

By the Committee on Governmental Oversight and Accountability;
and Senator Ring

585-02800-12

20121498c1

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 an executive director who shall be the
16 state's Chief Information Officer; requiring the
17 Governor to appoint a search committee to recommend
18 candidates for executive director; providing for
19 organization of the agency; providing duties and
20 responsibilities of the agency and of the executive
21 director; prohibiting the agency from using certain
22 trust funds for certain purposes; authorizing the
23 agency to adopt rules; reordering and amending s.
24 282.0041, F.S.; revising and providing definitions of
25 terms as used in the Enterprise Information Technology
26 Services Management Act; amending s. 282.0055, F.S.;
27 revising provisions for assignment of information
28 technology services; directing the agency to create a
29 road map for enterprise information technology service

585-02800-12

20121498c1

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

585-02800-12

20121498c1

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

585-02800-12

20121498c1

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

585-02800-12

20121498c1

117 Act, surcharge on vehicle license tax, vessel
118 registration, broadband Internet service, the
119 emergency communications number E911, regional
120 emergency medical telecommunications, the Workforce
121 Innovation Act of 2000, and the Uniform Electronic
122 Transaction Act; conforming provisions and cross-
123 references to changes made by the act; revising and
124 deleting obsolete provisions; providing effective
125 dates.

126
127 Be It Enacted by the Legislature of the State of Florida:

128
129 Section 1. (1) The Agency for Enterprise Information
130 Technology is abolished.

131 (2) All of the powers, duties, functions, records,
132 personnel, and property; funds, trust funds, and unexpended
133 balances of appropriations, allocations, and other funds;
134 administrative authority; administrative rules; pending issues;
135 and existing contracts of the Agency for Enterprise Information
136 Technology are transferred by a type one transfer, pursuant to
137 s. 20.06(1), Florida Statutes, to the Agency for State
138 Technology.

139 Section 2. Transfers from the Department of Management
140 Services.—

141 (1) The Technology Program established under section
142 20.22(2), Florida Statutes, is transferred by a type one
143 transfer, as defined in s. 20.06(1), Florida Statutes, from the
144 Department of Management Services to the Agency for State
145 Technology in the Executive Officer of the Governor.

585-02800-12

20121498c1

146 (2) All of the powers, duties, functions, records,
147 personnel, and property; funds, trust funds, and unexpended
148 balances of appropriations, allocations, and other funds;
149 administrative authority; administrative rules; pending issues;
150 and existing contracts relating to the following
151 responsibilities are transferred by a type one transfer, as
152 defined in s. 20.06(1), Florida Statutes, from the Department of
153 Management Services to the Agency for State Technology in the
154 Executive Office of the Governor:

155 (a) Administrative and regulatory responsibilities under
156 part II of chapter 282, Florida Statutes, consisting of ss.
157 282.601-282.606, Florida Statutes, relating to accessibility of
158 electronic information and information technology for state
159 employees and members of the public with disabilities, including
160 the responsibility for rules for the development, procurement,
161 maintenance, and use of accessible electronic information
162 technology by governmental units pursuant to s. 282.604, Florida
163 Statutes.

164 (b) Administrative and regulatory responsibilities under
165 part III of chapter 282, Florida Statutes, consisting of ss.
166 282.701-282.711, relating to the state telecommunications
167 network, state communications, telecommunications services with
168 state agencies and political subdivisions of the state, the
169 SUNCOM network, the law enforcement radio system and
170 interoperability network, regional law enforcement
171 communications, and remote electronic access.

172 (c) Administrative and regulatory responsibilities under s.
173 364.0135, Florida Statutes, relating to broadband Internet
174 service.

585-02800-12

20121498c1

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

178 (e) Administrative and regulatory responsibilities under
179 part I of chapter 401, Florida Statutes, consisting of ss.
180 401.013-401.027, relating to a statewide system of regional
181 emergency medical telecommunications.

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

186 1. The Communications Working Capital Trust Fund.

187 2. The Emergency Communications Number E911 System Fund.

188 3. The State Agency Law Enforcement Radio System Trust
189 Fund.

190 (b) All unexpended balances of appropriations, allocations,
191 and other funds of the Department of Management Services
192 relating to ss. 282.701-282.711, s. 364.0135, ss. 365.171-
193 365.175, and part I of chapter 401, Florida Statutes, which are
194 not specifically transferred by this subsection are transferred
195 by a type one transfer, as defined in s. 20.06(1), Florida
196 Statutes, to the Agency for State Technology in the Executive
197 Office of the Governor.

198 (4) All lawful orders issued by the Department of
199 Management Services implementing or enforcing or otherwise in
200 regard to ss. 282.701-282.711, s. 364.0135, ss. 365.171-365.175,
201 or part I of chapter 401, Florida Statutes, issued before July
202 1, 2012, remain in effect and are enforceable on or after that
203 date unless thereafter modified in accordance with law.

585-02800-12

20121498c1

204 (5) Any binding contract or interagency agreement entered
205 into pursuant to ss. 282.701-282.711, s. 364.0135, ss. 365.171-
206 365.175, or part I of chapter 401, Florida Statutes, and
207 existing before July 1, 2012, between the Department of
208 Management Services or an entity or agent of the department and
209 any other agency, entity, or person continues as a binding
210 contract or agreement for the remainder of the term of such
211 contract or agreement on the Agency for State Technology.

212 (6) The rules of the Department of Management Services
213 relating to ss. 282.701-282.711, s. 364.0135, ss. 365.171-
214 365.175, or part I of chapter 401, Florida Statutes, which were
215 in effect at 11:59 p.m. on June 30, 2012, become rules of the
216 Agency for State Technology and remain in effect until amended
217 or repealed in the manner provided by law.

218 (7) The transfer of regulatory authority under ss. 282.701-
219 282.711, s. 364.0135, ss. 365.171-365.175, or part I of chapter
220 401, Florida Statutes, provided by this section does not affect
221 the validity of any judicial or administrative action pending as
222 of 11:59 p.m. on June 30, 2012, to which the Department of
223 Management Services is at that time a party, and the Agency for
224 State Technology shall be substituted as a party in interest in
225 such action.

226 (8) The Northwood Shared Resource Center is transferred by
227 a type one transfer, as defined in s. 20.06(1), Florida
228 Statutes, from the Department of Management Services to the
229 Agency for State Technology in the Executive Office of the
230 Governor.

231 (a) Any binding contract or interagency agreement entered
232 into between the Northwood Shared Resource Center or an entity

585-02800-12

20121498c1

233 or agent of the center and any other agency, entity, or person
234 continues as a binding contract or agreement for the remainder
235 of the term of such contract or agreement on the Agency for
236 State Technology.

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

241 (9) The Southwood Shared Resource Center is transferred by
242 a type one transfer, as defined in s. 20.06(1), Florida
243 Statutes, from the Department of Management Services to the
244 Agency for State Technology in the Executive Office of the
245 Governor.

246 (a) Any binding contract or interagency agreement entered
247 into between the Southwood Shared Resource Center or an entity
248 or agent of the center and any other agency, entity, or person
249 continues as a binding contract or agreement for the remainder
250 of the term of such contract or agreement on the Agency for
251 State Technology.

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

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

257 Section 4. Section 14.206, Florida Statutes, is created to
258 read:

259 14.206 Agency for State Technology.—The Agency for State
260 Technology is created in the Executive Office of the Governor.

261 (1) The head of the agency shall be the Governor and

585-02800-12

20121498c1

262 Cabinet.

263 (2) The agency is a separate budget entity and is not
264 subject to control, supervision, or direction by the Executive
265 Office of the Governor, including, but not limited to,
266 purchasing, transactions involving real or personal property,
267 personnel, or budgetary matters.

268 (3) The agency shall have an executive director who is the
269 state's Chief Information Officer and who must be qualified by
270 education and experience for the office. The executive director
271 shall be appointed by the Governor, subject to confirmation by
272 the Cabinet and the Senate, and shall serve at the pleasure of
273 the Governor and Cabinet.

274 (a) The executive director:

275 1. Shall be responsible for developing and administering a
276 comprehensive long-range plan for the state's information
277 technology resources, ensuring the proper management of such
278 resources, and delivering services.

279 2. Shall appoint a Chief Technology Officer to lead the
280 divisions of the agency dedicated to the operation and delivery
281 of enterprise information technology services.

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

285 4. Shall designate a state Chief Information Security
286 Officer.

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

289 (b) The Governor shall appoint a search committee to
290 recruit an executive director for the agency. At a minimum, the

585-02800-12

20121498c1

291 Attorney General, the Chief Financial Officer, and the
292 Commissioner of Agriculture shall each have one appointment to
293 the search committee. The committee shall determine the position
294 description; identify the knowledge, skills, and abilities that
295 qualified candidates must possess; define and conduct the search
296 process; and recommend top candidates to the Governor and
297 Cabinet for their approval. The recommendation of top candidates
298 shall also include recommended salary ranges.

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

301 (a) Under the Chief Technology Officer:

302 1. The Division of Telecommunications which includes:

303 a. SUNCOM.

304 b. State Agency Law Enforcement Radio System.

305 c. State E911 Program.

306 2. The Division of Data Center Operations which includes:

307 a. Northwood Shared Resource Center.

308 b. Southwood Shared Resource Center.

309 3. The Division of Enterprise Service Delivery which

310 includes:

311 a. Enterprise e-mail.

312 (b) Under the Chief Enterprise Applications Officer:

313 1. Enterprise Software Design and Projects.

314 2. Enterprise Software Operations.

315 3. Enterprise Data Standards.

316 4. Enterprise Data Management.

317 (c) Under the Chief Operations Officer:

318 1. Strategic Planning.

319 2. Enterprise Information Technology Standards.

585-02800-12

20121498c1

- 320 a. Enterprise Information Technology Procurement.
321 b. Information Technology Security and Compliance.
322 3. Enterprise Services Planning and Consolidation.
323 4. Enterprise Project Management.
324 (d) Under the Director of Administration:
325 1. Accounting and Budgeting.
326 2. Personnel.
327 3. Procurement and Contracts.
328 (e) Under the Office of the Executive Director:
329 1. Inspector General.
330 2. Legal.
331 3. Governmental Affairs.
332 (5) The agency shall have the following duties and
333 responsibilities. The agency shall:
334 (a) Develop and publish a long-term State Information
335 Technology Resources Strategic Plan.
336 (b) Initiate, plan, design, implement, and manage
337 enterprise information technology services.
338 (c) Beginning October 1, 2012, and every 3 months
339 thereafter, provide a status report on its initiatives. The
340 report shall be presented at a meeting of the Governor and
341 Cabinet.
342 (d) Beginning September 1, 2013, and every 3 months
343 thereafter until enterprise information technology service
344 consolidations are complete, provide a status report on the
345 implementation of the consolidations that must be completed
346 during the fiscal year. The report shall be submitted to the
347 Executive Office of the Governor, the Cabinet, the President of
348 the Senate, and the Speaker of the House of Representatives. At

585-02800-12

20121498c1

349 a minimum, the report must describe:

350 1. Whether the consolidation is on schedule, including
351 progress on achieving the milestones necessary for successful
352 and timely consolidation of scheduled agency data centers and
353 computing facilities; and

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

356 (e) Set technical standards for information technology,
357 review major information technology projects and procurements,
358 establish information technology security standards, provide for
359 the procurement of information technology resources, excluding
360 human resources, and deliver enterprise information technology
361 services as defined in s. 282.0041.

362 (f) Establish and operate shared resource centers.

363 (g) Establish and deliver enterprise information technology
364 services to serve state agencies on a cost-sharing basis,
365 charging each state agency its proportionate share of the cost
366 of maintaining and delivering a service based on a state
367 agency's use of the service.

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

370 1. The customers of the primary data center shall provide
371 payments to the primary data center which are sufficient to
372 maintain the solvency of the primary data center operation for
373 all costs not directly funded through the General Appropriations
374 Act.

375 2. Per-unit cost of usage shall be the primary basis for
376 pricing, and usage must be accurately measurable and
377 attributable to the appropriate customer.

585-02800-12

20121498c1

378 3. The primary data center shall combine the aggregate
379 purchasing power of large and small customers to achieve
380 collective savings opportunities to all customers.

381 4. Chargeback methodologies shall be devised to consider
382 restrictions on grants to customers.

383 5. Chargeback methodologies should establish incentives
384 that lead to customer usage practices that result in lower costs
385 to the state.

386 6. Chargeback methodologies must consider technological
387 change when:

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

390 b. Customers of antiquated services may not be able to bear
391 all of the costs for the antiquated services during periods when
392 customers are migrating to replacement services.

393 7. Prices may be established which allow for accrual of
394 cash balances for the purpose of maintaining contingent
395 operating funds and funding planned capital investments. Accrual
396 of the cash balances shall be considered costs for the purposes
397 of this section.

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

402 9. Flat rate charges may be used only if there are
403 provisions for reconciling charges to comport with actual costs
404 and use.

405 (i) Exercise technical and fiscal prudence in determining
406 the best way to deliver enterprise information technology

585-02800-12

20121498c1

407 services.

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

410 (k) Assume ownership or custody and control of information
411 processing equipment, supplies, and positions required in order
412 to thoroughly carry out the agency's duties and
413 responsibilities.

414 (l) Adopt rules and policies for the efficient, secure, and
415 economical management and operation of the shared resource
416 centers and state telecommunications services.

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

421 (n) Ensure that data that is confidential under state or
422 federal law may not be entered into or processed through any
423 shared resource center or network established under the agency
424 until safeguards for the data's security satisfactory to the
425 agency head and the executive director of the agency have been
426 designed, installed, and tested and are fully operational. This
427 paragraph does not prescribe what actions necessary to satisfy a
428 state agency's objectives are to be undertaken and does not
429 remove from the control and administration of the state agency
430 the responsibility for working with the agency to implement
431 safeguards, regardless of whether such control and
432 administration are specifically required by general law or
433 administered under the general program authority and
434 responsibility of the state agency.

435 (o) Conduct periodic assessments of state agencies for

585-02800-12

20121498c1

436 compliance with statewide information technology policies and
437 recommend to the Governor and Cabinet statewide policies for
438 information technology.

439 (6) The agency may not use or direct the spending of
440 operational information technology trust funds to study and
441 develop enterprise information strategies, plans, rules,
442 reports, policies, proposals, budgets, or enterprise information
443 technology initiatives that are not directly related to
444 developing information technology services for which usage fees
445 reimburse the costs of the initiative. As used in this
446 subsection, the term "operational information technology trust
447 funds" means funds into which deposits are made on a fee-for-
448 service basis or a trust fund dedicated to a specific
449 information technology project or system.

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

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

454 Section 5. Section 282.0041, Florida Statutes, is reordered
455 and amended to read:

456 282.0041 Definitions.—As used in this chapter, the term:

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

460 (1)(2) "Agency for State Enterprise Information Technology"
461 or "agency" means the agency created in s. 14.206 ~~14.204~~.

462 (2)(3) "Agency information technology service" means a
463 service that directly helps a state ~~an~~ agency fulfill its
464 statutory or constitutional responsibilities and policy

585-02800-12

20121498c1

465 objectives and is usually associated with the state agency's
466 primary or core business functions.

467 ~~(4) "Annual budget meeting" means a meeting of the board of~~
468 ~~trustees of a primary data center to review data center usage to~~
469 ~~determine the apportionment of board members for the following~~
470 ~~fiscal year, review rates for each service provided, and~~
471 ~~determine any other required changes.~~

472 (3)-(5) "Breach" has the same meaning as in s. 817.5681(4).

473 (4)-(6) "Business continuity plan" means a plan for disaster
474 recovery which provides for the continued functioning of a
475 primary data center during and after a disaster.

476 (5) "Collocation" means the method by which a state
477 agency's data center occupies physical space within a shared
478 resource center where physical floor space, bandwidth, power,
479 cooling, and physical security are available for an equitable
480 usage rate and minimal complexity, and allow for the sustained
481 management and oversight of the collocating agency's information
482 technology resources as well as physical and logical database
483 administration by the collocating agency's staff.

484 (6)-(7) "Computing facility" means a state agency site space
485 containing fewer than a total of 10 physical or logical servers,
486 any of which supports a strategic or nonstrategic information
487 technology service, as described in budget instructions
488 developed pursuant to s. 216.023, but excluding
489 telecommunications and voice gateways and a clustered pair of
490 servers operating as a single logical server to provide file,
491 print, security, and endpoint management services ~~single,~~
492 ~~logical-server installations that exclusively perform a utility~~
493 ~~function such as file and print servers.~~

585-02800-12

20121498c1

494 (7) "Computing service" means an information technology
495 service that is used in all state agencies or a subset of
496 agencies and is, therefore, a candidate for being established as
497 an enterprise information technology service. Examples include
498 e-mail, service hosting, telecommunications, and disaster
499 recovery.

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

502 (8)~~(9)~~ "Data center" means a state agency site space
503 containing 10 or more physical or logical servers any of which
504 supports a strategic or nonstrategic information technology
505 service, as described in budget instructions developed pursuant
506 to s. 216.023.

507 ~~(10) "Department" means the Department of Management~~
508 ~~Services.~~

509 (10)~~(11)~~ "Enterprise information technology service" means
510 an information technology service that is used in all state
511 agencies or a subset of state agencies and is established in law
512 to be designed, delivered, and managed at the enterprise level.
513 Current enterprise information technology services include data
514 center services, e-mail, and security.

515 (9)~~(12)~~ "E-mail, messaging, and calendaring service" means
516 the enterprise information technology service that enables users
517 to send, receive, file, store, manage, and retrieve electronic
518 messages, attachments, appointments, and addresses. ~~The e-mail,~~
519 ~~messaging, and calendaring service must include e-mail account~~
520 ~~management; help desk; technical support and user provisioning~~
521 ~~services; disaster recovery and backup and restore capabilities;~~
522 ~~antispam and antivirus capabilities; archiving and e-discovery;~~

585-02800-12

20121498c1

523 ~~and remote access and mobile messaging capabilities.~~

524 ~~(11)-(13)~~ "Information-system utility" means an information
525 processing a full-service information-processing facility
526 offering hardware, software, operations, integration,
527 networking, floor space, and consulting services.

528 ~~(13)-(14)~~ "Information technology resources" means
529 equipment, hardware, software, firmware, programs, systems,
530 networks, infrastructure, media, and related material used to
531 automatically, electronically, and wirelessly collect, receive,
532 access, transmit, display, store, record, retrieve, analyze,
533 evaluate, process, classify, manipulate, manage, assimilate,
534 control, communicate, exchange, convert, converge, interface,
535 switch, or disseminate information of any kind or form, and
536 includes the human resources to perform such duties, but
537 excludes application developers and logical database
538 administrators.

539 ~~(14)~~ "Local area network" means any telecommunications
540 network through which messages and data are exchanged strictly
541 within a single building or contiguous campus.

542 ~~(12)-(15)~~ "Information technology policy" means statements
543 that describe clear choices for how information technology will
544 deliver effective and efficient government services to residents
545 and improve state agency operations. A policy may relate to
546 investments, business applications, architecture, or
547 infrastructure. A policy describes its rationale, implications
548 of compliance or noncompliance, the timeline for implementation,
549 metrics for determining compliance, and the accountable
550 structure responsible for its implementation.

551 ~~(15)~~ "Logical database administration" means the resources

585-02800-12

20121498c1

552 required to build and maintain database structure, implement and
553 maintain role-based data access controls, and perform
554 performance optimization of data queries and includes the
555 manipulation, transformation, modification, and maintenance of
556 data within a logical database. Typical tasks include schema
557 design and modifications, user provisioning, query tuning, index
558 and statistics maintenance, and data import, export, and
559 manipulation.

560 (16) "Memorandum of understanding" means a written
561 agreement between a shared resource center or the Division of
562 Telecommunications in the agency and a state agency which
563 specifies the scope of services provided, service level,
564 duration of the agreement, responsible parties, and service
565 costs. A memorandum of understanding is not a rule pursuant to
566 chapter 120.

567 (17) "Other public sector organizations" means entities of
568 the legislative and judicial branches, the State Board of
569 Administration, the State University System, the Florida
570 Community College System, counties, and municipalities. Such
571 organizations may elect to participate in the information
572 technology programs, services, or contracts offered by the
573 Agency for State Technology, including information technology
574 procurement, in accordance with general law, policies, and
575 administrative rules.

576 (18)~~(16)~~ "Performance metrics" means the measures of an
577 organization's activities and performance.

578 (19) "Physical database administration" means the resources
579 responsible for installing, maintaining, and operating an
580 environment within which a database is hosted. Typical tasks

585-02800-12

20121498c1

581 include database engine installation, configuration, and
582 security patching, as well as performing backup and restoration
583 of hosted databases, setup and maintenance of instance-based
584 data replication, and monitoring the health and performance of
585 the database environment.

586 ~~(20)(17)~~ "Primary data center" means a data center that is
587 a recipient entity for consolidation of state agency information
588 technology resources ~~nonprimary data centers and computing~~
589 ~~facilities and that is established by law.~~

590 ~~(21)(18)~~ "Project" means an endeavor that has a defined
591 start and end point; is undertaken to create or modify a unique
592 product, service, or result; and has specific objectives that,
593 when attained, signify completion.

594 ~~(22)(19)~~ "Risk analysis" means the process of identifying
595 security risks, determining their magnitude, and identifying
596 areas needing safeguards.

597 ~~(23)(20)~~ "Service level" means the key performance
598 indicators (KPI) of an organization or service which must be
599 regularly performed, monitored, and achieved.

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

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

608 ~~(25)(22)~~ "Standards" means required practices, controls,
609 components, or configurations established by an authority.

585-02800-12

20121498c1

610 (26) "State agency" means any official, officer,
611 commission, board, authority, council, committee, or department
612 of the executive branch of state government. The term does not
613 include the State Board of Administration, university boards of
614 trustees, or state universities.

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

618 (28)~~(23)~~ "SUNCOM Network" means the state enterprise
619 telecommunications system that provides all methods of
620 electronic or optical telecommunications beyond a single
621 building or contiguous building complex and used by entities
622 authorized as network users under this part.

623 (29)~~(24)~~ "Telecommunications" means the science and
624 technology of communication at a distance, including electronic
625 systems used in the transmission or reception of information.

626 (30)~~(25)~~ "Threat" means any circumstance or event that may
627 cause harm to the integrity, availability, or confidentiality of
628 information technology resources.

629 (31)~~(26)~~ "Total cost" means all costs associated with
630 information technology projects or initiatives, including, but
631 not limited to, value of hardware, software, service,
632 maintenance, incremental personnel, and facilities. Total cost
633 of a loan or gift of information technology resources to a state
634 ~~an~~ agency includes the fair market value of the resources.

635 (32)~~(27)~~ "Usage" means the billing amount charged by the
636 primary data center, less any pass-through charges, to the state
637 agency ~~customer~~ ~~entity~~.

638 (33)~~(28)~~ "Usage rate" means a state agency's ~~customer~~

585-02800-12

20121498c1

639 ~~entity's~~ usage or billing amount as a percentage of total usage.

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

643 Section 6. Section 282.0055, Florida Statutes, is amended
644 to read:

645 (Substantial rewording of section. See
646 s. 282.0055, Florida Statutes, for current text.)
647 282.0055 Assignment of enterprise information technology.-

648 (1) The establishment of a systematic process for the
649 planning, design, implementation, procurement, delivery, and
650 maintenance of enterprise information technology services shall
651 be the responsibility of the Agency for State Technology for
652 executive branch agencies that are created or authorized in
653 statute to perform legislatively delegated functions. The
654 agency's duties shall be performed in collaboration with the
655 state agencies. The supervision, design, development, delivery,
656 and maintenance of state-agency specific or unique software
657 applications shall remain within the responsibility and control
658 of the individual state agency or other public sector
659 organization.

660 (2) During the 2012-2013 fiscal year, the Agency for State
661 Technology shall, in collaboration with the state agencies and
662 other stakeholders, create a road map for enterprise information
663 technology service consolidation. At a minimum, the road map
664 must include:

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

667 (b) A schedule for the consolidation of state agency data

585-02800-12

20121498c1

668 centers.

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

671 (d) Recommendations, including cost estimates, for
672 enhancements to the Northwood Shared Resource Center and the
673 Southwood Shared Resource Center which will improve their
674 ability to deliver enterprise information technology services.

675 (3) By October 15th of each year beginning in 2013, the
676 Agency for State Technology shall develop a comprehensive
677 transition plan for scheduled consolidations occurring in the
678 next fiscal year. This plan shall be submitted to the Governor,
679 the Cabinet, the President of the Senate, and the Speaker of the
680 House of Representatives. The transition plan shall be developed
681 in consultation with other state agencies submitting state
682 agency transition plans. The comprehensive transition plan must
683 include:

684 (a) Recommendations for accomplishing the proposed
685 transitions as efficiently and effectively as possible with
686 minimal disruption to state agency business processes.

687 (b) Strategies to minimize risks associated with any of the
688 proposed consolidations.

689 (c) A compilation of the state agency transition plans
690 submitted by state agencies scheduled for consolidation for the
691 following fiscal year.

692 (d) An estimate of the cost to provide enterprise
693 information technology services for each state agency scheduled
694 for consolidation.

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

585-02800-12

20121498c1

697 (f) The fiscal year adjustments to budget categories in
698 order to absorb the transfer of state agency information
699 technology resources pursuant to the legislative budget request
700 instructions provided in s. 216.023.

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

704 (4) State agencies have the following duties:

705 (a) For the purpose of completing its work activities, each
706 state agency shall provide to the Agency for State Technology
707 all requested information and any other information relevant to
708 the state agency's ability to effectively transition its
709 information technology resources into the agency.

710 (b) For the purpose of completing its work activities, each
711 state agency shall temporarily assign staff to assist the agency
712 with designated tasks as negotiated between the agency and the
713 state agency.

714 (c) Each state agency identified for consolidation into an
715 enterprise information technology service offering must submit a
716 transition plan to the Agency for State Technology by September
717 1 of the fiscal year before the fiscal year in which the
718 scheduled consolidation will occur. Transition plans shall be
719 developed in consultation with the agency and must include:

720 1. An inventory of the state agency data center's resources
721 being consolidated, including all hardware, software, staff, and
722 contracted services, and the facility resources performing data
723 center management and operations, security, backup and recovery,
724 disaster recovery, system administration, database
725 administration, system programming, mainframe maintenance, job

585-02800-12

20121498c1

726 control, production control, print, storage, technical support,
727 help desk, and managed services, but excluding application
728 development.

729 2. A description of the level of services needed to meet
730 the technical and operational requirements of the platforms
731 being consolidated and an estimate of the primary data center's
732 cost for the provision of such services.

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

735 4. A description of the information technology resources
736 proposed to remain in the state agency.

737 5. A baseline project schedule for the completion of the
738 consolidation.

739 6. The specific recurring and nonrecurring budget
740 adjustments of budget resources by appropriation category into
741 the appropriate data processing category pursuant to the
742 legislative budget instructions in s. 216.023 necessary to
743 support state agency costs for the transfer.

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

746 1. Create a new computing service or expand an existing
747 computing service if that service has been designated as an
748 enterprise information technology service.

749 2. Spend funds before the state agency's scheduled
750 consolidation to an enterprise information technology service to
751 purchase or modify hardware or operations software that does not
752 comply with hardware and software standards established by the
753 Agency for State Technology.

754 3. Unless for the purpose of offsite disaster recovery

585-02800-12

20121498c1

755 services, transfer existing computing services to any service
756 provider other than the Agency for State Technology.

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

760 5. Initiate a new computing service with any service
761 provider other than the Agency for State Technology if that
762 service has been designated as an enterprise information
763 technology service.

764 (b) Exceptions to the limitations in subparagraphs (a)1.,
765 2., 3., and 5. may be granted by the Agency for State Technology
766 if there is insufficient capacity in the primary data centers to
767 absorb the workload associated with agency computing services,
768 expenditures are compatible with the scheduled consolidation and
769 established standards, or the equipment or resources are needed
770 to meet a critical state agency business need that cannot be
771 satisfied from surplus equipment or resources of the primary
772 data center until the state agency data center is consolidated.

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

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

780 a. A detailed description of the capacity requirements of
781 the state agency requesting the exception.

782 b. Documentation from the state agency head demonstrating
783 why it is critical to the state agency's mission that the

585-02800-12

20121498c1

784 expansion or transfer must be completed within the fiscal year
785 rather than when capacity is established at a primary data
786 center.

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

791 Section 7. Section 282.0056, Florida Statutes, is amended
792 to read:

793 282.0056 Strategic plan, development of work plan, and
794 development of implementation plans; and policy
795 recommendations.-

796 (1) In order to provide a systematic process for meeting
797 the state's technology needs, the executive director of the
798 Agency for State Technology shall develop a biennial state
799 Information Technology Resources Strategic Plan. The Governor
800 and Cabinet shall approve the plan before transmitting it to the
801 Legislature, biennially, starting October 1, 2013. The plan must
802 include the following elements:

803 (a) The vision, goals, initiatives, and targets for state
804 information technology for the short term of 2 years, midterm of
805 3 to 5 years, and long term of more than 5 years.

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

812 (c) An analysis of opportunities for statewide initiatives

585-02800-12

20121498c1

813 that would yield efficiencies, cost savings, or avoidance or
814 improve effectiveness in state programs. The analysis must
815 include:

816 1. Information technology services that should be designed,
817 delivered, and managed as enterprise information technology
818 services.

819 2. Techniques for consolidating the purchase of information
820 technology commodities and services that may result in savings
821 for the state and for establishing a process to achieve savings
822 through consolidated purchases.

823 (d) Recommended initiatives based on the analysis in
824 paragraph (c).

825 (e) Implementation plans for enterprise information
826 technology services that the agency recommends be established in
827 law in the upcoming fiscal year. The implementation plans must
828 describe the scope of the service, requirements analyses, costs
829 and savings projects, and a project schedule for statewide
830 implementation.

831 (2) Each state agency shall, biennially, provide to the
832 agency the inventory required under paragraph (1)(b). The agency
833 shall consult with and assist state agencies in the preparation
834 of these inventories. Each state agency shall submit its plan to
835 the agency biennially, starting January 1, 2013.

836 (3) For the purpose of completing its work activities, each
837 state agency shall provide to the agency all requested
838 information, including, but not limited to, the state agency's
839 costs, service requirements, staffing, and equipment
840 inventories.

841 (4)~~(1)~~ For the purpose of ensuring accountability for the

585-02800-12

20121498c1

842 duties and responsibilities of the executive director and the
843 agency under ss. 14.206 and 282.0055, the executive director ~~For~~
844 ~~the purposes of carrying out its responsibilities under s.~~
845 ~~282.0055, the Agency for Enterprise Information Technology shall~~
846 develop an annual work plan within 60 days after the beginning
847 of the fiscal year describing the activities that the agency
848 intends to undertake for that year and identify the critical
849 success factors, risks, and issues associated with the work
850 planned. The work plan must also include planned ~~including~~
851 ~~proposed~~ outcomes and ~~completion~~ timeframes for the planning and
852 implementation of ~~all~~ enterprise information technology
853 services. The work plan must align with the state Information
854 Technology Strategic Plan, be presented at a public hearing, and
855 be approved by the Governor and Cabinet; ~~and,~~ thereafter, be
856 submitted to the President of the Senate and the Speaker of the
857 House of Representatives. The work plan may be amended as
858 needed, subject to approval by the Governor and Cabinet.

859 ~~(2) The agency may develop and submit to the President of~~
860 ~~the Senate, the Speaker of the House of Representatives, and the~~
861 ~~Governor by October 1 of each year implementation plans for~~
862 ~~proposed enterprise information technology services to be~~
863 ~~established in law.~~

864 ~~(3) In developing policy recommendations and implementation~~
865 ~~plans for established and proposed enterprise information~~
866 ~~technology services, the agency shall describe the scope of~~
867 ~~operation, conduct costs and requirements analyses, conduct an~~
868 ~~inventory of all existing information technology resources that~~
869 ~~are associated with each service, and develop strategies and~~
870 ~~timeframes for statewide migration.~~

585-02800-12

20121498c1

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

875 (5) For the purpose of ensuring accountability for the
876 duties and responsibilities of the executive director and the
877 agency under ss. 14.206 and 282.0055, within 60 days after the
878 end of each fiscal year, the executive director agency shall
879 report to the Governor and Cabinet, the President of the Senate,
880 and the Speaker of the House of Representatives on what was
881 achieved or not achieved in the prior year's work plan.

882 Section 8. Section 282.201, Florida Statutes, is amended to
883 read:

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

886 282.201 State data center system; agency duties and
887 limitations.—A state data center system that includes all
888 primary data centers, other nonprimary data centers, and
889 computing facilities, and that provides an enterprise
890 information technology service, is established.

891 (1) INTENT.—The Legislature finds that the most efficient
892 and effective means of providing quality utility data processing
893 services to state agencies requires that computing resources be
894 concentrated in quality facilities that provide the proper
895 security, infrastructure, and staff resources to ensure that the
896 state's data is maintained reliably and safely and is
897 recoverable in the event of a disaster. Efficiencies resulting
898 from such consolidation include the increased ability to
899 leverage technological expertise and hardware and software

585-02800-12

20121498c1

900 capabilities; increased savings through consolidated purchasing
901 decisions; and the enhanced ability to deploy technology
902 improvements and implement new policies consistently throughout
903 the consolidated organization.

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

905 (a) By October 1, 2013, provide to the Governor and
906 Cabinet, recommendations for approving, confirming, and removing
907 primary data center designation. Upon the approval of the
908 Governor and Cabinet of primary data center designations,
909 existing primary data center designations are repealed.

910 (b) By October 1 of each year, beginning in 2013, provide
911 recommendations to the Governor, Cabinet, and Legislature
912 relating to changes to the schedule for the consolidations of
913 state agency data centers. Changes to the consolidation schedule
914 must be based on the goals of maximizing efficiency of service
915 delivery and current and future cost savings.

916 (3) STATE AGENCY DUTIES.—

917 (a) Any state agency that is consolidating agency data
918 centers into a primary data center must execute a new or update
919 an existing memorandum of understanding within 60 days after the
920 specified consolidation date, as required by s. 282.203, in
921 order to specify the services and levels of service it is to
922 receive from the primary data center as a result of the
923 consolidation. If a state agency is unable to execute a
924 memorandum of understanding by that date, the state agency shall
925 submit a report to the Executive Office of the Governor, the
926 Cabinet, the President of the Senate, and the Speaker of the
927 House of Representatives within 5 working days after that date
928 which explains the specific issues preventing execution and

585-02800-12

20121498c1

929 describes its plan and schedule for resolving those issues.

930 (b) On the date of each consolidation specified in general
931 law or the General Appropriations Act, each state agency shall
932 retain the least-privileged administrative access rights
933 necessary to perform the duties not assigned to the primary data
934 centers.

935 (4) SCHEDULE FOR CONSOLIDATIONS OF STATE AGENCY DATA
936 CENTERS.—Consolidations of state agency data centers are
937 suspended for the 2012-2013 fiscal year. Consolidations shall
938 resume during the 2013-2014 fiscal year based upon a revised
939 schedule developed by the agency. State agency data centers and
940 computing facilities shall be consolidated into the agency by
941 June 30, 2018.

942 Section 9. Section 282.203, Florida Statutes, is amended to
943 read:

944 (Substantial rewording of section. See
945 s. 282.203, Florida Statutes, for current text.)
946 282.203 Primary data centers; duties.—

947 (1) Each primary data center shall:

948 (a) Serve participating state agencies as an information-
949 system utility.

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

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

955 (d) Provide transparent financial statements to
956 participating state agencies.

957 (e) Assume the least-privileged administrative access

585-02800-12

20121498c1

958 rights necessary to perform the services provided by the data
959 center for the software and equipment that is consolidated into
960 a primary data center.

961 (2) Each primary data center shall enter into a memorandum
962 of understanding with each participating state agency to provide
963 services. A memorandum of understanding may not have a term
964 exceeding 3 years but may include an option to renew for up to 3
965 years. Failure to execute a memorandum within 60 days after
966 service commencement shall, in the case of a participating state
967 agency, result in the continuation of the terms of the
968 memorandum of understanding from the previous fiscal year,
969 including any amendments that were formally proposed to the
970 state agency by the primary data center within the 3 months
971 before service commencement, and a revised cost-of-service
972 estimate. If a participating state agency fails to execute a
973 memorandum of understanding within 60 days after service
974 commencement, the data center may cease providing services.

975 Section 10. Effective December 31, 2013, section 282.204,
976 Florida Statutes, is repealed.

977 Section 11. Effective December 31, 2013, section 282.205,
978 Florida Statutes, is repealed.

979 Section 12. Section 282.206, Florida Statutes, is created
980 to read:

981 282.206 Fletcher Shared Resource Center.—The Fletcher
982 Shared Resource Center is established as a state agency within
983 the Department of Financial Services.

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

585-02800-12

20121498c1

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

990 (3) The center shall provide collocation services to the
991 Department of Legal Affairs and the Department of Agriculture
992 and Consumer Services.

993 (4) The Department of Financial Services shall continue to
994 use the Fletcher Shared Resource Center, provide full service to
995 the Office of Financial Regulation and the Office of Insurance
996 Regulation, and host the Legislative Appropriations
997 System/Planning and Budgeting Subsystem (LAS/PBS).

998 (5) The center shall be governed through a master
999 memorandum of understanding and complemented by a steering
1000 committee comprised of the chief information officers of the
1001 Department of Legal Affairs, the Department of Agriculture and
1002 Consumer Services, and the Department of Financial Services. The
1003 steering committee shall meet quarterly to ensure that customers
1004 are receiving expected services in accordance with the
1005 memorandum of understanding and to discuss services and
1006 structure. The committee may create ad hoc workgroups to account
1007 for, mitigate, and manage any unforeseen issues.

1008 (6) The Department of Legal Affairs shall move its data
1009 center equipment to the center by June 30, 2014.

1010 (7) The Department of Agriculture and Consumer Services
1011 shall move its Mayo Building data center equipment to the center
1012 by June 30, 2014.

1013 Section 13. Section 282.33, Florida Statutes, is repealed.

1014 Section 14. Section 282.34, Florida Statutes, is amended to
1015 read:

585-02800-12

20121498c1

1016 282.34 Statewide e-mail service.—A statewide e-mail service
1017 that includes the delivery and support of e-mail, messaging, and
1018 calendaring capabilities is established as an enterprise
1019 information technology service as defined in s. 282.0041. The
1020 service shall be provisioned ~~designed~~ to meet the needs of all
1021 executive branch agencies and may also be used by other public
1022 sector ~~nonstate-agency~~ entities. The primary goals of the
1023 service are to leverage the state's existing investment in e-
1024 mail; provide a reliable collaborative communication service to
1025 state agencies; minimize the state investment required to
1026 establish, operate, and support the statewide service; reduce
1027 the cost of current e-mail operations and the number of
1028 duplicative e-mail systems; and eliminate the need for each
1029 state agency to maintain its own e-mail staff.

1030 (1) The Agency for State Technology shall reevaluate the
1031 current contract for enterprise e-mail services to ensure it
1032 meets the primary goals of the service.

1033 (2) Except as specified in subsection (3), all state
1034 agencies shall receive their primary e-mail services exclusively
1035 through the Agency for State Technology.

1036 (3) The Department of Agriculture and Consumer Services,
1037 the Department of Legal Affairs, the Department of Financial
1038 Services, the Office of Financial Regulation, the Office of
1039 Insurance Regulation, and the State Board of Administration may
1040 receive e-mail services from the Fletcher Shared Resource Center
1041 or the Agency for State Technology.

1042 ~~(1) The Southwood Shared Resource Center, a primary data~~
1043 ~~center, shall be the provider of the statewide e-mail service~~
1044 ~~for all state agencies. The center shall centrally host, manage,~~

585-02800-12

20121498c1

1045 ~~operate, and support the service, or outsource the hosting,~~
1046 ~~management, operational, or support components of the service in~~
1047 ~~order to achieve the primary goals identified in this section.~~

1048 ~~(2) The Agency for Enterprise Information Technology, in~~
1049 ~~cooperation and consultation with all state agencies, shall~~
1050 ~~prepare and submit for approval by the Legislative Budget~~
1051 ~~Commission at a meeting scheduled before June 30, 2011, a~~
1052 ~~proposed plan for the migration of all state agencies to the~~
1053 ~~statewide e-mail service. The plan for migration must include:~~

1054 ~~(a) A cost-benefit analysis that compares the total~~
1055 ~~recurring and nonrecurring operating costs of the current agency~~
1056 ~~e-mail systems, including monthly mailbox costs, staffing,~~
1057 ~~licensing and maintenance costs, hardware, and other related e-~~
1058 ~~mail product and service costs to the costs associated with the~~
1059 ~~proposed statewide e-mail service. The analysis must also~~
1060 ~~include:~~

1061 ~~1. A comparison of the estimated total 7-year life-cycle~~
1062 ~~cost of the current agency e-mail systems versus the feasibility~~
1063 ~~of funding the migration and operation of the statewide e-mail~~
1064 ~~service.~~

1065 ~~2. An estimate of recurring costs associated with the~~
1066 ~~energy consumption of current agency e-mail equipment, and the~~
1067 ~~basis for the estimate.~~

1068 ~~3. An identification of the overall cost savings resulting~~
1069 ~~from state agencies migrating to the statewide e-mail service~~
1070 ~~and decommissioning their agency e-mail systems.~~

1071 ~~(b) A proposed migration date for all state agencies to be~~
1072 ~~migrated to the statewide e-mail service. The Agency for~~
1073 ~~Enterprise Information Technology shall work with the Executive~~

585-02800-12

20121498c1

1074 ~~Office of the Governor to develop the schedule for migrating all~~
1075 ~~state agencies to the statewide e-mail service except for the~~
1076 ~~Department of Legal Affairs. The Department of Legal Affairs~~
1077 ~~shall provide to the Agency for Enterprise Information~~
1078 ~~Technology by June 1, 2011, a proposed migration date based upon~~
1079 ~~its decision to participate in the statewide e-mail service and~~
1080 ~~the identification of any issues that require resolution in~~
1081 ~~order to migrate to the statewide e-mail service.~~

1082 ~~(c) A budget amendment, submitted pursuant to chapter 216,~~
1083 ~~for adjustments to each agency's approved operating budget~~
1084 ~~necessary to transfer sufficient budget resources into the~~
1085 ~~appropriate data processing category to support its statewide e-~~
1086 ~~mail service costs.~~

1087 ~~(d) A budget amendment, submitted pursuant to chapter 216,~~
1088 ~~for adjustments to the Southwood Shared Resource Center approved~~
1089 ~~operating budget to include adjustments in the number of~~
1090 ~~authorized positions, salary budget and associated rate,~~
1091 ~~necessary to implement the statewide e-mail service.~~

1092 ~~(3) Contingent upon approval by the Legislative Budget~~
1093 ~~Commission, the Southwood Shared Resource Center may contract~~
1094 ~~for the provision of a statewide e-mail service. Executive~~
1095 ~~branch agencies must be completely migrated to the statewide e-~~
1096 ~~mail service based upon the migration date included in the~~
1097 ~~proposed plan approved by the Legislative Budget Commission.~~

1098 ~~(4) Notwithstanding chapter 216, general revenue funds may~~
1099 ~~be increased or decreased for each agency provided the net~~
1100 ~~change to general revenue in total for all agencies is zero or~~
1101 ~~less.~~

1102 ~~(5) Subsequent to the approval of the consolidated budget~~

585-02800-12

20121498c1

1103 ~~amendment to reflect budget adjustments necessary to migrate to~~
1104 ~~the statewide e-mail service, an agency may make adjustments~~
1105 ~~subject to s. 216.177, notwithstanding provisions in chapter 216~~
1106 ~~which may require such adjustments to be approved by the~~
1107 ~~Legislative Budget Commission.~~

1108 ~~(6) No agency may initiate a new e-mail service or execute~~
1109 ~~a new e-mail contract or amend a current e-mail contract, other~~
1110 ~~than with the Southwood Shared Resource Center, for nonessential~~
1111 ~~products or services unless the Legislative Budget Commission~~
1112 ~~denies approval for the Southwood Shared Resource Center to~~
1113 ~~enter into a contract for the statewide e-mail service.~~

1114 ~~(7) The Agency for Enterprise Information Technology shall~~
1115 ~~work with the Southwood Shared Resource Center to develop an~~
1116 ~~implementation plan that identifies and describes the detailed~~
1117 ~~processes and timelines for an agency's migration to the~~
1118 ~~statewide e-mail service based on the migration date approved by~~
1119 ~~the Legislative Budget Commission. The agency may establish and~~
1120 ~~coordinate workgroups consisting of agency e-mail management,~~
1121 ~~information technology, budget, and administrative staff to~~
1122 ~~assist the agency in the development of the plan.~~

1123 ~~(8) Each executive branch agency shall provide all~~
1124 ~~information necessary to develop the implementation plan,~~
1125 ~~including, but not limited to, required mailbox features and the~~
1126 ~~number of mailboxes that will require migration services. Each~~
1127 ~~agency must also identify any known business, operational, or~~
1128 ~~technical plans, limitations, or constraints that should be~~
1129 ~~considered when developing the plan.~~

1130 Section 15. Section 282.702, Florida Statutes, is amended
1131 to read:

585-02800-12

20121498c1

1132 282.702 Powers and duties.—The Agency for State Technology
1133 ~~Department of Management Services~~ shall have the following
1134 powers, duties, and functions:

1135 (1) To publish electronically the portfolio of services
1136 available from the agency ~~department~~, including pricing
1137 information; the policies and procedures governing usage of
1138 available services; and a forecast of the agency's ~~department's~~
1139 priorities for each telecommunications service.

1140 (2) To adopt technical standards by rule for the state
1141 telecommunications network which ensure the interconnection and
1142 operational security of computer networks, telecommunications,
1143 and information systems of agencies.

1144 (3) To enter into agreements related to information
1145 technology and telecommunications services with state agencies
1146 and political subdivisions of the state.

1147 (4) To purchase from or contract with information
1148 technology providers for information technology, including
1149 private line services.

1150 (5) To apply for, receive, and hold authorizations,
1151 patents, copyrights, trademarks, service marks, licenses, and
1152 allocations or channels and frequencies to carry out the
1153 purposes of this part.

1154 (6) To purchase, lease, or otherwise acquire and to hold,
1155 sell, transfer, license, or otherwise dispose of real, personal,
1156 and intellectual property, including, but not limited to,
1157 patents, trademarks, copyrights, and service marks.

1158 (7) To cooperate with any federal, state, or local
1159 emergency management agency in providing for emergency
1160 telecommunications services.

585-02800-12

20121498c1

1161 (8) To control and approve the purchase, lease, or
1162 acquisition and the use of telecommunications services,
1163 software, circuits, and equipment provided as part of any other
1164 total telecommunications system to be used by the state or its
1165 agencies.

1166 (9) To adopt rules pursuant to ss. 120.536(1) and 120.54
1167 relating to telecommunications and to administer the provisions
1168 of this part.

1169 (10) To apply for and accept federal funds for the purposes
1170 of this part as well as gifts and donations from individuals,
1171 foundations, and private organizations.

1172 (11) To monitor issues relating to telecommunications
1173 facilities and services before the Florida Public Service
1174 Commission and the Federal Communications Commission and, if
1175 necessary, prepare position papers, prepare testimony, appear as
1176 a witness, and retain witnesses on behalf of state agencies in
1177 proceedings before the commissions.

1178 (12) Unless delegated to the state agencies by the agency
1179 ~~department~~, to manage and control, but not intercept or
1180 interpret, telecommunications within the SUNCOM Network by:

1181 (a) Establishing technical standards to physically
1182 interface with the SUNCOM Network.

1183 (b) Specifying how telecommunications are transmitted
1184 within the SUNCOM Network.

1185 (c) Controlling the routing of telecommunications within
1186 the SUNCOM Network.

1187 (d) Establishing standards, policies, and procedures for
1188 access to and the security of the SUNCOM Network.

1189 (e) Ensuring orderly and reliable telecommunications

585-02800-12

20121498c1

1190 services in accordance with the service level agreements
1191 executed with state agencies.

1192 (13) To plan, design, and conduct experiments for
1193 telecommunications services, equipment, and technologies, and to
1194 implement enhancements in the state telecommunications network
1195 if in the public interest and cost-effective. Funding for such
1196 experiments must be derived from SUNCOM Network service revenues
1197 and may not exceed 2 percent of the annual budget for the SUNCOM
1198 Network for any fiscal year or as provided in the General
1199 Appropriations Act. New services offered as a result of this
1200 subsection may not affect existing rates for facilities or
1201 services.

1202 (14) To enter into contracts or agreements, with or without
1203 competitive bidding or procurement, to make available, on a
1204 fair, reasonable, and nondiscriminatory basis, property and
1205 other structures under agency ~~departmental~~ control for the
1206 placement of new facilities by any wireless provider of mobile
1207 service as defined in 47 U.S.C. s. 153(27) or s. 332(d) and any
1208 telecommunications company as defined in s. 364.02 if it is
1209 practical and feasible to make such property or other structures
1210 available. The agency ~~department~~ may, without adopting a rule,
1211 charge a just, reasonable, and nondiscriminatory fee for the
1212 placement of the facilities, payable annually, based on the fair
1213 market value of space used by comparable telecommunications
1214 facilities in the state. The agency ~~department~~ and a wireless
1215 provider or telecommunications company may negotiate the
1216 reduction or elimination of a fee in consideration of services
1217 provided to the agency ~~department~~ by the wireless provider or
1218 telecommunications company. All such fees collected by the

585-02800-12

20121498c1

1219 ~~agency department~~ shall be deposited directly into the Law
1220 Enforcement Radio Operating Trust Fund, and may be used by the
1221 ~~agency department~~ to construct, maintain, or support the system.

1222 (15) Establish policies that ensure that the agency's
1223 ~~department's~~ cost-recovery methodologies, billings, receivables,
1224 expenditures, budgeting, and accounting data are captured and
1225 reported timely, consistently, accurately, and transparently and
1226 are in compliance with all applicable federal and state laws and
1227 rules. The ~~agency department~~ shall annually submit to the
1228 Governor, the President of the Senate, and the Speaker of the
1229 House of Representatives a report that describes each service
1230 and its cost, the billing methodology for recovering the cost of
1231 the service, and, if applicable, the identity of those services
1232 that are subsidized.

1233 (16) Develop a plan for statewide voice-over-Internet
1234 protocol services. The plan shall include cost estimates and the
1235 estimated return on investment. The plan shall be submitted to
1236 the Governor, the Cabinet, the President of the Senate, and the
1237 Speaker of the House of Representatives by June 30, 2013.

1238 Section 16. Section 364.0135, Florida Statutes, is amended
1239 to read:

1240 364.0135 Promotion of broadband adoption.—

1241 (1) The Legislature finds that the sustainable adoption of
1242 broadband Internet service is critical to the economic and
1243 business development of the state and is beneficial for
1244 libraries, schools, colleges and universities, health care
1245 providers, and community organizations. The term "sustainable
1246 adoption" means the ability for communications service providers
1247 to offer broadband services in all areas of the state by

585-02800-12

20121498c1

1248 encouraging adoption and utilization levels that allow for these
1249 services to be offered in the free market absent the need for
1250 governmental subsidy.

1251 (2) As the provider of the state and local government
1252 networks in accordance with part III of chapter 282, the Agency
1253 for State Technology shall use its expertise in broadband
1254 technologies, and associations with the telecommunications
1255 industry to foster the goals described in subsection (1).

1256 (3) ~~(2)~~ The Agency for State Technology ~~Department of~~
1257 ~~Management Services is authorized to~~ work collaboratively with,
1258 and to receive staffing support and other resources from,
1259 Enterprise Florida, Inc., state agencies, local governments,
1260 private businesses, and community organizations to:

1261 (a) Monitor the adoption of broadband Internet service in
1262 collaboration with communications service providers, including,
1263 but not limited to, wireless and wireline Internet service
1264 providers, to develop geographical information system maps at
1265 the census tract level that ~~will~~:

1266 1. Identify geographic gaps in broadband services,
1267 including areas unserved by any broadband provider and areas
1268 served by a single broadband provider;

1269 2. Identify the download and upload transmission speeds
1270 made available to businesses and individuals in the state, at
1271 the census tract level of detail, using data rate benchmarks for
1272 broadband service used by the Federal Communications Commission
1273 to reflect different speed tiers; and

1274 3. Provide a baseline assessment of statewide broadband
1275 deployment in terms of percentage of households with broadband
1276 availability.

585-02800-12

20121498c1

1277 (b) Assist other public and private entities with planning,
1278 obtaining resources, and initiating projects to achieve the
1279 goals described in subsection (1). This assistance shall be
1280 directed to the entities with the most suitable expertise,
1281 resources, and capabilities to contribute to these goals and
1282 cultivate collaboration among such entities to achieve a more
1283 comprehensive strategic approach.

1284 ~~(c)-(b)~~ Create a strategic plan that has goals and
1285 strategies for increasing the use of broadband Internet service
1286 in the state.

1287 ~~(d)-(e)~~ Build and facilitate local technology planning teams
1288 or partnerships with members representing cross-sections of the
1289 community, which may include, but are not limited to,
1290 representatives from the following organizations and industries:
1291 libraries, K-12 education, colleges and universities, local
1292 health care providers, private businesses, community
1293 organizations, economic development organizations, local
1294 governments, tourism, parks and recreation, and agriculture.

1295 ~~(e)-(d)~~ Encourage the use of broadband Internet service,
1296 especially in the rural, unserved, and underserved communities
1297 of the state through grant programs having effective strategies
1298 to facilitate the statewide deployment of broadband Internet
1299 service. For ~~any~~ grants to be awarded, priority must be given to
1300 projects that:

1301 1. Provide access to broadband education, awareness,
1302 training, access, equipment, and support to libraries, schools,
1303 colleges and universities, health care providers, and community
1304 support organizations.

1305 2. Encourage the sustainable adoption of broadband in

585-02800-12

20121498c1

1306 primarily unserved areas by removing barriers to entry.

1307 3. Work toward encouraging investments in establishing
1308 affordable and sustainable broadband Internet service in
1309 unserved areas of the state.

1310 4. Facilitate the development of applications, programs,
1311 and services, including, but not limited to, telework,
1312 telemedicine, and e-learning to increase the usage of, and
1313 demand for, broadband Internet service in the state.

1314 (4)~~(3)~~ The Agency for State Technology ~~department~~ may apply
1315 for and accept federal funds for purposes of this section, as
1316 well as gifts and donations from individuals, foundations, and
1317 private organizations.

1318 (5)~~(4)~~ The Agency for State Technology ~~department~~ may:

1319 (a) Enter into contracts necessary or useful to carry out
1320 the purposes of this section.

1321 (b)~~(5)~~ ~~The department may~~ Establish any committee or
1322 workgroup to administer and carry out the purposes of this
1323 section.

1324 (c)~~(6)~~ ~~The department may~~ Adopt rules necessary to carry
1325 out the purposes of this section. Any rule, contract, grant, or
1326 other activity undertaken by the agency must ~~department shall~~
1327 ensure that all entities are in compliance with any applicable
1328 federal or state laws, rules, and regulations, including, but
1329 not limited to, those applicable to private entities providing
1330 communications services for hire and the requirements of s.
1331 350.81.

1332 Section 17. Subsection (2) of section 20.22, Florida
1333 Statutes, is amended to read:

1334 20.22 Department of Management Services.—There is created a

585-02800-12

20121498c1

1335 Department of Management Services.

1336 (2) The following divisions and programs are established
1337 within the Department of Management Services ~~are established~~:

1338 (a) Facilities Program.

1339 ~~(b) Technology Program.~~

1340 (b) ~~(e)~~ Workforce Program.

1341 (c) ~~(d)~~ 1. Support Program.

1342 2. Federal Property Assistance Program.

1343 (d) ~~(e)~~ Administration Program.

1344 (e) ~~(f)~~ Division of Administrative Hearings.

1345 (f) ~~(g)~~ Division of Retirement.

1346 (g) ~~(h)~~ Division of State Group Insurance.

1347 Section 18. Paragraph (e) of subsection (2) of section
1348 110.205, Florida Statutes, is amended to read:

1349 110.205 Career service; exemptions.—

1350 (2) EXEMPT POSITIONS.—The exempt positions that are not
1351 covered by this part include the following:

1352 (e) The executive director of ~~Chief Information Officer in~~
1353 the Agency for State Enterprise Information Technology. Unless
1354 otherwise fixed by law, the Governor and Cabinet Agency for
1355 ~~Enterprise Information Technology~~ shall set the salary and
1356 benefits of this position in accordance with the rules of the
1357 Senior Management Service.

1358 Section 19. Paragraph (o) of subsection (1) of section
1359 215.22, Florida Statutes, is amended to read:

1360 215.22 Certain income and certain trust funds exempt.—

1361 (1) The following income of a revenue nature or the
1362 following trust funds shall be exempt from the appropriation
1363 required by s. 215.20(1):

585-02800-12

20121498c1

1364 (o) The Communications Working Capital Trust Fund of the
1365 Agency for State Technology ~~Department of Management Services~~.

1366 Section 20. Subsections (2) and (9) of section 215.322,
1367 Florida Statutes, are amended to read:

1368 215.322 Acceptance of credit cards, charge cards, debit
1369 cards, or electronic funds transfers by state agencies, units of
1370 local government, and the judicial branch.—

1371 (2) A state agency as defined in s. 216.011, or the
1372 judicial branch, may accept credit cards, charge cards, debit
1373 cards, or electronic funds transfers in payment for goods and
1374 services with the prior approval of the Chief Financial Officer.
1375 If the Internet or other related electronic methods are to be
1376 used as the collection medium, the Agency for State Enterprise
1377 ~~Information~~ Technology shall review and recommend to the Chief
1378 Financial Officer whether to approve the request with regard to
1379 the process or procedure to be used.

1380 (9) For payment programs in which credit cards, charge
1381 cards, or debit cards are accepted by state agencies, the
1382 judicial branch, or units of local government, the Chief
1383 Financial Officer, in consultation with the Agency for State
1384 ~~Enterprise Information~~ Technology, may adopt rules to establish
1385 uniform security safeguards for cardholder data and to ensure
1386 compliance with the Payment Card Industry Data Security
1387 Standards.

1388 Section 21. Paragraph (c) of subsection (6) of section
1389 216.292, Florida Statutes, is amended to read:

1390 216.292 Appropriations nontransferable; exceptions.—

1391 (6) The Chief Financial Officer shall transfer from any
1392 available funds of an agency or the judicial branch the

585-02800-12

20121498c1

1393 following amounts and shall report all such transfers and the
1394 reasons therefor to the legislative appropriations committees
1395 and the Executive Office of the Governor:

1396 (c) The amount due to the Communications Working Capital
1397 Trust Fund from moneys appropriated in the General
1398 Appropriations Act for the purpose of paying for services
1399 provided by the state communications system in the Agency for
1400 State Technology ~~Department of Management Services~~ which is
1401 unpaid 45 days after the billing date. The amount transferred
1402 shall be that billed by the department.

1403 Section 22. Subsections (3), (4), (5), and (6) of section
1404 282.318, Florida Statutes, are amended to read:

1405 282.318 Enterprise security of data and information
1406 technology.—

1407 (3) The Agency for State ~~Enterprise Information~~ Technology
1408 is responsible for establishing rules and publishing guidelines
1409 for ensuring an appropriate level of security for all data and
1410 information technology resources for executive branch agencies.
1411 The agency shall also perform the following duties and
1412 responsibilities:

1413 (a) Develop, and annually update by February 1, an
1414 enterprise information security strategic plan that includes
1415 security goals and objectives for the strategic issues of
1416 information security policy, risk management, training, incident
1417 management, and survivability planning.

1418 (b) Develop enterprise security rules and published
1419 guidelines for:

1420 1. Comprehensive risk analyses and information security
1421 audits conducted by state agencies.

585-02800-12

20121498c1

1422 2. Responding to suspected or confirmed information
1423 security incidents, including suspected or confirmed breaches of
1424 personal information or exempt data.

1425 3. Agency security plans, including strategic security
1426 plans and security program plans.

1427 4. The recovery of information technology and data
1428 following a disaster.

1429 5. The managerial, operational, and technical safeguards
1430 for protecting state government data and information technology
1431 resources.

1432 (c) Assist agencies in complying with the provisions of
1433 this section.

1434 (d) Pursue appropriate funding for the purpose of enhancing
1435 domestic security.

1436 (e) Provide training for agency information security
1437 managers.

1438 (f) Annually review the strategic and operational
1439 information security plans of executive branch agencies.

1440 (4) To assist the Agency for State Enterprise Information
1441 Technology in carrying out its responsibilities, each state
1442 agency head shall, at a minimum:

1443 (a) Designate an information security manager to administer
1444 the security program of the state agency for its data and
1445 information technology resources. This designation must be
1446 provided annually in writing to the Agency for State Enterprise
1447 ~~Information~~ Technology by January 1.

1448 (b) Annually submit to the Agency for State Enterprise
1449 ~~Information~~ Technology ~~annually~~ by July 31, the state agency's
1450 comprehensive ~~strategic~~ and operational information security

585-02800-12

20121498c1

1451 plans developed pursuant to the rules and guidelines established
1452 by the Agency for State Enterprise Information Technology.

1453 1. The state agency comprehensive ~~strategic~~ information
1454 security plan must cover a 3-year period and define security
1455 goals, intermediate objectives, and projected agency costs for
1456 the strategic issues of agency information security policy, risk
1457 management, security training, security incident response, and
1458 survivability. The plan must be based on the enterprise
1459 strategic information security plan created by the Agency for
1460 State Enterprise Information Technology. Additional issues may
1461 be included.

1462 2. The state agency operational information security plan
1463 must include a progress report for the prior operational
1464 information security plan and a project plan that includes
1465 activities, timelines, and deliverables for security objectives
1466 that, subject to current resources, the state agency will
1467 implement during the current fiscal year. The cost of
1468 implementing the portions of the plan which cannot be funded
1469 from current resources must be identified in the plan.

1470 (c) Conduct, and update every 3 years, a comprehensive risk
1471 analysis to determine the security threats to the data,
1472 information, and information technology resources of the state
1473 agency. The risk analysis information is confidential and exempt
1474 from ~~the provisions of~~ s. 119.07(1), except that such
1475 information shall be available to the Auditor General and the
1476 Agency for State Enterprise Information Technology for
1477 performing postauditing duties.

1478 (d) Develop, and periodically update, written internal
1479 policies and procedures that, ~~which~~ include procedures for

585-02800-12

20121498c1

1480 notifying the Agency for State ~~Enterprise Information~~ Technology
1481 when a suspected or confirmed breach, or an information security
1482 incident, occurs. Such policies and procedures must be
1483 consistent with the rules and guidelines established by the
1484 Agency for State ~~Enterprise Information~~ Technology to ensure the
1485 security of the data, information, and information technology
1486 resources of the state agency. The internal policies and
1487 procedures that, if disclosed, could facilitate the unauthorized
1488 modification, disclosure, or destruction of data or information
1489 technology resources are confidential information and exempt
1490 from s. 119.07(1), except that such information shall be
1491 available to the Auditor General and the Agency for State
1492 ~~Enterprise Information~~ Technology for performing postauditing
1493 duties.

1494 (e) Implement appropriate cost-effective safeguards to
1495 address identified risks to the data, information, and
1496 information technology resources of the state agency.

1497 (f) Ensure that periodic internal audits and evaluations of
1498 the state agency's security program for the data, information,
1499 and information technology resources of the state agency are
1500 conducted. The results of such audits and evaluations are
1501 confidential information and exempt from s. 119.07(1), except
1502 that such information shall be available to the Auditor General
1503 and the Agency for State ~~Enterprise Information~~ Technology for
1504 performing postauditing duties.

1505 (g) Include appropriate security requirements in the
1506 written specifications for the solicitation of information
1507 technology and information technology resources and services,
1508 which are consistent with the rules and guidelines established

585-02800-12

20121498c1

1509 by the Agency for State ~~Enterprise Information~~ Technology.

1510 (h) Provide security awareness training to employees and
1511 users of the state agency's communication and information
1512 resources concerning information security risks and the
1513 responsibility of employees and users to comply with policies,
1514 standards, guidelines, and operating procedures adopted by the
1515 state agency to reduce those risks.

1516 (i) Develop a process for detecting, reporting, and
1517 responding to suspected or confirmed security incidents,
1518 including suspected or confirmed breaches consistent with the
1519 security rules and guidelines established by the Agency for
1520 State ~~Enterprise Information~~ Technology.

1521 1. Suspected or confirmed information security incidents
1522 and breaches must be immediately reported to the Agency for
1523 State ~~Enterprise Information~~ Technology.

1524 2. For incidents involving breaches, agencies shall provide
1525 notice in accordance with s. 817.5681 and to the Agency for
1526 State ~~Enterprise Information~~ Technology in accordance with this
1527 subsection.

1528 (5) Each state agency shall include appropriate security
1529 requirements in the specifications for the solicitation of
1530 contracts for procuring information technology or information
1531 technology resources or services which are consistent with the
1532 rules and guidelines established by the Agency for State
1533 ~~Enterprise Information~~ Technology.

1534 (6) The Agency for State ~~Enterprise Information~~ Technology
1535 may adopt rules relating to information security and to
1536 administer the provisions of this section.

1537 Section 23. Section 282.604, Florida Statutes, is amended

585-02800-12

20121498c1

1538 to read:

1539 282.604 Adoption of rules.—The Agency for State Technology
1540 ~~Department of Management Services~~ shall, with input from
1541 stakeholders, adopt rules pursuant to ~~ss. 120.536(1) and 120.54~~
1542 for the development, procurement, maintenance, and use of
1543 accessible electronic information technology by governmental
1544 units.

1545 Section 24. Section 282.703, Florida Statutes, is amended
1546 to read:

1547 282.703 SUNCOM Network; exemptions from the required use.—

1548 (1) The SUNCOM Network is established within the Agency for
1549 State Technology ~~department~~ as the state enterprise
1550 telecommunications system for providing local and long-distance
1551 communications services to state agencies, political
1552 subdivisions of the state, municipalities, and nonprofit
1553 corporations pursuant to this part. The SUNCOM Network shall be
1554 developed to transmit all types of telecommunications signals,
1555 including, but not limited to, voice, data, video, image, and
1556 radio. State agencies shall cooperate and assist in the
1557 development and joint use of telecommunications systems and
1558 services.

1559 (2) The Agency for State Technology ~~department~~ shall
1560 design, engineer, implement, manage, and operate through state
1561 ownership, commercial leasing, contracted services, or some
1562 combination thereof, the facilities, equipment, and contracts
1563 providing SUNCOM Network services, and shall develop a system of
1564 equitable billings and charges for telecommunications services.

1565 (3) The Agency for State Technology ~~department~~ shall own,
1566 manage, and establish standards for the telecommunications

585-02800-12

20121498c1

1567 addressing and numbering plans for the SUNCOM Network. This
1568 includes distributing or revoking numbers and addresses to
1569 authorized users of the network and delegating or revoking the
1570 delegation of management of subsidiary groups of numbers and
1571 addresses to authorized users of the network.

1572 (4) The Agency for State Technology ~~department~~ shall
1573 maintain a directory of information and services which provides
1574 the names, phone numbers, and e-mail addresses for employees,
1575 state agencies, and network devices that are served, in whole or
1576 in part, by the SUNCOM Network. State agencies and political
1577 subdivisions of the state shall cooperate with the Agency for
1578 State Technology ~~department~~ by providing timely and accurate
1579 directory information in the manner established by the Agency
1580 for State Technology ~~department~~.

1581 (5) All state agencies shall use the SUNCOM Network for
1582 state agency telecommunications services as the services become
1583 available; however, a state ~~an~~ agency is not relieved of
1584 responsibility for maintaining telecommunications services
1585 necessary for effective management of its programs and
1586 functions. The Agency for State Technology ~~department~~ may
1587 provide such communications services to a state university if
1588 requested by the university.

1589 (a) If a SUNCOM Network service does not meet the
1590 telecommunications requirements of a state ~~an~~ agency, the state
1591 agency must notify the Agency for State Technology ~~department~~ in
1592 writing and detail the requirements for that service. If the
1593 agency ~~department~~ is unable to meet a state ~~an~~ agency's
1594 requirements by enhancing SUNCOM Network service, the Agency for
1595 State Technology ~~department~~ may grant the state agency an

585-02800-12

20121498c1

1596 exemption from the required use of specified SUNCOM Network
1597 services.

1598 (b) Unless an exemption has been granted by the agency
1599 ~~department, effective October 1, 2010,~~ all customers of a state
1600 primary data center, excluding state universities, must use the
1601 shared SUNCOM Network telecommunications services connecting the
1602 state primary data center to SUNCOM services for all
1603 telecommunications needs in accordance with agency ~~department~~
1604 rules.

1605 1. Upon discovering ~~discovery of~~ customer noncompliance
1606 with this paragraph, the agency ~~department~~ shall provide the
1607 affected customer with a schedule for transferring to the shared
1608 telecommunications services provided by the SUNCOM Network and
1609 an estimate of all associated costs. The state primary data
1610 centers and their customers shall cooperate with the agency
1611 ~~department~~ to accomplish the transfer.

1612 2. Customers may request an exemption from this paragraph
1613 in the same manner as authorized in paragraph (a).

1614 (6) This section does ~~may not be construed to~~ require a
1615 state university to use SUNCOM Network communication services.

1616 Section 25. Section 282.704, Florida Statutes, is amended
1617 to read:

1618 282.704 Use of state SUNCOM Network by municipalities.—A
1619 ~~Any~~ municipality may request the Agency for State Technology
1620 ~~department~~ to provide any or all of the SUNCOM Network's
1621 portfolio of communications services upon such terms and
1622 conditions as the agency ~~department~~ may establish. The
1623 requesting municipality shall pay its share of installation and
1624 recurring costs according to the published rates for SUNCOM

585-02800-12

20121498c1

1625 Network services and as invoiced by the agency ~~department~~. Such
1626 municipality shall also pay for any requested modifications to
1627 existing SUNCOM Network services, if any charges apply.

1628 Section 26. Section 282.705, Florida Statutes, is amended
1629 to read:

1630 282.705 Use of state SUNCOM Network by nonprofit
1631 corporations.—

1632 (1) The Agency for State Technology ~~department~~ shall
1633 provide a means whereby private nonprofit corporations under
1634 contract with state agencies or political subdivisions of the
1635 state may use the state SUNCOM Network, subject to the
1636 limitations in this section. In order to qualify to use the
1637 state SUNCOM Network, a nonprofit corporation shall:

1638 (a) Expend the majority of its total direct revenues for
1639 the provision of contractual services to the state, a
1640 municipality, or a political subdivision; and

1641 (b) Receive only a small portion of its total revenues from
1642 any source other than a state agency, a municipality, or a
1643 political subdivision during the time SUNCOM Network services
1644 are requested.

1645 (2) Each nonprofit corporation seeking authorization to use
1646 the state SUNCOM Network shall, upon request, provide to the
1647 agency ~~department~~, ~~upon request~~, proof of compliance with
1648 subsection (1).

1649 (3) Nonprofit corporations established pursuant to general
1650 law and an association of municipal governments which is wholly
1651 owned by the municipalities are eligible to use the state SUNCOM
1652 Network, subject to the terms and conditions of the agency
1653 ~~department~~.

585-02800-12

20121498c1

1654 (4) Institutions qualified to participate in the William L.
1655 Boyd, IV, Florida Resident Access Grant Program pursuant to s.
1656 1009.89 are eligible to use the state SUNCOM Network, subject to
1657 the terms and conditions of the agency ~~department~~. Such entities
1658 are not required to satisfy the other criteria of this section.

1659 (5) Private, nonprofit elementary and secondary schools are
1660 eligible for rates and services on the same basis as public
1661 schools if such schools do not have an endowment in excess of
1662 \$50 million.

1663 Section 27. Section 282.706, Florida Statutes, is amended
1664 to read:

1665 282.706 Use of SUNCOM Network by libraries.—The Agency for
1666 State Technology ~~department~~ may provide SUNCOM Network services
1667 to any library in the state, including libraries in public
1668 schools, community colleges, state universities, and nonprofit
1669 private postsecondary educational institutions, and libraries
1670 owned and operated by municipalities and political subdivisions.
1671 This section does ~~may not be construed to~~ require a state
1672 university library to use SUNCOM Network services.

1673 Section 28. Section 282.707, Florida Statutes, is amended
1674 to read:

1675 282.707 SUNCOM Network; criteria for usage.—

1676 (1) The Agency for State Technology ~~department~~ and
1677 customers served by the agency ~~department~~ shall periodically
1678 review the qualifications of subscribers using the state SUNCOM
1679 Network and terminate services provided to a facility not
1680 qualified under this part or rules adopted hereunder. In the
1681 event of nonpayment of invoices by subscribers whose SUNCOM
1682 Network invoices are paid from sources other than legislative

585-02800-12

20121498c1

1683 appropriations, such nonpayment represents good and sufficient
1684 reason to terminate service.

1685 (2) The Agency for State Technology ~~department~~ shall adopt
1686 rules for implementing and operating the state SUNCOM Network,
1687 which include procedures for withdrawing and restoring
1688 authorization to use the state SUNCOM Network. Such rules must
1689 ~~shall~~ provide a minimum of 30 days' notice to affected parties
1690 before terminating voice communications service.

1691 (3) This section does not limit or restrict the ability of
1692 the Florida Public Service Commission to set jurisdictional
1693 tariffs of telecommunications companies.

1694 Section 29. Section 282.709, Florida Statutes, is amended
1695 to read:

1696 282.709 State agency law enforcement radio system and
1697 interoperability network.—

1698 (1) The Agency for State Technology ~~department~~ may acquire
1699 and administer a statewide radio communications system to serve
1700 law enforcement units of state agencies, and to serve local law
1701 enforcement agencies through mutual aid channels.

1702 (a) The agency ~~department shall~~, in conjunction with the
1703 Department of Law Enforcement and the Division of Emergency
1704 Management, shall establish policies, procedures, and standards
1705 to be incorporated into a comprehensive management plan for the
1706 use and operation of the statewide radio communications system.

1707 (b) The agency ~~department~~ shall bear the overall
1708 responsibility for the design, engineering, acquisition, and
1709 implementation of the statewide radio communications system and
1710 for ensuring the proper operation and maintenance of all common
1711 system equipment.

585-02800-12

20121498c1

1712 (c)1. The agency ~~department~~ may rent or lease space on any
1713 tower under its control and refuse to lease space on any tower
1714 at any site.

1715 2. The agency ~~department~~ may rent, lease, or sublease
1716 ground space as necessary to locate equipment to support
1717 antennae on the towers. The costs for the use of such space
1718 shall be established by the agency ~~department~~ for each site if
1719 it is determined to be practicable and feasible to make space
1720 available.

1721 3. The agency ~~department~~ may rent, lease, or sublease
1722 ground space on lands acquired by the agency ~~department~~ for the
1723 construction of privately owned or publicly owned towers. The
1724 agency ~~department~~ may, as a part of such rental, lease, or
1725 sublease agreement, require space on such towers for antennae as
1726 necessary for the construction and operation of the state agency
1727 law enforcement radio system or any other state need.

1728 4. All moneys collected by the agency ~~department~~ for rents,
1729 leases, and subleases under this subsection shall be deposited
1730 directly into the State Agency Law Enforcement Radio System
1731 Trust Fund established in subsection (3) and may be used by the
1732 agency ~~department~~ to construct, maintain, or support the system.

1733 5. The positions necessary for the agency ~~department~~ to
1734 accomplish its duties under this subsection shall be established
1735 in the General Appropriations Act and funded by the Law
1736 Enforcement Radio Operating Trust Fund or other revenue sources.

1737 (d) The agency ~~department~~ shall exercise its powers and
1738 duties under this part to plan, manage, and administer the
1739 mutual aid channels in the statewide radio communication system.

1740 1. In implementing such powers and duties, the agency

585-02800-12

20121498c1

1741 ~~department~~ shall consult and act in conjunction with the
1742 Department of Law Enforcement and the Division of Emergency
1743 Management, and shall manage and administer the mutual aid
1744 channels in a manner that reasonably addresses the needs and
1745 concerns of the involved law enforcement agencies and emergency
1746 response agencies and entities.

1747 2. The agency ~~department~~ may make the mutual aid channels
1748 available to federal agencies, state agencies, and agencies of
1749 the political subdivisions of the state for the purpose of
1750 public safety and domestic security.

1751 (e) The agency ~~department~~ may allow other state agencies to
1752 use the statewide radio communications system under terms and
1753 conditions established by the agency ~~department~~.

1754 (2) The Joint Task Force on State Agency Law Enforcement
1755 Communications is created adjunct to the Agency for State
1756 Technology ~~department~~ to advise the agency ~~department~~ of member-
1757 agency needs relating to the planning, designing, and
1758 establishment of the statewide communication system.

1759 (a) The Joint Task Force on State Agency Law Enforcement
1760 Communications shall consist of eight members, as follows:

1761 1. A representative of the Division of Alcoholic Beverages
1762 and Tobacco of the Department of Business and Professional
1763 Regulation who shall be appointed by the secretary of the
1764 department.

1765 2. A representative of the Division of Florida Highway
1766 Patrol of the Department of Highway Safety and Motor Vehicles
1767 who shall be appointed by the executive director of the
1768 department.

1769 3. A representative of the Department of Law Enforcement

585-02800-12

20121498c1

1770 who shall be appointed by the executive director of the
1771 department.

1772 4. A representative of the Fish and Wildlife Conservation
1773 Commission who shall be appointed by the executive director of
1774 the commission.

1775 5. A representative of the Division of Law Enforcement of
1776 the Department of Environmental Protection who shall be
1777 appointed by the secretary of the department.

1778 6. A representative of the Department of Corrections who
1779 shall be appointed by the secretary of the department.

1780 7. A representative of the Division of State Fire Marshal
1781 of the Department of Financial Services who shall be appointed
1782 by the State Fire Marshal.

1783 8. A representative of the Department of Transportation who
1784 shall be appointed by the secretary of the department.

1785 (b) Each appointed member of the joint task force shall
1786 serve at the pleasure of the appointing official. Any vacancy on
1787 the joint task force shall be filled in the same manner as the
1788 original appointment. A joint task force member may, upon
1789 notification to the chair before the beginning of any scheduled
1790 meeting, appoint an alternative to represent the member on the
1791 task force and vote on task force business in his or her
1792 absence.

1793 (c) The joint task force shall elect a chair from among its
1794 members to serve a 1-year term. A vacancy in the chair of the
1795 joint task force must be filled for the remainder of the
1796 unexpired term by an election of the joint task force members.

1797 (d) The joint task force shall meet as necessary, but at
1798 least quarterly, at the call of the chair and at the time and

585-02800-12

20121498c1

1799 place designated by him or her.

1800 (e) The per diem and travel expenses incurred by a member
1801 of the joint task force in attending its meetings and in
1802 attending to its affairs shall be paid pursuant to s. 112.061,
1803 from funds budgeted to the state agency that the member
1804 represents.

1805 (f) The agency ~~department~~ shall provide technical support
1806 to the joint task force.

1807 (3) (a) The State Agency Law Enforcement Radio System Trust
1808 Fund is established in the Agency for State Technology
1809 ~~department~~ and funded from surcharges collected under ss.
1810 318.18, 320.0802, and 328.72. Upon appropriation, moneys in the
1811 trust fund may be used by the agency ~~department~~ to acquire by
1812 competitive procurement the equipment, software, and
1813 engineering, administrative, and maintenance services it needs
1814 to construct, operate, and maintain the statewide radio system.
1815 Moneys in the trust fund from surcharges shall be used to help
1816 fund the costs of the system. Upon completion of the system,
1817 moneys in the trust fund may also be used by the agency
1818 ~~department~~ for payment of the recurring maintenance costs of the
1819 system.

1820 (b) Funds from the State Agency Law Enforcement Radio
1821 System Trust Fund may be used by the agency ~~department~~ to fund
1822 mutual aid buildout maintenance and sustainment as appropriated
1823 by law. This paragraph expires July 1, 2012.

1824 (4) The Agency for State Technology ~~department~~ may create
1825 and administer an interoperability network to enable
1826 interoperability between various radio communications
1827 technologies and to serve federal agencies, state agencies, and

585-02800-12

20121498c1

1828 agencies of political subdivisions of the state for the purpose
1829 of public safety and domestic security.

1830 (a) The agency ~~department shall~~, in conjunction with the
1831 Department of Law Enforcement and the Division of Emergency
1832 Management, shall exercise its powers and duties pursuant to
1833 this chapter to plan, manage, and administer the
1834 interoperability network. The agency ~~office~~ may:

1835 1. Enter into mutual aid agreements among federal agencies,
1836 state agencies, and political subdivisions of the state for the
1837 use of the interoperability network.

1838 2. Establish the cost of maintenance and operation of the
1839 interoperability network and charge subscribing federal and
1840 local law enforcement agencies for access and use of the
1841 network. The agency ~~department~~ may not charge state law
1842 enforcement agencies identified in paragraph (2) (a) to use the
1843 network.

1844 3. In consultation with the Department of Law Enforcement
1845 and the Division of Emergency Management, amend and enhance the
1846 statewide radio communications system as necessary to implement
1847 the interoperability network.

1848 (b) The agency ~~department~~, in consultation with the Joint
1849 Task Force on State Agency Law Enforcement Communications, and
1850 in conjunction with the Department of Law Enforcement and the
1851 Division of Emergency Management, shall establish policies,
1852 procedures, and standards to incorporate into a comprehensive
1853 management plan for the use and operation of the
1854 interoperability network.

1855 Section 30. Section 282.7101, Florida Statutes, is amended
1856 to read:

585-02800-12

20121498c1

1857 282.7101 Statewide system of regional law enforcement
1858 communications.—

1859 (1) It is the intent and purpose of the Legislature that a
1860 statewide system of regional law enforcement communications be
1861 developed whereby maximum efficiency in the use of existing
1862 radio channels is achieved in order to deal more effectively
1863 with the apprehension of criminals and the prevention of crime.
1864 To this end, all law enforcement agencies within the state are
1865 directed to provide the Agency for State Technology ~~department~~
1866 with any information the agency ~~department~~ requests for the
1867 purpose of implementing the provisions of subsection (2).

1868 (2) The Agency for State Technology shall ~~department is~~
1869 ~~hereby authorized and directed to~~ develop and maintain a
1870 statewide system of regional law enforcement communications. In
1871 formulating such a system, the agency ~~department~~ shall divide
1872 the state into appropriate regions and shall develop a program
1873 that includes, but is not limited to:

1874 (a) The communications requirements for each county and
1875 municipality comprising the region.

1876 (b) An interagency communications provision that depicts
1877 the communication interfaces between municipal, county, and
1878 state law enforcement entities operating within the region.

1879 (c) A frequency allocation and use provision that includes,
1880 on an entity basis, each assigned and planned radio channel and
1881 the type of operation, simplex, duplex, or half-duplex, on each
1882 channel.

1883 (3) The Agency for State Technology ~~department~~ shall adopt
1884 any necessary rules and regulations for administering and
1885 coordinating the statewide system of regional law enforcement

585-02800-12

20121498c1

1886 communications.

1887 (4) The executive director ~~secretary~~ of the Agency for
1888 State Technology department or his or her designee is designated
1889 as the director of the statewide system of regional law
1890 enforcement communications and, for the purpose of carrying out
1891 the provisions of this section, may coordinate the activities of
1892 the system with other interested state agencies and local law
1893 enforcement agencies.

1894 (5) A law enforcement communications system may not be
1895 established or expanded without the prior approval of the Agency
1896 for State Technology department.

1897 (6) Within the limits of its capability, the Department of
1898 Law Enforcement is encouraged to lend assistance to the Agency
1899 for State Technology department in the development of the
1900 statewide system of regional law enforcement communications
1901 proposed by this section.

1902 Section 31. Section 282.711, Florida Statutes, is amended
1903 to read:

1904 282.711 Remote electronic access services.—The Agency for
1905 State Technology department may collect fees for providing
1906 remote electronic access pursuant to s. 119.07(2). The fees may
1907 be imposed on individual transactions or as a fixed subscription
1908 for a designated period of time. All fees collected under this
1909 section shall be deposited in the appropriate trust fund of the
1910 program or activity that made the remote electronic access
1911 available.

1912 Section 32. Subsection (14) of section 287.012, Florida
1913 Statutes, is amended to read:

1914 287.012 Definitions.—As used in this part, the term:

585-02800-12

20121498c1

1915 (14) "Information technology" means, but is not limited to,
1916 equipment, hardware, software, mainframe maintenance, firmware,
1917 programs, systems, networks, infrastructure, media, and related
1918 material used to automatically, electronically, and wirelessly
1919 collect, receive, access, transmit, display, store, record,
1920 retrieve, analyze, evaluate, process, classify, manipulate,
1921 manage, assimilate, control, communicate, exchange, convert,
1922 converge, interface, switch, or disseminate information of any
1923 kind or form ~~has the meaning ascribed in s. 282.0041.~~

1924 Section 33. Subsection (22) of section 287.057, Florida
1925 Statutes, is amended to read:

1926 287.057 Procurement of commodities or contractual
1927 services.—

1928 (22) The department, in consultation with the Agency for
1929 State Enterprise Information Technology and the Chief Financial
1930 Officer Comptroller, shall develop a program for online
1931 procurement of commodities and contractual services. To enable
1932 the state to promote open competition and to leverage its buying
1933 power, agencies shall participate in the online procurement
1934 program, and eligible users may participate in the program. Only
1935 vendors prequalified as meeting mandatory requirements and
1936 qualifications criteria may participate in online procurement.

1937 (a) The department, in consultation with the agency, may
1938 contract for equipment and services necessary to develop and
1939 implement online procurement.

1940 (b) The department, in consultation with the agency, shall
1941 adopt rules, pursuant to ss. 120.536(1) and 120.54, to
1942 administer the program for online procurement. The rules shall
1943 include, but not be limited to:

585-02800-12

20121498c1

1944 1. Determining the requirements and qualification criteria
1945 for prequalifying vendors.

1946 2. Establishing the procedures for conducting online
1947 procurement.

1948 3. Establishing the criteria for eligible commodities and
1949 contractual services.

1950 4. Establishing the procedures for providing access to
1951 online procurement.

1952 5. Determining the criteria warranting any exceptions to
1953 participation in the online procurement program.

1954 (c) The department may impose and shall collect all fees
1955 for the use of the online procurement systems.

1956 1. The fees may be imposed on an individual transaction
1957 basis or as a fixed percentage of the cost savings generated. At
1958 a minimum, the fees must be set in an amount sufficient to cover
1959 the projected costs of the services, including administrative
1960 and project service costs in accordance with the policies of the
1961 department.

1962 2. If the department contracts with a provider for online
1963 procurement, the department, pursuant to appropriation, shall
1964 compensate the provider from the fees after the department has
1965 satisfied all ongoing costs. The provider shall report
1966 transaction data to the department each month so that the
1967 department may determine the amount due and payable to the
1968 department from each vendor.

1969 3. All fees that are due and payable to the state on a
1970 transactional basis or as a fixed percentage of the cost savings
1971 generated are subject to s. 215.31 and must be remitted within
1972 40 days after receipt of payment for which the fees are due. For

585-02800-12

20121498c1

1973 fees that are not remitted within 40 days, the vendor shall pay
1974 interest at the rate established under s. 55.03(1) on the unpaid
1975 balance from the expiration of the 40-day period until the fees
1976 are remitted.

1977 4. All fees and surcharges collected under this paragraph
1978 shall be deposited in the Operating Trust Fund as provided by
1979 law.

1980 Section 34. Subsection (17) of section 318.18, Florida
1981 Statutes, is amended to read:

1982 318.18 Amount of penalties.—The penalties required for a
1983 noncriminal disposition pursuant to s. 318.14 or a criminal
1984 offense listed in s. 318.17 are as follows:

1985 (17) In addition to any penalties imposed, a surcharge of
1986 \$3 must be paid for all criminal offenses listed in s. 318.17
1987 and for all noncriminal moving traffic violations under chapter
1988 316. Revenue from the surcharge shall be remitted to the
1989 Department of Revenue and deposited quarterly into the State
1990 Agency Law Enforcement Radio System Trust Fund of the Agency for
1991 State Technology ~~Department of Management Services~~ for the state
1992 agency law enforcement radio system, as described in s. 282.709,
1993 and to provide technical assistance to state agencies and local
1994 law enforcement agencies with their statewide systems of
1995 regional law enforcement communications, as described in s.
1996 282.7101. This subsection expires July 1, 2012. The Agency for
1997 State Technology ~~Department of Management Services~~ may retain
1998 funds sufficient to recover the costs and expenses incurred for
1999 managing, administering, and overseeing the Statewide Law
2000 Enforcement Radio System, and providing technical assistance to
2001 state agencies and local law enforcement agencies with their

585-02800-12

20121498c1

2002 statewide systems of regional law enforcement communications.
2003 The Agency for State Technology ~~Department of Management~~
2004 ~~Services~~ working in conjunction with the Joint Task Force on
2005 State Agency Law Enforcement Communications shall determine and
2006 direct the purposes for which these funds are used to enhance
2007 and improve the radio system.

2008 Section 35. Section 320.0802, Florida Statutes, is amended
2009 to read:

2010 320.0802 Surcharge on license tax.—A surcharge ~~There is~~
2011 hereby levied and imposed on each license tax imposed under s.
2012 320.08, except those set forth in s. 320.08(11), ~~a surcharge~~ in
2013 the amount of \$1, which shall be collected in the same manner as
2014 the license tax and deposited into the State Agency Law
2015 Enforcement Radio System Trust Fund of the Agency for State
2016 Technology ~~Department of Management Services~~.

2017 Section 36. Subsection (9) of section 328.72, Florida
2018 Statutes, is amended to read:

2019 328.72 Classification; registration; fees and charges;
2020 surcharge; disposition of fees; fines; marine turtle stickers.—

2021 (9) SURCHARGE.—In addition, a surcharge ~~there~~ is hereby
2022 levied and imposed on each vessel registration fee imposed under
2023 subsection (1) ~~a surcharge~~ in the amount of \$1 for each 12-month
2024 period of registration, which shall be collected in the same
2025 manner as the fee and deposited into the State Agency Law
2026 Enforcement Radio System Trust Fund of the Agency for State
2027 Technology ~~Department of Management Services~~.

2028 Section 37. Subsections (3), (4), (5), (7), (9), (10), and
2029 (11) of section 365.171, Florida Statutes, are amended to read:

2030 365.171 Emergency communications number E911 state plan.—

585-02800-12

20121498c1

- 2031 (3) DEFINITIONS.—As used in this section, the term:
- 2032 (a) "Agency" means the Agency for State Technology ~~"Office"~~
- 2033 ~~means the Technology Program within the Department of Management~~
- 2034 ~~Services, as designated by the secretary of the department.~~
- 2035 (b) "Local government" means municipality ~~any city~~, county,
- 2036 or political subdivision of the state and its agencies.
- 2037 (c) "Public agency" means the state and any municipality
- 2038 ~~city~~, county, municipality ~~city~~ and county, municipal
- 2039 corporation, chartered organization, public district, or public
- 2040 authority located in whole or in part within this state which
- 2041 provides, or has authority to provide, firefighting, law
- 2042 enforcement, ambulance, medical, or other emergency services.
- 2043 (d) "Public safety agency" means a functional division of a
- 2044 public agency which provides firefighting, law enforcement,
- 2045 medical, or other emergency services.
- 2046 (4) STATE PLAN.—The agency ~~office~~ shall develop, maintain,
- 2047 and implement appropriate modifications for a statewide
- 2048 emergency communications E911 system plan. The plan must ~~shall~~
- 2049 provide for:
- 2050 (a) The public agency emergency communications requirements
- 2051 for each entity of local government in the state.
- 2052 (b) A system to meet specific local government
- 2053 requirements. Such system shall include law enforcement,
- 2054 firefighting, and emergency medical services and may include
- 2055 other emergency services such as poison control, suicide
- 2056 prevention, and emergency management services.
- 2057 (c) Identification of the mutual aid agreements necessary
- 2058 to obtain an effective E911 system.
- 2059 (d) A funding provision that identifies the cost necessary

585-02800-12

20121498c1

2060 to implement the E911 system.

2061
2062 The agency ~~is office~~ shall be responsible for the implementation
2063 and coordination of such plan. The agency ~~office~~ shall adopt any
2064 necessary rules and schedules related to public agencies for
2065 implementing and coordinating the plan, ~~pursuant to chapter 120.~~

2066 (5) SYSTEM DIRECTOR.—The executive director of the agency
2067 ~~secretary of the department~~ or his or her designee is designated
2068 as the director of the statewide emergency communications number
2069 E911 system and, for the purpose of carrying out the provisions
2070 of this section, may ~~is authorized to~~ coordinate the activities
2071 of the system with state, county, local, and private agencies.
2072 The director, in implementing the system, shall consult,
2073 cooperate, and coordinate with local law enforcement agencies.

2074 (7) TELECOMMUNICATIONS INDUSTRY COORDINATION.—The agency
2075 ~~office~~ shall coordinate with the Florida Public Service
2076 Commission to which ~~shall~~ encourage the Florida
2077 telecommunications industry to activate facility modification
2078 plans for timely E911 implementation.

2079 (9) SYSTEM APPROVAL.—An ~~No~~ emergency communications number
2080 E911 system may not ~~shall~~ be established and a ~~and no~~ present
2081 system may not ~~shall~~ be expanded without prior approval of the
2082 agency ~~office~~.

2083 (10) COMPLIANCE.—All public agencies shall assist the
2084 agency ~~office~~ in their efforts to carry out the intent of this
2085 section, and such agencies shall comply with the developed plan.

2086 (11) FEDERAL ASSISTANCE.—The executive director of the
2087 agency ~~secretary of the department~~ or his or her designee may
2088 apply for and accept federal funding assistance in the

585-02800-12

20121498c1

2089 development and implementation of a statewide emergency
2090 communications number E911 system.

2091 Section 38. Paragraphs (a) through (s) of subsection (3) of
2092 section 365.172, Florida Statutes, are redesignated as
2093 paragraphs (b) through (t), respectively, a new paragraph (a) is
2094 added to that subsection, and paragraph (d) of subsection (2),
2095 present paragraph (t) of subsection (3), subsection (4),
2096 paragraph (a) of subsection (5), paragraph (c) of subsection
2097 (6), and paragraph (f) of subsection (12) of that section are
2098 amended to read:

2099 365.172 Emergency communications number "E911."—

2100 (2) LEGISLATIVE INTENT.—It is the intent of the Legislature
2101 to:

2102 (d) Provide for an E911 board to administer the fee, with
2103 oversight by the Agency for State Technology office, in a manner
2104 that is competitively and technologically neutral as to all
2105 voice communications services providers.

2106

2107 It is further the intent of the Legislature that the fee
2108 authorized or imposed by this section not necessarily provide
2109 the total funding required for establishing or providing E911
2110 service.

2111 (3) DEFINITIONS.—Only as used in this section and ss.
2112 365.171, 365.173, and 365.174, the term:

2113 (a) "Agency" means the Agency for State Technology.

2114 ~~(t) "Office" means the Technology Program within the~~
2115 ~~Department of Management Services, as designated by the~~
2116 ~~secretary of the department.~~

2117 (4) POWERS AND DUTIES OF THE AGENCY FOR STATE TECHNOLOGY

585-02800-12

20121498c1

2118 OFFICE.—The agency ~~office~~ shall oversee the administration of
2119 the fee authorized and imposed on subscribers of voice
2120 communications services under subsection (8).

2121 (5) THE E911 BOARD.—

2122 (a) The E911 Board is established to administer, with
2123 oversight by the agency ~~office~~, the fee imposed under subsection
2124 (8), including receiving revenues derived from the fee;
2125 distributing portions of the revenues to wireless providers,
2126 counties, and the agency ~~office~~; accounting for receipts,
2127 distributions, and income derived by the funds maintained in the
2128 fund; and providing annual reports to the Governor and the
2129 Legislature for submission by the agency ~~office~~ on amounts
2130 collected and expended, the purposes for which expenditures have
2131 been made, and the status of E911 service in this state. In
2132 order to advise and assist the agency ~~office~~ in carrying out the
2133 purposes of this section, the board, which shall have the power
2134 of a body corporate, has the powers enumerated in subsection
2135 (6).

2136 (6) AUTHORITY OF THE BOARD; ANNUAL REPORT.—

2137 (c) By February 28 of each year, the board shall prepare a
2138 report for submission by the agency ~~office~~ to the Governor, the
2139 President of the Senate, and the Speaker of the House of
2140 Representatives which addresses for the immediately preceding
2141 calendar year:

2142 1. The annual receipts, including the total amount of fee
2143 revenues collected by each provider, the total disbursements of
2144 money in the fund, including the amount of fund-reimbursed
2145 expenses incurred by each wireless provider to comply with the
2146 order, and the amount of moneys on deposit in the fund.

585-02800-12

20121498c1

2147 2. Whether the amount of the fee and the allocation
2148 percentages set forth in s. 365.173 have been or should be
2149 adjusted to comply with the requirements of the order or other
2150 provisions of this chapter, and the reasons for making or not
2151 making a recommended adjustment to the fee.

2152 3. Any other issues related to providing E911 services.

2153 4. The status of E911 services in this state.

2154 (12) FACILITATING E911 SERVICE IMPLEMENTATION.—To balance
2155 the public need for reliable E911 services through reliable
2156 wireless systems and the public interest served by governmental
2157 zoning and land development regulations and notwithstanding any
2158 other law or local ordinance to the contrary, the following
2159 standards shall apply to a local government's actions, as a
2160 regulatory body, in the regulation of the placement,
2161 construction, or modification of a wireless communications
2162 facility. This subsection shall not, however, be construed to
2163 waive or alter the provisions of s. 286.011 or s. 286.0115. For
2164 the purposes of this subsection only, "local government" shall
2165 mean any municipality or county and any agency of a municipality
2166 or county only. The term "local government" does not, however,
2167 include any airport, as defined by s. 330.27(2), even if it is
2168 owned or controlled by or through a municipality, county, or
2169 agency of a municipality or county. Further, notwithstanding
2170 anything in this section to the contrary, this subsection does
2171 not apply to or control a local government's actions as a
2172 property or structure owner in the use of any property or
2173 structure owned by such entity for the placement, construction,
2174 or modification of wireless communications facilities. In the
2175 use of property or structures owned by the local government,

585-02800-12

20121498c1

2176 however, a local government may not use its regulatory authority
2177 so as to avoid compliance with, or in a manner that does not
2178 advance, the provisions of this subsection.

2179 (f) Notwithstanding any other law ~~to the contrary~~
2180 ~~notwithstanding~~, the agency ~~Department of Management Services~~
2181 shall negotiate, in the name of the state, leases for wireless
2182 communications facilities that provide access to state
2183 government-owned property not acquired for transportation
2184 purposes, and the Department of Transportation shall negotiate,
2185 in the name of the state, leases for wireless communications
2186 facilities that provide access to property acquired for state
2187 rights-of-way. On property acquired for transportation purposes,
2188 leases shall be granted in accordance with s. 337.251. On other
2189 state government-owned property, leases shall be granted on a
2190 space available, first-come, first-served basis. Payments
2191 required by state government under a lease must be reasonable
2192 and ~~must~~ reflect the market rate for the use of the state
2193 government-owned property. The agency ~~Department of Management~~
2194 ~~Services~~ and the Department of Transportation ~~may~~ are authorized
2195 ~~to~~ adopt rules for the terms and conditions and granting of any
2196 such leases.

2197 Section 39. Subsection (1) and paragraph (g) of subsection
2198 (2) of section 365.173, Florida Statutes, are amended to read:

2199 365.173 Emergency Communications Number E911 System Fund.—

2200 (1) All revenues derived from the fee levied on subscribers
2201 under s. 365.172 must be paid by the board into the State
2202 Treasury on or before the 15th day of each month. Such moneys
2203 must be accounted for in a special fund to be designated as the
2204 Emergency Communications Number E911 System Fund, a fund created

585-02800-12

20121498c1

2205 in the Agency for State Technology Program, ~~or other office as~~
2206 ~~designated by the Secretary of Management Services~~, and, for
2207 accounting purposes, must be segregated into two separate
2208 categories:

2209 (a) The wireless category; and

2210 (b) The nonwireless category.

2211

2212 All moneys must be invested by the Chief Financial Officer
2213 pursuant to s. 17.61. All moneys in such fund are to be expended
2214 by the agency office for the purposes provided in this section
2215 and s. 365.172. These funds are not subject to s. 215.20.

2216 (2) As determined by the board pursuant to s.
2217 365.172(8)(h), and subject to any modifications approved by the
2218 board pursuant to s. 365.172(6)(a)3. or (8)(i), the moneys in
2219 the fund shall be distributed and used only as follows:

2220 (g) Two percent of the moneys in the fund shall be used to
2221 make monthly distributions to rural counties for the purpose of
2222 providing facilities and network and service enhancements and
2223 assistance for the 911 or E911 systems operated by rural
2224 counties and for the provision of grants by the agency office to
2225 rural counties for upgrading and replacing E911 systems.

2226

2227 The Legislature recognizes that the fee authorized under s.
2228 365.172 may not necessarily provide the total funding required
2229 for establishing or providing the E911 service. It is the intent
2230 of the Legislature that all revenue from the fee be used as
2231 specified in this subsection.

2232 Section 40. Subsection (1) of section 365.174, Florida
2233 Statutes, is amended to read:

585-02800-12

20121498c1

2234 365.174 Proprietary confidential business information.—
2235 (1) All proprietary confidential business information
2236 submitted by a provider to the board or to the Agency for State
2237 Technology office, including the name and billing or service
2238 addresses of service subscribers, and trade secrets as defined
2239 by s. 812.081, is confidential and exempt from s. 119.07(1) and
2240 s. 24(a), Art. I of the State Constitution. Statistical
2241 abstracts of information collected by the board or the agency
2242 ~~office~~ may be released or published, but only in a manner that
2243 does not identify or allow identification of subscribers or
2244 their service numbers or of revenues attributable to any
2245 provider.

2246 Section 41. Section 401.013, Florida Statutes, is amended
2247 to read:

2248 401.013 Legislative intent.—It is the intention and purpose
2249 of the Legislature that a statewide system of regional emergency
2250 medical telecommunications be developed whereby maximum use of
2251 existing radio channels is achieved in order to more effectively
2252 and rapidly provide emergency medical service to the general
2253 population. To this end, all emergency medical service entities
2254 within the state are directed to provide the Agency for State
2255 Technology Department of Management Services with any
2256 information the agency department requests for the purpose of
2257 implementing ~~the provisions of~~ s. 401.015, and such entities
2258 shall comply with the resultant provisions established pursuant
2259 to this part.

2260 Section 42. Section 401.015, Florida Statutes, is amended
2261 to read:

2262 401.015 Statewide regional emergency medical

585-02800-12

20121498c1

2263 telecommunication system.—The Agency for State Technology shall
2264 ~~Department of Management Services is authorized and directed to~~
2265 develop a statewide system of regional emergency medical
2266 telecommunications. For the purpose of this part, the term
2267 “telecommunications” means ~~these~~ voice, data, and signaling
2268 transmissions and receptions between emergency medical service
2269 components, including, but not limited to: ambulances; rescue
2270 vehicles; hospitals or other related emergency receiving
2271 facilities; emergency communications centers; physicians and
2272 emergency medical personnel; paging facilities; law enforcement
2273 and fire protection agencies; and poison control, suicide, and
2274 emergency management agencies. In formulating such a system, the
2275 agency ~~department~~ shall divide the state into appropriate
2276 regions and ~~shall~~ develop a program that ~~which~~ includes, but is
2277 not limited to, the following ~~provisions~~:

2278 (1) A requirements provision that states, ~~which shall state~~
2279 the telecommunications requirements for each emergency medical
2280 entity comprising the region.

2281 (2) An interfacility communications provision that depicts,
2282 ~~which shall depict~~ the telecommunications interfaces between the
2283 various medical service entities that ~~which~~ operate within the
2284 region and state.

2285 (3) An organizational layout provision that includes, ~~which~~
2286 ~~shall include~~ each emergency medical entity and the number of
2287 radio operating units (base, mobile, handheld, etc.) per entity.

2288 (4) A frequency allocation and use provision that includes,
2289 ~~which shall include~~ on an entity basis each assigned and planned
2290 radio channel and the type of operation (simplex, duplex, half
2291 duplex, etc.) on each channel.

585-02800-12

20121498c1

2292 (5) An operational provision that includes, ~~which shall~~
2293 ~~include~~ dispatching, logging, and operating procedures
2294 pertaining to telecommunications on an entity basis and regional
2295 basis.

2296 (6) An emergency medical service telephone provision that
2297 includes, ~~which shall include~~ the telephone and the numbering
2298 plan throughout the region for both the public and interface
2299 requirements.

2300 Section 43. Section 401.018, Florida Statutes, is amended
2301 to read:

2302 401.018 System coordination.—

2303 (1) The statewide system of regional emergency medical
2304 telecommunications shall be developed by the Agency for State
2305 Technology Department of Management Services, which is
2306 ~~department shall be~~ responsible for the implementation and
2307 coordination of such system into the state telecommunications
2308 plan. The agency department shall adopt any necessary rules and
2309 ~~regulations~~ for administering ~~implementing~~ and coordinating the
2310 ~~such~~ a system.

2311 (2) The Agency for State Technology Department of
2312 ~~Management Services~~ shall be designated as the state frequency
2313 coordinator for the special emergency radio service.

2314 Section 44. Section 401.021, Florida Statutes, is amended
2315 to read:

2316 401.021 System director.—The executive director of the
2317 Agency for State Technology Secretary of Management Services or
2318 his or her designee is designated as the director of the
2319 statewide telecommunications system of the regional emergency
2320 medical service and, for the purpose of carrying out the

585-02800-12

20121498c1

2321 provisions of this part, may ~~is authorized to~~ coordinate the
2322 activities of the telecommunications system with other
2323 interested state, county, local, and private agencies.

2324 Section 45. Section 401.024, Florida Statutes, is amended
2325 to read:

2326 401.024 System approval.—~~An~~ ~~From July 1, 1973, no~~ emergency
2327 medical telecommunications system may not ~~shall~~ be established
2328 and ~~or~~ present systems may not be expanded without prior
2329 approval of the Agency for State Technology ~~Department of~~
2330 ~~Management Services~~.

2331 Section 46. Section 401.027, Florida Statutes, is amended
2332 to read:

2333 401.027 Federal assistance.—The executive director of the
2334 Agency for State Technology ~~Secretary of Management Services~~ or
2335 his or her designee may ~~is authorized to~~ apply for and accept
2336 federal funding assistance in the development and implementation
2337 of a statewide emergency medical telecommunications system.

2338 Section 47. Paragraph (a) of subsection (2) of section
2339 401.465, Florida Statutes, is amended to read:

2340 401.465 911 public safety telecommunicator certification.—

2341 (2) PERSONNEL; STANDARDS AND CERTIFICATION.—

2342 (a) Effective October 1, 2012, any person employed as a 911
2343 public safety telecommunicator at a public safety answering
2344 point, as defined in s. 365.172(3)(b) ~~s. 365.172(3)(a)~~, must be
2345 certified by the department.

2346 Section 48. Subsection (4) of section 445.011, Florida
2347 Statutes, is amended to read:

2348 445.011 Workforce information systems.—

2349 (4) Workforce Florida, Inc., shall coordinate development

585-02800-12

20121498c1

2350 and implementation of workforce information systems with the
2351 executive director of the Agency for State Enterprise
2352 ~~Information~~ Technology to ensure compatibility with the state's
2353 information system strategy and enterprise architecture.

2354 Section 49. Subsection (2) and paragraphs (a) and (b) of
2355 subsection (4) of section 445.045, Florida Statutes, are amended
2356 to read:

2357 445.045 Development of an Internet-based system for
2358 information technology industry promotion and workforce
2359 recruitment.—

2360 (2) Workforce Florida, Inc., shall coordinate with the
2361 Agency for State Enterprise~~Information~~ Technology and the
2362 Department of Economic Opportunity to ensure links, where
2363 feasible and appropriate, to existing job information websites
2364 maintained by the state and state agencies and to ensure that
2365 information technology positions offered by the state and state
2366 agencies are posted on the information technology website.

2367 (4) (a) Workforce Florida, Inc., shall coordinate
2368 development and maintenance of the website under this section
2369 with the executive director of the Agency for State Enterprise
2370 ~~Information~~ Technology to ensure compatibility with the state's
2371 information system strategy and enterprise architecture.

2372 (b) Workforce Florida, Inc., may enter into an agreement
2373 with the Agency for State Enterprise~~Information~~ Technology, the
2374 Department of Economic Opportunity, or any other public agency
2375 with the requisite information technology expertise for the
2376 provision of design, operating, or other technological services
2377 necessary to develop and maintain the website.

2378 Section 50. Paragraph (b) of subsection (18) of section

585-02800-12

20121498c1

2379 668.50, Florida Statutes, is amended to read:

2380 668.50 Uniform Electronic Transaction Act.—

2381 (18) ACCEPTANCE AND DISTRIBUTION OF ELECTRONIC RECORDS BY
2382 GOVERNMENTAL AGENCIES.—

2383 (b) To the extent that a governmental agency uses
2384 electronic records and electronic signatures under paragraph
2385 (a), the Agency for State Enterprise Information Technology, in
2386 consultation with the governmental agency, giving due
2387 consideration to security, may specify:

2388 1. The manner and format in which the electronic records
2389 must be created, generated, sent, communicated, received, and
2390 stored and the systems established for those purposes.

2391 2. If electronic records must be signed by electronic
2392 means, the type of electronic signature required, the manner and
2393 format in which the electronic signature must be affixed to the
2394 electronic record, and the identity of, or criteria that must be
2395 met by, any third party used by a person filing a document to
2396 facilitate the process.

2397 3. Control processes and procedures as appropriate to
2398 ensure adequate preservation, disposition, integrity, security,
2399 confidentiality, and auditability of electronic records.

2400 4. Any other required attributes for electronic records
2401 which are specified for corresponding nonelectronic records or
2402 reasonably necessary under the circumstances.

2403 Section 51. Except as otherwise expressly provided in this
2404 act, this act shall take effect July 1, 2012.