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100 State Technology shall be substituted as a party in interest in
101 such action.

102 (8) The Northwood Shared Resource Center is transferred by
103 a type one transfer, as defined in s. 20.06(1), Florida
104 Statutes, from the Department of Management Services to the
105 Agency for State Technology in the Executive Office of the
106 Governor.

107 (a) Any binding contract or interagency agreement entered
108 into between the Northwood Shared Resource Center or an entity
109 or agent of the center and any other agency, entity, or person
110 continues as a binding contract or agreement for the remainder
111 of the term of such contract or agreement on the Agency for
112 State Technology.

113 (b) The rules of the Northwood Shared Resource Center which
114 were in effect at 11:59 p.m. on June 30, 2012, become rules of
115 the Agency for State Technology and remain in effect until
116 amended or repealed in the manner provided by law.

117 (9) The Southwood Shared Resource Center is transferred by
118 a type one transfer, as defined in s. 20.06(1), Florida
119 Statutes, from the Department of Management Services to the
120 Agency for State Technology in the Executive Office of the
121 Governor.

122 (a) Any binding contract or interagency agreement entered
123 into between the Southwood Shared Resource Center or an entity
124 or agent of the center and any other agency, entity, or person
125 continues as a binding contract or agreement for the remainder
126 of the term of such contract or agreement on the Agency for
127 State Technology.

128 (b) The rules of the Southwood Shared Resource Center which



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129 were in effect at 11:59 p.m. on June 30, 2012, become rules of
130 the Agency for State Technology and remain in effect until
131 amended or repealed in the manner provided by law.

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

133 Section 4. Section 14.206, Florida Statutes, is created to
134 read:

135 14.206 Agency for State Technology.—The Agency for State
136 Technology is created in the executive Office of the Governor.

137 (1) The head of the agency shall be the Governor and
138 Cabinet.

139 (2) The agency is a separate budget entity and is not
140 subject to control, supervision, or direction by the Executive
141 Office of the Governor, including, but not limited to,
142 purchasing, transactions involving real or personal property,
143 personnel, or budgetary matters.

144 (3) The agency shall have an executive director who is the
145 state's Chief Information Officer and who must be qualified by
146 education and experience for the office. The executive director
147 shall be appointed by the Governor, subject to confirmation by
148 the Cabinet and the Senate, and shall serve at the pleasure of
149 the Governor and Cabinet.

150 (a) The executive director:

151 1. Shall be responsible for developing and administering a
152 comprehensive long-range plan for the state's information
153 technology resources, ensuring the proper management of such
154 resources, and delivering services.

155 2. Shall appoint a Chief Technology Officer to lead the
156 divisions of the agency dedicated to the operation and delivery
157 of enterprise information technology services.



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158 3. Shall appoint a Chief Operations Officer to lead the
159 divisions of the agency dedicated to enterprise information
160 technology policy, planning, standards and procurement.

161 4. Shall designate a state Chief Information Security
162 Officer.

163 5. May appoint all employees necessary to carry out the
164 duties and responsibilities of the agency.

165 (b) The Governor shall appoint a search committee to
166 recruit an executive director for the agency. At a minimum, the
167 Attorney General, the Chief Financial Officer, and the
168 Commissioner of Agriculture shall each have one appointment to
169 the search committee. The committee shall determine the position
170 description; identify the knowledge, skills, and abilities that
171 qualified candidates must possess; define and conduct the search
172 process; and recommend top candidates to the Governor and
173 Cabinet for their approval. The recommendation of top candidates
174 shall also include recommended salary ranges.

175 (4) The following officers, divisions, and units of the
176 agency are established:

177 (a) Under the Chief Technology Officer:

178 1. The Division of Telecommunications which includes.

179 a. SUNCOM.

180 b. State Agency Law Enforcement Radio System.

181 c. State E911 Program.

182 2. The Division of Data Center Operations which includes.

183 a. Northwood Shared Resource Center.

184 b. Southwood Shared Resource Center.

185 3. The Division of Enterprise Service Delivery which
186 includes.



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187 a. Enterprise e-mail.

188 (b) Under the Chief Enterprise Applications Officer:

189 1. Enterprise Software Design and Projects.

190 2. Enterprise Software Operations.

191 3. Enterprise Data Standards.

192 4. Enterprise Data Management.

193 (c) Under the Chief Operations Officer:

194 1. Strategic Planning.

195 2. Enterprise Information Technology Standards.

196 a. Enterprise Information Technology Procurement.

197 b. Information Technology Security and Compliance.

198 3. Enterprise Services Planning and Consolidation.

199 4. Enterprise Project Management.

200 (d) Under the Director of Administration:

201 1. Accounting and Budgeting.

202 2. Personnel.

203 3. Procurement and Contracts.

204 (e) Under the Office of the Executive Director:

205 1. Inspector General.

206 2. Legal.

207 3. Governmental Affairs.

208 (5) The agency shall have the following duties and
209 responsibilities. The agency shall:

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

212 (b) Initiate, plan, design, implement, and manage
213 enterprise information technology services.

214 (c) Beginning October 1, 2012, and every 3 months
215 thereafter, provide a status report on its initiatives. The



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216 report shall be presented at a meeting of the Governor and
217 Cabinet.

218 (d) Beginning September 1, 2013, and every 3 months
219 thereafter until enterprise information technology service
220 consolidations are complete, provide a status report on the
221 implementation of the consolidations that must be completed
222 during the fiscal year. The report shall be submitted to the
223 Executive Office of the Governor, the Cabinet, the President of
224 the Senate, and the Speaker of the House of Representatives. At
225 a minimum, the report must describe:

226 1. Whether the consolidation is on schedule, including
227 progress on achieving the milestones necessary for successful
228 and timely consolidation of scheduled agency data centers and
229 computing facilities; and

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

232 (e) Set technical standards for information technology,
233 review major information technology projects and procurements,
234 establish information technology security standards, provide for
235 the procurement of information technology resources, excluding
236 human resources, and deliver enterprise information technology
237 services as defined in s. 282.0041.

238 (f) Establish and operate shared resource centers.

239 (g) Establish and deliver enterprise information technology
240 services to serve state agencies on a cost-sharing basis,
241 charging each state agency its proportionate share of the cost
242 of maintaining and delivering a service based on a state
243 agency's use of the service.

244 (h) Use the following principles to develop a means of



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245 chargeback for primary data center services:

246 1. The customers of the primary data center shall provide
247 payments to the primary data center which are sufficient to
248 maintain the solvency of the primary data center operation for
249 all costs not directly funded through the General Appropriations
250 Act.

251 2. Per unit cost of usage shall be the primary basis for
252 pricing, and usage must be accurately measurable and
253 attributable to the appropriate customer.

254 3. The primary data center shall combine the aggregate
255 purchasing power of large and small customers to achieve
256 collective savings opportunities to all customers.

257 4. Chargeback methodologies shall be devised to consider
258 restrictions on grants to customers.

259 5. Chargeback methodologies should establish incentives
260 that lead to customer usage practices that result in lower costs
261 to the state.

262 6. Chargeback methodologies must consider technological
263 change when:

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

266 b. Customers of antiquated services may not be able to bear
267 all of the costs for the antiquated services during periods when
268 customers are migrating to replacement services.

269 7. Prices may be established which allow for accrual of
270 cash balances for the purpose of maintaining contingent
271 operating funds and funding planned capital investments. Accrual
272 of the cash balances shall be considered costs for the purposes
273 of this section.



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

278 9. Flat rate charges may be used only if there are
279 provisions for reconciling charges to comport with actual costs
280 and use.

281 (i) Exercise technical and fiscal prudence in determining
282 the best way to deliver enterprise information technology
283 services.

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

286 (k) Assume ownership or custody and control of information
287 processing equipment, supplies, and positions required in order
288 to thoroughly carry out the agency's duties and
289 responsibilities.

290 (l) Adopt rules and policies for the efficient, secure, and
291 economical management and operation of the shared resource
292 centers and state telecommunications services.

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

297 (n) Ensure that data that is confidential under state or
298 federal law may not be entered into or processed through any
299 shared resource center or network established under the agency
300 until safeguards for the data's security satisfactory to the
301 agency head and the executive director of the agency have been
302 designed, installed, and tested and are fully operational. This



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303 paragraph does not prescribe what actions necessary to satisfy a
304 state agency's objectives are to be undertaken or to remove from
305 the control and administration of the state agency the
306 responsibility for working with the agency to implement
307 safeguards, regardless of whether such control and
308 administration are specifically required by general law or
309 administered under the general program authority and
310 responsibility of the state agency.

311 (o) Conduct periodic assessments of state agencies for
312 compliance with statewide information technology policies and
313 recommend to the Governor and Cabinet statewide policies for
314 information technology.

315 (6) The agency may not use or direct the spending of
316 operational information technology trust funds to study and
317 develop enterprise information strategies, plans, rules,
318 reports, policies, proposals, budgets, or enterprise information
319 technology initiatives that are not directly related to
320 developing information technology services for which usage fees
321 reimburse the costs of the initiative. As used in this
322 subsection, "operational information technology trust funds"
323 means funds into which deposits are made on a fee-for-service
324 basis or a trust fund dedicated to a specific information
325 technology project or system.

326 (7) The agency shall operate in a manner that ensures the
327 participation and representation of state agencies.

328 (8) The agency may adopt rules to carry out its duties and
329 responsibilities.

330 Section 5. Section 282.0041, Florida Statutes, is reordered
331 and amended to read:



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332 282.0041 Definitions.—As used in this chapter, the term:
333 ~~(1) "Agency" has the same meaning as in s. 216.011(1)(qq),~~
334 ~~except that for purposes of this chapter, "agency" does not~~
335 ~~include university boards of trustees or state universities.~~
336 (1)(2) "Agency for State Enterprise Information Technology"
337 or "agency" means the agency created in s. 14.206 14.204.
338 (2)(3) "Agency information technology service" means a
339 service that directly helps a state an agency fulfill its
340 statutory or constitutional responsibilities and policy
341 objectives and is usually associated with the state agency's
342 primary or core business functions.
343 ~~(4) "Annual budget meeting" means a meeting of the board of~~
344 ~~trustees of a primary data center to review data center usage to~~
345 ~~determine the apportionment of board members for the following~~
346 ~~fiscal year, review rates for each service provided, and~~
347 ~~determine any other required changes.~~
348 (3)(5) "Breach" has the same meaning as in s. 817.5681(4).
349 (4)(6) "Business continuity plan" means a plan for disaster
350 recovery which provides for the continued functioning of a
351 primary data center during and after a disaster.
352 (5) "Collocation" means the method by which a state
353 agency's data center occupies physical space within a shared
354 resource center where physical floor space, bandwidth, power,
355 cooling, and physical security are available for an equitable
356 usage rate and minimal complexity, and allow for the sustained
357 management and oversight of the collocating agency's information
358 technology resources as well as physical and logical database
359 administration by the collocating agency's staff.
360 (6)(7) "Computing facility" means a state agency site space



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361 containing fewer than a total of 10 physical or logical servers,
362 any of which supports a strategic or nonstrategic information
363 technology service, as described in budget instructions
364 developed pursuant to s. 216.023, but excluding
365 telecommunications and voice gateways and a clustered pair of
366 servers operating as a single logical server to provide file,
367 print, security, and endpoint management services ~~single,~~
368 ~~logical-server installations that exclusively perform a utility~~
369 ~~function such as file and print servers.~~

370 (7) "Computing service" means an information technology
371 service that is used in all state agencies or a subset of
372 agencies and is, therefore, a candidate for being established as
373 an enterprise information technology service. Examples include
374 e-mail, service hosting, telecommunications, and disaster
375 recovery.

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

378 ~~(8)-(9)~~ (8) "Data center" means a state agency site space
379 containing 10 or more physical or logical servers any of which
380 supports a strategic or nonstrategic information technology
381 service, as described in budget instructions developed pursuant
382 to s. 216.023.

383 ~~(10) "Department" means the Department of Management~~
384 ~~Services.~~

385 ~~(10)-(11)~~ (10) "Enterprise information technology service" means
386 an information technology service that is used in all state
387 agencies or a subset of state agencies and is established in law
388 to be designed, delivered, and managed at the enterprise level.
389 Current enterprise information technology services include data



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390 center services, e-mail, and security.

391 (9)~~(12)~~ "E-mail, messaging, and calendaring service" means
392 the enterprise information technology service that enables users
393 to send, receive, file, store, manage, and retrieve electronic
394 messages, attachments, appointments, and addresses. ~~The e-mail,
395 messaging, and calendaring service must include e-mail account
396 management; help desk; technical support and user provisioning
397 services; disaster recovery and backup and restore capabilities;
398 antispam and antivirus capabilities; archiving and e-discovery;
399 and remote access and mobile messaging capabilities.~~

400 (11)~~(13)~~ "Information-system utility" means an information
401 processing a full-service information-processing facility
402 offering hardware, software, operations, integration,
403 networking, floor space, and consulting services.

404 (13)~~(14)~~ "Information technology resources" means
405 equipment, hardware, software, firmware, programs, systems,
406 networks, infrastructure, media, and related material used to
407 automatically, electronically, and wirelessly collect, receive,
408 access, transmit, display, store, record, retrieve, analyze,
409 evaluate, process, classify, manipulate, manage, assimilate,
410 control, communicate, exchange, convert, converge, interface,
411 switch, or disseminate information of any kind or form, and
412 includes the human resources to perform such duties, but
413 excludes application developers and logical database
414 administrators.

415 (14) "Local area network" means any telecommunications
416 network through which messages and data are exchanged strictly
417 within a single building or contiguous campus.

418 (12)~~(15)~~ "Information technology policy" means statements



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419 that describe clear choices for how information technology will
420 deliver effective and efficient government services to residents
421 and improve state agency operations. A policy may relate to
422 investments, business applications, architecture, or
423 infrastructure. A policy describes its rationale, implications
424 of compliance or noncompliance, the timeline for implementation,
425 metrics for determining compliance, and the accountable
426 structure responsible for its implementation.

427 (15) "Logical database administration" means the resources
428 required to build and maintain database structure, implement and
429 maintain role-based data access controls, and perform
430 performance optimization of data queries and includes the
431 manipulation, transformation, modification, and maintenance of
432 data within a logical database. Typical tasks include schema
433 design and modifications, user provisioning, query tuning, index
434 and statistics maintenance, and data import, export, and
435 manipulation.

436 (16) "Memorandum of understanding" means a written
437 agreement between a shared resource center or the Division of
438 Telecommunications in the agency and a state agency which
439 specifies the scope of services provided, service level,
440 duration of the agreement, responsible parties, and service
441 costs. A memorandum of understanding is not a rule pursuant to
442 chapter 120.

443 (17) "Other public sector organizations" means entities of
444 the legislative and judicial branches, the State University
445 System, the Florida Community College System, counties, and
446 municipalities. Such organizations may elect to participate in
447 the information technology programs, services, or contracts



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448 offered by the Agency for State Technology, including
449 information technology procurement, in accordance with general
450 law, policies, and administrative rules.

451 (18)~~(16)~~ "Performance metrics" means the measures of an
452 organization's activities and performance.

453 (19) "Physical database administration" means the resources
454 responsible for installing, maintaining, and operating an
455 environment within which a database is hosted. Typical tasks
456 include database engine installation, configuration, and
457 security patching, as well as performing backup and restoration
458 of hosted databases, setup and maintenance of instance-based
459 data replication, and monitoring the health and performance of
460 the database environment.

461 (20)~~(17)~~ "Primary data center" means a data center that is
462 a recipient entity for consolidation of state agency information
463 technology resources ~~nonprimary data centers and computing~~
464 ~~facilities and that is established by law.~~

465 (21)~~(18)~~ "Project" means an endeavor that has a defined
466 start and end point; is undertaken to create or modify a unique
467 product, service, or result; and has specific objectives that,
468 when attained, signify completion.

469 (22)~~(19)~~ "Risk analysis" means the process of identifying
470 security risks, determining their magnitude, and identifying
471 areas needing safeguards.

472 (23)~~(20)~~ "Service level" means the key performance
473 indicators (KPI) of an organization or service which must be
474 regularly performed, monitored, and achieved.

475 ~~(21) "Service level agreement" means a written contract~~
476 ~~between a data center and a customer entity which specifies the~~



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477 ~~scope of services provided, service level, the duration of the~~
478 ~~agreement, the responsible parties, and service costs. A~~
479 ~~service-level agreement is not a rule pursuant to chapter 120.~~

480 (24) "Shared resource center" means a primary data center
481 that has been designated and assigned specific duties under this
482 chapter or by the Agency for State Technology under s. 14.206.

483 ~~(25)-(22)~~ "Standards" means required practices, controls,
484 components, or configurations established by an authority.

485 (26) "State agency" means any official, officer,
486 commission, board, authority, council, committee, or department
487 of the executive branch of state government. The term does not
488 include university boards of trustees or state universities.

489 (27) "State agency site" means a single, contiguous local
490 area network segment that does not traverse a metropolitan area
491 network or wide area network.

492 ~~(28)-(23)~~ "SUNCOM Network" means the state enterprise
493 telecommunications system that provides all methods of
494 electronic or optical telecommunications beyond a single
495 building or contiguous building complex and used by entities
496 authorized as network users under this part.

497 ~~(29)-(24)~~ "Telecommunications" means the science and
498 technology of communication at a distance, including electronic
499 systems used in the transmission or reception of information.

500 ~~(30)-(25)~~ "Threat" means any circumstance or event that may
501 cause harm to the integrity, availability, or confidentiality of
502 information technology resources.

503 ~~(31)-(26)~~ "Total cost" means all costs associated with
504 information technology projects or initiatives, including, but
505 not limited to, value of hardware, software, service,



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506 maintenance, incremental personnel, and facilities. Total cost
507 of a loan or gift of information technology resources to a state
508 ~~an~~ agency includes the fair market value of the resources.

509 (32)-(27) "Usage" means the billing amount charged by the
510 primary data center, less any pass-through charges, to the state
511 agency customer entity.

512 (33)-(28) "Usage rate" means a state agency's customer
513 entity's usage or billing amount as a percentage of total usage.

514 (34) "Wide area network" means any telecommunications
515 network or components thereof through which messages and data
516 are exchanged outside of a local area network.

517 Section 6. Section 282.0055, Florida Statutes, is amended
518 to read:

519 (Substantial rewording of section. See
520 s. 282.0055, Florida Statutes, for current text.)
521 282.0055 Assignment of enterprise information technology.-

522 (1) The establishment of a systematic process for the
523 planning, design, implementation, procurement, delivery, and
524 maintenance of enterprise information technology services shall
525 be the responsibility of the Agency for State Technology for
526 executive branch agencies that are created or authorized in
527 statute to perform legislatively delegated functions. The
528 agency's duties shall be performed in collaboration with the
529 state agencies. The supervision, design, development, delivery,
530 and maintenance of state-agency specific or unique software
531 applications shall remain within the responsibility and control
532 of the individual state agency or other public sector
533 organization.

534 (2) During the 2012-2013 fiscal year, the Agency for State



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535 Technology shall, in collaboration with the state agencies and
536 other stakeholders, create a road map for enterprise information
537 technology service consolidation. At a minimum, the road map
538 must include:

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

541 (b) A schedule for the consolidation of state agency data
542 centers.

543 (c) Cost-saving targets and timeframes for when the savings
544 will be realized.

545 (d) Recommendations, including cost estimates, for
546 enhancements to the Northwood Shared Resource Center and the
547 Southwood Shared Resource Center which will improve their
548 ability to deliver enterprise information technology services.

549 (3) By October 15th of each year beginning in 2013, the
550 Agency for State Technology shall develop a comprehensive
551 transition plan for scheduled consolidations occurring in the
552 next fiscal year. This plan shall be submitted to the Governor,
553 the Cabinet, the President of the Senate, and the Speaker of the
554 House of Representatives. The transition plan shall be developed
555 in consultation with other state agencies submitting state
556 agency transition plans. The comprehensive transition plan must
557 include:

558 (a) Recommendations for accomplishing the proposed
559 transitions as efficiently and effectively as possible with
560 minimal disruption to state agency business processes.

561 (b) Strategies to minimize risks associated with any of the
562 proposed consolidations.

563 (c) A compilation of the state agency transition plans



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564 submitted by state agencies scheduled for consolidation for the
565 following fiscal year.

566 (d) An estimate of the cost to provide enterprise
567 information technology services for each state agency scheduled
568 for consolidation.

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

571 (f) The fiscal year adjustments to budget categories in
572 order to absorb the transfer of state agency information
573 technology resources pursuant to the legislative budget request
574 instructions provided in s. 216.023.

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

578 (4) State agencies have the following duties:

579 (a) For the purpose of completing its work activities, each
580 state agency shall provide to the Agency for State Technology
581 all requested information and any other information relevant to
582 the state agency's ability to effectively transition its
583 information technology resources into the agency.

584 (b) For the purpose of completing its work activities, each
585 state agency shall temporarily assign staff to assist the agency
586 with designated tasks as negotiated between the agency and the
587 state agency.

588 (c) Each state agency identified for consolidation into an
589 enterprise information technology service offering must submit a
590 transition plan to the Agency for State Technology by September
591 1 of the fiscal year before the fiscal year in which the
592 scheduled consolidation will occur. Transition plans shall be



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593 developed in consultation with the agency and must include:

594 1. An inventory of the state agency data center's resources
595 being consolidated, including all hardware, software, staff, and
596 contracted services, and the facility resources performing data
597 center management and operations, security, backup and recovery,
598 disaster recovery, system administration, database
599 administration, system programming, mainframe maintenance, job
600 control, production control, print, storage, technical support,
601 help desk, and managed services, but excluding application
602 development.

603 2. A description of the level of services needed to meet
604 the technical and operational requirements of the platforms
605 being consolidated and an estimate of the primary data center's
606 cost for the provision of such services.

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

609 4. A description of the information technology resources
610 proposed to remain in the state agency.

611 5. A baseline project schedule for the completion of the
612 consolidation.

613 6. The specific recurring and nonrecurring budget
614 adjustments of budget resources by appropriation category into
615 the appropriate data processing category pursuant to the
616 legislative budget instructions in s. 216.023 necessary to
617 support state agency costs for the transfer.

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

620 1. Create a new computing service or expand an existing
621 computing service if that service has been designated as an



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622 enterprise information technology service.

623 2. Spend funds before the state agency's scheduled
624 consolidation to an enterprise information technology service to
625 purchase or modify hardware or operations software that does not
626 comply with hardware and software standards established by the
627 Agency for State Technology.

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

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

634 5. Initiate a new computing service with any service
635 provider other than the Agency for State Technology if that
636 service has been designated as an enterprise information
637 technology service.

638 (b) Exceptions to the limitations in subparagraphs (a)1.,
639 2., 3., and 5. may be granted by the Agency for State Technology
640 if there is insufficient capacity in the primary data centers to
641 absorb the workload associated with agency computing services,
642 expenditures are compatible with the scheduled consolidation and
643 established standards, or the equipment or resources are needed
644 to meet a critical state agency business need that cannot be
645 satisfied from surplus equipment or resources of the primary
646 data center until the state agency data center is consolidated.

647 1. A request for an exception must be submitted in writing
648 to the Agency for State Technology. The agency must accept,
649 accept with conditions, or deny the request within 60 days after
650 receipt of the written request. The agency's decision is not



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651 subject to chapter 120.

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

654 a. A detailed description of the capacity requirements of
655 the state agency requesting the exception.

656 b. Documentation from the state agency head demonstrating
657 why it is critical to the state agency's mission that the
658 expansion or transfer must be completed within the fiscal year
659 rather than when capacity is established at a primary data
660 center.

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

665 Section 7. Section 282.0056, Florida Statutes, is amended
666 to read:

667 282.0056 Strategic plan, development of work plan, and
668 ~~development of implementation plans; and~~ policy
669 recommendations.-

670 (1) In order to provide a systematic process for meeting
671 the state's technology needs, the executive director of the
672 Agency for State Technology shall develop a biennial state
673 Information Technology Resources Strategic Plan. The Governor
674 and Cabinet shall approve the plan before transmitting it to the
675 Legislature, biennially, starting October 1, 2013. The plan must
676 include the following elements:

677 (a) The vision, goals, initiatives, and targets for state
678 information technology for the short term of 2 years, midterm of
679 3 to 5 years, and long term of more than 5 years.



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680 (b) An inventory of the information technology resources in
681 state agencies and major projects currently in progress and
682 planned. This does not imply that the agency has approval
683 authority over major projects. As used in this section, the term
684 "major project" means projects that cost more than \$1 million to
685 implement.

686 (c) An analysis of opportunities for statewide initiatives
687 that would yield efficiencies, cost savings, or avoidance or
688 improve effectiveness in state programs. The analysis must
689 include:

690 1. Information technology services that should be designed,
691 delivered, and managed as enterprise information technology
692 services.

693 2. Techniques for consolidating the purchase of information
694 technology commodities and services that may result in savings
695 for the state and for establishing a process to achieve savings
696 through consolidated purchases.

697 (d) Recommended initiatives based on the analysis in
698 paragraph (c).

699 (e) Implementation plans for enterprise information
700 technology services that the agency recommends be established in
701 law in the upcoming fiscal year. The implementation plans must
702 describe the scope of the service, requirements analyses, costs
703 and savings projects, and a project schedule for statewide
704 implementation.

705 (2) Each state agency shall, biennially, provide to the
706 agency the inventory required under paragraph (1)(b). The agency
707 shall consult with and assist state agencies in the preparation
708 of these inventories. Each state agency shall submit its plan to



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709 the agency biennially, starting January 1, 2013.

710 (3) For the purpose of completing its work activities, each
711 state agency shall provide to the agency all requested
712 information, including, but not limited to, the state agency's
713 costs, service requirements, staffing, and equipment
714 inventories.

715 (4) ~~(1)~~ For the purpose of ensuring accountability for the
716 duties and responsibilities of the executive director and the
717 agency under ss. 14.206 and 282.0055, the executive director ~~For~~
718 ~~the purposes of carrying out its responsibilities under s.~~
719 ~~282.0055, the Agency for Enterprise Information Technology shall~~
720 develop an annual work plan within 60 days after the beginning
721 of the fiscal year describing the activities that the agency
722 intends to undertake for that year and identify the critical
723 success factors, risks, and issues associated with the work
724 planned. The work plan must also include planned ~~including~~
725 ~~proposed~~ outcomes and ~~completion~~ timeframes for the planning and
726 implementation of ~~all~~ enterprise information technology
727 services. The work plan must align with the state Information
728 Technology Strategic Plan, be presented at a public hearing, and
729 be approved by the Governor and Cabinet; ~~and,~~ thereafter, be
730 submitted to the President of the Senate and the Speaker of the
731 House of Representatives. The work plan may be amended as
732 needed, subject to approval by the Governor and Cabinet.

733 ~~(2) The agency may develop and submit to the President of~~
734 ~~the Senate, the Speaker of the House of Representatives, and the~~
735 ~~Governor by October 1 of each year implementation plans for~~
736 ~~proposed enterprise information technology services to be~~
737 ~~established in law.~~



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738 ~~(3) In developing policy recommendations and implementation~~
739 ~~plans for established and proposed enterprise information~~
740 ~~technology services, the agency shall describe the scope of~~
741 ~~operation, conduct costs and requirements analyses, conduct an~~
742 ~~inventory of all existing information technology resources that~~
743 ~~are associated with each service, and develop strategies and~~
744 ~~timeframes for statewide migration.~~

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

749 (5) For the purpose of ensuring accountability for the
750 duties and responsibilities of the executive director and the
751 agency under ss. 14.206 and 282.0055, within 60 days after the
752 end of each fiscal year, the executive director agency shall
753 report to the Governor and Cabinet, the President of the Senate,
754 and the Speaker of the House of Representatives on what was
755 achieved or not achieved in the prior year's work plan.

756 Section 8. Section 282.201, Florida Statutes, is amended to
757 read:

758 (Substantial rewording of section. See
759 s. 282.201, Florida Statutes, for current text.)
760 282.201 State data center system; agency duties and
761 limitations.—A state data center system that includes all
762 primary data centers, other nonprimary data centers, and
763 computing facilities, and that provides an enterprise
764 information technology service, is established.

765 (1) INTENT.—The Legislature finds that the most efficient
766 and effective means of providing quality utility data processing



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767 services to state agencies requires that computing resources be
768 concentrated in quality facilities that provide the proper
769 security, infrastructure, and staff resources to ensure that the
770 state's data is maintained reliably and safely and is
771 recoverable in the event of a disaster. Efficiencies resulting
772 from such consolidation include the increased ability to
773 leverage technological expertise and hardware and software
774 capabilities; increased savings through consolidated purchasing
775 decisions; and the enhanced ability to deploy technology
776 improvements and implement new policies consistently throughout
777 the consolidated organization.

778 (2) AGENCY FOR STATE TECHNOLOGY DUTIES.—The agency shall:

779 (a) By October 1, 2013, provide to the Governor and
780 Cabinet, recommendations for approving, confirming, and removing
781 primary data center designation. Upon the approval of the
782 Governor and Cabinet of primary data center designations,
783 existing primary data center designations are repealed.

784 (b) By October 1 of each year, beginning in 2013, provide
785 recommendations to the Governor, Cabinet, and Legislature
786 relating to changes to the schedule for the consolidations of
787 state agency data centers. Changes to the consolidation schedule
788 must be based on the goals of maximizing efficiency of service
789 delivery and current and future cost savings.

790 (3) STATE AGENCY DUTIES.—

791 (a) Any state agency that is consolidating agency data
792 centers into a primary data center must execute a new or update
793 an existing memorandum of understanding within 60 days after the
794 specified consolidation date, as required by s. 282.203, in
795 order to specify the services and levels of service it is to



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796 receive from the primary data center as a result of the
797 consolidation. If a state agency is unable to execute a
798 memorandum of understanding by that date, the state agency shall
799 submit a report to the Executive Office of the Governor, the
800 Cabinet, the President of the Senate, and the Speaker of the
801 House of Representatives within 5 working days after that date
802 which explains the specific issues preventing execution and
803 describes its plan and schedule for resolving those issues.

804 (b) On the date of each consolidation specified in general
805 law or the General Appropriations Act, each state agency shall
806 retain the least-privileged administrative access rights
807 necessary to perform the duties not assigned to the primary data
808 centers.

809 (4) SCHEDULE FOR CONSOLIDATIONS OF STATE AGENCY DATA
810 CENTERS.—Consolidations of state agency data centers are
811 suspended for the 2012-2013 fiscal year. Consolidations shall
812 resume during the 2013-2014 fiscal year based upon a revised
813 schedule developed by the agency. State agency data centers and
814 computing facilities shall be consolidated into the agency by
815 June 30, 2018.

816 Section 9. Section 282.203, Florida Statutes, is amended to
817 read:

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

820 282.203 Primary data centers; duties.—

821 (1) Each primary data center shall:

822 (a) Serve participating state agencies as an information-
823 system utility.

824 (b) Cooperate with participating state agencies to offer,



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825 develop, and support the services and applications.

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

829 (d) Provide transparent financial statements to
830 participating state agencies.

831 (e) Assume the least-privileged administrative access
832 rights necessary to perform the services provided by the data
833 center for the software and equipment that is consolidated into
834 a primary data center.

835 (2) Each primary data center shall enter into a memorandum
836 of understanding with each participating state agency to provide
837 services. A memorandum of understanding may not have a term
838 exceeding 3 years but may include an option to renew for up to 3
839 years. Failure to execute a memorandum within 60 days after
840 service commencement shall, in the case of a participating state
841 agency, result in the continuation of the terms of the
842 memorandum of understanding from the previous fiscal year,
843 including any amendments that were formally proposed to the
844 state agency by the primary data center within the 3 months
845 before service commencement, and a revised cost-of-service
846 estimate. If a participating state agency fails to execute a
847 memorandum of understanding within 60 days after service
848 commencement, the data center may cease providing services.

849 Section 10. Effective December 31, 2013, section 282.204,
850 Florida Statutes, is repealed.

851 Section 11. Effective December 31, 2013, section 282.205,
852 Florida Statutes, is repealed.

853 Section 12. Section 282.33, Florida Statutes, is repealed.



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854 Section 13. Section 282.206, Florida Statutes, is created
855 to read:

856 282.206 Fletcher Shared Resource Center.—The Fletcher
857 Shared Resource Center is established as a state agency within
858 the Department of Financial Services.

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

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

865 (3) The center shall provide collocation services to the
866 Department of Legal Affairs and the Department of Agriculture
867 and Consumer Services.

868 (4) The Department of Financial Services shall continue to
869 use the Fletcher Shared Resource Center, provide full service to
870 the Office of Financial Regulation and the Office of Insurance
871 Regulation, and host the Legislative Appropriations
872 System/Planning and Budgeting Subsystem (LAS/PBS).

873 (5) The center shall be governed through a master
874 memorandum of understanding and complemented by a steering
875 committee comprised of the chief information officers of the
876 Department of Legal Affairs, the Department of Agriculture and
877 Consumer Services, and the Department of Financial Services. The
878 steering committee shall meet quarterly to ensure that customers
879 are receiving expected services in accordance with the
880 memorandum of understanding and to discuss services and
881 structure. The committee may create ad hoc workgroups to account
882 for, mitigate, and manage any unforeseen issues.



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

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

888 Section 14. Section 282.33, Florida Statutes, is repealed.

889 Section 15. Section 282.34, Florida Statutes, is amended to
890 read:

891 282.34 Statewide e-mail service.—A statewide e-mail service
892 that includes the delivery and support of e-mail, messaging, and
893 calendaring capabilities is established as an enterprise
894 information technology service as defined in s. 282.0041. The
895 service shall be provisioned ~~designed~~ to meet the needs of all
896 executive branch agencies and may also be used by other public
897 sector ~~nonstate-agency~~ entities. The primary goals of the
898 service are to leverage the state's existing investment in e-
899 mail; provide a reliable collaborative communication service to
900 state agencies; minimize the state investment required to
901 establish, operate, and support the statewide service; reduce
902 the cost of current e-mail operations and the number of
903 duplicative e-mail systems; and eliminate the need for each
904 state agency to maintain its own e-mail staff.

905 (1) The Agency for State Technology shall reevaluate the
906 current contract for enterprise e-mail services to ensure it
907 meets the primary goals of the service.

908 (2) Except as specified in subsection (3), all state
909 agencies shall receive their primary e-mail services exclusively
910 through the Agency for State Technology.

911 (3) The Department of Agriculture and Consumer Services,



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912 the Department of Financial Services, the Office of Financial
913 Regulation, and the Office of Insurance Regulation may receive
914 e-mail services from the Fletcher Shared Resource Center or the
915 Agency for State Technology.

916 ~~(1) The Southwood Shared Resource Center, a primary data~~
917 ~~center, shall be the provider of the statewide e-mail service~~
918 ~~for all state agencies. The center shall centrally host, manage,~~
919 ~~operate, and support the service, or outsource the hosting,~~
920 ~~management, operational, or support components of the service in~~
921 ~~order to achieve the primary goals identified in this section.~~

922 ~~(2) The Agency for Enterprise Information Technology, in~~
923 ~~cooperation and consultation with all state agencies, shall~~
924 ~~prepare and submit for approval by the Legislative Budget~~
925 ~~Commission at a meeting scheduled before June 30, 2011, a~~
926 ~~proposed plan for the migration of all state agencies to the~~
927 ~~statewide e-mail service. The plan for migration must include:~~

928 ~~(a) A cost-benefit analysis that compares the total~~
929 ~~recurring and nonrecurring operating costs of the current agency~~
930 ~~e-mail systems, including monthly mailbox costs, staffing,~~
931 ~~licensing and maintenance costs, hardware, and other related e-~~
932 ~~mail product and service costs to the costs associated with the~~
933 ~~proposed statewide e-mail service. The analysis must also~~
934 ~~include:~~

935 ~~1. A comparison of the estimated total 7-year life-cycle~~
936 ~~cost of the current agency e-mail systems versus the feasibility~~
937 ~~of funding the migration and operation of the statewide e-mail~~
938 ~~service.~~

939 ~~2. An estimate of recurring costs associated with the~~
940 ~~energy consumption of current agency e-mail equipment, and the~~



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941 ~~basis for the estimate.~~

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

945 ~~(b) A proposed migration date for all state agencies to be~~
946 ~~migrated to the statewide e-mail service. The Agency for~~
947 ~~Enterprise Information Technology shall work with the Executive~~
948 ~~Office of the Governor to develop the schedule for migrating all~~
949 ~~state agencies to the statewide e-mail service except for the~~
950 ~~Department of Legal Affairs. The Department of Legal Affairs~~
951 ~~shall provide to the Agency for Enterprise Information~~
952 ~~Technology by June 1, 2011, a proposed migration date based upon~~
953 ~~its decision to participate in the statewide e-mail service and~~
954 ~~the identification of any issues that require resolution in~~
955 ~~order to migrate to the statewide e-mail service.~~

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

961 ~~(d) A budget amendment, submitted pursuant to chapter 216,~~
962 ~~for adjustments to the Southwood Shared Resource Center approved~~
963 ~~operating budget to include adjustments in the number of~~
964 ~~authorized positions, salary budget and associated rate,~~
965 ~~necessary to implement the statewide e-mail service.~~

966 ~~(3) Contingent upon approval by the Legislative Budget~~
967 ~~Commission, the Southwood Shared Resource Center may contract~~
968 ~~for the provision of a statewide e-mail service. Executive~~
969 ~~branch agencies must be completely migrated to the statewide e-~~



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970 ~~mail service based upon the migration date included in the~~
971 ~~proposed plan approved by the Legislative Budget Commission.~~

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

976 ~~(5) Subsequent to the approval of the consolidated budget~~
977 ~~amendment to reflect budget adjustments necessary to migrate to~~
978 ~~the statewide e-mail service, an agency may make adjustments~~
979 ~~subject to s. 216.177, notwithstanding provisions in chapter 216~~
980 ~~which may require such adjustments to be approved by the~~
981 ~~Legislative Budget Commission.~~

982 ~~(6) No agency may initiate a new e-mail service or execute~~
983 ~~a new e-mail contract or amend a current e-mail contract, other~~
984 ~~than with the Southwood Shared Resource Center, for nonessential~~
985 ~~products or services unless the Legislative Budget Commission~~
986 ~~denies approval for the Southwood Shared Resource Center to~~
987 ~~enter into a contract for the statewide e-mail service.~~

988 ~~(7) The Agency for Enterprise Information Technology shall~~
989 ~~work with the Southwood Shared Resource Center to develop an~~
990 ~~implementation plan that identifies and describes the detailed~~
991 ~~processes and timelines for an agency's migration to the~~
992 ~~statewide e-mail service based on the migration date approved by~~
993 ~~the Legislative Budget Commission. The agency may establish and~~
994 ~~coordinate workgroups consisting of agency e-mail management,~~
995 ~~information technology, budget, and administrative staff to~~
996 ~~assist the agency in the development of the plan.~~

997 ~~(8) Each executive branch agency shall provide all~~
998 ~~information necessary to develop the implementation plan,~~



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999 ~~including, but not limited to, required mailbox features and the~~
1000 ~~number of mailboxes that will require migration services. Each~~
1001 ~~agency must also identify any known business, operational, or~~
1002 ~~technical plans, limitations, or constraints that should be~~
1003 ~~considered when developing the plan.~~

1004 Section 16. Section 282.702, Florida Statutes, is amended
1005 to read:

1006 282.702 Powers and duties.—The Agency for State Technology
1007 ~~Department of Management Services~~ shall have the following
1008 powers, duties, and functions:

1009 (1) To publish electronically the portfolio of services
1010 available from the agency department, including pricing
1011 information; the policies and procedures governing usage of
1012 available services; and a forecast of the agency's department's
1013 priorities for each telecommunications service.

1014 (2) To adopt technical standards by rule for the state
1015 telecommunications network which ensure the interconnection and
1016 operational security of computer networks, telecommunications,
1017 and information systems of agencies.

1018 (3) To enter into agreements related to information
1019 technology and telecommunications services with state agencies
1020 and political subdivisions of the state.

1021 (4) To purchase from or contract with information
1022 technology providers for information technology, including
1023 private line services.

1024 (5) To apply for, receive, and hold authorizations,
1025 patents, copyrights, trademarks, service marks, licenses, and
1026 allocations or channels and frequencies to carry out the
1027 purposes of this part.



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1028 (6) To purchase, lease, or otherwise acquire and to hold,
1029 sell, transfer, license, or otherwise dispose of real, personal,
1030 and intellectual property, including, but not limited to,
1031 patents, trademarks, copyrights, and service marks.

1032 (7) To cooperate with any federal, state, or local
1033 emergency management agency in providing for emergency
1034 telecommunications services.

1035 (8) To control and approve the purchase, lease, or
1036 acquisition and the use of telecommunications services,
1037 software, circuits, and equipment provided as part of any other
1038 total telecommunications system to be used by the state or its
1039 agencies.

1040 (9) To adopt rules pursuant to ss. 120.536(1) and 120.54
1041 relating to telecommunications and to administer the provisions
1042 of this part.

1043 (10) To apply for and accept federal funds for the purposes
1044 of this part as well as gifts and donations from individuals,
1045 foundations, and private organizations.

1046 (11) To monitor issues relating to telecommunications
1047 facilities and services before the Florida Public Service
1048 Commission and the Federal Communications Commission and, if
1049 necessary, prepare position papers, prepare testimony, appear as
1050 a witness, and retain witnesses on behalf of state agencies in
1051 proceedings before the commissions.

1052 (12) Unless delegated to the state agencies by the agency
1053 ~~department~~, to manage and control, but not intercept or
1054 interpret, telecommunications within the SUNCOM Network by:

1055 (a) Establishing technical standards to physically
1056 interface with the SUNCOM Network.



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1057 (b) Specifying how telecommunications are transmitted
1058 within the SUNCOM Network.

1059 (c) Controlling the routing of telecommunications within
1060 the SUNCOM Network.

1061 (d) Establishing standards, policies, and procedures for
1062 access to and the security of the SUNCOM Network.

1063 (e) Ensuring orderly and reliable telecommunications
1064 services in accordance with the service level agreements
1065 executed with state agencies.

1066 (13) To plan, design, and conduct experiments for
1067 telecommunications services, equipment, and technologies, and to
1068 implement enhancements in the state telecommunications network
1069 if in the public interest and cost-effective. Funding for such
1070 experiments must be derived from SUNCOM Network service revenues
1071 and may not exceed 2 percent of the annual budget for the SUNCOM
1072 Network for any fiscal year or as provided in the General
1073 Appropriations Act. New services offered as a result of this
1074 subsection may not affect existing rates for facilities or
1075 services.

1076 (14) To enter into contracts or agreements, with or without
1077 competitive bidding or procurement, to make available, on a
1078 fair, reasonable, and nondiscriminatory basis, property and
1079 other structures under agency ~~departmental~~ control for the
1080 placement of new facilities by any wireless provider of mobile
1081 service as defined in 47 U.S.C. s. 153(27) or s. 332(d) and any
1082 telecommunications company as defined in s. 364.02 if it is
1083 practical and feasible to make such property or other structures
1084 available. The agency ~~department~~ may, without adopting a rule,
1085 charge a just, reasonable, and nondiscriminatory fee for the



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1086 placement of the facilities, payable annually, based on the fair
1087 market value of space used by comparable telecommunications
1088 facilities in the state. The agency ~~department~~ and a wireless
1089 provider or telecommunications company may negotiate the
1090 reduction or elimination of a fee in consideration of services
1091 provided to the agency ~~department~~ by the wireless provider or
1092 telecommunications company. All such fees collected by the
1093 agency ~~department~~ shall be deposited directly into the Law
1094 Enforcement Radio Operating Trust Fund, and may be used by the
1095 agency ~~department~~ to construct, maintain, or support the system.

1096 (15) Establish policies that ensure that the agency's
1097 ~~department's~~ cost-recovery methodologies, billings, receivables,
1098 expenditures, budgeting, and accounting data are captured and
1099 reported timely, consistently, accurately, and transparently and
1100 are in compliance with all applicable federal and state laws and
1101 rules. The agency ~~department~~ shall annually submit to the
1102 Governor, the President of the Senate, and the Speaker of the
1103 House of Representatives a report that describes each service
1104 and its cost, the billing methodology for recovering the cost of
1105 the service, and, if applicable, the identity of those services
1106 that are subsidized.

1107 (16) Develop a plan for statewide voice-over-Internet
1108 protocol services. The plan shall include cost estimates and the
1109 estimated return on investment. The plan shall be submitted to
1110 the Governor, the Cabinet, the President of the Senate, and the
1111 Speaker of the House of Representatives by June 30, 2013.

1112 Section 17. Section 364.0135, Florida Statutes, is amended
1113 to read:

1114 364.0135 Promotion of broadband adoption.—



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1115 (1) The Legislature finds that the sustainable adoption of
1116 broadband Internet service is critical to the economic and
1117 business development of the state and is beneficial for
1118 libraries, schools, colleges and universities, health care
1119 providers, and community organizations. The term "sustainable
1120 adoption" means the ability for communications service providers
1121 to offer broadband services in all areas of the state by
1122 encouraging adoption and utilization levels that allow for these
1123 services to be offered in the free market absent the need for
1124 governmental subsidy.

1125 (2) As the provider of the state and local government
1126 networks in accordance with part III of chapter 282, the Agency
1127 for State Technology shall use its expertise in broadband
1128 technologies, and associations with the telecommunications
1129 industry to foster the goals described in subsection (1).

1130 (3)(2) The Agency for State Technology may ~~Department of~~
1131 ~~Management Services is authorized to~~ work collaboratively with,
1132 and to receive staffing support and other resources from,
1133 Enterprise Florida, Inc., state agencies, local governments,
1134 private businesses, and community organizations to:

1135 (a) Monitor the adoption of broadband Internet service in
1136 collaboration with communications service providers, including,
1137 but not limited to, wireless and wireline Internet service
1138 providers, to develop geographical information system maps at
1139 the census tract level that ~~will~~:

1140 1. Identify geographic gaps in broadband services,
1141 including areas unserved by any broadband provider and areas
1142 served by a single broadband provider;

1143 2. Identify the download and upload transmission speeds



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1144 made available to businesses and individuals in the state, at
1145 the census tract level of detail, using data rate benchmarks for
1146 broadband service used by the Federal Communications Commission
1147 to reflect different speed tiers; and

1148 3. Provide a baseline assessment of statewide broadband
1149 deployment in terms of percentage of households with broadband
1150 availability.

1151 (b) Assist other public and private entities with planning,
1152 obtaining resources, and initiating projects to achieve the
1153 goals described in subsection (1). This assistance shall be
1154 directed to the entities with the most suitable expertise,
1155 resources, and capabilities to contribute to these goals and
1156 cultivate collaboration among such entities to achieve a more
1157 comprehensive strategic approach.

1158 (c)~~(b)~~ Create a strategic plan that has goals and
1159 strategies for increasing the use of broadband Internet service
1160 in the state.

1161 (d)~~(e)~~ Build and facilitate local technology planning teams
1162 or partnerships with members representing cross-sections of the
1163 community, which may include, but are not limited to,
1164 representatives from the following organizations and industries:
1165 libraries, K-12 education, colleges and universities, local
1166 health care providers, private businesses, community
1167 organizations, economic development organizations, local
1168 governments, tourism, parks and recreation, and agriculture.

1169 (e)~~(d)~~ Encourage the use of broadband Internet service,
1170 especially in the rural, unserved, and underserved communities
1171 of the state through grant programs having effective strategies
1172 to facilitate the statewide deployment of broadband Internet



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1173 service. For ~~any~~ grants to be awarded, priority must be given to
1174 projects that:

1175 1. Provide access to broadband education, awareness,
1176 training, access, equipment, and support to libraries, schools,
1177 colleges and universities, health care providers, and community
1178 support organizations.

1179 2. Encourage the sustainable adoption of broadband in
1180 primarily unserved areas by removing barriers to entry.

1181 3. Work toward encouraging investments in establishing
1182 affordable and sustainable broadband Internet service in
1183 unserved areas of the state.

1184 4. Facilitate the development of applications, programs,
1185 and services, including, but not limited to, telework,
1186 telemedicine, and e-learning to increase the usage of, and
1187 demand for, broadband Internet service in the state.

1188 ~~(4)~~ (3) The Agency for State Technology ~~department~~ may apply
1189 for and accept federal funds for purposes of this section, as
1190 well as gifts and donations from individuals, foundations, and
1191 private organizations.

1192 ~~(5)~~ (4) The Agency for State Technology ~~department~~ may:

1193 (a) Enter into contracts necessary or useful to carry out
1194 the purposes of this section.

1195 (b) ~~(5)~~ ~~The department may~~ Establish any committee or
1196 workgroup to administer and carry out the purposes of this
1197 section.

1198 (c) ~~(6)~~ ~~The department may~~ Adopt rules necessary to carry
1199 out the purposes of this section. Any rule, contract, grant, or
1200 other activity undertaken by the agency must ~~department shall~~
1201 ensure that all entities are in compliance with any applicable



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1202 federal or state laws, rules, and regulations, including, but
1203 not limited to, those applicable to private entities providing
1204 communications services for hire and the requirements of s.
1205 350.81.

1206 Section 18. Subsection (2) of section 20.22, Florida
1207 Statutes, is amended to read:

1208 20.22 Department of Management Services.—There is created a
1209 Department of Management Services.

1210 (2) The following divisions and programs are established
1211 within the Department of Management Services ~~are established~~:

1212 (a) Facilities Program.

1213 ~~(b) Technology Program.~~

1214 (b) ~~(e)~~ Workforce Program.

1215 (c) ~~(d)~~ 1. Support Program.

1216 2. Federal Property Assistance Program.

1217 (d) ~~(e)~~ Administration Program.

1218 (e) ~~(f)~~ Division of Administrative Hearings.

1219 (f) ~~(g)~~ Division of Retirement.

1220 (g) ~~(h)~~ Division of State Group Insurance.

1221 Section 19. Paragraph (e) of subsection (2) of section
1222 110.205, Florida Statutes, is amended to read:

1223 110.205 Career service; exemptions.—

1224 (2) EXEMPT POSITIONS.—The exempt positions that are not
1225 covered by this part include the following:

1226 (e) The executive director of ~~Chief Information Officer in~~
1227 the Agency for State Enterprise Information Technology. Unless
1228 otherwise fixed by law, the Governor and Cabinet Agency for
1229 ~~Enterprise Information Technology~~ shall set the salary and
1230 benefits of this position in accordance with the rules of the



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1231 Senior Management Service.

1232 Section 20. Paragraph (o) of subsection (1) of section
1233 215.22, Florida Statutes, is amended to read:

1234 215.22 Certain income and certain trust funds exempt.—

1235 (1) The following income of a revenue nature or the
1236 following trust funds shall be exempt from the appropriation
1237 required by s. 215.20(1):

1238 (o) The Communications Working Capital Trust Fund of the
1239 Agency for State Technology ~~Department of Management Services~~.

1240 Section 21. Subsections (2) and (9) of section 215.322,
1241 Florida Statutes, are amended to read:

1242 215.322 Acceptance of credit cards, charge cards, debit
1243 cards, or electronic funds transfers by state agencies, units of
1244 local government, and the judicial branch.—

1245 (2) A state agency as defined in s. 216.011, or the
1246 judicial branch, may accept credit cards, charge cards, debit
1247 cards, or electronic funds transfers in payment for goods and
1248 services with the prior approval of the Chief Financial Officer.
1249 If the Internet or other related electronic methods are to be
1250 used as the collection medium, the Agency for State Enterprise
1251 ~~Information~~ Technology shall review and recommend to the Chief
1252 Financial Officer whether to approve the request with regard to
1253 the process or procedure to be used.

1254 (9) For payment programs in which credit cards, charge
1255 cards, or debit cards are accepted by state agencies, the
1256 judicial branch, or units of local government, the Chief
1257 Financial Officer, in consultation with the Agency for State
1258 ~~Enterprise Information~~ Technology, may adopt rules to establish
1259 uniform security safeguards for cardholder data and to ensure



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1260 compliance with the Payment Card Industry Data Security
1261 Standards.

1262 Section 22. Paragraph (c) of subsection (6) of section
1263 216.292, Florida Statutes, is amended to read:

1264 216.292 Appropriations nontransferable; exceptions.—

1265 (6) The Chief Financial Officer shall transfer from any
1266 available funds of an agency or the judicial branch the
1267 following amounts and shall report all such transfers and the
1268 reasons therefor to the legislative appropriations committees
1269 and the Executive Office of the Governor:

1270 (c) The amount due to the Communications Working Capital
1271 Trust Fund from moneys appropriated in the General
1272 Appropriations Act for the purpose of paying for services
1273 provided by the state communications system in the Agency for
1274 State Technology ~~Department of Management Services~~ which is
1275 unpaid 45 days after the billing date. The amount transferred
1276 shall be that billed by the department.

1277 Section 23. Subsections (3), (4), (5), and (6) of section
1278 282.318, Florida Statutes, are amended to read:

1279 282.318 Enterprise security of data and information
1280 technology.—

1281 (3) The Agency for State ~~Enterprise Information~~ Technology
1282 is responsible for establishing rules and publishing guidelines
1283 for ensuring an appropriate level of security for all data and
1284 information technology resources for executive branch agencies.
1285 The agency shall also perform the following duties and
1286 responsibilities:

1287 (a) Develop, and annually update by February 1, an
1288 enterprise information security strategic plan that includes



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1289 security goals and objectives for the strategic issues of
1290 information security policy, risk management, training, incident
1291 management, and survivability planning.

1292 (b) Develop enterprise security rules and published
1293 guidelines for:

1294 1. Comprehensive risk analyses and information security
1295 audits conducted by state agencies.

1296 2. Responding to suspected or confirmed information
1297 security incidents, including suspected or confirmed breaches of
1298 personal information or exempt data.

1299 3. Agency security plans, including strategic security
1300 plans and security program plans.

1301 4. The recovery of information technology and data
1302 following a disaster.

1303 5. The managerial, operational, and technical safeguards
1304 for protecting state government data and information technology
1305 resources.

1306 (c) Assist agencies in complying with the provisions of
1307 this section.

1308 (d) Pursue appropriate funding for the purpose of enhancing
1309 domestic security.

1310 (e) Provide training for agency information security
1311 managers.

1312 (f) Annually review the strategic and operational
1313 information security plans of executive branch agencies.

1314 (4) To assist the Agency for State ~~Enterprise Information~~
1315 Technology in carrying out its responsibilities, each state
1316 agency head shall, at a minimum:

1317 (a) Designate an information security manager to administer



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1318 the security program of the state agency for its data and
1319 information technology resources. This designation must be
1320 provided annually in writing to the Agency for State Enterprise
1321 ~~Information~~ Technology by January 1.

1322 (b) Annually submit to the Agency for State Enterprise
1323 ~~Information~~ Technology ~~annually~~ by July 31, the state agency's
1324 comprehensive strategic and operational information security
1325 plans developed pursuant to the rules and guidelines established
1326 by the Agency for State Enterprise Information Technology.

1327 1. The state agency comprehensive strategic information
1328 security plan must cover a 3-year period and define security
1329 goals, intermediate objectives, and projected agency costs for
1330 the strategic issues of agency information security policy, risk
1331 management, security training, security incident response, and
1332 survivability. The plan must be based on the enterprise
1333 strategic information security plan created by the Agency for
1334 State Enterprise Information Technology. Additional issues may
1335 be included.

1336 2. The state agency operational information security plan
1337 must include a progress report for the prior operational
1338 information security plan and a project plan that includes
1339 activities, timelines, and deliverables for security objectives
1340 that, subject to current resources, the state agency will
1341 implement during the current fiscal year. The cost of
1342 implementing the portions of the plan which cannot be funded
1343 from current resources must be identified in the plan.

1344 (c) Conduct, and update every 3 years, a comprehensive risk
1345 analysis to determine the security threats to the data,
1346 information, and information technology resources of the state



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1347 agency. The risk analysis information is confidential and exempt
1348 from ~~the provisions of~~ s. 119.07(1), except that such
1349 information shall be available to the Auditor General and the
1350 Agency for State ~~Enterprise Information~~ Technology for
1351 performing postauditing duties.

1352 (d) Develop, and periodically update, written internal
1353 policies and procedures ~~that, which~~ include procedures for
1354 notifying the Agency for State ~~Enterprise Information~~ Technology
1355 when a suspected or confirmed breach, or an information security
1356 incident, occurs. Such policies and procedures must be
1357 consistent with the rules and guidelines established by the
1358 Agency for State ~~Enterprise Information~~ Technology to ensure the
1359 security of the data, information, and information technology
1360 resources of the state agency. The internal policies and
1361 procedures that, if disclosed, could facilitate the unauthorized
1362 modification, disclosure, or destruction of data or information
1363 technology resources are confidential information and exempt
1364 from s. 119.07(1), except that such information shall be
1365 available to the Auditor General and the Agency for State
1366 ~~Enterprise Information~~ Technology for performing postauditing
1367 duties.

1368 (e) Implement appropriate cost-effective safeguards to
1369 address identified risks to the data, information, and
1370 information technology resources of the state agency.

1371 (f) Ensure that periodic internal audits and evaluations of
1372 the state agency's security program for the data, information,
1373 and information technology resources of the state agency are
1374 conducted. The results of such audits and evaluations are
1375 confidential information and exempt from s. 119.07(1), except



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1376 that such information shall be available to the Auditor General
1377 and the Agency for State ~~Enterprise Information~~ Technology for
1378 performing postauditing duties.

1379 (g) Include appropriate security requirements in the
1380 written specifications for the solicitation of information
1381 technology and information technology resources and services,
1382 which are consistent with the rules and guidelines established
1383 by the Agency for State ~~Enterprise Information~~ Technology.

1384 (h) Provide security awareness training to employees and
1385 users of the state agency's communication and information
1386 resources concerning information security risks and the
1387 responsibility of employees and users to comply with policies,
1388 standards, guidelines, and operating procedures adopted by the
1389 state agency to reduce those risks.

1390 (i) Develop a process for detecting, reporting, and
1391 responding to suspected or confirmed security incidents,
1392 including suspected or confirmed breaches consistent with the
1393 security rules and guidelines established by the Agency for
1394 State ~~Enterprise Information~~ Technology.

1395 1. Suspected or confirmed information security incidents
1396 and breaches must be immediately reported to the Agency for
1397 State ~~Enterprise Information~~ Technology.

1398 2. For incidents involving breaches, agencies shall provide
1399 notice in accordance with s. 817.5681 and to the Agency for
1400 State ~~Enterprise Information~~ Technology in accordance with this
1401 subsection.

1402 (5) Each state agency shall include appropriate security
1403 requirements in the specifications for the solicitation of
1404 contracts for procuring information technology or information



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1405 technology resources or services which are consistent with the
1406 rules and guidelines established by the Agency for State
1407 ~~Enterprise Information~~ Technology.

1408 (6) The Agency for State ~~Enterprise Information~~ Technology
1409 may adopt rules relating to information security and to
1410 administer the provisions of this section.

1411 Section 24. Section 282.604, Florida Statutes, is amended
1412 to read:

1413 282.604 Adoption of rules.—The Agency for State Technology
1414 ~~Department of Management Services~~ shall, with input from
1415 stakeholders, adopt rules pursuant to ~~ss. 120.536(1) and 120.54~~
1416 for the development, procurement, maintenance, and use of
1417 accessible electronic information technology by governmental
1418 units.

1419 Section 25. Section 282.703, Florida Statutes, is amended
1420 to read:

1421 282.703 SUNCOM Network; exemptions from the required use.—

1422 (1) The SUNCOM Network is established within the Agency for
1423 State Technology ~~department~~ as the state enterprise
1424 telecommunications system for providing local and long-distance
1425 communications services to state agencies, political
1426 subdivisions of the state, municipalities, and nonprofit
1427 corporations pursuant to this part. The SUNCOM Network shall be
1428 developed to transmit all types of telecommunications signals,
1429 including, but not limited to, voice, data, video, image, and
1430 radio. State agencies shall cooperate and assist in the
1431 development and joint use of telecommunications systems and
1432 services.

1433 (2) The Agency for State Technology ~~department~~ shall



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1434 design, engineer, implement, manage, and operate through state
1435 ownership, commercial leasing, contracted services, or some
1436 combination thereof, the facilities, equipment, and contracts
1437 providing SUNCOM Network services, and shall develop a system of
1438 equitable billings and charges for telecommunications services.

1439 (3) The Agency for State Technology ~~department~~ shall own,
1440 manage, and establish standards for the telecommunications
1441 addressing and numbering plans for the SUNCOM Network. This
1442 includes distributing or revoking numbers and addresses to
1443 authorized users of the network and delegating or revoking the
1444 delegation of management of subsidiary groups of numbers and
1445 addresses to authorized users of the network.

1446 (4) The Agency for State Technology ~~department~~ shall
1447 maintain a directory of information and services which provides
1448 the names, phone numbers, and e-mail addresses for employees,
1449 state agencies, and network devices that are served, in whole or
1450 in part, by the SUNCOM Network. State agencies and political
1451 subdivisions of the state shall cooperate with the Agency for
1452 State Technology ~~department~~ by providing timely and accurate
1453 directory information in the manner established by the Agency
1454 for State Technology ~~department~~.

1455 (5) All state agencies shall use the SUNCOM Network for
1456 state agency telecommunications services as the services become
1457 available; however, a state ~~an~~ agency is not relieved of
1458 responsibility for maintaining telecommunications services
1459 necessary for effective management of its programs and
1460 functions. The Agency for State Technology ~~department~~ may
1461 provide such communications services to a state university if
1462 requested by the university.



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1463 (a) If a SUNCOM Network service does not meet the
1464 telecommunications requirements of a state ~~an~~ agency, the state
1465 agency must notify the Agency for State Technology ~~department~~ in
1466 writing and detail the requirements for that service. If the
1467 agency ~~department~~ is unable to meet a state ~~an~~ agency's
1468 requirements by enhancing SUNCOM Network service, the Agency for
1469 State Technology ~~department~~ may grant the state agency an
1470 exemption from the required use of specified SUNCOM Network
1471 services.

1472 (b) Unless an exemption has been granted by the agency
1473 ~~department, effective October 1, 2010,~~ all customers of a state
1474 primary data center, excluding state universities, must use the
1475 shared SUNCOM Network telecommunications services connecting the
1476 state primary data center to SUNCOM services for all
1477 telecommunications needs in accordance with agency ~~department~~
1478 rules.

1479 1. Upon discovering ~~discovery of~~ customer noncompliance
1480 with this paragraph, the agency ~~department~~ shall provide the
1481 affected customer with a schedule for transferring to the shared
1482 telecommunications services provided by the SUNCOM Network and
1483 an estimate of all associated costs. The state primary data
1484 centers and their customers shall cooperate with the agency
1485 ~~department~~ to accomplish the transfer.

1486 2. Customers may request an exemption from this paragraph
1487 in the same manner as authorized in paragraph (a).

1488 (6) This section does ~~may not be construed to~~ require a
1489 state university to use SUNCOM Network communication services.

1490 Section 26. Section 282.704, Florida Statutes, is amended
1491 to read:



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1492 282.704 Use of state SUNCOM Network by municipalities.—A
1493 ~~Any~~ municipality may request the Agency for State Technology
1494 ~~department~~ to provide any or all of the SUNCOM Network's
1495 portfolio of communications services upon such terms and
1496 conditions as the agency department may establish. The
1497 requesting municipality shall pay its share of installation and
1498 recurring costs according to the published rates for SUNCOM
1499 Network services and as invoiced by the agency department. Such
1500 municipality shall also pay for any requested modifications to
1501 existing SUNCOM Network services, if any charges apply.

1502 Section 27. Section 282.705, Florida Statutes, is amended
1503 to read:

1504 282.705 Use of state SUNCOM Network by nonprofit
1505 corporations.—

1506 (1) The Agency for State Technology ~~department~~ shall
1507 provide a means whereby private nonprofit corporations under
1508 contract with state agencies or political subdivisions of the
1509 state may use the state SUNCOM Network, subject to the
1510 limitations in this section. In order to qualify to use the
1511 state SUNCOM Network, a nonprofit corporation shall:

1512 (a) Expend the majority of its total direct revenues for
1513 the provision of contractual services to the state, a
1514 municipality, or a political subdivision; and

1515 (b) Receive only a small portion of its total revenues from
1516 any source other than a state agency, a municipality, or a
1517 political subdivision during the time SUNCOM Network services
1518 are requested.

1519 (2) Each nonprofit corporation seeking authorization to use
1520 the state SUNCOM Network shall, upon request, provide to the



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1521 ~~agency department, upon request,~~ proof of compliance with
1522 subsection (1).

1523 (3) Nonprofit corporations established pursuant to general
1524 law and an association of municipal governments which is wholly
1525 owned by the municipalities are eligible to use the state SUNCOM
1526 Network, subject to the terms and conditions of the agency
1527 ~~department~~.

1528 (4) Institutions qualified to participate in the William L.
1529 Boyd, IV, Florida Resident Access Grant Program pursuant to s.
1530 1009.89 are eligible to use the state SUNCOM Network, subject to
1531 the terms and conditions of the agency ~~department~~. Such entities
1532 are not required to satisfy the other criteria of this section.

1533 (5) Private, nonprofit elementary and secondary schools are
1534 eligible for rates and services on the same basis as public
1535 schools if such schools do not have an endowment in excess of
1536 \$50 million.

1537 Section 28. Section 282.706, Florida Statutes, is amended
1538 to read:

1539 282.706 Use of SUNCOM Network by libraries.—The Agency for
1540 State Technology ~~department~~ may provide SUNCOM Network services
1541 to any library in the state, including libraries in public
1542 schools, community colleges, state universities, and nonprofit
1543 private postsecondary educational institutions, and libraries
1544 owned and operated by municipalities and political subdivisions.
1545 This section does ~~may not be construed to~~ require a state
1546 university library to use SUNCOM Network services.

1547 Section 29. Section 282.707, Florida Statutes, is amended
1548 to read:

1549 282.707 SUNCOM Network; criteria for usage.—



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1550 (1) The Agency for State Technology ~~department~~ and
1551 customers served by the agency ~~department~~ shall periodically
1552 review the qualifications of subscribers using the state SUNCOM
1553 Network and terminate services provided to a facility not
1554 qualified under this part or rules adopted hereunder. In the
1555 event of nonpayment of invoices by subscribers whose SUNCOM
1556 Network invoices are paid from sources other than legislative
1557 appropriations, such nonpayment represents good and sufficient
1558 reason to terminate service.

1559 (2) The Agency for State Technology ~~department~~ shall adopt
1560 rules for implementing and operating the state SUNCOM Network,
1561 which include procedures for withdrawing and restoring
1562 authorization to use the state SUNCOM Network. Such rules must
1563 ~~shall~~ provide a minimum of 30 days' notice to affected parties
1564 before terminating voice communications service.

1565 (3) This section does not limit or restrict the ability of
1566 the Florida Public Service Commission to set jurisdictional
1567 tariffs of telecommunications companies.

1568 Section 30. Section 282.709, Florida Statutes, is amended
1569 to read:

1570 282.709 State agency law enforcement radio system and
1571 interoperability network.—

1572 (1) The Agency for State Technology ~~department~~ may acquire
1573 and administer a statewide radio communications system to serve
1574 law enforcement units of state agencies, and to serve local law
1575 enforcement agencies through mutual aid channels.

1576 (a) The agency ~~department~~ ~~shall~~, in conjunction with the
1577 Department of Law Enforcement and the Division of Emergency
1578 Management, shall establish policies, procedures, and standards



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1579 to be incorporated into a comprehensive management plan for the
1580 use and operation of the statewide radio communications system.

1581 (b) The agency ~~department~~ shall bear the overall
1582 responsibility for the design, engineering, acquisition, and
1583 implementation of the statewide radio communications system and
1584 for ensuring the proper operation and maintenance of all common
1585 system equipment.

1586 (c)1. The agency ~~department~~ may rent or lease space on any
1587 tower under its control and refuse to lease space on any tower
1588 at any site.

1589 2. The agency ~~department~~ may rent, lease, or sublease
1590 ground space as necessary to locate equipment to support
1591 antennae on the towers. The costs for the use of such space
1592 shall be established by the agency ~~department~~ for each site if
1593 it is determined to be practicable and feasible to make space
1594 available.

1595 3. The agency ~~department~~ may rent, lease, or sublease
1596 ground space on lands acquired by the agency ~~department~~ for the
1597 construction of privately owned or publicly owned towers. The
1598 agency ~~department~~ may, as a part of such rental, lease, or
1599 sublease agreement, require space on such towers for antennae as
1600 necessary for the construction and operation of the state agency
1601 law enforcement radio system or any other state need.

1602 4. All moneys collected by the agency ~~department~~ for rents,
1603 leases, and subleases under this subsection shall be deposited
1604 directly into the State Agency Law Enforcement Radio System
1605 Trust Fund established in subsection (3) and may be used by the
1606 agency ~~department~~ to construct, maintain, or support the system.

1607 5. The positions necessary for the agency ~~department~~ to



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1608 accomplish its duties under this subsection shall be established
1609 in the General Appropriations Act and funded by the Law
1610 Enforcement Radio Operating Trust Fund or other revenue sources.

1611 (d) The agency ~~department~~ shall exercise its powers and
1612 duties under this part to plan, manage, and administer the
1613 mutual aid channels in the statewide radio communication system.

1614 1. In implementing such powers and duties, the agency
1615 ~~department~~ shall consult and act in conjunction with the
1616 Department of Law Enforcement and the Division of Emergency
1617 Management, and shall manage and administer the mutual aid
1618 channels in a manner that reasonably addresses the needs and
1619 concerns of the involved law enforcement agencies and emergency
1620 response agencies and entities.

1621 2. The agency ~~department~~ may make the mutual aid channels
1622 available to federal agencies, state agencies, and agencies of
1623 the political subdivisions of the state for the purpose of
1624 public safety and domestic security.

1625 (e) The agency ~~department~~ may allow other state agencies to
1626 use the statewide radio communications system under terms and
1627 conditions established by the agency ~~department~~.

1628 (2) The Joint Task Force on State Agency Law Enforcement
1629 Communications is created adjunct to the Agency for State
1630 Technology ~~department~~ to advise the agency ~~department~~ of member-
1631 agency needs relating to the planning, designing, and
1632 establishment of the statewide communication system.

1633 (a) The Joint Task Force on State Agency Law Enforcement
1634 Communications shall consist of eight members, as follows:

1635 1. A representative of the Division of Alcoholic Beverages
1636 and Tobacco of the Department of Business and Professional



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1637 Regulation who shall be appointed by the secretary of the
1638 department.

1639 2. A representative of the Division of Florida Highway
1640 Patrol of the Department of Highway Safety and Motor Vehicles
1641 who shall be appointed by the executive director of the
1642 department.

1643 3. A representative of the Department of Law Enforcement
1644 who shall be appointed by the executive director of the
1645 department.

1646 4. A representative of the Fish and Wildlife Conservation
1647 Commission who shall be appointed by the executive director of
1648 the commission.

1649 5. A representative of the Division of Law Enforcement of
1650 the Department of Environmental Protection who shall be
1651 appointed by the secretary of the department.

1652 6. A representative of the Department of Corrections who
1653 shall be appointed by the secretary of the department.

1654 7. A representative of the Division of State Fire Marshal
1655 of the Department of Financial Services who shall be appointed
1656 by the State Fire Marshal.

1657 8. A representative of the Department of Transportation who
1658 shall be appointed by the secretary of the department.

1659 (b) Each appointed member of the joint task force shall
1660 serve at the pleasure of the appointing official. Any vacancy on
1661 the joint task force shall be filled in the same manner as the
1662 original appointment. A joint task force member may, upon
1663 notification to the chair before the beginning of any scheduled
1664 meeting, appoint an alternative to represent the member on the
1665 task force and vote on task force business in his or her



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1666 absence.

1667 (c) The joint task force shall elect a chair from among its
1668 members to serve a 1-year term. A vacancy in the chair of the
1669 joint task force must be filled for the remainder of the
1670 unexpired term by an election of the joint task force members.

1671 (d) The joint task force shall meet as necessary, but at
1672 least quarterly, at the call of the chair and at the time and
1673 place designated by him or her.

1674 (e) The per diem and travel expenses incurred by a member
1675 of the joint task force in attending its meetings and in
1676 attending to its affairs shall be paid pursuant to s. 112.061,
1677 from funds budgeted to the state agency that the member
1678 represents.

1679 (f) The agency ~~department~~ shall provide technical support
1680 to the joint task force.

1681 (3) (a) The State Agency Law Enforcement Radio System Trust
1682 Fund is established in the Agency for State Technology
1683 ~~department~~ and funded from surcharges collected under ss.
1684 318.18, 320.0802, and 328.72. Upon appropriation, moneys in the
1685 trust fund may be used by the agency ~~department~~ to acquire by
1686 competitive procurement the equipment, software, and
1687 engineering, administrative, and maintenance services it needs
1688 to construct, operate, and maintain the statewide radio system.
1689 Moneys in the trust fund from surcharges shall be used to help
1690 fund the costs of the system. Upon completion of the system,
1691 moneys in the trust fund may also be used by the agency
1692 ~~department~~ for payment of the recurring maintenance costs of the
1693 system.

1694 (b) Funds from the State Agency Law Enforcement Radio



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1695 System Trust Fund may be used by the agency ~~department~~ to fund
1696 mutual aid buildout maintenance and sustainment as appropriated
1697 by law. This paragraph expires July 1, 2012.

1698 (4) The Agency for State Technology ~~department~~ may create
1699 and administer an interoperability network to enable
1700 interoperability between various radio communications
1701 technologies and to serve federal agencies, state agencies, and
1702 agencies of political subdivisions of the state for the purpose
1703 of public safety and domestic security.

1704 (a) The agency ~~department~~ ~~shall~~, in conjunction with the
1705 Department of Law Enforcement and the Division of Emergency
1706 Management, shall exercise its powers and duties pursuant to
1707 this chapter to plan, manage, and administer the
1708 interoperability network. The agency ~~office~~ may:

1709 1. Enter into mutual aid agreements among federal agencies,
1710 state agencies, and political subdivisions of the state for the
1711 use of the interoperability network.

1712 2. Establish the cost of maintenance and operation of the
1713 interoperability network and charge subscribing federal and
1714 local law enforcement agencies for access and use of the
1715 network. The agency ~~department~~ may not charge state law
1716 enforcement agencies identified in paragraph (2) (a) to use the
1717 network.

1718 3. In consultation with the Department of Law Enforcement
1719 and the Division of Emergency Management, amend and enhance the
1720 statewide radio communications system as necessary to implement
1721 the interoperability network.

1722 (b) The agency ~~department~~, in consultation with the Joint
1723 Task Force on State Agency Law Enforcement Communications, and



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1724 in conjunction with the Department of Law Enforcement and the
1725 Division of Emergency Management, shall establish policies,
1726 procedures, and standards to incorporate into a comprehensive
1727 management plan for the use and operation of the
1728 interoperability network.

1729 Section 31. Section 282.7101, Florida Statutes, is amended
1730 to read:

1731 282.7101 Statewide system of regional law enforcement
1732 communications.—

1733 (1) It is the intent and purpose of the Legislature that a
1734 statewide system of regional law enforcement communications be
1735 developed whereby maximum efficiency in the use of existing
1736 radio channels is achieved in order to deal more effectively
1737 with the apprehension of criminals and the prevention of crime.
1738 To this end, all law enforcement agencies within the state are
1739 directed to provide the Agency for State Technology ~~department~~
1740 with any information the agency ~~department~~ requests for the
1741 purpose of implementing the provisions of subsection (2).

1742 (2) The Agency for State Technology shall ~~department is~~
1743 ~~hereby authorized and directed to~~ develop and maintain a
1744 statewide system of regional law enforcement communications. In
1745 formulating such a system, the agency ~~department~~ shall divide
1746 the state into appropriate regions and shall develop a program
1747 that includes, but is not limited to:

1748 (a) The communications requirements for each county and
1749 municipality comprising the region.

1750 (b) An interagency communications provision that depicts
1751 the communication interfaces between municipal, county, and
1752 state law enforcement entities operating within the region.



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1753 (c) A frequency allocation and use provision that includes,
1754 on an entity basis, each assigned and planned radio channel and
1755 the type of operation, simplex, duplex, or half-duplex, on each
1756 channel.

1757 (3) The Agency for State Technology ~~department~~ shall adopt
1758 any necessary rules and regulations for administering and
1759 coordinating the statewide system of regional law enforcement
1760 communications.

1761 (4) The executive director ~~secretary~~ of the Agency for
1762 State Technology ~~department~~ or his or her designee is designated
1763 as the director of the statewide system of regional law
1764 enforcement communications and, for the purpose of carrying out
1765 the provisions of this section, may coordinate the activities of
1766 the system with other interested state agencies and local law
1767 enforcement agencies.

1768 (5) A law enforcement communications system may not be
1769 established or expanded without the prior approval of the Agency
1770 for State Technology ~~department~~.

1771 (6) Within the limits of its capability, the Department of
1772 Law Enforcement is encouraged to lend assistance to the Agency
1773 for State Technology ~~department~~ in the development of the
1774 statewide system of regional law enforcement communications
1775 proposed by this section.

1776 Section 32. Section 282.711, Florida Statutes, is amended
1777 to read:

1778 282.711 Remote electronic access services.—The Agency for
1779 State Technology ~~department~~ may collect fees for providing
1780 remote electronic access pursuant to s. 119.07(2). The fees may
1781 be imposed on individual transactions or as a fixed subscription



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1782 for a designated period of time. All fees collected under this
1783 section shall be deposited in the appropriate trust fund of the
1784 program or activity that made the remote electronic access
1785 available.

1786 Section 33. Subsection (14) of section 287.012, Florida
1787 Statutes, is amended to read:

1788 287.012 Definitions.—As used in this part, the term:

1789 (14) "Information technology" means, but is not limited to,
1790 equipment, hardware, software, mainframe maintenance, firmware,
1791 programs, systems, networks, infrastructure, media, and related
1792 material used to automatically, electronically, and wirelessly
1793 collect, receive, access, transmit, display, store, record,
1794 retrieve, analyze, evaluate, process, classify, manipulate,
1795 manage, assimilate, control, communicate, exchange, convert,
1796 converge, interface, switch, or disseminate information of any
1797 kind or form ~~has the meaning ascribed in s. 282.0041.~~

1798 Section 34. Subsection (22) of section 287.057, Florida
1799 Statutes, is amended to read:

1800 287.057 Procurement of commodities or contractual
1801 services.—

1802 (22) The department, in consultation with the Agency for
1803 State Enterprise Information Technology and the Chief Financial
1804 Officer ~~Comptroller~~, shall develop a program for online
1805 procurement of commodities and contractual services. To enable
1806 the state to promote open competition and to leverage its buying
1807 power, agencies shall participate in the online procurement
1808 program, and eligible users may participate in the program. Only
1809 vendors prequalified as meeting mandatory requirements and
1810 qualifications criteria may participate in online procurement.



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1811 (a) The department, in consultation with the agency, may
1812 contract for equipment and services necessary to develop and
1813 implement online procurement.

1814 (b) The department, in consultation with the agency, shall
1815 adopt rules, pursuant to ss. 120.536(1) and 120.54, to
1816 administer the program for online procurement. The rules shall
1817 include, but not be limited to:

1818 1. Determining the requirements and qualification criteria
1819 for prequalifying vendors.

1820 2. Establishing the procedures for conducting online
1821 procurement.

1822 3. Establishing the criteria for eligible commodities and
1823 contractual services.

1824 4. Establishing the procedures for providing access to
1825 online procurement.

1826 5. Determining the criteria warranting any exceptions to
1827 participation in the online procurement program.

1828 (c) The department may impose and shall collect all fees
1829 for the use of the online procurement systems.

1830 1. The fees may be imposed on an individual transaction
1831 basis or as a fixed percentage of the cost savings generated. At
1832 a minimum, the fees must be set in an amount sufficient to cover
1833 the projected costs of the services, including administrative
1834 and project service costs in accordance with the policies of the
1835 department.

1836 2. If the department contracts with a provider for online
1837 procurement, the department, pursuant to appropriation, shall
1838 compensate the provider from the fees after the department has
1839 satisfied all ongoing costs. The provider shall report



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1840 transaction data to the department each month so that the
1841 department may determine the amount due and payable to the
1842 department from each vendor.

1843 3. All fees that are due and payable to the state on a
1844 transactional basis or as a fixed percentage of the cost savings
1845 generated are subject to s. 215.31 and must be remitted within
1846 40 days after receipt of payment for which the fees are due. For
1847 fees that are not remitted within 40 days, the vendor shall pay
1848 interest at the rate established under s. 55.03(1) on the unpaid
1849 balance from the expiration of the 40-day period until the fees
1850 are remitted.

1851 4. All fees and surcharges collected under this paragraph
1852 shall be deposited in the Operating Trust Fund as provided by
1853 law.

1854 Section 35. Subsection (17) of section 318.18, Florida
1855 Statutes, is amended to read:

1856 318.18 Amount of penalties.—The penalties required for a
1857 noncriminal disposition pursuant to s. 318.14 or a criminal
1858 offense listed in s. 318.17 are as follows:

1859 (17) In addition to any penalties imposed, a surcharge of
1860 \$3 must be paid for all criminal offenses listed in s. 318.17
1861 and for all noncriminal moving traffic violations under chapter
1862 316. Revenue from the surcharge shall be remitted to the
1863 Department of Revenue and deposited quarterly into the State
1864 Agency Law Enforcement Radio System Trust Fund of the Agency for
1865 State Technology ~~Department of Management Services~~ for the state
1866 agency law enforcement radio system, as described in s. 282.709,
1867 and to provide technical assistance to state agencies and local
1868 law enforcement agencies with their statewide systems of



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1869 regional law enforcement communications, as described in s.
1870 282.7101. This subsection expires July 1, 2012. The Agency for
1871 State Technology ~~Department of Management Services~~ may retain
1872 funds sufficient to recover the costs and expenses incurred for
1873 managing, administering, and overseeing the Statewide Law
1874 Enforcement Radio System, and providing technical assistance to
1875 state agencies and local law enforcement agencies with their
1876 statewide systems of regional law enforcement communications.
1877 The Agency for State Technology ~~Department of Management~~
1878 ~~Services~~ working in conjunction with the Joint Task Force on
1879 State Agency Law Enforcement Communications shall determine and
1880 direct the purposes for which these funds are used to enhance
1881 and improve the radio system.

1882 Section 36. Section 320.0802, Florida Statutes, is amended
1883 to read:

1884 320.0802 Surcharge on license tax.—A surcharge ~~There~~ is
1885 hereby levied and imposed on each license tax imposed under s.
1886 320.08, except those set forth in s. 320.08(11), ~~a surcharge~~ in
1887 the amount of \$1, which shall be collected in the same manner as
1888 the license tax and deposited into the State Agency Law
1889 Enforcement Radio System Trust Fund of the Agency for State
1890 Technology ~~Department of Management Services~~.

1891 Section 37. Subsection (9) of section 328.72, Florida
1892 Statutes, is amended to read:

1893 328.72 Classification; registration; fees and charges;
1894 surcharge; disposition of fees; fines; marine turtle stickers.—

1895 (9) SURCHARGE.—In addition, a surcharge ~~there~~ is hereby
1896 levied and imposed on each vessel registration fee imposed under
1897 subsection (1) ~~a surcharge~~ in the amount of \$1 for each 12-month



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1898 period of registration, which shall be collected in the same
1899 manner as the fee and deposited into the State Agency Law
1900 Enforcement Radio System Trust Fund of the Agency for State
1901 Technology Department of Management Services.

1902 Section 38. Subsections (3), (4), (5), (7), (9), (10), and
1903 (11) of section 365.171, Florida Statutes, are amended to read:

1904 365.171 Emergency communications number E911 state plan.—

1905 (3) DEFINITIONS.—As used in this section, the term:

1906 (a) "Agency" means the Agency for State Technology "Office"
1907 ~~means the Technology Program within the Department of Management~~
1908 ~~Services, as designated by the secretary of the department.~~

1909 (b) "Local government" means municipality ~~any city~~, county,
1910 or political subdivision of the state and its agencies.

1911 (c) "Public agency" means the state and any municipality
1912 ~~city~~, county, municipality ~~city~~ and county, municipal
1913 corporation, chartered organization, public district, or public
1914 authority located in whole or in part within this state which
1915 provides, or has authority to provide, firefighting, law
1916 enforcement, ambulance, medical, or other emergency services.

1917 (d) "Public safety agency" means a functional division of a
1918 public agency which provides firefighting, law enforcement,
1919 medical, or other emergency services.

1920 (4) STATE PLAN.—The agency ~~office~~ shall develop, maintain,
1921 and implement appropriate modifications for a statewide
1922 emergency communications E911 system plan. The plan must ~~shall~~
1923 provide for:

1924 (a) The public agency emergency communications requirements
1925 for each entity of local government in the state.

1926 (b) A system to meet specific local government



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1927 requirements. Such system shall include law enforcement,
1928 firefighting, and emergency medical services and may include
1929 other emergency services such as poison control, suicide
1930 prevention, and emergency management services.

1931 (c) Identification of the mutual aid agreements necessary
1932 to obtain an effective E911 system.

1933 (d) A funding provision that identifies the cost necessary
1934 to implement the E911 system.

1935

1936 The agency is office shall be responsible for the implementation
1937 and coordination of such plan. The agency office shall adopt any
1938 necessary rules and schedules related to public agencies for
1939 implementing and coordinating the plan, ~~pursuant to chapter 120.~~

1940 (5) SYSTEM DIRECTOR.—The executive director of the agency
1941 ~~secretary of the department~~ or his or her designee is designated
1942 as the director of the statewide emergency communications number
1943 E911 system and, for the purpose of carrying out the provisions
1944 of this section, may is authorized to coordinate the activities
1945 of the system with state, county, local, and private agencies.
1946 The director, in implementing the system, shall consult,
1947 cooperate, and coordinate with local law enforcement agencies.

1948 (7) TELECOMMUNICATIONS INDUSTRY COORDINATION.—The agency
1949 ~~office~~ shall coordinate with the Florida Public Service
1950 Commission ~~to which shall~~ encourage the Florida
1951 telecommunications industry to activate facility modification
1952 plans for timely E911 implementation.

1953 (9) SYSTEM APPROVAL.—~~An No~~ emergency communications number
1954 E911 system may not shall be established and a ~~and no~~ present
1955 system may not shall be expanded without prior approval of the



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1956 agency office.

1957 (10) COMPLIANCE.—All public agencies shall assist the
1958 agency office in their efforts to carry out the intent of this
1959 section, and such agencies shall comply with the developed plan.

1960 (11) FEDERAL ASSISTANCE.—The executive director of the
1961 agency secretary of the department or his or her designee may
1962 apply for and accept federal funding assistance in the
1963 development and implementation of a statewide emergency
1964 communications number E911 system.

1965 Section 39. Paragraphs (a) through (s) of subsection (3) of
1966 section 365.172, Florida Statutes, are redesignated as
1967 paragraphs (b) through (t), respectively, a new paragraph (a) is
1968 added to that subsection, and paragraph (d) of subsection (2),
1969 present paragraph (t) of subsection (3), subsection (4),
1970 paragraph (a) of subsection (5), paragraph (c) of subsection
1971 (6), and paragraph (f) of subsection (12) of that section are
1972 amended to read:

1973 365.172 Emergency communications number "E911."—

1974 (2) LEGISLATIVE INTENT.—It is the intent of the Legislature
1975 to:

1976 (d) Provide for an E911 board to administer the fee, with
1977 oversight by the Agency for State Technology office, in a manner
1978 that is competitively and technologically neutral as to all
1979 voice communications services providers.

1980
1981 It is further the intent of the Legislature that the fee
1982 authorized or imposed by this section not necessarily provide
1983 the total funding required for establishing or providing E911
1984 service.



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1985 (3) DEFINITIONS.—Only as used in this section and ss.
1986 365.171, 365.173, and 365.174, the term:

1987 (a) “Agency” means the Agency for State Technology.

1988 ~~(t) “Office” means the Technology Program within the~~
1989 ~~Department of Management Services, as designated by the~~
1990 ~~secretary of the department.~~

1991 (4) POWERS AND DUTIES OF THE AGENCY FOR STATE TECHNOLOGY
1992 ~~OFFICE~~.—The agency office shall oversee the administration of
1993 the fee authorized and imposed on subscribers of voice
1994 communications services under subsection (8).

1995 (5) THE E911 BOARD.—

1996 (a) The E911 Board is established to administer, with
1997 oversight by the agency office, the fee imposed under subsection
1998 (8), including receiving revenues derived from the fee;
1999 distributing portions of the revenues to wireless providers,
2000 counties, and the agency office; accounting for receipts,
2001 distributions, and income derived by the funds maintained in the
2002 fund; and providing annual reports to the Governor and the
2003 Legislature for submission by the agency office on amounts
2004 collected and expended, the purposes for which expenditures have
2005 been made, and the status of E911 service in this state. In
2006 order to advise and assist the agency office in carrying out the
2007 purposes of this section, the board, which shall have the power
2008 of a body corporate, has the powers enumerated in subsection
2009 (6).

2010 (6) AUTHORITY OF THE BOARD; ANNUAL REPORT.—

2011 (c) By February 28 of each year, the board shall prepare a
2012 report for submission by the agency office to the Governor, the
2013 President of the Senate, and the Speaker of the House of



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2014 Representatives which addresses for the immediately preceding
2015 calendar year:

2016 1. The annual receipts, including the total amount of fee
2017 revenues collected by each provider, the total disbursements of
2018 money in the fund, including the amount of fund-reimbursed
2019 expenses incurred by each wireless provider to comply with the
2020 order, and the amount of moneys on deposit in the fund.

2021 2. Whether the amount of the fee and the allocation
2022 percentages set forth in s. 365.173 have been or should be
2023 adjusted to comply with the requirements of the order or other
2024 provisions of this chapter, and the reasons for making or not
2025 making a recommended adjustment to the fee.

2026 3. Any other issues related to providing E911 services.

2027 4. The status of E911 services in this state.

2028 (12) FACILITATING E911 SERVICE IMPLEMENTATION.—To balance
2029 the public need for reliable E911 services through reliable
2030 wireless systems and the public interest served by governmental
2031 zoning and land development regulations and notwithstanding any
2032 other law or local ordinance to the contrary, the following
2033 standards shall apply to a local government's actions, as a
2034 regulatory body, in the regulation of the placement,
2035 construction, or modification of a wireless communications
2036 facility. This subsection shall not, however, be construed to
2037 waive or alter the provisions of s. 286.011 or s. 286.0115. For
2038 the purposes of this subsection only, "local government" shall
2039 mean any municipality or county and any agency of a municipality
2040 or county only. The term "local government" does not, however,
2041 include any airport, as defined by s. 330.27(2), even if it is
2042 owned or controlled by or through a municipality, county, or



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2043 agency of a municipality or county. Further, notwithstanding
2044 anything in this section to the contrary, this subsection does
2045 not apply to or control a local government's actions as a
2046 property or structure owner in the use of any property or
2047 structure owned by such entity for the placement, construction,
2048 or modification of wireless communications facilities. In the
2049 use of property or structures owned by the local government,
2050 however, a local government may not use its regulatory authority
2051 so as to avoid compliance with, or in a manner that does not
2052 advance, the provisions of this subsection.

2053 (f) Notwithstanding any other law ~~to the contrary~~
2054 ~~notwithstanding~~, the agency ~~Department of Management Services~~
2055 shall negotiate, in the name of the state, leases for wireless
2056 communications facilities that provide access to state
2057 government-owned property not acquired for transportation
2058 purposes, and the Department of Transportation shall negotiate,
2059 in the name of the state, leases for wireless communications
2060 facilities that provide access to property acquired for state
2061 rights-of-way. On property acquired for transportation purposes,
2062 leases shall be granted in accordance with s. 337.251. On other
2063 state government-owned property, leases shall be granted on a
2064 space available, first-come, first-served basis. Payments
2065 required by state government under a lease must be reasonable
2066 and ~~must~~ reflect the market rate for the use of the state
2067 government-owned property. The agency ~~Department of Management~~
2068 ~~Services~~ and the Department of Transportation may ~~are authorized~~
2069 ~~to~~ adopt rules for the terms and conditions and granting of any
2070 such leases.

2071 Section 40. Subsection (1) and paragraph (g) of subsection



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2072 (2) of section 365.173, Florida Statutes, are amended to read:

2073 365.173 Emergency Communications Number E911 System Fund.—

2074 (1) All revenues derived from the fee levied on subscribers
2075 under s. 365.172 must be paid by the board into the State
2076 Treasury on or before the 15th day of each month. Such moneys
2077 must be accounted for in a special fund to be designated as the
2078 Emergency Communications Number E911 System Fund, a fund created
2079 in the Agency for State Technology Program, ~~or other office as~~
2080 ~~designated by the Secretary of Management Services~~, and, for
2081 accounting purposes, must be segregated into two separate
2082 categories:

2083 (a) The wireless category; and

2084 (b) The nonwireless category.

2085

2086 All moneys must be invested by the Chief Financial Officer
2087 pursuant to s. 17.61. All moneys in such fund are to be expended
2088 by the agency office for the purposes provided in this section
2089 and s. 365.172. These funds are not subject to s. 215.20.

2090 (2) As determined by the board pursuant to s.
2091 365.172(8)(h), and subject to any modifications approved by the
2092 board pursuant to s. 365.172(6)(a)3. or (8)(i), the moneys in
2093 the fund shall be distributed and used only as follows:

2094 (g) Two percent of the moneys in the fund shall be used to
2095 make monthly distributions to rural counties for the purpose of
2096 providing facilities and network and service enhancements and
2097 assistance for the 911 or E911 systems operated by rural
2098 counties and for the provision of grants by the agency office to
2099 rural counties for upgrading and replacing E911 systems.

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2101 The Legislature recognizes that the fee authorized under s.
2102 365.172 may not necessarily provide the total funding required
2103 for establishing or providing the E911 service. It is the intent
2104 of the Legislature that all revenue from the fee be used as
2105 specified in this subsection.

2106 Section 41. Subsection (1) of section 365.174, Florida
2107 Statutes, is amended to read:

2108 365.174 Proprietary confidential business information.—

2109 (1) All proprietary confidential business information
2110 submitted by a provider to the board or to the Agency for State
2111 Technology ~~office~~, including the name and billing or service
2112 addresses of service subscribers, and trade secrets as defined
2113 by s. 812.081, is confidential and exempt from s. 119.07(1) and
2114 s. 24(a), Art. I of the State Constitution. Statistical
2115 abstracts of information collected by the board or the agency
2116 ~~office~~ may be released or published, but only in a manner that
2117 does not identify or allow identification of subscribers or
2118 their service numbers or of revenues attributable to any
2119 provider.

2120 Section 42. Section 401.013, Florida Statutes, is amended
2121 to read:

2122 401.013 Legislative intent.—It is the intention and purpose
2123 of the Legislature that a statewide system of regional emergency
2124 medical telecommunications be developed whereby maximum use of
2125 existing radio channels is achieved in order to more effectively
2126 and rapidly provide emergency medical service to the general
2127 population. To this end, all emergency medical service entities
2128 within the state are directed to provide the Agency for State
2129 Technology ~~Department of Management Services~~ with any



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2130 information the agency department requests for the purpose of
2131 implementing ~~the provisions of~~ s. 401.015, and such entities
2132 shall comply with the resultant provisions established pursuant
2133 to this part.

2134 Section 43. Section 401.015, Florida Statutes, is amended
2135 to read:

2136 401.015 Statewide regional emergency medical
2137 telecommunication system.—The Agency for State Technology shall
2138 ~~Department of Management Services is authorized and directed to~~
2139 develop a statewide system of regional emergency medical
2140 telecommunications. For the purpose of this part, the term
2141 “telecommunications” means ~~these~~ voice, data, and signaling
2142 transmissions and receptions between emergency medical service
2143 components, including, but not limited to: ambulances; rescue
2144 vehicles; hospitals or other related emergency receiving
2145 facilities; emergency communications centers; physicians and
2146 emergency medical personnel; paging facilities; law enforcement
2147 and fire protection agencies; and poison control, suicide, and
2148 emergency management agencies. In formulating such a system, the
2149 agency department shall divide the state into appropriate
2150 regions and ~~shall~~ develop a program that ~~which~~ includes, but is
2151 not limited to, the following ~~provisions~~:

2152 (1) A requirements provision that states, ~~which shall state~~
2153 the telecommunications requirements for each emergency medical
2154 entity comprising the region.

2155 (2) An interfacility communications provision that depicts,
2156 ~~which shall depict~~ the telecommunications interfaces between the
2157 various medical service entities that ~~which~~ operate within the
2158 region and state.



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2159 (3) An organizational layout provision that includes, ~~which~~
2160 ~~shall include~~ each emergency medical entity and the number of
2161 radio operating units (base, mobile, handheld, etc.) per entity.

2162 (4) A frequency allocation and use provision that includes,
2163 ~~which shall include~~ on an entity basis each assigned and planned
2164 radio channel and the type of operation (simplex, duplex, half
2165 duplex, etc.) on each channel.

2166 (5) An operational provision that includes, ~~which shall~~
2167 ~~include~~ dispatching, logging, and operating procedures
2168 pertaining to telecommunications on an entity basis and regional
2169 basis.

2170 (6) An emergency medical service telephone provision that
2171 includes, ~~which shall include~~ the telephone and the numbering
2172 plan throughout the region for both the public and interface
2173 requirements.

2174 Section 44. Section 401.018, Florida Statutes, is amended
2175 to read:

2176 401.018 System coordination.—

2177 (1) The statewide system of regional emergency medical
2178 telecommunications shall be developed by the Agency for State
2179 Technology Department of Management Services, which is
2180 ~~department shall be~~ responsible for the implementation and
2181 coordination of such system into the state telecommunications
2182 plan. The agency department shall adopt any necessary rules ~~and~~
2183 ~~regulations~~ for administering ~~implementing~~ and coordinating the
2184 ~~such~~ a system.

2185 (2) The Agency for State Technology Department of
2186 ~~Management Services~~ shall be designated as the state frequency
2187 coordinator for the special emergency radio service.



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2188 Section 45. Section 401.021, Florida Statutes, is amended
2189 to read:

2190 401.021 System director.—The executive director of the
2191 Agency for State Technology ~~Secretary of Management Services~~ or
2192 his or her designee is designated as the director of the
2193 statewide telecommunications system of the regional emergency
2194 medical service and, for the purpose of carrying out the
2195 provisions of this part, may ~~is authorized to~~ coordinate the
2196 activities of the telecommunications system with other
2197 interested state, county, local, and private agencies.

2198 Section 46. Section 401.024, Florida Statutes, is amended
2199 to read:

2200 401.024 System approval.—~~An~~ ~~From July 1, 1973,~~ no emergency
2201 medical telecommunications system may not ~~shall~~ be established
2202 and ~~or~~ present systems may not be expanded without prior
2203 approval of the Agency for State Technology ~~Department of~~
2204 ~~Management Services~~.

2205 Section 47. Section 401.027, Florida Statutes, is amended
2206 to read:

2207 401.027 Federal assistance.—The executive director of the
2208 Agency for State Technology ~~Secretary of Management Services~~ or
2209 his or her designee may ~~is authorized to~~ apply for and accept
2210 federal funding assistance in the development and implementation
2211 of a statewide emergency medical telecommunications system.

2212 Section 48. Paragraph (a) of subsection (2) of section
2213 401.465, Florida Statutes, is amended to read:

2214 401.465 911 public safety telecommunicator certification.—

2215 (2) PERSONNEL; STANDARDS AND CERTIFICATION.—

2216 (a) Effective October 1, 2012, any person employed as a 911



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2217 public safety telecommunicator at a public safety answering
2218 point, as defined in s. 365.172(3)(b) ~~s. 365.172(3)(a)~~, must be
2219 certified by the department.

2220 Section 49. Subsection (4) of section 445.011, Florida
2221 Statutes, is amended to read:

2222 445.011 Workforce information systems.—

2223 (4) Workforce Florida, Inc., shall coordinate development
2224 and implementation of workforce information systems with the
2225 executive director of the Agency for State Enterprise
2226 ~~Information~~ Technology to ensure compatibility with the state's
2227 information system strategy and enterprise architecture.

2228 Section 50. Subsection (2) and paragraphs (a) and (b) of
2229 subsection (4) of section 445.045, Florida Statutes, are amended
2230 to read:

2231 445.045 Development of an Internet-based system for
2232 information technology industry promotion and workforce
2233 recruitment.—

2234 (2) Workforce Florida, Inc., shall coordinate with the
2235 Agency for State Enterprise ~~Information~~ Technology and the
2236 Department of Economic Opportunity to ensure links, where
2237 feasible and appropriate, to existing job information websites
2238 maintained by the state and state agencies and to ensure that
2239 information technology positions offered by the state and state
2240 agencies are posted on the information technology website.

2241 (4) (a) Workforce Florida, Inc., shall coordinate
2242 development and maintenance of the website under this section
2243 with the executive director of the Agency for State Enterprise
2244 ~~Information~~ Technology to ensure compatibility with the state's
2245 information system strategy and enterprise architecture.



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2246 (b) Workforce Florida, Inc., may enter into an agreement
2247 with the Agency for State ~~Enterprise Information~~ Technology, the
2248 Department of Economic Opportunity, or any other public agency
2249 with the requisite information technology expertise for the
2250 provision of design, operating, or other technological services
2251 necessary to develop and maintain the website.

2252 Section 51. Paragraph (b) of subsection (18) of section
2253 668.50, Florida Statutes, is amended to read:

2254 668.50 Uniform Electronic Transaction Act.—

2255 (18) ACCEPTANCE AND DISTRIBUTION OF ELECTRONIC RECORDS BY
2256 GOVERNMENTAL AGENCIES.—

2257 (b) To the extent that a governmental agency uses
2258 electronic records and electronic signatures under paragraph
2259 (a), the Agency for State ~~Enterprise Information~~ Technology, in
2260 consultation with the governmental agency, giving due
2261 consideration to security, may specify:

2262 1. The manner and format in which the electronic records
2263 must be created, generated, sent, communicated, received, and
2264 stored and the systems established for those purposes.

2265 2. If electronic records must be signed by electronic
2266 means, the type of electronic signature required, the manner and
2267 format in which the electronic signature must be affixed to the
2268 electronic record, and the identity of, or criteria that must be
2269 met by, any third party used by a person filing a document to
2270 facilitate the process.

2271 3. Control processes and procedures as appropriate to
2272 ensure adequate preservation, disposition, integrity, security,
2273 confidentiality, and auditability of electronic records.

2274 4. Any other required attributes for electronic records



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2275 which are specified for corresponding nonelectronic records or
2276 reasonably necessary under the circumstances.

2277 Section 52. Except as otherwise expressly provided in this
2278 act, this act shall take effect July 1, 2012.

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2280 ===== T I T L E A M E N D M E N T =====

2281 And the title is amended as follows:

2282 Delete everything before the enacting clause
2283 and insert:

2284 A bill to be entitled
2285 An act relating to state technology; abolishing the
2286 Agency for Enterprise Information Technology;
2287 transferring the personnel, functions, and funds of
2288 the Agency for Enterprise Information Technology to
2289 the Agency for State Technology; transferring
2290 specified personnel, functions, and funds relating to
2291 technology programs from the Department of Management
2292 Services to the Agency for State Technology;
2293 transferring the Northwood Shared Resource Center and
2294 the Southwood Shared Resource Center to the agency;
2295 repealing s. 14.204, F.S., relating to the Agency for
2296 Enterprise Information Technology; creating s. 14.206,
2297 F.S.; creating the Agency for State Technology;
2298 providing for an executive director who shall be the
2299 state's Chief Information Officer; requiring the
2300 Governor to appoint a search committee to recommend
2301 candidates for executive director; providing for
2302 organization of the agency; providing duties and
2303 responsibilities of the agency and of the executive



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2304 director; prohibiting the agency from using certain
2305 trust funds for certain purposes; authorizing the
2306 agency to adopt rules; reordering and amending s.
2307 282.0041, F.S.; revising and providing definitions of
2308 terms as used in the Enterprise Information Technology
2309 Services Management Act; amending s. 282.0055, F.S.;
2310 revising provisions for assignment of information
2311 technology services; directing the agency to create a
2312 road map for enterprise information technology service
2313 consolidation and a comprehensive transition plan;
2314 requiring the transition plan to be submitted to the
2315 Governor and Cabinet and the Legislature by a certain
2316 date; providing duties for state agencies relating to
2317 the transition plan; prohibiting state agencies from
2318 certain technology-related activities; providing for
2319 exceptions; amending s. 282.0056, F.S.; providing for
2320 development by the agency executive director of a
2321 biennial State Information Technology Strategic
2322 Resources Plan for approval by the Governor and the
2323 Cabinet; directing state agencies to submit their own
2324 information technology plans and any requested
2325 information to the agency; revising provisions for
2326 development of work plans and implementation plans;
2327 revising provisions for reporting on achievements;
2328 amending s. 282.201, F.S.; revising provisions for a
2329 state data center system; providing legislative
2330 intent; directing the agency to provide
2331 recommendations to the Governor, Cabinet, and
2332 Legislature relating to primary data center



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2333 designations and changes to the schedule for the
2334 consolidations of state agency data centers; providing
2335 duties of a state agency consolidating a data center
2336 into a primary data center; revising the scheduled
2337 consolidation dates for state agency data centers;
2338 amending s. 282.203, F.S.; revising duties of primary
2339 data centers; removing provisions for boards of
2340 trustees to head primary data centers; requiring a
2341 memorandum of understanding between the primary data
2342 center and the participating state agency; limiting
2343 the term of the memorandum; providing for failure to
2344 enter into a memorandum; repealing s. 282.204, F.S.,
2345 relating to Northwood Shared Resource Center;
2346 repealing s. 282.205, F.S., relating to Southwood
2347 Shared Resource Center; creating s. 282.206, F.S.;
2348 establishing the Fletcher Shared Resource Center
2349 within the Department of Financial Services to provide
2350 enterprise information technology services; directing
2351 the center to collaborate with the agency; directing
2352 the center to provide collocation services to the
2353 Department of Legal Affairs, the Department of
2354 Agriculture and Consumer Services, and the Department
2355 of Financial Services; directing the Department of
2356 Financial Services to continue to use the center and
2357 provide service to the Office of Financial Regulation
2358 and the Office of Insurance Regulation and host the
2359 Legislative Appropriations System/Planning and
2360 Budgeting Subsystem; providing for governance of the
2361 center; providing for a steering committee to ensure



2362 adequacy and appropriateness of services; directing
2363 the Department of Legal Affairs and the Department of
2364 Agriculture and Consumer Services to move data center
2365 equipment to the center by certain dates; repealing s.
2366 282.33, F.S., relating to objective standards for data
2367 center energy efficiency; amending s. 282.34, F.S.;
2368 revising provisions for a statewide e-mail service to
2369 meet the needs of executive branch agencies; requiring
2370 the agency to reevaluate the current contract for e-
2371 mail services; requiring state agencies to receive e-
2372 mail services through the agency; authorizing the
2373 Department of Agriculture and Consumer Services, the
2374 Department of Financial Services, the Office of
2375 Financial Regulation, and the Office of Insurance
2376 Regulation to receive e-mail services from the
2377 Fletcher Shared Resource Center or the agency;
2378 amending s. 282.702, F.S.; directing the agency to
2379 develop a plan for statewide voice-over-Internet
2380 protocol services; requiring certain content in the
2381 plan; requiring the plan to be submitted to the
2382 Governor, the Cabinet, and the Legislature by a
2383 certain date; amending s. 364.0135, F.S.; providing
2384 for the agency's role in the promotion of broadband
2385 Internet service; providing an additional duty;
2386 amending ss. 20.22, 110.205, 215.22, 215.322, 216.292,
2387 282.318, 282.604, 282.703, 282.704, 282.705, 282.706,
2388 282.707, 282.709, 282.7101, 282.711, 287.012, 287.057,
2389 318.18, 320.0802, 328.72, 365.171, 365.172, 365.173,
2390 365.174, 401.013, 401.015, 401.018, 401.021, 401.024,



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2391 401.027, 401.465, 445.011, 445.045, and 668.50, F.S.,
2392 relating to a financial and cash management system
2393 task force, career service exemptions, trust funds,
2394 payment cards and electronic funds transfers, the
2395 Communications Working Capital Trust Fund, the
2396 Enterprise Information Technology Services Management
2397 Act, adoption of rules, the Communication Information
2398 Technology Services Act, procurement of commodities
2399 and contractual services, the Florida Uniform
2400 Disposition of Traffic Infractions Act, surcharge on
2401 vehicle license tax, vessel registration, broadband
2402 Internet service, the emergency communications number
2403 E911, regional emergency medical telecommunications,
2404 the Workforce Innovation Act of 2000, and the Uniform
2405 Electronic Transaction Act; conforming provisions and
2406 cross-references to changes made by the act; revising
2407 and deleting obsolete provisions; providing effective
2408 dates.