

By Senator Ring

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

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

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

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88 Services, the Office of Financial Regulation, and the  
89 Office of Insurance Regulation to receive e-mail  
90 services from the Fletcher Shared Resource Center or  
91 the agency; amending s. 282.702, F.S.; directing the  
92 agency to develop a plan for statewide voice-over-  
93 Internet protocol services; requiring certain content  
94 in the plan; requiring the plan to be submitted to the  
95 Governor, the Cabinet, and the Legislature by a  
96 certain date; amending ss. 20.22, 110.205, 215.22,  
97 215.322, 216.292, 282.318, 282.604, 282.703, 282.704,  
98 282.705, 282.706, 282.707, 282.709, 282.7101, 282.711,  
99 287.012, 287.057, 318.18, 320.0802, 328.72, 364.0135,  
100 365.171, 365.172, 365.173, 365.174, 401.013, 401.015,  
101 401.018, 401.021, 401.024, 401.027, 401.465, 445.011,  
102 445.045, and 668.50, F.S., relating to a financial and  
103 cash management system task force, career service  
104 exemptions, trust funds, payment cards and electronic  
105 funds transfers, the Communications Working Capital  
106 Trust Fund, the Enterprise Information Technology  
107 Services Management Act, adoption of rules, the  
108 Communication Information Technology Services Act,  
109 procurement of commodities and contractual services,  
110 the Florida Uniform Disposition of Traffic Infractions  
111 Act, surcharge on vehicle license tax, vessel  
112 registration, broadband Internet service, the  
113 emergency communications number E911, regional  
114 emergency medical telecommunications, the Workforce  
115 Innovation Act of 2000, and the Uniform Electronic  
116 Transaction Act; conforming provisions and cross-

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117 references to changes made by the act; revising and  
118 deleting obsolete provisions; providing an effective  
119 date.

120  
121 Be It Enacted by the Legislature of the State of Florida:

122  
123 Section 1. (1) The Agency for Enterprise Information  
124 Technology is abolished.

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

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

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

140 (2) All of the powers, duties, functions, records,  
141 personnel, and property; funds, trust funds, and unexpended  
142 balances of appropriations, allocations, and other funds;  
143 administrative authority; administrative rules; pending issues;  
144 and existing contracts relating to the following  
145 responsibilities of the Department of Management Services are

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146 transferred by a type one transfer, as defined in s. 20.06(2),  
147 Florida Statutes, to the Agency for State Technology:

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

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

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

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

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

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

179           1. The Communications Working Capital Trust Fund.

180           2. The Emergency Communications Number E911 System Fund.

181           3. The State Agency Law Enforcement Radio System Trust  
182 Fund.

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

190       (4) All lawful orders issued by the Department of  
191 Management Services implementing or enforcing or otherwise in  
192 regard to ss. 282.701-282.711, s. 364.0135, ss. 365.171-365.175,  
193 or part I of chapter 401, Florida Statutes, issued before July  
194 1, 2012, shall remain in effect and be enforceable after that  
195 date unless thereafter modified in accordance with law.

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

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

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

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

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

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

232       (9) The Southwood Shared Resource Center is transferred by



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233 a type one transfer, as defined in s. 20.06(1), Florida  
234 Statutes, from the Department of Management Services to the  
235 Agency for State Technology.

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

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

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

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

249 14.206 Agency for State Technology; creation; powers and  
250 duties.-

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

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

255 (a) Under the Chief Technology Officer:

256 1. The Division of Telecommunications.

257 a. SUNCOM.

258 b. State Agency Law Enforcement Radio System.

259 c. State E911 Program.

260 2. The Division of Data Center Operations.

261 a. Northwood Shared Resource Center.

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- 262        b. Southwood Shared Resource Center.
- 263        3. The Division of Enterprise Service Delivery.
- 264        a. Enterprise e-mail.
- 265        (b) Under the Chief Enterprise Applications Officer:
- 266        1. Enterprise Software Design and Projects.
- 267        2. Enterprise Software Operations.
- 268        3. Enterprise Data Standards.
- 269        4. Enterprise Data Management.
- 270        (c) Under the Deputy Director of Enterprise Information
- 271 Technology Standards, Procurement, and Service Design:
- 272        1. Strategic Planning.
- 273        2. Enterprise Information Technology Standards.
- 274        a. Enterprise Information Technology Procurement.
- 275        b. Information Technology Security and Compliance.
- 276        3. Enterprise Services Planning and Consolidation.
- 277        (d) Under the Director of Administration:
- 278        1. Accounting and Budgeting.
- 279        2. Personnel.
- 280        3. Procurement and Contracts.
- 281        (e) Under the Office of the Executive Director:
- 282        1. Inspector General.
- 283        2. Legal.
- 284        3. Project Management Office.
- 285        4. Governmental Affairs.
- 286        (3) The agency shall have an executive director who is the
- 287 state's Chief Information Officer and who must be qualified by
- 288 education and experience for the office. The executive director
- 289 shall be appointed by the Governor, subject to confirmation by
- 290 the Cabinet and the Senate, and serve at the pleasure of the

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291 Governor and Cabinet. The executive director:

292 (a) Shall be responsible for developing and administering a  
293 comprehensive long-range plan for the state's information  
294 technology resources, ensuring the proper management of such  
295 resources, and delivering services.

296 (b) Shall appoint a Chief Technology Officer to lead the  
297 divisions of the agency dedicated to the operation and delivery  
298 of enterprise information technology services.

299 (c) Shall designate a state Chief Information Security  
300 Officer.

301 (d) May appoint all employees necessary to thoroughly carry  
302 out the duties and responsibilities of the agency.

303 (4) The agency shall operate in a manner that ensures the  
304 participation and representation of state agencies.

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

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

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

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

315 (d) Beginning September 1, 2013, and every 3 months  
316 thereafter until enterprise information technology service  
317 consolidations are complete, provide a status report on the  
318 implementation of the consolidations that must be completed  
319 during the fiscal year. The report shall be submitted to the

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320 Executive Office of the Governor, the Cabinet, the President of  
321 the Senate, and the Speaker of the House of Representatives. The  
322 report must, at a minimum, describe:

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

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

329 (e) Set technical standards for information technology,  
330 review major information technology projects and procurements,  
331 establish information technology security standards, provide for  
332 the procurement of information technology resources, excluding  
333 human resources, and deliver enterprise information technology  
334 services as defined in s. 282.0041.

335 (f) Establish and operate shared resource centers.

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

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

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

348 2. Per unit cost of usage shall be the primary basis for

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349 pricing, and usage shall be accurately measurable and  
350 attributable to the appropriate customer.

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

354 4. Chargeback methodologies shall be devised to consider  
355 restrictions on grants to customers.

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

359 6. Chargeback methodologies shall consider technological  
360 change when:

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

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

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

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

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

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

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

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

386 (l) Adopt rules and policies for the efficient, secure, and  
387 economical management and operation of the shared resource  
388 centers and state telecommunications services.

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

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

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

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

413 Section 5. Section 282.0041, Florida Statutes, is amended  
414 to read:

415 282.0041 Definitions.—As used in this chapter, the term:

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

419 (1)(2) "Agency for State Enterprise Information Technology"  
420 or "agency" means the agency created in s. 14.206 14.204.

421 (2)(3) "Agency information technology service" means a  
422 service that directly helps a state an agency fulfill its  
423 statutory or constitutional responsibilities and policy  
424 objectives and is usually associated with the state agency's  
425 primary or core business functions.

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

431 (3)(5) "Breach" has the same meaning as in s. 817.5681(4).

432 (4)(6) "Business continuity plan" means a plan for disaster  
433 recovery which provides for the continued functioning of a  
434 primary data center during and after a disaster.

435 (5)(7) "Computing facility" means a state agency site space

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436 containing fewer than a total of 10 physical or logical servers,  
437 any of which supports a strategic or nonstrategic information  
438 technology service, as described in budget instructions  
439 developed pursuant to s. 216.023, but excluding  
440 telecommunications and voice gateways and a clustered pair of  
441 servers operating as a single logical server to provide file,  
442 print, security, and endpoint management services ~~single,~~  
443 ~~logical-server installations that exclusively perform a utility~~  
444 ~~function such as file and print servers.~~

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

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

453 (7)(9) "Data center" means state agency space containing 10  
454 or more physical or logical servers any of which supports a  
455 strategic or nonstrategic information technology service, as  
456 described in budget instructions developed pursuant to s.  
457 216.023.

458 ~~(10) "Department" means the Department of Management~~  
459 ~~Services.~~

460 (8)(12) "E-mail, messaging, and calendaring service" means  
461 the enterprise information technology service that enables users  
462 to send, receive, file, store, manage, and retrieve electronic  
463 messages, attachments, appointments, and addresses. ~~The e-mail,~~  
464 messaging, and calendaring service must include e-mail account



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465 ~~management; help desk; technical support and user provisioning~~  
466 ~~services; disaster recovery and backup and restore capabilities;~~  
467 ~~antispam and antivirus capabilities; archiving and e-discovery;~~  
468 ~~and remote access and mobile messaging capabilities.~~

469 (9) ~~(11)~~ "Enterprise information technology service" means  
470 an information technology service that is used in all state  
471 agencies or a subset of state agencies and is established in law  
472 to be designed, delivered, and managed at the enterprise level.  
473 Current enterprise information technology services include data  
474 center services, e-mail, and security.

475 (10) ~~(13)~~ "Information-system utility" means an information  
476 processing ~~a full-service information-processing~~ facility  
477 offering hardware, software, operations, integration,  
478 networking, floor space, and consulting services.

479 (11) ~~(15)~~ "Information technology policy" means statements  
480 that describe clear choices for how information technology will  
481 deliver effective and efficient government services to residents  
482 and improve state agency operations. A policy may relate to  
483 investments, business applications, architecture, or  
484 infrastructure. A policy describes its rationale, implications  
485 of compliance or noncompliance, the timeline for implementation,  
486 metrics for determining compliance, and the accountable  
487 structure responsible for its implementation.

488 (12) ~~(14)~~ "Information technology resources" means  
489 equipment, hardware, software, firmware, programs, systems,  
490 networks, infrastructure, media, and related material used to  
491 automatically, electronically, and wirelessly collect, receive,  
492 access, transmit, display, store, record, retrieve, analyze,  
493 evaluate, process, classify, manipulate, manage, assimilate,

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494 control, communicate, exchange, convert, converge, interface,  
495 switch, or disseminate information of any kind or form, and  
496 includes the human resources to perform such duties, but  
497 excludes application developers and logical database  
498 administrators.

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

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

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

517 (16) "Other public sector organizations" means entities of  
518 the legislative and judicial branches, the State University  
519 System, the Florida Community College System, counties, and  
520 municipalities. Such organizations may elect to participate in  
521 the information technology programs, services, or contracts  
522 offered by the Agency for State Technology, including

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523 information technology procurement, in accordance with general  
524 law, policies, and administrative rules.

525 (17)~~(16)~~ "Performance metrics" means the measures of an  
526 organization's activities and performance.

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

535 (19)~~(17)~~ "Primary data center" means a data center that is  
536 a recipient entity for consolidation of state agency information  
537 technology resources ~~nonprimary data centers and computing~~  
538 ~~facilities and that is established by law.~~

539 (20)~~(18)~~ "Project" means an endeavor that has a defined  
540 start and end point; is undertaken to create or modify a unique  
541 product, service, or result; and has specific objectives that,  
542 when attained, signify completion.

543 (21)~~(19)~~ "Risk analysis" means the process of identifying  
544 security risks, determining their magnitude, and identifying  
545 areas needing safeguards.

546 (22)~~(20)~~ "Service level" means the key performance  
547 indicators (KPI) of an organization or service which must be  
548 regularly performed, monitored, and achieved.

549 ~~(21) "Service-level agreement" means a written contract~~  
550 ~~between a data center and a customer entity which specifies the~~  
551 ~~scope of services provided, service level, the duration of the~~

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552 ~~agreement, the responsible parties, and service costs. A~~  
553 ~~service-level agreement is not a rule pursuant to chapter 120.~~

554 (23) "Shared resource center" means a primary data center  
555 that has been designated and assigned specific duties under this  
556 chapter or by the Agency for State Technology under s. 14.206.

557 ~~(24)-(22)~~ "Standards" means required practices, controls,  
558 components, or configurations established by an authority.

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

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

566 ~~(27)-(23)~~ "SUNCOM Network" means the state enterprise  
567 telecommunications system that provides all methods of  
568 electronic or optical telecommunications beyond a single  
569 building or contiguous building complex and used by entities  
570 authorized as network users under this part.

571 ~~(28)-(24)~~ "Telecommunications" means the science and  
572 technology of communication at a distance, including electronic  
573 systems used in the transmission or reception of information.

574 ~~(29)-(25)~~ "Threat" means any circumstance or event that may  
575 cause harm to the integrity, availability, or confidentiality of  
576 information technology resources.

577 ~~(30)-(26)~~ "Total cost" means all costs associated with  
578 information technology projects or initiatives, including, but  
579 not limited to, value of hardware, software, service,  
580 maintenance, incremental personnel, and facilities. Total cost

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581 of a loan or gift of information technology resources to a state  
582 ~~an~~ agency includes the fair market value of the resources.

583 ~~(31)(27)~~ "Usage" means the billing amount charged by the  
584 primary data center, less any pass-through charges, to the state  
585 agency customer entity.

586 ~~(32)(28)~~ "Usage rate" means a state agency's customer  
587 entity's usage or billing amount as a percentage of total usage.

588 ~~(33)~~ "Wide area network" means any telecommunications  
589 network or components thereof through which messages and data  
590 are exchanged outside of a local area network.

591 Section 6. Section 282.0055, Florida Statutes, is amended  
592 to read:

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

595 282.0055 Assignment of enterprise information technology.-

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

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

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610 other stakeholders, create a road map for enterprise information  
611 technology service consolidation. At a minimum, the road map  
612 must include:

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

615 (b) A schedule for the consolidation of state agency data  
616 centers.

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

619 (d) Recommendations, including cost estimates, for  
620 enhancements to the Northwood Shared Resource Center and the  
621 Southwood Shared Resource Center that will improve their ability  
622 to deliver enterprise information technology services.

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

631 (a) Recommendations for accomplishing the proposed  
632 transitions as efficiently and effectively as possible with  
633 minimal disruption to state agency business processes.

634 (b) Strategies to minimize risks associated with any of the  
635 proposed consolidations.

636 (c) A compilation of the state agency transition plans  
637 submitted by state agencies scheduled for consolidation for the  
638 following fiscal year.

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639 (d) An estimate of the cost to provide enterprise  
640 information technology services for each state agency scheduled  
641 for consolidation.

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

644 (f) The fiscal year adjustments to budget categories in  
645 order to absorb the transfer of agency information technology  
646 resources pursuant to the legislative budget request  
647 instructions provided in s. 216.023.

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

651 (4) State agencies have the following duties:

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

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

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

667 1. An inventory of the state agency data center's resources

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668 being consolidated, including all hardware, software, staff, and  
669 contracted services, and the facility resources performing data  
670 center management and operations, security, backup and recovery,  
671 disaster recovery, system administration, database  
672 administration, system programming, job control, production  
673 control, print, storage, technical support, help desk, and  
674 managed services, but excluding application development.

675 2. A description of the level of services needed to meet  
676 the technical and operational requirements of the platforms  
677 being consolidated and an estimate of the primary data center's  
678 cost for the provision of such services.

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

681 4. A description of the information technology resources  
682 proposed to remain in the state agency.

683 5. A baseline project schedule for the completion of the  
684 consolidation.

685 6. The specific recurring and nonrecurring budget  
686 adjustments of budget resources by appropriation category into  
687 the appropriate data processing category pursuant to the  
688 legislative budget instructions in s. 216.023 necessary to  
689 support state agency costs for the transfer.

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

692 1. Create a new computing service or expand an existing  
693 computing service if that service has been designated as an  
694 enterprise information technology service.

695 2. Spend funds before the state agency's scheduled  
696 consolidation to an enterprise information technology service to



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697 purchase or modify hardware or operations software that does not  
698 comply with hardware and software standards established by the  
699 Agency for State Technology.

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

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

706 5. Initiate a new computing service with any service  
707 provider other than the Agency for State Technology if that  
708 service has been designated as an enterprise information  
709 technology service.

710 (b) Exceptions to the limitations in subparagraphs (a)1.,  
711 2., 3., and 5. may be granted by the Agency for State Technology  
712 if there is insufficient capacity in the primary data centers to  
713 absorb the workload associated with agency computing services,  
714 expenditures are compatible with the scheduled consolidation and  
715 established standards, or the equipment or resources are needed  
716 to meet a critical state agency business need that cannot be  
717 satisfied from surplus equipment or resources of the primary  
718 data center until the state agency data center is consolidated.

719 1. A request for an exception must be submitted in writing  
720 to the Agency for State Technology. The agency must accept,  
721 accept with conditions, or deny the request within 60 days after  
722 receipt of the written request. The agency's decision is not  
723 subject to chapter 120.

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

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726 a. A detailed description of the capacity requirements of  
727 the state agency requesting the exception.

728 b. Documentation from the state agency head demonstrating  
729 why it is critical to the state agency's mission that the  
730 expansion or transfer must be completed within the fiscal year  
731 rather than when capacity is established at a primary data  
732 center.

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

737 Section 7. Section 282.0056, Florida Statutes, is amended  
738 to read:

739 282.0056 Development of strategic plan; development and  
740 administration of work plan; development of implementation  
741 plans; ~~and~~ policy recommendations.-

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

748 (a) The vision, goals, initiatives, and targets for state  
749 information technology for the short term of 2 years, midterm of  
750 3 to 5 years, and long term of more than 5 years.

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

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755 (c) An analysis of opportunities for statewide initiatives  
756 that would yield efficiencies, cost savings, or avoidance or  
757 improve effectiveness in state programs. The analysis shall  
758 include:

759 1. Information technology services that should be designed,  
760 delivered, and managed as enterprise information technology  
761 services.

762 2. Techniques for consolidating the purchase of information  
763 technology commodities and services that may result in savings  
764 for the state and for establishing a process to achieve savings  
765 through consolidated purchases.

766 (d) Recommended initiatives based on the analysis in  
767 paragraph (c).

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

774 (2) Each state agency shall, biennially, develop its own  
775 information technology plan that includes the information  
776 required under paragraph (1) (b). The agency shall consult with  
777 and assist state agencies in the preparation of these plans.  
778 Each state agency shall submit its plan to the agency  
779 biennially, starting January 1, 2013.

780 (3) For the purpose of completing its work activities, each  
781 state agency shall provide to the agency all requested  
782 information, including, but not limited to, the state agency's  
783 costs, service requirements, staffing, and equipment

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784 inventories.

785 (4)-(1) For the purpose of ensuring accountability for the  
786 duties and responsibilities of the executive director and the  
787 agency under ss. 14.206 and 282.0055, the executive director ~~For~~  
788 ~~the purposes of carrying out its responsibilities under s.~~  
789 ~~282.0055, the Agency for Enterprise Information Technology shall~~  
790 develop an annual work plan within 60 days after the beginning  
791 of the fiscal year describing the activities that the agency  
792 intends to undertake for that year and must identify the  
793 critical success factors, risks, and issues associated with the  
794 work planned. The work plan must also include planned ~~including~~  
795 ~~proposed~~ outcomes and ~~completion~~ timeframes for the planning and  
796 implementation of ~~all~~ enterprise information technology  
797 services. The work plan must align with the state Information  
798 Technology Strategic Plan, be presented at a public hearing, and  
799 be approved by the Governor and Cabinet; ~~and,~~ thereafter, be  
800 submitted to the President of the Senate and the Speaker of the  
801 House of Representatives. The work plan may be amended as  
802 needed, subject to approval by the Governor and Cabinet.

803 ~~(2) The agency may develop and submit to the President of~~  
804 ~~the Senate, the Speaker of the House of Representatives, and the~~  
805 ~~Governor by October 1 of each year implementation plans for~~  
806 ~~proposed enterprise information technology services to be~~  
807 ~~established in law.~~

808 ~~(3) In developing policy recommendations and implementation~~  
809 ~~plans for established and proposed enterprise information~~  
810 ~~technology services, the agency shall describe the scope of~~  
811 ~~operation, conduct costs and requirements analyses, conduct an~~  
812 ~~inventory of all existing information technology resources that~~

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813 ~~are associated with each service, and develop strategies and~~  
814 ~~timeframes for statewide migration.~~

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

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

826 Section 8. Section 282.201, Florida Statutes, is amended to  
827 read:

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

830 282.201 State data center system; agency duties and  
831 limitations.—A state data center system that includes all  
832 primary data centers, other nonprimary data centers, and  
833 computing facilities, and that provides an enterprise  
834 information technology service, is established.

835 (1) INTENT.—The Legislature finds that the most efficient  
836 and effective means of providing quality utility data processing  
837 services to state agencies requires that computing resources be  
838 concentrated in quality facilities that provide the proper  
839 security, infrastructure, and staff resources to ensure that the  
840 state's data is maintained reliably and safely and is  
841 recoverable in the event of a disaster. Efficiencies resulting

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842 from such consolidation include the increased ability to  
843 leverage technological expertise and hardware and software  
844 capabilities; increased savings through consolidated purchasing  
845 decisions; and the enhanced ability to deploy technology  
846 improvements and implement new policies consistently throughout  
847 the consolidated organization. Therefore, it is the intent of  
848 the Legislature that state agency data centers and computing  
849 facilities be consolidated into the Agency for State Technology  
850 to the maximum extent possible by June 30, 2018.

851 (2) AGENCY FOR STATE TECHNOLOGY DUTIES.—The Agency for  
852 State Technology shall by October 1 of each year, beginning in  
853 2013, provide recommendations to the Governor and Legislature  
854 relating to changes to the schedule for the consolidations of  
855 state agency data centers. The recommendations must be based on  
856 the goals of maximizing efficiency of service delivery and  
857 current and future cost savings.

858 (3) STATE AGENCY DUTIES.—

859 (a) Any state agency that is consolidating agency data  
860 centers into a primary data center must execute a new or update  
861 an existing memorandum of understanding within 60 days after the  
862 specified consolidation date, as required by s. 282.203, in  
863 order to specify the services and levels of service it is to  
864 receive from the primary data center as a result of the  
865 consolidation. If a state agency is unable to execute a  
866 memorandum of understanding by that date, the state agency shall  
867 submit a report to the Executive Office of the Governor, the  
868 Cabinet, the President of the Senate, and the Speaker of the  
869 House of Representatives within 5 working days after that date  
870 which explains the specific issues preventing execution and

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871 describes its plan and schedule for resolving those issues.

872 (b) On the date of each consolidation specified in general  
873 law or the General Appropriations Act, each state agency shall  
874 retain the least-privileged administrative access rights  
875 necessary to perform the duties not assigned to the primary data  
876 centers.

877 (4) SCHEDULE FOR CONSOLIDATIONS OF STATE AGENCY DATA  
878 CENTERS.—Consolidations of agency data centers shall be  
879 suspended for the 2012-2013 fiscal year. Consolidations shall  
880 resume during the 2013-2014 fiscal year based upon a revised  
881 schedule developed by the agency.

882 Section 9. Section 282.203, Florida Statutes, is amended to  
883 read:

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

886 282.203 Primary data centers; duties.—

887 (1) Each primary data center shall:

888 (a) Serve participating state agencies as an information-  
889 system utility.

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

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

895 (d) Provide transparent financial statements to  
896 participating state agencies.

897 (e) Assume the least-privileged administrative access  
898 rights necessary to perform the services provided by the data  
899 center for the software and equipment that is consolidated into

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900 a primary data center.

901 (2) (a) Each primary data center shall enter into a  
902 memorandum of understanding with each participating state agency  
903 to provide services. A memorandum of understanding may not have  
904 a term exceeding 3 years but may include an option to renew for  
905 up to 3 years.

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

916 Section 10. Section 282.204, Florida Statutes, is repealed.

917 Section 11. Section 282.205, Florida Statutes, is repealed.

918 Section 12. Section 282.206, Florida Statutes, is created  
919 to read:

920 282.206 Fletcher Shared Resource Center.—The Fletcher  
921 Shared Resource Center is established as a state agency within  
922 the Department of Financial Services.

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

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



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929       (3) The center shall provide colocation services to the  
930 Department of Legal Affairs and the Department of Agriculture  
931 and Consumer Services.

932       (4) The Department of Financial Services shall continue to  
933 use the Fletcher Shared Resource Center, provide full service to  
934 the Office of Financial Regulation and the Office of Insurance  
935 Regulation, and host the Legislative Appropriations  
936 System/Planning and Budgeting Subsystem (LAS/PBS).

937       (5) The center shall be governed through a master  
938 memorandum of understanding and complemented by a steering  
939 committee comprised of the chief information officers of the  
940 Department of Legal Affairs, the Department of Agriculture and  
941 Consumer Services, and the Department of Financial Services. The  
942 steering committee shall meet quarterly to ensure that customers  
943 are receiving expected services in accordance with the  
944 memorandum of understanding and to discuss services and  
945 structure. The committee may create ad hoc workgroups to account  
946 for, mitigate, and manage any unforeseen issues.

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

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

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

953       Section 14. Section 282.34, Florida Statutes, is amended to  
954 read:

955       282.34 Statewide e-mail service.—A statewide e-mail service  
956 that includes the delivery and support of e-mail, messaging, and  
957 calendaring capabilities is established as an enterprise

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958 information technology service as defined in s. 282.0041. The  
959 service shall be provisioned ~~designed~~ to meet the needs of all  
960 executive branch agencies and may also be used by other public  
961 sector ~~nonstate agency~~ entities. The primary goals of the  
962 service are to leverage the state's existing investment in e-  
963 mail; provide a reliable collaborative communication service to  
964 state agencies; minimize the state investment required to  
965 establish, operate, and support the statewide service; reduce  
966 the cost of current e-mail operations and the number of  
967 duplicative e-mail systems; and eliminate the need for each  
968 state agency to maintain its own e-mail staff.

969 (1) With the exception of the Department of Agriculture and  
970 Consumer Services, the Department of Legal Affairs, and the  
971 Department of Financial Services, all state agencies shall  
972 receive their primary e-mail services exclusively through the  
973 Agency for State Technology. ~~The Southwood Shared Resource~~  
974 ~~Center, a primary data center, shall be the provider of the~~  
975 ~~statewide e-mail service for all state agencies. The center~~  
976 ~~shall centrally host, manage, operate, and support the service,~~  
977 ~~or outsource the hosting, management, operational, or support~~  
978 ~~components of the service in order to achieve the primary goals~~  
979 ~~identified in this section.~~

980 (2) The Department of Agriculture and Consumer Services,  
981 the Department of Financial Services, the Office of Financial  
982 Regulation, and the Office of Insurance Regulation may receive  
983 e-mail services from the Fletcher Shared Resource Center or the  
984 Agency for State Technology. ~~The Agency for Enterprise~~  
985 ~~Information Technology, in cooperation and consultation with all~~  
986 ~~state agencies, shall prepare and submit for approval by the~~

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987 ~~Legislative Budget Commission at a meeting scheduled before June~~  
988 ~~30, 2011, a proposed plan for the migration of all state~~  
989 ~~agencies to the statewide e-mail service. The plan for migration~~  
990 ~~must include:~~

991 ~~(a) A cost-benefit analysis that compares the total~~  
992 ~~recurring and nonrecurring operating costs of the current agency~~  
993 ~~e-mail systems, including monthly mailbox costs, staffing,~~  
994 ~~licensing and maintenance costs, hardware, and other related e-~~  
995 ~~mail product and service costs to the costs associated with the~~  
996 ~~proposed statewide e-mail service. The analysis must also~~  
997 ~~include:~~

998 ~~1. A comparison of the estimated total 7-year life-cycle~~  
999 ~~cost of the current agency e-mail systems versus the feasibility~~  
1000 ~~of funding the migration and operation of the statewide e-mail~~  
1001 ~~service.~~

1002 ~~2. An estimate of recurring costs associated with the~~  
1003 ~~energy consumption of current agency e-mail equipment, and the~~  
1004 ~~basis for the estimate.~~

1005 ~~3. An identification of the overall cost savings resulting~~  
1006 ~~from state agencies migrating to the statewide e-mail service~~  
1007 ~~and decommissioning their agency e-mail systems.~~

1008 ~~(b) A proposed migration date for all state agencies to be~~  
1009 ~~migrated to the statewide e-mail service. The Agency for~~  
1010 ~~Enterprise Information Technology shall work with the Executive~~  
1011 ~~Office of the Governor to develop the schedule for migrating all~~  
1012 ~~state agencies to the statewide e-mail service except for the~~  
1013 ~~Department of Legal Affairs. The Department of Legal Affairs~~  
1014 ~~shall provide to the Agency for Enterprise Information~~  
1015 ~~Technology by June 1, 2011, a proposed migration date based upon~~

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1016 ~~its decision to participate in the statewide e-mail service and~~  
1017 ~~the identification of any issues that require resolution in~~  
1018 ~~order to migrate to the statewide e-mail service.~~

1019 ~~(c) A budget amendment, submitted pursuant to chapter 216,~~  
1020 ~~for adjustments to each agency's approved operating budget~~  
1021 ~~necessary to transfer sufficient budget resources into the~~  
1022 ~~appropriate data processing category to support its statewide e-~~  
1023 ~~mail service costs.~~

1024 ~~(d) A budget amendment, submitted pursuant to chapter 216,~~  
1025 ~~for adjustments to the Southwood Shared Resource Center approved~~  
1026 ~~operating budget to include adjustments in the number of~~  
1027 ~~authorized positions, salary budget and associated rate,~~  
1028 ~~necessary to implement the statewide e-mail service.~~

1029 ~~(3) Contingent upon approval by the Legislative Budget~~  
1030 ~~Commission, the Southwood Shared Resource Center may contract~~  
1031 ~~for the provision of a statewide e-mail service. Executive~~  
1032 ~~branch agencies must be completely migrated to the statewide e-~~  
1033 ~~mail service based upon the migration date included in the~~  
1034 ~~proposed plan approved by the Legislative Budget Commission.~~

1035 ~~(4) Notwithstanding chapter 216, general revenue funds may~~  
1036 ~~be increased or decreased for each agency provided the net~~  
1037 ~~change to general revenue in total for all agencies is zero or~~  
1038 ~~less.~~

1039 ~~(5) Subsequent to the approval of the consolidated budget~~  
1040 ~~amendment to reflect budget adjustments necessary to migrate to~~  
1041 ~~the statewide e-mail service, an agency may make adjustments~~  
1042 ~~subject to s. 216.177, notwithstanding provisions in chapter 216~~  
1043 ~~which may require such adjustments to be approved by the~~  
1044 ~~Legislative Budget Commission.~~

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1045 ~~(6) No agency may initiate a new e-mail service or execute~~  
1046 ~~a new e-mail contract or amend a current e-mail contract, other~~  
1047 ~~than with the Southwood Shared Resource Center, for nonessential~~  
1048 ~~products or services unless the Legislative Budget Commission~~  
1049 ~~denies approval for the Southwood Shared Resource Center to~~  
1050 ~~enter into a contract for the statewide e-mail service.~~

1051 ~~(7) The Agency for Enterprise Information Technology shall~~  
1052 ~~work with the Southwood Shared Resource Center to develop an~~  
1053 ~~implementation plan that identifies and describes the detailed~~  
1054 ~~processes and timelines for an agency's migration to the~~  
1055 ~~statewide e-mail service based on the migration date approved by~~  
1056 ~~the Legislative Budget Commission. The agency may establish and~~  
1057 ~~coordinate workgroups consisting of agency e-mail management,~~  
1058 ~~information technology, budget, and administrative staff to~~  
1059 ~~assist the agency in the development of the plan.~~

1060 ~~(8) Each executive branch agency shall provide all~~  
1061 ~~information necessary to develop the implementation plan,~~  
1062 ~~including, but not limited to, required mailbox features and the~~  
1063 ~~number of mailboxes that will require migration services. Each~~  
1064 ~~agency must also identify any known business, operational, or~~  
1065 ~~technical plans, limitations, or constraints that should be~~  
1066 ~~considered when developing the plan.~~

1067 Section 15. Section 282.702, Florida Statutes, is amended  
1068 to read:

1069 282.702 Powers and duties.—The Agency for State Technology  
1070 ~~Department of Management Services~~ shall have the following  
1071 powers, duties, and functions:

1072 (1) To publish electronically the portfolio of services  
1073 available from the agency ~~department~~, including pricing

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1074 information; the policies and procedures governing usage of  
1075 available services; and a forecast of the agency's ~~department's~~  
1076 priorities for each telecommunications service.

1077 (2) To adopt technical standards by rule for the state  
1078 telecommunications network which ensure the interconnection and  
1079 operational security of computer networks, telecommunications,  
1080 and information systems of agencies.

1081 (3) To enter into agreements related to information  
1082 technology and telecommunications services with state agencies  
1083 and political subdivisions of the state.

1084 (4) To purchase from or contract with information  
1085 technology providers for information technology, including  
1086 private line services.

1087 (5) To apply for, receive, and hold authorizations,  
1088 patents, copyrights, trademarks, service marks, licenses, and  
1089 allocations or channels and frequencies to carry out the  
1090 purposes of this part.

1091 (6) To purchase, lease, or otherwise acquire and to hold,  
1092 sell, transfer, license, or otherwise dispose of real, personal,  
1093 and intellectual property, including, but not limited to,  
1094 patents, trademarks, copyrights, and service marks.

1095 (7) To cooperate with any federal, state, or local  
1096 emergency management agency in providing for emergency  
1097 telecommunications services.

1098 (8) To control and approve the purchase, lease, or  
1099 acquisition and the use of telecommunications services,  
1100 software, circuits, and equipment provided as part of any other  
1101 total telecommunications system to be used by the state or its  
1102 agencies.

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1103 (9) To adopt rules pursuant to ss. 120.536(1) and 120.54  
1104 relating to telecommunications and to administer the provisions  
1105 of this part.

1106 (10) To apply for and accept federal funds for the purposes  
1107 of this part as well as gifts and donations from individuals,  
1108 foundations, and private organizations.

1109 (11) To monitor issues relating to telecommunications  
1110 facilities and services before the Florida Public Service  
1111 Commission and the Federal Communications Commission and, if  
1112 necessary, prepare position papers, prepare testimony, appear as  
1113 a witness, and retain witnesses on behalf of state agencies in  
1114 proceedings before the commissions.

1115 (12) Unless delegated to the state agencies by the agency  
1116 ~~department~~, to manage and control, but not intercept or  
1117 interpret, telecommunications within the SUNCOM Network by:

1118 (a) Establishing technical standards to physically  
1119 interface with the SUNCOM Network.

1120 (b) Specifying how telecommunications are transmitted  
1121 within the SUNCOM Network.

1122 (c) Controlling the routing of telecommunications within  
1123 the SUNCOM Network.

1124 (d) Establishing standards, policies, and procedures for  
1125 access to and the security of the SUNCOM Network.

1126 (e) Ensuring orderly and reliable telecommunications  
1127 services in accordance with the service level agreements  
1128 executed with state agencies.

1129 (13) To plan, design, and conduct experiments for  
1130 telecommunications services, equipment, and technologies, and to  
1131 implement enhancements in the state telecommunications network

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1132 if in the public interest and cost-effective. Funding for such  
1133 experiments must be derived from SUNCOM Network service revenues  
1134 and may not exceed 2 percent of the annual budget for the SUNCOM  
1135 Network for any fiscal year or as provided in the General  
1136 Appropriations Act. New services offered as a result of this  
1137 subsection may not affect existing rates for facilities or  
1138 services.

1139 (14) To enter into contracts or agreements, with or without  
1140 competitive bidding or procurement, to make available, on a  
1141 fair, reasonable, and nondiscriminatory basis, property and  
1142 other structures under agency ~~departmental~~ control for the  
1143 placement of new facilities by any wireless provider of mobile  
1144 service as defined in 47 U.S.C. s. 153(27) or s. 332(d) and any  
1145 telecommunications company as defined in s. 364.02 if it is  
1146 practical and feasible to make such property or other structures  
1147 available. The agency ~~department~~ may, without adopting a rule,  
1148 charge a just, reasonable, and nondiscriminatory fee for the  
1149 placement of the facilities, payable annually, based on the fair  
1150 market value of space used by comparable telecommunications  
1151 facilities in the state. The agency ~~department~~ and a wireless  
1152 provider or telecommunications company may negotiate the  
1153 reduction or elimination of a fee in consideration of services  
1154 provided to the agency ~~department~~ by the wireless provider or  
1155 telecommunications company. All such fees collected by the  
1156 agency ~~department~~ shall be deposited directly into the Law  
1157 Enforcement Radio Operating Trust Fund, and may be used by the  
1158 agency ~~department~~ to construct, maintain, or support the system.

1159 (15) Establish policies that ensure that the agency's  
1160 ~~department's~~ cost-recovery methodologies, billings, receivables,



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1161 expenditures, budgeting, and accounting data are captured and  
1162 reported timely, consistently, accurately, and transparently and  
1163 are in compliance with all applicable federal and state laws and  
1164 rules. The agency ~~department~~ shall annually submit to the  
1165 Governor, the President of the Senate, and the Speaker of the  
1166 House of Representatives a report that describes each service  
1167 and its cost, the billing methodology for recovering the cost of  
1168 the service, and, if applicable, the identity of those services  
1169 that are subsidized.

1170 (16) Develop a plan for statewide voice-over-Internet  
1171 protocol services. The plan shall include cost estimates and the  
1172 estimated return on investment. The plan shall be submitted to  
1173 the Governor, the Cabinet, the President of the Senate, and the  
1174 Speaker of the House of Representatives by June 30, 2013.

1175 Section 16. Subsection (2) of section 20.22, Florida  
1176 Statutes, is amended to read:

1177 20.22 Department of Management Services.—There is created a  
1178 Department of Management Services.

1179 (2) The following divisions and programs within the  
1180 Department of Management Services are established:

1181 (a) Facilities Program.

1182 ~~(b) Technology Program.~~

1183 (b) ~~(e)~~ Workforce Program.

1184 (c) ~~(d)~~ 1. Support Program.

1185 2. Federal Property Assistance Program.

1186 (d) ~~(e)~~ Administration Program.

1187 (e) ~~(f)~~ Division of Administrative Hearings.

1188 (f) ~~(g)~~ Division of Retirement.

1189 (g) ~~(h)~~ Division of State Group Insurance.

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1190 Section 17. Paragraph (e) of subsection (2) of section  
1191 110.205, Florida Statutes, is amended to read:

1192 110.205 Career service; exemptions.—

1193 (2) EXEMPT POSITIONS.—The exempt positions that are not  
1194 covered by this part include the following:

1195 (e) The executive director of ~~Chief Information Officer in~~  
1196 the Agency for State Enterprise Information Technology. Unless  
1197 otherwise fixed by law, the Governor and Cabinet Agency for  
1198 ~~Enterprise Information Technology~~ shall set the salary and  
1199 benefits of this position in accordance with the rules of the  
1200 Senior Management Service.

1201 Section 18. Paragraph (o) of subsection (1) of section  
1202 215.22, Florida Statutes, is amended to read:

1203 215.22 Certain income and certain trust funds exempt.—

1204 (1) The following income of a revenue nature or the  
1205 following trust funds shall be exempt from the appropriation  
1206 required by s. 215.20(1):

1207 (o) The Communications Working Capital Trust Fund of the  
1208 Agency for State Technology ~~Department of Management Services~~.

1209 Section 19. Subsections (2) and (9) of section 215.322,  
1210 Florida Statutes, are amended to read:

1211 215.322 Acceptance of credit cards, charge cards, debit  
1212 cards, or electronic funds transfers by state agencies, units of  
1213 local government, and the judicial branch.—

1214 (2) A state agency as defined in s. 216.011, or the  
1215 judicial branch, may accept credit cards, charge cards, debit  
1216 cards, or electronic funds transfers in payment for goods and  
1217 services with the prior approval of the Chief Financial Officer.  
1218 If the Internet or other related electronic methods are to be

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1219 used as the collection medium, the Agency for State Enterprise  
1220 ~~Information~~ Technology shall review and recommend to the Chief  
1221 Financial Officer whether to approve the request with regard to  
1222 the process or procedure to be used.

1223 (9) For payment programs in which credit cards, charge  
1224 cards, or debit cards are accepted by state agencies, the  
1225 judicial branch, or units of local government, the Chief  
1226 Financial Officer, in consultation with the Agency for State  
1227 ~~Enterprise Information~~ Technology, may adopt rules to establish  
1228 uniform security safeguards for cardholder data and to ensure  
1229 compliance with the Payment Card Industry Data Security  
1230 Standards.

1231 Section 20. Paragraph (c) of subsection (6) of section  
1232 216.292, Florida Statutes, is amended to read:

1233 216.292 Appropriations nontransferable; exceptions.—

1234 (6) The Chief Financial Officer shall transfer from any  
1235 available funds of an agency or the judicial branch the  
1236 following amounts and shall report all such transfers and the  
1237 reasons therefor to the legislative appropriations committees  
1238 and the Executive Office of the Governor:

1239 (c) The amount due to the Communications Working Capital  
1240 Trust Fund from moneys appropriated in the General  
1241 Appropriations Act for the purpose of paying for services  
1242 provided by the state communications system in the Agency for  
1243 State Technology ~~Department of Management Services~~ which is  
1244 unpaid 45 days after the billing date. The amount transferred  
1245 shall be that billed by the department.

1246 Section 21. Subsections (3), (4), (5), and (6) of section  
1247 282.318, Florida Statutes, are amended to read:

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1248           282.318 Enterprise security of data and information  
1249 technology.-

1250           (3) The Agency for State ~~Enterprise Information~~ Technology  
1251 is responsible for establishing rules and publishing guidelines  
1252 for ensuring an appropriate level of security for all data and  
1253 information technology resources for executive branch agencies.  
1254 The agency shall also perform the following duties and  
1255 responsibilities:

1256           (a) Develop, and annually update by February 1, an  
1257 enterprise information security strategic plan that includes  
1258 security goals and objectives for the strategic issues of  
1259 information security policy, risk management, training, incident  
1260 management, and survivability planning.

1261           (b) Develop enterprise security rules and published  
1262 guidelines for:

1263           1. Comprehensive risk analyses and information security  
1264 audits conducted by state agencies.

1265           2. Responding to suspected or confirmed information  
1266 security incidents, including suspected or confirmed breaches of  
1267 personal information or exempt data.

1268           3. Agency security plans, including strategic security  
1269 plans and security program plans.

1270           4. The recovery of information technology and data  
1271 following a disaster.

1272           5. The managerial, operational, and technical safeguards  
1273 for protecting state government data and information technology  
1274 resources.

1275           (c) Assist agencies in complying with the provisions of  
1276 this section.

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1277 (d) Pursue appropriate funding for the purpose of enhancing  
1278 domestic security.

1279 (e) Provide training for agency information security  
1280 managers.

1281 (f) Annually review the strategic and operational  
1282 information security plans of executive branch agencies.

1283 (4) To assist the Agency for State Enterprise Information  
1284 Technology in carrying out its responsibilities, each state  
1285 agency head shall, at a minimum:

1286 (a) Designate an information security manager to administer  
1287 the security program of the state agency for its data and  
1288 information technology resources. This designation must be  
1289 provided annually in writing to the Agency for State Enterprise  
1290 ~~Information~~ Technology by January 1.

1291 (b) Submit to the Agency for State Enterprise Information  
1292 Technology annually by July 31, the state agency's comprehensive  
1293 ~~strategie~~ and operational information security plans developed  
1294 pursuant to the rules and guidelines established by the Agency  
1295 for State Enterprise Information Technology.

1296 1. The state agency comprehensive ~~strategie~~ information  
1297 security plan must cover a 3-year period and define security  
1298 goals, intermediate objectives, and projected agency costs for  
1299 the strategic issues of agency information security policy, risk  
1300 management, security training, security incident response, and  
1301 survivability. The plan must be based on the enterprise  
1302 strategic information security plan created by the Agency for  
1303 State Enterprise Information Technology. Additional issues may  
1304 be included.

1305 2. The state agency operational information security plan

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1306 must include a progress report for the prior operational  
1307 information security plan and a project plan that includes  
1308 activities, timelines, and deliverables for security objectives  
1309 that, subject to current resources, the state agency will  
1310 implement during the current fiscal year. The cost of  
1311 implementing the portions of the plan which cannot be funded  
1312 from current resources must be identified in the plan.

1313 (c) Conduct, and update every 3 years, a comprehensive risk  
1314 analysis to determine the security threats to the data,  
1315 information, and information technology resources of the state  
1316 agency. The risk analysis information is confidential and exempt  
1317 from the provisions of s. 119.07(1), except that such  
1318 information shall be available to the Auditor General and the  
1319 Agency for State ~~Enterprise Information~~ Technology for  
1320 performing postauditing duties.

1321 (d) Develop, and periodically update, written internal  
1322 policies and procedures that, ~~which~~ include procedures for  
1323 notifying the Agency for State ~~Enterprise Information~~ Technology  
1324 when a suspected or confirmed breach, or an information security  
1325 incident, occurs. Such policies and procedures must be  
1326 consistent with the rules and guidelines established by the  
1327 Agency for State ~~Enterprise Information~~ Technology to ensure the  
1328 security of the data, information, and information technology  
1329 resources of the state agency. The internal policies and  
1330 procedures that, if disclosed, could facilitate the unauthorized  
1331 modification, disclosure, or destruction of data or information  
1332 technology resources are confidential information and exempt  
1333 from s. 119.07(1), except that such information shall be  
1334 available to the Auditor General and the Agency for State

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1335 ~~Enterprise Information~~ Technology for performing postauditing  
1336 duties.

1337 (e) Implement appropriate cost-effective safeguards to  
1338 address identified risks to the data, information, and  
1339 information technology resources of the state agency.

1340 (f) Ensure that periodic internal audits and evaluations of  
1341 the state agency's security program for the data, information,  
1342 and information technology resources of the state agency are  
1343 conducted. The results of such audits and evaluations are  
1344 confidential information and exempt from s. 119.07(1), except  
1345 that such information shall be available to the Auditor General  
1346 and the Agency for State ~~Enterprise Information~~ Technology for  
1347 performing postauditing duties.

1348 (g) Include appropriate security requirements in the  
1349 written specifications for the solicitation of information  
1350 technology and information technology resources and services,  
1351 which are consistent with the rules and guidelines established  
1352 by the Agency for State ~~Enterprise Information~~ Technology.

1353 (h) Provide security awareness training to employees and  
1354 users of the state agency's communication and information  
1355 resources concerning information security risks and the  
1356 responsibility of employees and users to comply with policies,  
1357 standards, guidelines, and operating procedures adopted by the  
1358 state agency to reduce those risks.

1359 (i) Develop a process for detecting, reporting, and  
1360 responding to suspected or confirmed security incidents,  
1361 including suspected or confirmed breaches consistent with the  
1362 security rules and guidelines established by the Agency for  
1363 State ~~Enterprise Information~~ Technology.

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1364 1. Suspected or confirmed information security incidents  
1365 and breaches must be immediately reported to the Agency for  
1366 State Enterprise Information Technology.

1367 2. For incidents involving breaches, agencies shall provide  
1368 notice in accordance with s. 817.5681 and to the Agency for  
1369 State Enterprise Information Technology in accordance with this  
1370 subsection.

1371 (5) Each state agency shall include appropriate security  
1372 requirements in the specifications for the solicitation of  
1373 contracts for procuring information technology or information  
1374 technology resources or services which are consistent with the  
1375 rules and guidelines established by the Agency for State  
1376 Enterprise Information Technology.

1377 (6) The Agency for State Enterprise Information Technology  
1378 may adopt rules relating to information security and to  
1379 administer the provisions of this section.

1380 Section 22. Section 282.604, Florida Statutes, is amended  
1381 to read:

1382 282.604 Adoption of rules.—The Agency for State Technology  
1383 ~~Department of Management Services~~ shall, with input from  
1384 stakeholders, adopt rules pursuant to ss. 120.536(1) and 120.54  
1385 for the development, procurement, maintenance, and use of  
1386 accessible electronic information technology by governmental  
1387 units.

1388 Section 23. Section 282.703, Florida Statutes, is amended  
1389 to read:

1390 282.703 SUNCOM Network; exemptions from the required use.—

1391 (1) The SUNCOM Network is established within the Agency for  
1392 State Technology ~~department~~ as the state enterprise



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1393 telecommunications system for providing local and long-distance  
1394 communications services to state agencies, political  
1395 subdivisions of the state, municipalities, and nonprofit  
1396 corporations pursuant to this part. The SUNCOM Network shall be  
1397 developed to transmit all types of telecommunications signals,  
1398 including, but not limited to, voice, data, video, image, and  
1399 radio. State agencies shall cooperate and assist in the  
1400 development and joint use of telecommunications systems and  
1401 services.

1402 (2) The Agency for State Technology ~~department~~ shall  
1403 design, engineer, implement, manage, and operate through state  
1404 ownership, commercial leasing, contracted services, or some  
1405 combination thereof, the facilities, equipment, and contracts  
1406 providing SUNCOM Network services, and shall develop a system of  
1407 equitable billings and charges for telecommunications services.

1408 (3) The Agency for State Technology ~~department~~ shall own,  
1409 manage, and establish standards for the telecommunications  
1410 addressing and numbering plans for the SUNCOM Network. This  
1411 includes distributing or revoking numbers and addresses to  
1412 authorized users of the network and delegating or revoking the  
1413 delegation of management of subsidiary groups of numbers and  
1414 addresses to authorized users of the network.

1415 (4) The Agency for State Technology ~~department~~ shall  
1416 maintain a directory of information and services which provides  
1417 the names, phone numbers, and e-mail addresses for employees,  
1418 state agencies, and network devices that are served, in whole or  
1419 in part, by the SUNCOM Network. State agencies and political  
1420 subdivisions of the state shall cooperate with the Agency for  
1421 State Technology ~~department~~ by providing timely and accurate

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1422 directory information in the manner established by the Agency  
1423 for State Technology department.

1424 (5) All state agencies shall use the SUNCOM Network for  
1425 state agency telecommunications services as the services become  
1426 available; however, a state ~~an~~ agency is not relieved of  
1427 responsibility for maintaining telecommunications services  
1428 necessary for effective management of its programs and  
1429 functions. The Agency for State Technology department may  
1430 provide such communications services to a state university if  
1431 requested by the university.

1432 (a) If a SUNCOM Network service does not meet the  
1433 telecommunications requirements of a state ~~an~~ agency, the state  
1434 agency must notify the Agency for State Technology department in  
1435 writing and detail the requirements for that service. If the  
1436 agency department is unable to meet a state ~~an~~ agency's  
1437 requirements by enhancing SUNCOM Network service, the Agency for  
1438 State Technology department may grant the state agency an  
1439 exemption from the required use of specified SUNCOM Network  
1440 services.

1441 (b) Unless an exemption has been granted by the agency  
1442 ~~department~~, effective October 1, 2010, all customers of a state  
1443 primary data center, excluding state universities, must use the  
1444 shared SUNCOM Network telecommunications services connecting the  
1445 state primary data center to SUNCOM services for all  
1446 telecommunications needs in accordance with rules of the Agency  
1447 for State Technology department ~~rules~~.

1448 1. Upon discovery of customer noncompliance with this  
1449 paragraph, the agency department shall provide the affected  
1450 customer with a schedule for transferring to the shared

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1451 telecommunications services provided by the SUNCOM Network and  
1452 an estimate of all associated costs. The state primary data  
1453 centers and their customers shall cooperate with the agency  
1454 ~~department~~ to accomplish the transfer.

1455 2. Customers may request an exemption from this paragraph  
1456 in the same manner as authorized in paragraph (a).

1457 (6) This section may not be construed to require a state  
1458 university to use SUNCOM Network communication services.

1459 Section 24. Section 282.704, Florida Statutes, is amended  
1460 to read:

1461 282.704 Use of state SUNCOM Network by municipalities.—Any  
1462 municipality may request the Agency for State Technology  
1463 ~~department~~ to provide any or all of the SUNCOM Network's  
1464 portfolio of communications services upon such terms and  
1465 conditions as the agency ~~department~~ may establish. The  
1466 requesting municipality shall pay its share of installation and  
1467 recurring costs according to the published rates for SUNCOM  
1468 Network services and as invoiced by the agency ~~department~~. Such  
1469 municipality shall also pay for any requested modifications to  
1470 existing SUNCOM Network services, if any charges apply.

1471 Section 25. Section 282.705, Florida Statutes, is amended  
1472 to read:

1473 282.705 Use of state SUNCOM Network by nonprofit  
1474 corporations.—

1475 (1) The Agency for State Technology ~~department~~ shall  
1476 provide a means whereby private nonprofit corporations under  
1477 contract with state agencies or political subdivisions of the  
1478 state may use the state SUNCOM Network, subject to the  
1479 limitations in this section. In order to qualify to use the

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1480 state SUNCOM Network, a nonprofit corporation shall:

1481 (a) Expend the majority of its total direct revenues for  
1482 the provision of contractual services to the state, a  
1483 municipality, or a political subdivision; and

1484 (b) Receive only a small portion of its total revenues from  
1485 any source other than a state agency, a municipality, or a  
1486 political subdivision during the time SUNCOM Network services  
1487 are requested.

1488 (2) Each nonprofit corporation seeking authorization to use  
1489 the state SUNCOM Network shall provide to the agency ~~department~~,  
1490 upon request, proof of compliance with subsection (1).

1491 (3) Nonprofit corporations established pursuant to general  
1492 law and an association of municipal governments which is wholly  
1493 owned by the municipalities are eligible to use the state SUNCOM  
1494 Network, subject to the terms and conditions of the agency  
1495 ~~department~~.

1496 (4) Institutions qualified to participate in the William L.  
1497 Boyd, IV, Florida Resident Access Grant Program pursuant to s.  
1498 1009.89 are eligible to use the state SUNCOM Network, subject to  
1499 the terms and conditions of the agency ~~department~~. Such entities  
1500 are not required to satisfy the other criteria of this section.

1501 (5) Private, nonprofit elementary and secondary schools are  
1502 eligible for rates and services on the same basis as public  
1503 schools if such schools do not have an endowment in excess of  
1504 \$50 million.

1505 Section 26. Section 282.706, Florida Statutes, is amended  
1506 to read:

1507 282.706 Use of SUNCOM Network by libraries.—The Agency for  
1508 State Technology ~~department~~ may provide SUNCOM Network services

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1509 to any library in the state, including libraries in public  
1510 schools, community colleges, state universities, and nonprofit  
1511 private postsecondary educational institutions, and libraries  
1512 owned and operated by municipalities and political subdivisions.  
1513 This section may not be construed to require a state university  
1514 library to use SUNCOM Network services.

1515 Section 27. Section 282.707, Florida Statutes, is amended  
1516 to read:

1517 282.707 SUNCOM Network; criteria for usage.—

1518 (1) The Agency for State Technology ~~department~~ and  
1519 customers served by the agency ~~department~~ shall periodically  
1520 review the qualifications of subscribers using the state SUNCOM  
1521 Network and terminate services provided to a facility not  
1522 qualified under this part or rules adopted hereunder. In the  
1523 event of nonpayment of invoices by subscribers whose SUNCOM  
1524 Network invoices are paid from sources other than legislative  
1525 appropriations, such nonpayment represents good and sufficient  
1526 reason to terminate service.

1527 (2) The Agency for State Technology ~~department~~ shall adopt  
1528 rules for implementing and operating the state SUNCOM Network,  
1529 which include procedures for withdrawing and restoring  
1530 authorization to use the state SUNCOM Network. Such rules shall  
1531 provide a minimum of 30 days' notice to affected parties before  
1532 terminating voice communications service.

1533 (3) This section does not limit or restrict the ability of  
1534 the Florida Public Service Commission to set jurisdictional  
1535 tariffs of telecommunications companies.

1536 Section 28. Section 282.709, Florida Statutes, is amended  
1537 to read:

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1538 282.709 State agency law enforcement radio system and  
1539 interoperability network.—

1540 (1) The Agency for State Technology ~~department~~ may acquire  
1541 and administer a statewide radio communications system to serve  
1542 law enforcement units of state agencies, and to serve local law  
1543 enforcement agencies through mutual aid channels.

1544 (a) The agency ~~department~~ shall, in conjunction with the  
1545 Department of Law Enforcement and the Division of Emergency  
1546 Management, establish policies, procedures, and standards to be  
1547 incorporated into a comprehensive management plan for the use  
1548 and operation of the statewide radio communications system.

1549 (b) The agency ~~department~~ shall bear the overall  
1550 responsibility for the design, engineering, acquisition, and  
1551 implementation of the statewide radio communications system and  
1552 for ensuring the proper operation and maintenance of all common  
1553 system equipment.

1554 (c)1. The agency ~~department~~ may rent or lease space on any  
1555 tower under its control and refuse to lease space on any tower  
1556 at any site.

1557 2. The agency ~~department~~ may rent, lease, or sublease  
1558 ground space as necessary to locate equipment to support  
1559 antennae on the towers. The costs for the use of such space  
1560 shall be established by the agency ~~department~~ for each site if  
1561 it is determined to be practicable and feasible to make space  
1562 available.

1563 3. The agency ~~department~~ may rent, lease, or sublease  
1564 ground space on lands acquired by the agency ~~department~~ for the  
1565 construction of privately owned or publicly owned towers. The  
1566 agency ~~department~~ may, as a part of such rental, lease, or

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1567 sublease agreement, require space on such towers for antennae as  
1568 necessary for the construction and operation of the state agency  
1569 law enforcement radio system or any other state need.

1570 4. All moneys collected by the agency ~~department~~ for rents,  
1571 leases, and subleases under this subsection shall be deposited  
1572 directly into the State Agency Law Enforcement Radio System  
1573 Trust Fund established in subsection (3) and may be used by the  
1574 agency ~~department~~ to construct, maintain, or support the system.

1575 5. The positions necessary for the agency ~~department~~ to  
1576 accomplish its duties under this subsection shall be established  
1577 in the General Appropriations Act and funded by the Law  
1578 Enforcement Radio Operating Trust Fund or other revenue sources.

1579 (d) The agency ~~department~~ shall exercise its powers and  
1580 duties under this part to plan, manage, and administer the  
1581 mutual aid channels in the statewide radio communication system.

1582 1. In implementing such powers and duties, the agency  
1583 ~~department~~ shall consult and act in conjunction with the  
1584 Department of Law Enforcement and the Division of Emergency  
1585 Management, and shall manage and administer the mutual aid  
1586 channels in a manner that reasonably addresses the needs and  
1587 concerns of the involved law enforcement agencies and emergency  
1588 response agencies and entities.

1589 2. The agency ~~department~~ may make the mutual aid channels  
1590 available to federal agencies, state agencies, and agencies of  
1591 the political subdivisions of the state for the purpose of  
1592 public safety and domestic security.

1593 (e) The agency ~~department~~ may allow other state agencies to  
1594 use the statewide radio communications system under terms and  
1595 conditions established by the agency ~~department~~.

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1596 (2) The Joint Task Force on State Agency Law Enforcement  
1597 Communications is created adjunct to the Agency for State  
1598 Technology department to advise the agency department of member-  
1599 agency needs relating to the planning, designing, and  
1600 establishment of the statewide communication system.

1601 (a) The Joint Task Force on State Agency Law Enforcement  
1602 Communications shall consist of eight members, as follows:

1603 1. A representative of the Division of Alcoholic Beverages  
1604 and Tobacco of the Department of Business and Professional  
1605 Regulation who shall be appointed by the secretary of the  
1606 department.

1607 2. A representative of the Division of Florida Highway  
1608 Patrol of the Department of Highway Safety and Motor Vehicles  
1609 who shall be appointed by the executive director of the  
1610 department.

1611 3. A representative of the Department of Law Enforcement  
1612 who shall be appointed by the executive director of the  
1613 department.

1614 4. A representative of the Fish and Wildlife Conservation  
1615 Commission who shall be appointed by the executive director of  
1616 the commission.

1617 5. A representative of the Division of Law Enforcement of  
1618 the Department of Environmental Protection who shall be  
1619 appointed by the secretary of the department.

1620 6. A representative of the Department of Corrections who  
1621 shall be appointed by the secretary of the department.

1622 7. A representative of the Division of State Fire Marshal  
1623 of the Department of Financial Services who shall be appointed  
1624 by the State Fire Marshal.



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1625 8. A representative of the Department of Transportation who  
1626 shall be appointed by the secretary of the department.

1627 (b) Each appointed member of the joint task force shall  
1628 serve at the pleasure of the appointing official. Any vacancy on  
1629 the joint task force shall be filled in the same manner as the  
1630 original appointment. A joint task force member may, upon  
1631 notification to the chair before the beginning of any scheduled  
1632 meeting, appoint an alternative to represent the member on the  
1633 task force and vote on task force business in his or her  
1634 absence.

1635 (c) The joint task force shall elect a chair from among its  
1636 members to serve a 1-year term. A vacancy in the chair of the  
1637 joint task force must be filled for the remainder of the  
1638 unexpired term by an election of the joint task force members.

1639 (d) The joint task force shall meet as necessary, but at  
1640 least quarterly, at the call of the chair and at the time and  
1641 place designated by him or her.

1642 (e) The per diem and travel expenses incurred by a member  
1643 of the joint task force in attending its meetings and in  
1644 attending to its affairs shall be paid pursuant to s. 112.061,  
1645 from funds budgeted to the state agency that the member  
1646 represents.

1647 (f) The agency ~~department~~ shall provide technical support  
1648 to the joint task force.

1649 (3) (a) The State Agency Law Enforcement Radio System Trust  
1650 Fund is established in the Agency for State Technology  
1651 ~~department~~ and funded from surcharges collected under ss.  
1652 318.18, 320.0802, and 328.72. Upon appropriation, moneys in the  
1653 trust fund may be used by the agency ~~department~~ to acquire by

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1654 competitive procurement the equipment, software, and  
1655 engineering, administrative, and maintenance services it needs  
1656 to construct, operate, and maintain the statewide radio system.  
1657 Moneys in the trust fund from surcharges shall be used to help  
1658 fund the costs of the system. Upon completion of the system,  
1659 moneys in the trust fund may also be used by the agency  
1660 ~~department~~ for payment of the recurring maintenance costs of the  
1661 system.

1662 (b) Funds from the State Agency Law Enforcement Radio  
1663 System Trust Fund may be used by the agency ~~department~~ to fund  
1664 mutual aid buildout maintenance and sustainment as appropriated  
1665 by law. This paragraph expires July 1, 2012.

1666 (4) The Agency for State Technology ~~department~~ may create  
1667 and administer an interoperability network to enable  
1668 interoperability between various radio communications  
1669 technologies and to serve federal agencies, state agencies, and  
1670 agencies of political subdivisions of the state for the purpose  
1671 of public safety and domestic security.

1672 (a) The agency ~~department~~ shall, in conjunction with the  
1673 Department of Law Enforcement and the Division of Emergency  
1674 Management, exercise its powers and duties pursuant to this  
1675 chapter to plan, manage, and administer the interoperability  
1676 network. The agency ~~office~~ may:

1677 1. Enter into mutual aid agreements among federal agencies,  
1678 state agencies, and political subdivisions of the state for the  
1679 use of the interoperability network.

1680 2. Establish the cost of maintenance and operation of the  
1681 interoperability network and charge subscribing federal and  
1682 local law enforcement agencies for access and use of the

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1683 network. The agency ~~department~~ may not charge state law  
1684 enforcement agencies identified in paragraph (2) (a) to use the  
1685 network.

1686 3. In consultation with the Department of Law Enforcement  
1687 and the Division of Emergency Management, amend and enhance the  
1688 statewide radio communications system as necessary to implement  
1689 the interoperability network.

1690 (b) The agency ~~department~~, in consultation with the Joint  
1691 Task Force on State Agency Law Enforcement Communications, and  
1692 in conjunction with the Department of Law Enforcement and the  
1693 Division of Emergency Management, shall establish policies,  
1694 procedures, and standards to incorporate into a comprehensive  
1695 management plan for the use and operation of the  
1696 interoperability network.

1697 Section 29. Section 282.7101, Florida Statutes, is amended  
1698 to read:

1699 282.7101 Statewide system of regional law enforcement  
1700 communications.—

1701 (1) It is the intent and purpose of the Legislature that a  
1702 statewide system of regional law enforcement communications be  
1703 developed whereby maximum efficiency in the use of existing  
1704 radio channels is achieved in order to deal more effectively  
1705 with the apprehension of criminals and the prevention of crime.  
1706 To this end, all law enforcement agencies within the state are  
1707 directed to provide the Agency for State Technology ~~department~~  
1708 with any information the agency ~~department~~ requests for the  
1709 purpose of implementing the provisions of subsection (2).

1710 (2) The Agency for State Technology ~~department~~ is hereby  
1711 ~~authorized and~~ directed to develop and maintain a statewide

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1712 system of regional law enforcement communications. In  
1713 formulating such a system, the agency ~~department~~ shall divide  
1714 the state into appropriate regions and shall develop a program  
1715 that includes, but is not limited to:

1716 (a) The communications requirements for each county and  
1717 municipality comprising the region.

1718 (b) An interagency communications provision that depicts  
1719 the communication interfaces between municipal, county, and  
1720 state law enforcement entities operating within the region.

1721 (c) A frequency allocation and use provision that includes,  
1722 on an entity basis, each assigned and planned radio channel and  
1723 the type of operation, simplex, duplex, or half-duplex, on each  
1724 channel.

1725 (3) The Agency for State Technology ~~department~~ shall adopt  
1726 any necessary rules and regulations for administering and  
1727 coordinating the statewide system of regional law enforcement  
1728 communications.

1729 (4) The executive director ~~secretary~~ of the Agency for  
1730 State Technology ~~department~~ or his or her designee is designated  
1731 as the director of the statewide system of regional law  
1732 enforcement communications and, for the purpose of carrying out  
1733 the provisions of this section, may coordinate the activities of  
1734 the system with other interested state agencies and local law  
1735 enforcement agencies.

1736 (5) A law enforcement communications system may not be  
1737 established or expanded without the prior approval of the Agency  
1738 for State Technology ~~department~~.

1739 (6) Within the limits of its capability, the Department of  
1740 Law Enforcement is encouraged to lend assistance to the Agency

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1741 for State Technology department in the development of the  
1742 statewide system of regional law enforcement communications  
1743 proposed by this section.

1744 Section 30. Section 282.711, Florida Statutes, is amended  
1745 to read:

1746 282.711 Remote electronic access services.—The Agency for  
1747 State Technology department may collect fees for providing  
1748 remote electronic access pursuant to s. 119.07(2). The fees may  
1749 be imposed on individual transactions or as a fixed subscription  
1750 for a designated period of time. All fees collected under this  
1751 section shall be deposited in the appropriate trust fund of the  
1752 program or activity that made the remote electronic access  
1753 available.

1754 Section 31. Subsection (14) of section 287.012, Florida  
1755 Statutes, is amended to read:

1756 287.012 Definitions.—As used in this part, the term:

1757 (14) "Information technology" means equipment, hardware,  
1758 software, firmware, programs, systems, networks, infrastructure,  
1759 media, and related material used to automatically,  
1760 electronically, and wirelessly collect, receive, access,  
1761 transmit, display, store, record, retrieve, analyze, evaluate,  
1762 process, classify, manipulate, manage, assimilate, control,  
1763 communicate, exchange, convert, converge, interface, switch, or  
1764 disseminate information of any kind or form ~~has the meaning~~  
1765 ~~ascribed in s. 282.0041.~~

1766 Section 32. Subsection (22) of section 287.057, Florida  
1767 Statutes, is amended to read:

1768 287.057 Procurement of commodities or contractual  
1769 services.—

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1770           (22) The department, in consultation with the Agency for  
1771 State Enterprise Information Technology and the Chief Financial  
1772 Officer Comptroller, shall develop a program for online  
1773 procurement of commodities and contractual services. To enable  
1774 the state to promote open competition and to leverage its buying  
1775 power, agencies shall participate in the online procurement  
1776 program, and eligible users may participate in the program. Only  
1777 vendors prequalified as meeting mandatory requirements and  
1778 qualifications criteria may participate in online procurement.

1779           (a) The department, in consultation with the agency, may  
1780 contract for equipment and services necessary to develop and  
1781 implement online procurement.

1782           (b) The department, in consultation with the agency, shall  
1783 adopt rules, pursuant to ss. 120.536(1) and 120.54, to  
1784 administer the program for online procurement. The rules shall  
1785 include, but not be limited to:

1786           1. Determining the requirements and qualification criteria  
1787 for prequalifying vendors.

1788           2. Establishing the procedures for conducting online  
1789 procurement.

1790           3. Establishing the criteria for eligible commodities and  
1791 contractual services.

1792           4. Establishing the procedures for providing access to  
1793 online procurement.

1794           5. Determining the criteria warranting any exceptions to  
1795 participation in the online procurement program.

1796           (c) The department may impose and shall collect all fees  
1797 for the use of the online procurement systems.

1798           1. The fees may be imposed on an individual transaction

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1799 basis or as a fixed percentage of the cost savings generated. At  
1800 a minimum, the fees must be set in an amount sufficient to cover  
1801 the projected costs of the services, including administrative  
1802 and project service costs in accordance with the policies of the  
1803 department.

1804       2. If the department contracts with a provider for online  
1805 procurement, the department, pursuant to appropriation, shall  
1806 compensate the provider from the fees after the department has  
1807 satisfied all ongoing costs. The provider shall report  
1808 transaction data to the department each month so that the  
1809 department may determine the amount due and payable to the  
1810 department from each vendor.

1811       3. All fees that are due and payable to the state on a  
1812 transactional basis or as a fixed percentage of the cost savings  
1813 generated are subject to s. 215.31 and must be remitted within  
1814 40 days after receipt of payment for which the fees are due. For  
1815 fees that are not remitted within 40 days, the vendor shall pay  
1816 interest at the rate established under s. 55.03(1) on the unpaid  
1817 balance from the expiration of the 40-day period until the fees  
1818 are remitted.

1819       4. All fees and surcharges collected under this paragraph  
1820 shall be deposited in the Operating Trust Fund as provided by  
1821 law.

1822       Section 33. Subsection (17) of section 318.18, Florida  
1823 Statutes, is amended to read:

1824       318.18 Amount of penalties.—The penalties required for a  
1825 noncriminal disposition pursuant to s. 318.14 or a criminal  
1826 offense listed in s. 318.17 are as follows:

1827       (17) In addition to any penalties imposed, a surcharge of

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1828 \$3 must be paid for all criminal offenses listed in s. 318.17  
1829 and for all noncriminal moving traffic violations under chapter  
1830 316. Revenue from the surcharge shall be remitted to the  
1831 Department of Revenue and deposited quarterly into the State  
1832 Agency Law Enforcement Radio System Trust Fund of the Agency for  
1833 State Technology ~~Department of Management Services~~ for the state  
1834 agency law enforcement radio system, as described in s. 282.709,  
1835 and to provide technical assistance to state agencies and local  
1836 law enforcement agencies with their statewide systems of  
1837 regional law enforcement communications, as described in s.  
1838 282.7101. This subsection expires July 1, 2012. The Agency for  
1839 State Technology ~~Department of Management Services~~ may retain  
1840 funds sufficient to recover the costs and expenses incurred for  
1841 managing, administering, and overseeing the Statewide Law  
1842 Enforcement Radio System, and providing technical assistance to  
1843 state agencies and local law enforcement agencies with their  
1844 statewide systems of regional law enforcement communications.  
1845 The Agency for State Technology ~~Department of Management~~  
1846 ~~Services~~ working in conjunction with the Joint Task Force on  
1847 State Agency Law Enforcement Communications shall determine and  
1848 direct the purposes for which these funds are used to enhance  
1849 and improve the radio system.

1850 Section 34. Section 320.0802, Florida Statutes, is amended  
1851 to read:

1852 320.0802 Surcharge on license tax.—There is hereby levied  
1853 and imposed on each license tax imposed under s. 320.08, except  
1854 those set forth in s. 320.08(11), a surcharge in the amount of  
1855 \$1, which shall be collected in the same manner as the license  
1856 tax and deposited into the State Agency Law Enforcement Radio



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1857 System Trust Fund of the Agency for State Technology ~~Department~~  
1858 ~~of Management Services.~~

1859 Section 35. Subsection (9) of section 328.72, Florida  
1860 Statutes, is amended to read:

1861 328.72 Classification; registration; fees and charges;  
1862 surcharge; disposition of fees; fines; marine turtle stickers.-

1863 (9) SURCHARGE.-In addition, there is hereby levied and  
1864 imposed on each vessel registration fee imposed under subsection  
1865 (1) a surcharge in the amount of \$1 for each 12-month period of  
1866 registration, which shall be collected in the same manner as the  
1867 fee and deposited into the State Agency Law Enforcement Radio  
1868 System Trust Fund of the Agency for State Technology ~~Department~~  
1869 ~~of Management Services.~~

1870 Section 36. Section 364.0135, Florida Statutes, is amended  
1871 to read:

1872 364.0135 Promotion of broadband adoption.-

1873 (1) The Legislature finds that the sustainable adoption of  
1874 broadband Internet service is critical to the economic and  
1875 business development of the state and is beneficial for  
1876 libraries, schools, colleges and universities, health care  
1877 providers, and community organizations. The term "sustainable  
1878 adoption" means the ability for communications service providers  
1879 to offer broadband services in all areas of the state by  
1880 encouraging adoption and utilization levels that allow for these  
1881 services to be offered in the free market absent the need for  
1882 governmental subsidy.

1883 (2) The Agency for State Technology may ~~Department of~~  
1884 ~~Management Services~~ is authorized to work collaboratively with,  
1885 and to receive staffing support and other resources from,

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1886 Enterprise Florida, Inc., state agencies, local governments,  
1887 private businesses, and community organizations to:

1888 (a) Monitor the adoption of broadband Internet service in  
1889 collaboration with communications service providers, including,  
1890 but not limited to, wireless and wireline Internet service  
1891 providers, to develop geographical information system maps at  
1892 the census tract level that will:

1893 1. Identify geographic gaps in broadband services,  
1894 including areas unserved by any broadband provider and areas  
1895 served by a single broadband provider;

1896 2. Identify the download and upload transmission speeds  
1897 made available to businesses and individuals in the state, at  
1898 the census tract level of detail, using data rate benchmarks for  
1899 broadband service used by the Federal Communications Commission  
1900 to reflect different speed tiers; and

1901 3. Provide a baseline assessment of statewide broadband  
1902 deployment in terms of percentage of households with broadband  
1903 availability.

1904 (b) Create a strategic plan that has goals and strategies  
1905 for increasing the use of broadband Internet service in the  
1906 state.

1907 (c) Build and facilitate local technology planning teams or  
1908 partnerships with members representing cross-sections of the  
1909 community, which may include, but are not limited to,  
1910 representatives from the following organizations and industries:  
1911 libraries, K-12 education, colleges and universities, local  
1912 health care providers, private businesses, community  
1913 organizations, economic development organizations, local  
1914 governments, tourism, parks and recreation, and agriculture.

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1915 (d) Encourage the use of broadband Internet service,  
1916 especially in the rural, unserved, and underserved communities  
1917 of the state through grant programs having effective strategies  
1918 to facilitate the statewide deployment of broadband Internet  
1919 service. For any grants to be awarded, priority must be given to  
1920 projects that:

1921 1. Provide access to broadband education, awareness,  
1922 training, access, equipment, and support to libraries, schools,  
1923 colleges and universities, health care providers, and community  
1924 support organizations.

1925 2. Encourage the sustainable adoption of broadband in  
1926 primarily unserved areas by removing barriers to entry.

1927 3. Work toward encouraging investments in establishing  
1928 affordable and sustainable broadband Internet service in  
1929 unserved areas of the state.

1930 4. Facilitate the development of applications, programs,  
1931 and services, including, but not limited to, telework,  
1932 telemedicine, and e-learning to increase the usage of, and  
1933 demand for, broadband Internet service in the state.

1934 (3) The Agency for State Technology ~~department~~ may apply  
1935 for and accept federal funds for purposes of this section, as  
1936 well as gifts and donations from individuals, foundations, and  
1937 private organizations.

1938 (4) The Agency for State Technology ~~department~~ may:

1939 (a) Enter into contracts necessary or useful to carry out  
1940 the purposes of this section.

1941 (b) ~~(5) The department may~~ Establish any committee or  
1942 workgroup to administer and carry out the purposes of this  
1943 section.

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1944        (c) ~~(6)~~ ~~The department may~~ Adopt rules necessary to carry  
 1945 out the purposes of this section. Any rule, contract, grant, or  
 1946 other activity undertaken by the agency ~~department~~ shall ensure  
 1947 that all entities are in compliance with any applicable federal  
 1948 or state laws, rules, and regulations, including, but not  
 1949 limited to, those applicable to private entities providing  
 1950 communications services for hire and the requirements of s.  
 1951 350.81.

1952        Section 37. Subsections (3), (4), (5), (7), (9), (10), and  
 1953 (11) of section 365.171, Florida Statutes, are amended to read:  
 1954 365.171 Emergency communications number E911 state plan.—

1955        (3) DEFINITIONS.—As used in this section, the term:

1956        (a) "Agency" means the Agency for State Technology ~~"Office"~~  
 1957 ~~means the Technology Program within the Department of Management~~  
 1958 ~~Services, as designated by the secretary of the department.~~

1959        (b) "Local government" means any city, county, or political  
 1960 subdivision of the state and its agencies.

1961        (c) "Public agency" means the state and any city, county,  
 1962 city and county, municipal corporation, chartered organization,  
 1963 public district, or public authority located in whole or in part  
 1964 within this state which provides, or has authority to provide,  
 1965 firefighting, law enforcement, ambulance, medical, or other  
 1966 emergency services.

1967        (d) "Public safety agency" means a functional division of a  
 1968 public agency which provides firefighting, law enforcement,  
 1969 medical, or other emergency services.

1970        (4) STATE PLAN.—The agency ~~office~~ shall develop, maintain,  
 1971 and implement appropriate modifications for a statewide  
 1972 emergency communications E911 system plan. The plan shall

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1973 provide for:

1974 (a) The public agency emergency communications requirements  
1975 for each entity of local government in the state.

1976 (b) A system to meet specific local government  
1977 requirements. Such system shall include law enforcement,  
1978 firefighting, and emergency medical services and may include  
1979 other emergency services such as poison control, suicide  
1980 prevention, and emergency management services.

1981 (c) Identification of the mutual aid agreements necessary  
1982 to obtain an effective E911 system.

1983 (d) A funding provision that identifies the cost necessary  
1984 to implement the E911 system.

1985

1986 The agency office shall be responsible for the implementation  
1987 and coordination of such plan. The agency office shall adopt any  
1988 necessary rules and schedules related to public agencies for  
1989 implementing and coordinating the plan, pursuant to chapter 120.

1990 (5) SYSTEM DIRECTOR.—The executive director of the agency  
1991 ~~secretary of the department~~ or his or her designee is designated  
1992 as the director of the statewide emergency communications number  
1993 E911 system and, for the purpose of carrying out the provisions  
1994 of this section, may ~~is authorized to~~ coordinate the activities  
1995 of the system with state, county, local, and private agencies.  
1996 The director, in implementing the system, shall consult,  
1997 cooperate, and coordinate with local law enforcement agencies.

1998 (7) TELECOMMUNICATIONS INDUSTRY COORDINATION.—The agency  
1999 ~~office~~ shall coordinate with the Florida Public Service  
2000 Commission which shall encourage the Florida telecommunications  
2001 industry to activate facility modification plans for timely E911

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2002 implementation.

2003 (9) SYSTEM APPROVAL.—An ~~No~~ emergency communications number  
2004 E911 system may not shall be established and a ~~and no~~ present  
2005 system may not shall be expanded without prior approval of the  
2006 agency office.

2007 (10) COMPLIANCE.—All public agencies shall assist the  
2008 agency office in their efforts to carry out the intent of this  
2009 section, and such agencies shall comply with the developed plan.

2010 (11) FEDERAL ASSISTANCE.—The executive director of the  
2011 agency secretary of the department or his or her designee may  
2012 apply for and accept federal funding assistance in the  
2013 development and implementation of a statewide emergency  
2014 communications number E911 system.

2015 Section 38. Paragraphs (a) through (s) of subsection (3) of  
2016 section 365.172, Florida Statutes, are redesignated as  
2017 paragraphs (b) through (t), respectively, a new paragraph (a) is  
2018 added to that subsection, and paragraph (d) of subsection (2),  
2019 present paragraph (t) of subsection (3), subsection (4),  
2020 paragraph (a) of subsection (5), paragraph (c) of subsection  
2021 (6), and paragraph (f) of subsection (12) of that section are  
2022 amended to read:

2023 365.172 Emergency communications number "E911."—

2024 (2) LEGISLATIVE INTENT.—It is the intent of the Legislature  
2025 to:

2026 (d) Provide for an E911 board to administer the fee, with  
2027 oversight by the Agency for State Technology office, in a manner  
2028 that is competitively and technologically neutral as to all  
2029 voice communications services providers.

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2031 It is further the intent of the Legislature that the fee  
2032 authorized or imposed by this section not necessarily provide  
2033 the total funding required for establishing or providing E911  
2034 service.

2035 (3) DEFINITIONS.—Only as used in this section and ss.  
2036 365.171, 365.173, and 365.174, the term:

2037 (a) "Agency" means the Agency for State Technology.

2038 ~~(t) "Office" means the Technology Program within the~~  
2039 ~~Department of Management Services, as designated by the~~  
2040 ~~secretary of the department.~~

2041 (4) POWERS AND DUTIES OF THE AGENCY FOR STATE TECHNOLOGY  
2042 ~~OFFICE~~.—The agency office shall oversee the administration of  
2043 the fee authorized and imposed on subscribers of voice  
2044 communications services under subsection (8).

2045 (5) THE E911 BOARD.—

2046 (a) The E911 Board is established to administer, with  
2047 oversight by the agency office, the fee imposed under subsection  
2048 (8), including receiving revenues derived from the fee;  
2049 distributing portions of the revenues to wireless providers,  
2050 counties, and the agency office; accounting for receipts,  
2051 distributions, and income derived by the funds maintained in the  
2052 fund; and providing annual reports to the Governor and the  
2053 Legislature for submission by the agency office on amounts  
2054 collected and expended, the purposes for which expenditures have  
2055 been made, and the status of E911 service in this state. In  
2056 order to advise and assist the agency office in carrying out the  
2057 purposes of this section, the board, which shall have the power  
2058 of a body corporate, has the powers enumerated in subsection  
2059 (6).

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2060 (6) AUTHORITY OF THE BOARD; ANNUAL REPORT.—

2061 (c) By February 28 of each year, the board shall prepare a  
2062 report for submission by the agency ~~office~~ to the Governor, the  
2063 President of the Senate, and the Speaker of the House of  
2064 Representatives which addresses for the immediately preceding  
2065 calendar year:

2066 1. The annual receipts, including the total amount of fee  
2067 revenues collected by each provider, the total disbursements of  
2068 money in the fund, including the amount of fund-reimbursed  
2069 expenses incurred by each wireless provider to comply with the  
2070 order, and the amount of moneys on deposit in the fund.

2071 2. Whether the amount of the fee and the allocation  
2072 percentages set forth in s. 365.173 have been or should be  
2073 adjusted to comply with the requirements of the order or other  
2074 provisions of this chapter, and the reasons for making or not  
2075 making a recommended adjustment to the fee.

2076 3. Any other issues related to providing E911 services.

2077 4. The status of E911 services in this state.

2078 (12) FACILITATING E911 SERVICE IMPLEMENTATION.—To balance  
2079 the public need for reliable E911 services through reliable  
2080 wireless systems and the public interest served by governmental  
2081 zoning and land development regulations and notwithstanding any  
2082 other law or local ordinance to the contrary, the following  
2083 standards shall apply to a local government's actions, as a  
2084 regulatory body, in the regulation of the placement,  
2085 construction, or modification of a wireless communications  
2086 facility. This subsection shall not, however, be construed to  
2087 waive or alter the provisions of s. 286.011 or s. 286.0115. For  
2088 the purposes of this subsection only, "local government" shall



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2089 mean any municipality or county and any agency of a municipality  
2090 or county only. The term "local government" does not, however,  
2091 include any airport, as defined by s. 330.27(2), even if it is  
2092 owned or controlled by or through a municipality, county, or  
2093 agency of a municipality or county. Further, notwithstanding  
2094 anything in this section to the contrary, this subsection does  
2095 not apply to or control a local government's actions as a  
2096 property or structure owner in the use of any property or  
2097 structure owned by such entity for the placement, construction,  
2098 or modification of wireless communications facilities. In the  
2099 use of property or structures owned by the local government,  
2100 however, a local government may not use its regulatory authority  
2101 so as to avoid compliance with, or in a manner that does not  
2102 advance, the provisions of this subsection.

2103 (f) Any other law to the contrary notwithstanding, the  
2104 agency ~~Department of Management Services~~ shall negotiate, in the  
2105 name of the state, leases for wireless communications facilities  
2106 that provide access to state government-owned property not  
2107 acquired for transportation purposes, and the Department of  
2108 Transportation shall negotiate, in the name of the state, leases  
2109 for wireless communications facilities that provide access to  
2110 property acquired for state rights-of-way. On property acquired  
2111 for transportation purposes, leases shall be granted in  
2112 accordance with s. 337.251. On other state government-owned  
2113 property, leases shall be granted on a space available, first-  
2114 come, first-served basis. Payments required by state government  
2115 under a lease must be reasonable and must reflect the market  
2116 rate for the use of the state government-owned property. The  
2117 agency ~~Department of Management Services~~ and the Department of

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2118 Transportation are authorized to adopt rules for the terms and  
2119 conditions and granting of any such leases.

2120 Section 39. Subsection (1) and paragraph (g) of subsection  
2121 (2) of section 365.173, Florida Statutes, are amended to read:

2122 365.173 Emergency Communications Number E911 System Fund.—

2123 (1) All revenues derived from the fee levied on subscribers  
2124 under s. 365.172 must be paid by the board into the State  
2125 Treasury on or before the 15th day of each month. Such moneys  
2126 must be accounted for in a special fund to be designated as the  
2127 Emergency Communications Number E911 System Fund, a fund created  
2128 in the Agency for State Technology Program, ~~or other office as~~  
2129 ~~designated by the Secretary of Management Services~~, and, for  
2130 accounting purposes, must be segregated into two separate  
2131 categories:

2132 (a) The wireless category; and

2133 (b) The nonwireless category.

2134

2135 All moneys must be invested by the Chief Financial Officer  
2136 pursuant to s. 17.61. All moneys in such fund are to be expended  
2137 by the agency office for the purposes provided in this section  
2138 and s. 365.172. These funds are not subject to s. 215.20.

2139 (2) As determined by the board pursuant to s.  
2140 365.172(8)(h), and subject to any modifications approved by the  
2141 board pursuant to s. 365.172(6)(a)3. or (8)(i), the moneys in  
2142 the fund shall be distributed and used only as follows:

2143 (g) Two percent of the moneys in the fund shall be used to  
2144 make monthly distributions to rural counties for the purpose of  
2145 providing facilities and network and service enhancements and  
2146 assistance for the 911 or E911 systems operated by rural

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2147 counties and for the provision of grants by the agency ~~office~~ to  
2148 rural counties for upgrading and replacing E911 systems.

2149

2150 The Legislature recognizes that the fee authorized under s.  
2151 365.172 may not necessarily provide the total funding required  
2152 for establishing or providing the E911 service. It is the intent  
2153 of the Legislature that all revenue from the fee be used as  
2154 specified in this subsection.

2155 Section 40. Subsection (1) of section 365.174, Florida  
2156 Statutes, is amended to read:

2157 365.174 Proprietary confidential business information.—

2158 (1) All proprietary confidential business information  
2159 submitted by a provider to the board or the Agency for State  
2160 Technology ~~office~~, including the name and billing or service  
2161 addresses of service subscribers, and trade secrets as defined  
2162 by s. 812.081, is confidential and exempt from s. 119.07(1) and  
2163 s. 24(a), Art. I of the State Constitution. Statistical  
2164 abstracts of information collected by the board or the agency  
2165 ~~office~~ may be released or published, but only in a manner that  
2166 does not identify or allow identification of subscribers or  
2167 their service numbers or of revenues attributable to any  
2168 provider.

2169 Section 41. Section 401.013, Florida Statutes, is amended  
2170 to read:

2171 401.013 Legislative intent.—It is the intention and purpose  
2172 of the Legislature that a statewide system of regional emergency  
2173 medical telecommunications be developed whereby maximum use of  
2174 existing radio channels is achieved in order to more effectively  
2175 and rapidly provide emergency medical service to the general

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2176 population. To this end, all emergency medical service entities  
2177 within the state are directed to provide the Agency for State  
2178 Technology Department of Management Services with any  
2179 information the agency department requests for the purpose of  
2180 implementing the provisions of s. 401.015, and such entities  
2181 shall comply with the resultant provisions established pursuant  
2182 to this part.

2183 Section 42. Section 401.015, Florida Statutes, is amended  
2184 to read:

2185 401.015 Statewide regional emergency medical  
2186 telecommunication system.—The Agency for State Technology shall  
2187 ~~Department of Management Services is authorized and directed to~~  
2188 develop a statewide system of regional emergency medical  
2189 telecommunications. For the purpose of this part, the term  
2190 “telecommunications” means ~~these~~ voice, data, and signaling  
2191 transmissions and receptions between emergency medical service  
2192 components, including, but not limited to: ambulances; rescue  
2193 vehicles; hospitals or other related emergency receiving  
2194 facilities; emergency communications centers; physicians and  
2195 emergency medical personnel; paging facilities; law enforcement  
2196 and fire protection agencies; and poison control, suicide, and  
2197 emergency management agencies. In formulating such a system, the  
2198 agency department shall divide the state into appropriate  
2199 regions and ~~shall~~ develop a program that ~~which~~ includes, but is  
2200 not limited to, the following provisions:

2201 (1) A requirements provision that states, ~~which shall state~~  
2202 the telecommunications requirements for each emergency medical  
2203 entity comprising the region.

2204 (2) An interfacility communications provision that depicts,

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2205 ~~which shall depict~~ the telecommunications interfaces between the  
2206 various medical service entities that ~~which~~ operate within the  
2207 region and state.

2208 (3) An organizational layout provision that includes, ~~which~~  
2209 ~~shall include~~ each emergency medical entity and the number of  
2210 radio operating units (base, mobile, handheld, etc.) per entity.

2211 (4) A frequency allocation and use provision that includes,  
2212 ~~which shall include~~ on an entity basis each assigned and planned  
2213 radio channel and the type of operation (simplex, duplex, half  
2214 duplex, etc.) on each channel.

2215 (5) An operational provision that includes, ~~which shall~~  
2216 ~~include~~ dispatching, logging, and operating procedures  
2217 pertaining to telecommunications on an entity basis and regional  
2218 basis.

2219 (6) An emergency medical service telephone provision that  
2220 includes, ~~which shall include~~ the telephone and the numbering  
2221 plan throughout the region for both the public and interface  
2222 requirements.

2223 Section 43. Section 401.018, Florida Statutes, is amended  
2224 to read:

2225 401.018 System coordination.—

2226 (1) The statewide system of regional emergency medical  
2227 telecommunications shall be developed by the Agency for State  
2228 Technology Department of Management Services, which department  
2229 shall be responsible for the implementation and coordination of  
2230 such system into the state telecommunications plan. The agency  
2231 ~~department~~ shall adopt any necessary rules and regulations for  
2232 implementing and coordinating such a system.

2233 (2) The Agency for State Technology Department of

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2234 ~~Management Services~~ shall be designated as the state frequency  
2235 coordinator for the special emergency radio service.

2236 Section 44. Section 401.021, Florida Statutes, is amended  
2237 to read:

2238 401.021 System director.—The executive director of the  
2239 Agency for State Technology ~~Secretary of Management Services~~ or  
2240 his or her designee is designated as the director of the  
2241 statewide telecommunications system of the regional emergency  
2242 medical service and, for the purpose of carrying out the  
2243 provisions of this part, may ~~is authorized to~~ coordinate the  
2244 activities of the telecommunications system with other  
2245 interested state, county, local, and private agencies.

2246 Section 45. Section 401.024, Florida Statutes, is amended  
2247 to read:

2248 401.024 System approval.—~~An~~ From July 1, 1973, ~~no~~ emergency  
2249 medical telecommunications system may not ~~shall~~ be established  
2250 and ~~or~~ present systems may not be expanded without prior  
2251 approval of the Agency for State Technology ~~Department of~~  
2252 ~~Management Services~~.

2253 Section 46. Section 401.027, Florida Statutes, is amended  
2254 to read:

2255 401.027 Federal assistance.—The executive director of the  
2256 Agency for State Technology ~~Secretary of Management Services~~ or  
2257 his or her designee may ~~is authorized to~~ apply for and accept  
2258 federal funding assistance in the development and implementation  
2259 of a statewide emergency medical telecommunications system.

2260 Section 47. Paragraph (a) of subsection (2) of section  
2261 401.465, Florida Statutes, is amended to read:

2262 401.465 911 public safety telecommunicator certification.—

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2263 (2) PERSONNEL; STANDARDS AND CERTIFICATION.—

2264 (a) Effective October 1, 2012, any person employed as a 911  
2265 public safety telecommunicator at a public safety answering  
2266 point, as defined in s. 365.172(3)(b) ~~s. 365.172(3)(a)~~, must be  
2267 certified by the department.

2268 Section 48. Subsection (4) of section 445.011, Florida  
2269 Statutes, is amended to read:

2270 445.011 Workforce information systems.—

2271 (4) Workforce Florida, Inc., shall coordinate development  
2272 and implementation of workforce information systems with the  
2273 executive director of the Agency for State Enterprise  
2274 ~~Information~~ Technology to ensure compatibility with the state's  
2275 information system strategy and enterprise architecture.

2276 Section 49. Subsection (2) and paragraphs (a) and (b) of  
2277 subsection (4) of section 445.045, Florida Statutes, are amended  
2278 to read:

2279 445.045 Development of an Internet-based system for  
2280 information technology industry promotion and workforce  
2281 recruitment.—

2282 (2) Workforce Florida, Inc., shall coordinate with the  
2283 Agency for State Enterprise ~~Information~~ Technology and the  
2284 Department of Economic Opportunity to ensure links, where  
2285 feasible and appropriate, to existing job information websites  
2286 maintained by the state and state agencies and to ensure that  
2287 information technology positions offered by the state and state  
2288 agencies are posted on the information technology website.

2289 (4) (a) Workforce Florida, Inc., shall coordinate  
2290 development and maintenance of the website under this section  
2291 with the executive director of the Agency for State Enterprise

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2292 ~~Information~~ Technology to ensure compatibility with the state's  
2293 information system strategy and enterprise architecture.

2294 (b) Workforce Florida, Inc., may enter into an agreement  
2295 with the Agency for State ~~Enterprise Information~~ Technology, the  
2296 Department of Economic Opportunity, or any other public agency  
2297 with the requisite information technology expertise for the  
2298 provision of design, operating, or other technological services  
2299 necessary to develop and maintain the website.

2300 Section 50. Paragraph (b) of subsection (18) of section  
2301 668.50, Florida Statutes, is amended to read:

2302 668.50 Uniform Electronic Transaction Act.—

2303 (18) ACCEPTANCE AND DISTRIBUTION OF ELECTRONIC RECORDS BY  
2304 GOVERNMENTAL AGENCIES.—

2305 (b) To the extent that a governmental agency uses  
2306 electronic records and electronic signatures under paragraph  
2307 (a), the Agency for State ~~Enterprise Information~~ Technology, in  
2308 consultation with the governmental agency, giving due  
2309 consideration to security, may specify:

2310 1. The manner and format in which the electronic records  
2311 must be created, generated, sent, communicated, received, and  
2312 stored and the systems established for those purposes.

2313 2. If electronic records must be signed by electronic  
2314 means, the type of electronic signature required, the manner and  
2315 format in which the electronic signature must be affixed to the  
2316 electronic record, and the identity of, or criteria that must be  
2317 met by, any third party used by a person filing a document to  
2318 facilitate the process.

2319 3. Control processes and procedures as appropriate to  
2320 ensure adequate preservation, disposition, integrity, security,



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2321 confidentiality, and auditability of electronic records.

2322         4. Any other required attributes for electronic records  
2323 which are specified for corresponding nonelectronic records or  
2324 reasonably necessary under the circumstances.

2325         Section 51. This act shall take effect July 1, 2012.