

By the Committee on Governmental Oversight and Accountability

585-02044-13

20131762\_\_

1                   A bill to be entitled  
2           An act relating to state technology; transferring,  
3           renumbering, and amending s. 14.204, F.S.; creating  
4           the Department of State Technology; providing for the  
5           organizational structure of the department; creating a  
6           Technology Advisory Council and providing for  
7           membership; amending s. 282.0041, F.S.; revising and  
8           providing definitions for terms used in the Enterprise  
9           Information Technology Services Management Act;  
10          amending s. 282.0055, F.S.; requiring the department  
11          to develop a long-range plan; providing the powers and  
12          duties of the department; amending s. 282.0056, F.S.;  
13          conforming provisions to changes made by the act;  
14          creating s. 282.0057, F.S.; providing a schedule for  
15          the initiation of department information technology  
16          projects; specifying tasks to be approved and  
17          completed; amending s. 282.203, F.S.; conforming  
18          provisions to changes made by the act; providing for  
19          future repeal; repealing s. 282.204, F.S., relating to  
20          Northwood Shared Resource Center; repealing s.  
21          282.205, F.S., relating to Southwood Shared Resource  
22          Center; creating s. 282.206, F.S.; establishing the  
23          Fletcher Shared Resource Center within the Department  
24          of Financial Services to provide enterprise  
25          information technology services to the department, co-  
26          location services to the Department of Legal Services  
27          and the Department of Agriculture and Consumer  
28          Services, and host the Legislative Appropriations  
29          System/Planning and Budgeting Subsystem; providing for

585-02044-13

20131762\_\_

30 governance of the center; authorizing the Department  
31 of Legal Affairs and the Department of Agriculture and  
32 Consumer Services to move data center equipment to the  
33 center; amending s. 282.318, F.S.; conforming  
34 provisions to changes made by the act; repealing s.  
35 282.33, F.S., relating to objective standards for data  
36 center energy efficiency; repealing s. 282.34, F.S.,  
37 relating to enterprise email service; amending ss.  
38 282.604, 282.702, 282.703, 20.22, 110.205, 215.22,  
39 215.322, 215.96, 216.292, 287.012, 287.057, 318.18,  
40 320.0802, 328.72, 364.0135, 365.171, 365.172, 365.173,  
41 365.174, 401.013, 401.015, 401.018, 401.021, 401.024,  
42 401.027, 445.011, 445.045, and 668.50, F.S.;

43 conforming provisions to changes made by the act;  
44 transferring the personnel, functions, and funds of  
45 the Agency for Enterprise Information Technology to  
46 the Department of State Technology; transferring  
47 specified personnel, functions, funds, trust funds,  
48 administrative orders, contracts, and rules relating  
49 to technology programs from the Department of  
50 Management Services to the Department of State  
51 Technology; transferring the Northwood Shared Resource  
52 Center and the Southwood Shared Resource Center to the  
53 department; providing an appropriation; providing  
54 effective dates.

55  
56 Be It Enacted by the Legislature of the State of Florida:

57  
58 Section 1. Section 14.204, Florida Statutes, is

585-02044-13

20131762

59 transferred, renumbered as section 20.61, Florida Statutes, and  
60 amended to read:

61 (Substantial rewording of section. See  
62 s. 14.204, F.S. for present text)

63 20.61 Department of State Technology; powers and duties.-  
64 The Department of State Technology is hereby created as an  
65 executive agency under the Governor.

66 (1) The department shall have a secretary, who shall be  
67 appointed by the Governor. The secretary must be confirmed by  
68 the Senate and shall serve at the pleasure of the Governor. The  
69 secretary shall be the state's Chief Information Officer.

70 (2) The Technology Advisory Council consisting of nine  
71 members shall be established and maintained pursuant to s.  
72 20.052. Four of the members of the council shall be appointed by  
73 the Governor, of which two members must be from the private  
74 sector; three of the members shall be appointed by the Cabinet;  
75 one of the members shall be appointed by the Speaker of the  
76 House of Representative; and one member shall be appointed by  
77 the Senate President. Upon initial establishment of the council,  
78 two of the Governor's appointments and two of the Cabinet's  
79 appointments shall be for 2 year terms. Thereafter, all  
80 appointments shall be for 4 year terms.

81 (a) The council shall consider and make recommendations to  
82 the secretary on such matters as enterprise information  
83 technology policies, standards, services, and architecture.

84 (b) The secretary shall consult with the council with  
85 regard to executing the duties and responsibilities of the  
86 department related to statewide information technology strategic  
87 planning and policy.

585-02044-13

20131762

88       (3) The following divisions and offices are established  
89 within the department:

90       (a) Division of Information Management.

91       (b) Division of Enterprise Information Technology Services.

92       (c) The Office Of Information Security.

93       (d) The Office of Strategic Planning.

94       (4) There shall be a Chief Operations Officer, a Chief  
95 Planning Officer, a Chief Security Officer, and a Deputy Chief  
96 Information Officer all of whom serve at the pleasure of the  
97 secretary.

98       (a) The Chief Operations Officer is responsible for the  
99 operations and delivery of enterprise information technology  
100 services including management of telecommunication services and  
101 data center operations.

102       (b) The Chief Planning Officer is responsible for  
103 establishing and maintaining enterprise information technology  
104 policy, planning, standards, project management, oversight, and  
105 procurement.

106       (c) The Chief Security Officer is responsible for  
107 establishing and maintaining the enterprise strategy and program  
108 for ensuring information assets are adequately protected.

109       (d) The Deputy Chief Information Officer is responsible for  
110 establishing and maintaining the enterprise strategy for  
111 enterprise information technology services.

112       (5) The following deputy Chief Information Officer  
113 positions shall be appointed and serve at the pleasure of the  
114 secretary. Each deputy is responsible for the following core  
115 agency groups:

116       (a) Deputy Information Officer of Human Services, to

585-02044-13

20131762\_\_

117 include:

- 118 1. Department of Elder Affairs.  
119 2. Agency for Health Care Administration.  
120 3. Agency for Persons with Disabilities.  
121 4. Department of Children and Families.  
122 5. Department of Health.  
123 6. Department of Veterans' Affairs.

124 (b) Deputy Information Officer of Criminal and Civil  
125 Justice, to include:

- 126 1. Department of Juvenile Justice.  
127 2. Parole Commission.  
128 3. Department of Corrections.  
129 4. Board of Clemency.  
130 5. Department of Law Enforcement.  
131 6. Department of Highway Safety and Motor Vehicles.

132 (c) Deputy Information Officer of Education, to include  
133 the:

- 134 1. Department of Education.  
135 2. State Board of Education.  
136 3. Board of Governors.

137 (d) Deputy Information Officer of Business Operations, to  
138 include:

- 139 1. Department of Revenue.  
140 2. Department of Business and Professional Regulation.  
141 3. Department of the Lottery.  
142 4. Department of Economic Opportunity.

143 (e) Deputy Information Officer of Community Services, to  
144 include:

- 145 1. Department of Military Affairs.

585-02044-13

20131762\_\_

- 146       2. Department of Transportation.
- 147       3. Department of State.
- 148       4. Department of Emergency Management.

149       (f) Deputy Information Officer of Natural Resources, to  
 150 include:

- 151       1. Department of Environmental Protection.
- 152       2. Department of Fish and Wildlife.
- 153       3. Department of Citrus.

154       (g) Deputy Information Officer of Executive and  
 155 Administrative Support Service, to include:

- 156       1. The Department of Financial Services.
- 157       2. The Department of Management Services.
- 158       3. The Department of Legal Affairs.
- 159       4. The Department of Agriculture and Consumer Services.

160       (6) In order to optimize the efficiency and utility of  
 161 information technology systems within core agency groups, the  
 162 secretary may require the participation of programs within a  
 163 state agency to work with a deputy chief information officer  
 164 outside of the agency's assigned core group.

165       (7) The secretary may obtain administrative services  
 166 through the Department of Management Services pursuant to a  
 167 memorandum of understanding.

168       Section 2. Section 282.0041, Florida Statutes, is reordered  
 169 and amended to read:

170       282.0041 Definitions.—As used in this chapter, the term:

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

174       ~~(2) "Agency for Enterprise Information Technology" means~~

585-02044-13

20131762\_\_

175 ~~the agency created in s. 14.204.~~

176 (1)~~(3)~~ "Agency information technology service" means a  
177 service that directly helps a state ~~an~~ agency fulfill its  
178 statutory or constitutional responsibilities and policy  
179 objectives and is usually associated with the state agency's  
180 primary or core business functions.

181 ~~(4) "Annual budget meeting" means a meeting of the board of~~  
182 ~~trustees of a primary data center to review data center usage to~~  
183 ~~determine the apportionment of board members for the following~~  
184 ~~fiscal year, review rates for each service provided, and~~  
185 ~~determine any other required changes.~~

186 (2)~~(5)~~ "Breach" has the same meaning as in s. 817.5681(4).

187 (3)~~(6)~~ "Business continuity plan" means a plan for disaster  
188 recovery which provides for the continued functioning of a  
189 shared resource center or primary data center during and after a  
190 disaster.

191 (4)~~(7)~~ "Computing facility" means a state agency site ~~space~~  
192 containing fewer than ~~a total of~~ 10 physical or logical servers,  
193 any of which supports a strategic or nonstrategic information  
194 technology service, as described in budget instructions  
195 developed pursuant to s. 216.023, but excluding  
196 telecommunications and voice gateways and clustered pairs of  
197 servers operating as a single logical server to provide file,  
198 print, security, and endpoint management services ~~single,~~  
199 ~~logical server installations that exclusively perform a utility~~  
200 ~~function such as file and print servers.~~

201 (5) "Computing service" means an information technology  
202 service that is used in all state agencies or a subset of  
203 agencies.

585-02044-13

20131762\_\_

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

206       (6)~~(9)~~ "Data center" means state agency space containing 10  
207 or more physical or logical servers, any of which supports a  
208 strategic or nonstrategic information technology service, as  
209 described in budget instructions developed pursuant to s.  
210 216.023.

211       (7)~~(10)~~ "Department" means the Department of State  
212 Technology Management Services.

213       (9)~~(11)~~ "Enterprise information technology service" means  
214 an information technology service that is used in all state  
215 agencies or a subset of state agencies and is established in law  
216 to be designed, delivered, and managed at the enterprise level.

217       (8)~~(12)~~ "Email ~~E-mail~~, messaging, and calendaring service"  
218 means the enterprise information technology service that enables  
219 users to send, receive, file, store, manage, and retrieve  
220 electronic messages, attachments, appointments, and addresses.  
221 ~~The e-mail, messaging, and calendaring service must include e-~~  
222 ~~mail account management; help desk; technical support and user~~  
223 ~~provisioning services; disaster recovery and backup and restore~~  
224 ~~capabilities; antispam and antivirus capabilities; archiving and~~  
225 ~~e-discovery; and remote access and mobile messaging~~  
226 ~~capabilities.~~

227       (10)~~(13)~~ "Information-system utility" means an information  
228 processing ~~a full-service information-processing~~ facility  
229 offering hardware, software, operations, integration,  
230 networking, floor space, and consulting services.

231       (12)~~(14)~~ "Information technology resources" means  
232 equipment, hardware, software, firmware, programs, systems,



585-02044-13

20131762

233 networks, infrastructure, media, and related material used to  
234 automatically, electronically, and wirelessly collect, receive,  
235 access, transmit, display, store, record, retrieve, analyze,  
236 evaluate, process, classify, manipulate, manage, assimilate,  
237 control, communicate, exchange, convert, converge, interface,  
238 switch, or disseminate information of any kind or form, and  
239 includes the human resources to perform such duties except for  
240 application developers and logical database administrators.

241 (11)~~(15)~~ "Information technology policy" means statements  
242 that describe clear choices for how information technology will  
243 deliver effective and efficient government services to residents  
244 and improve state agency operations. A policy may relate to  
245 investments, business applications, architecture, or  
246 infrastructure. A policy describes its rationale, implications  
247 of compliance or noncompliance, the timeline for implementation,  
248 metrics for determining compliance, and the accountable  
249 structure responsible for its implementation.

250 (13) "Local area network" means any telecommunications  
251 network through which messages and data are exchanged only  
252 within a single building or contiguous campus.

253 (14) "Memorandum of understanding" means a written  
254 agreement between the department and a state agency which  
255 specifies the scope of services provided, service level,  
256 duration of the agreement, responsible parties, and service  
257 costs. A memorandum of understanding is not a rule pursuant to  
258 chapter 120.

259 (15) "Other public sector organizations" means entities of  
260 the legislative and judicial branches, the State University  
261 System, the Florida Community College System, counties, and

585-02044-13

20131762

262 municipalities. Such organizations may elect to participate in  
263 the information technology programs, services, or contracts  
264 offered by the department, including information technology  
265 procurement, in accordance with general law, policies, and  
266 administrative rules.

267 ~~(16) "Performance metrics" means the measures of an~~  
268 ~~organization's activities and performance.~~

269 (16)~~(17)~~ "Primary data center" means a data center that is  
270 a recipient entity ~~for consolidation of~~ state agency information  
271 technology resources and provides contracted services to the  
272 agency nonprimary data centers and computing facilities and that  
273 is established by law.

274 (17)~~(18)~~ "Project" means an endeavor that has a defined  
275 start and end point; is undertaken to create or modify a unique  
276 product, service, or result; and has specific objectives that,  
277 when attained, signify completion.

278 (18)~~(19)~~ "Risk analysis" means the process of identifying  
279 security risks, determining their magnitude, and identifying  
280 areas needing safeguards.

281 (19)~~(20)~~ "Service level" means the key performance  
282 indicators (KPI) of an organization or service which must be  
283 regularly performed, monitored, and achieved.

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

289 (20) "Shared resource center" means a primary data center  
290 that is state controlled.

585-02044-13

20131762

291        (21)~~(22)~~ "Standards" means required practices, controls,  
292 components, or configurations established by an authority.

293        (22) "State agency" has the same meaning as in s.  
294 216.011(1), but excluding the Department of Legal Affairs, the  
295 Department of Financial Services, and the Department of  
296 Agriculture and Consumer Services.

297        (23) "State agency site" means a single, contiguous local  
298 area network segment that does not traverse a metropolitan area  
299 network or wide area network.

300        (24)~~(23)~~ "SUNCOM Network" means the state enterprise  
301 telecommunications system that provides all methods of  
302 electronic or optical telecommunications beyond a single  
303 building or contiguous building complex and used by entities  
304 authorized as network users under this part.

305        (25)~~(24)~~ "Telecommunications" means the science and  
306 technology of communication at a distance, including electronic  
307 systems used in the transmission or reception of information.

308        (26)~~(25)~~ "Threat" means any circumstance or event that may  
309 cause harm to the integrity, availability, or confidentiality of  
310 information technology resources.

311        (27)~~(26)~~ "Total cost" means all costs associated with  
312 information technology projects or initiatives, including, but  
313 not limited to, value of hardware, software, service,  
314 maintenance, incremental personnel, and facilities. Total cost  
315 of a loan or gift of information technology resources to a state  
316 ~~an~~ agency includes the fair market value of the resources.

317        (28)~~(27)~~ "Usage" means the billing amount charged by the  
318 shared resource ~~primary data~~ center, minus ~~less~~ any pass-through  
319 charges, to the customer entity.

585-02044-13

20131762

320 (29)~~(28)~~ "Usage rate" means a customer entity's usage or  
321 billing amount as a percentage of total usage.

322 (30) "Wide area network" means a telecommunications network  
323 or components thereof through which messages and data are  
324 exchanged outside of a local area network.

325 Section 3. Section 282.0055, Florida Statutes, is amended  
326 to read:

327 282.0055 Assignment of information technology; long-range  
328 plan; powers and duties.~~The department shall design, plan,~~  
329 develop, implement, and manage state enterprise information  
330 technology services and infrastructure to achieve the use of  
331 cost-effective and cost-efficient common technology. ~~In order to~~  
332 ~~ensure the most effective and efficient use of the state's~~  
333 ~~information technology and information technology resources and~~  
334 ~~notwithstanding other provisions of law to the contrary,~~  
335 ~~policies for the design, planning, project management, and~~  
336 ~~implementation of enterprise information technology services~~  
337 ~~shall be the responsibility of the Agency for Enterprise~~  
338 ~~Information Technology for executive branch agencies created or~~  
339 ~~authorized in statute to perform legislatively delegated~~  
340 ~~functions.~~ The supervision, design, delivery, and management of  
341 state agency information technology shall remain within the  
342 responsibility and control of the individual state agency.

343 (1) To assist with achieving this purpose, the department  
344 shall biennially develop and coordinate a comprehensive long-  
345 range plan for the state's information technology resources,  
346 including opportunities for coordinating with other public-  
347 sector organizations; ensuring the proper management of such  
348 resources; developing agency budget requests for submission to

585-02044-13

20131762\_\_

349 the Legislature; and delivering enterprise information  
350 technology services. In developing the plan, the department  
351 shall identify best practices from executive branch agencies and  
352 other public and private sector entities in order to develop,  
353 replicate, and implement such information technology best  
354 practices and standards into the state's technology services and  
355 infrastructure.

356 (2) The department shall have the following powers and  
357 duties:

358 (a) Setting state technology policy.

359 (b) The development, design, planning, project management,  
360 implementation, delivery, and management of enterprise  
361 information technology services.

362 (c) Establishing architecture for the state's technology  
363 infrastructure in order to promote the efficient use of  
364 resources and to promote economic development.

365 (d) Preparing fiscal impact statements relating to  
366 necessary modifications and the delivery of technology to  
367 support policies required by proposed legislation.

368 (e) Coordinating technology resource acquisition planning,  
369 and assisting the Department of Management Services' Division of  
370 Purchasing in using aggregate buying methodologies whenever  
371 possible and with procurement negotiations for hardware and  
372 software products and services in order to improve the  
373 efficiency and reduce the cost of enterprise information  
374 technology services.

375 (f) Upon request, advising, supporting, and collaborating  
376 with the Division of Purchasing in the Department of Management  
377 Services, in establishing best practices for the procurement of

585-02044-13

20131762

378 information technology products in order to achieve savings for  
379 the state.

380 (g) Upon request, supporting and collaborating with the  
381 Division of Purchasing in the Department of Management Services,  
382 in conducting procurement negotiations for information  
383 technology products that will be used by multiple state  
384 agencies.

385 (h) Providing oversight or project management for all  
386 technology resources for projects exceeding an annual investment  
387 of \$2.5 million to accomplish goals of technology portfolio  
388 management.

389 (i) Establishing performance measurement standards and  
390 metrics regarding the success of technology projects and  
391 services across the enterprise.

392 (j) Establishing standards for state agencies to submit  
393 information technology reports or updates as necessary to  
394 support the duties of the agency. At a minimum, such standards  
395 must address content, format, and frequency of updates.

396 (k) Establishing and collecting fees and charges for data  
397 and delivery of enterprise information technology services to  
398 state agencies on a cost-sharing basis.

399 (l) Developing a cost-recovery plan to recover both the  
400 costs and the accrual of funds sufficient for reinvesting in new  
401 services and better technologies. This plan shall be developed  
402 in consultation with state agencies and approved by the  
403 Legislature.

404 (m) At the discretion of the department, collecting and  
405 maintaining an inventory of the information technology resources  
406 in state agencies and the data maintained by each agency. The

585-02044-13

20131762\_\_

407 department may develop standards for data elements.

408 (n) Assuming ownership or custody and control of  
409 information processing equipment, supplies, and positions in  
410 order to thoroughly carry out the duties and responsibilities of  
411 the department.

412 (o) Adopting rules and policies for the efficient, secure,  
413 and economical management and operation of enterprise  
414 information technology services.

415 (p) Providing other public sector organizations with access  
416 to the services provided by the agency taking into consideration  
417 the agency's ability to support those services. Access shall be  
418 provided on the same cost basis as applies to state agencies.

419 (q) Establishing statewide practices and policies to ensure  
420 that data that is exempt or confidential from s. 119.07(1) and  
421 s. 24(a), Art. I of the State Constitution, or that is otherwise  
422 confidential under state or federal law remains protected. This  
423 provision does not affect a transfer of ownership of data from  
424 any department, agency, board, bureau, commission, or authority  
425 to the state agency.

426 (r) Conducting periodic assessments of state agencies for  
427 compliance with statewide information technology policies and  
428 recommending to the Governor or the Financial Management  
429 Information Board statewide policies for information technology.

430 (s) Establishing and maintaining a single website  
431 publishing information as provided in s. 215.985.

432 (t) Maintaining the official Internet state portal.

433 Section 4. Subsection (1) of section 282.0056, Florida  
434 Statutes, is amended to read:

435 282.0056 Development of work plan; development of

585-02044-13

20131762

436 implementation plans; and policy recommendations.—

437 (1) For the purposes of carrying out its responsibilities  
438 under s. 282.0055, the department ~~Agency for Enterprise~~  
439 ~~Information Technology~~ shall develop an annual work plan within  
440 60 days after the beginning of the fiscal year describing the  
441 activities that the department ~~agency~~ intends to undertake for  
442 that year, including proposed outcomes and completion timeframes  
443 for the planning and implementation of all enterprise  
444 information technology services. The work plan must be presented  
445 at a public hearing and approved by the Governor ~~and Cabinet~~,  
446 and thereafter submitted to the President of the Senate and the  
447 Speaker of the House of Representatives. The work plan may be  
448 amended as needed, subject to approval by the Governor ~~and~~  
449 ~~Cabinet~~.

450 Section 5. Section 282.0057 Florida Statutes, is created to  
451 read:

452 282.0057 Information technology project initiation  
453 schedule; reporting.—

454 (1) Beginning January 1, 2015, the department shall:

455 (a) In cooperation with the Governor's Office of Policy and  
456 Budget, publish a report on its current and planned information  
457 technology expenditures, including, but not limited to, line-  
458 item detail expenditures on systems development, personnel  
459 services, and equipment from the previous fiscal year and  
460 anticipated expenditures for the upcoming fiscal year; a  
461 prioritization of information technology initiatives to address  
462 unmet needs and opportunities for significant efficiencies or  
463 improved effectiveness within the state information technology  
464 enterprise; and a prioritized funding schedule for all major



585-02044-13

20131762

465 projects or initiatives, as well as cost estimates of the fiscal  
466 impact of the recommended initiatives.

467 (b) Coordinate state agencies in developing and  
468 implementing data sharing. The department shall determine and  
469 implement statewide efforts to standardize data elements and  
470 shall determine data ownership assignments among state agencies.

471 (c) Include in its legislative budget requests a  
472 recommendation for consolidating state agency data in order to  
473 provide better access for private and government use.

474 (d) Oversee the expanded use and implementation of project  
475 and contract management principles as they relate to information  
476 technology projects. Funded projects within state agencies must  
477 use the project and contract management methodologies specified  
478 by the department.

479 (2) Beginning January 1, 2016, the department shall:

480 (a) Develop systems and methodologies to review, evaluate,  
481 and prioritize existing information technology projects and  
482 develop a plan for leveraging technology across state agencies.  
483 The department shall report to the Governor, the President of  
484 the Senate, and the Speaker of the House of Representatives on  
485 the status of information technology projects and the agency's  
486 recommendations for project development on a semiannual basis.  
487 Such recommendations shall be incorporated into the state  
488 agency's legislative budget requests for technology projects.

489 (b) Develop standards for application development,  
490 including, but not limited to, a standard methodology and cost-  
491 benefit analysis that state agencies shall use for application  
492 development activities.

493 (3) Beginning January 1, 2018, the department shall review

585-02044-13

20131762\_\_

494 and approve technology purchases made by state agencies.  
495 Approval must be based on technology policies and standards  
496 established by the department and approved by the Legislature.

497 Section 6. Paragraphs (c), (e), (h), and (i) of subsection  
498 (1), paragraph (e) of subsection (2), and paragraphs (b), (e),  
499 (h), and (k) of subsection (3) of section 282.203, Florida  
500 Statutes, are amended and a new subsection (4) is added to that  
501 section, to read:

502 282.203 Primary data centers.—

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

504 (c) Comply with rules adopted by the department ~~Agency for~~  
505 ~~Enterprise Information Technology~~, pursuant to this section, and  
506 coordinate with the agency in the consolidation of data centers.

507 (e) Provide transparent financial statements to customer  
508 entities and the department ~~Agency for Enterprise Information~~  
509 ~~Technology~~. The financial statements shall be provided as  
510 follows:

511 1. Annually, by July 30 for the current fiscal year and by  
512 December 1 for the subsequent fiscal year, the data center must  
513 provide the total annual budgeted costs by major expenditure  
514 category, including, but not limited to, salaries, expense,  
515 operating capital outlay, contracted services, or other  
516 personnel services, which directly relate to the provision of  
517 each service and which separately indicate the administrative  
518 overhead allocated to each service.

519 2. Annually, by July 30 for the current fiscal year and by  
520 December 1 for the subsequent fiscal year, the data center must  
521 provide total projected billings for each customer entity which  
522 are required to recover the costs of the data center.

585-02044-13

20131762\_\_

523           3. Annually, by January 31, the data center must provide  
524 updates of the financial statements required under subparagraphs  
525 1. and 2. for the current fiscal year.

526  
527 The financial information required under subparagraphs 1., 2.,  
528 and 3. must be based on current law and current appropriations.

529           (h) Develop a business continuity plan and conduct a live  
530 exercise of the plan at least annually. The plan must be  
531 approved by the board and the department ~~Agency for Enterprise~~  
532 ~~Information Technology~~.

533           (i) Enter into a service-level agreement with each customer  
534 entity to provide services as defined and approved by the board.  
535 A service-level agreement may not have a term exceeding 3 years  
536 but may include an option to renew for up to 3 years contingent  
537 on approval by the board.

538           1. A service-level agreement, at a minimum, must:

539           a. Identify the parties and their roles, duties, and  
540 responsibilities under the agreement.

541           b. Identify the legal authority under which the service-  
542 level agreement was negotiated and entered into by the parties.

543           c. State the duration of the contractual term and specify  
544 the conditions for contract renewal.

545           d. Prohibit the transfer of computing services between  
546 primary data center facilities without at least 180 days' notice  
547 of service cancellation.

548           e. Identify the scope of work.

549           f. Identify the products or services to be delivered with  
550 sufficient specificity to permit an external financial or  
551 performance audit.

585-02044-13

20131762

552 g. Establish the services to be provided, the business  
553 standards that must be met for each service, the cost of each  
554 service, and the process by which the business standards for  
555 each service are to be objectively measured and reported.

556 h. Identify applicable funds and funding streams for the  
557 services or products under contract.

558 i. Provide a timely billing methodology for recovering the  
559 cost of services provided to the customer entity.

560 j. Provide a procedure for modifying the service-level  
561 agreement to address changes in projected costs of service.

562 k. Provide that a service-level agreement may be terminated  
563 by either party for cause only after giving the other party and  
564 the department ~~Agency for Enterprise Information Technology~~  
565 notice in writing of the cause for termination and an  
566 opportunity for the other party to resolve the identified cause  
567 within a reasonable period.

568 1. Provide for mediation of disputes by the Division of  
569 Administrative Hearings pursuant to s. 120.573.

570 2. A service-level agreement may include:

571 a. A dispute resolution mechanism, including alternatives  
572 to administrative or judicial proceedings;

573 b. The setting of a surety or performance bond for service-  
574 level agreements entered into with agency primary data centers  
575 established by law; or

576 c. Additional terms and conditions as determined advisable  
577 by the parties if such additional terms and conditions do not  
578 conflict with the requirements of this section or rules adopted  
579 by the department ~~Agency for Enterprise Information Technology~~.

580 3. The failure to execute a service-level agreement within

585-02044-13

20131762\_\_

581 60 days after service commencement shall, in the case of an  
582 existing customer entity, result in a continuation of the terms  
583 of the service-level agreement from the prior fiscal year,  
584 including any amendments that were formally proposed to the  
585 customer entity by the primary data center within the 3 months  
586 before service commencement, and a revised cost-of-service  
587 estimate. If a new customer entity fails to execute an agreement  
588 within 60 days after service commencement, the data center may  
589 cease services.

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

592 (e) The executive director of the department ~~Agency for~~  
593 ~~Enterprise Information Technology~~ shall be the advisor to the  
594 board.

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

597 (b) Establish procedures for the primary data center to  
598 ensure that budgeting and accounting procedures, cost-recovery  
599 methodologies, and operating procedures are in compliance with  
600 laws governing the state data center system, rules adopted by  
601 the department ~~Agency for Enterprise Information Technology~~, and  
602 applicable federal regulations, including 2 C.F.R. part 225 and  
603 45 C.F.R.

604 (e) Ensure the sufficiency and transparency of the primary  
605 data center financial information by:

606 1. Establishing policies that ensure that cost-recovery  
607 methodologies, billings, receivables, expenditure, budgeting,  
608 and accounting data are captured and reported timely,  
609 consistently, accurately, and transparently and, upon adoption

585-02044-13

20131762

610 of rules by the department ~~Agency for Enterprise Information~~  
611 ~~Technology~~, are in compliance with such rules.

612 2. Requiring execution of service-level agreements by the  
613 data center and each customer entity for services provided by  
614 the data center to the customer entity.

615 3. Requiring cost recovery for the full cost of services,  
616 including direct and indirect costs. The cost-recovery  
617 methodology must ensure that no service is subsidizing another  
618 service without an affirmative vote of approval by the customer  
619 entity providing the subsidy.

620 4. Establishing special assessments to fund expansions  
621 based on a methodology that apportions the assessment according  
622 to the proportional benefit to each customer entity.

623 5. Providing rebates to customer entities when revenues  
624 exceed costs and offsetting charges to those who have subsidized  
625 other customer entity costs based on actual prior year final  
626 expenditures. Rebates may be credited against future billings.

627 6. Approving all expenditures committing over \$50,000 in a  
628 fiscal year.

629 7. Projecting costs and revenues at the beginning of the  
630 third quarter of each fiscal year through the end of the fiscal  
631 year. If in any given fiscal year the primary data center is  
632 projected to earn revenues that are below costs for that fiscal  
633 year after first reducing operating costs where possible, the  
634 board shall implement any combination of the following remedies  
635 to cover the shortfall:

636 a. The board may direct the primary data center to adjust  
637 current year chargeback rates through the end of the fiscal year  
638 to cover the shortfall. The rate adjustments shall be

585-02044-13

20131762\_\_

639 implemented using actual usage rate and billing data from the  
640 first three quarters of the fiscal year and the same principles  
641 used to set rates for the fiscal year.

642 b. The board may direct the primary data center to levy  
643 one-time charges on all customer entities to cover the  
644 shortfall. The one-time charges shall be implemented using  
645 actual usage rate and billing data from the first three quarters  
646 of the fiscal year and the same principles used to set rates for  
647 the fiscal year.

648 c. The customer entities represented by each board member  
649 may provide payments to cover the shortfall in proportion to the  
650 amounts each entity paid in the prior fiscal year.

651 8. Providing a plan for consideration by the Legislative  
652 Budget Commission if a billing rate schedule is used after the  
653 start of the fiscal year which increases any agency's costs for  
654 that fiscal year.

655 (h) By July 1 of each year, submit to the department ~~Agency~~  
656 ~~for Enterprise Information Technology~~ proposed cost-recovery  
657 mechanisms and rate structures for all customer entities for the  
658 fiscal year including the cost-allocation methodology for  
659 administrative expenditures and the calculation of  
660 administrative expenditures as a percent of total costs.

661 (k) Coordinate with other primary data centers and the  
662 department ~~Agency for Enterprise Information Technology~~ in order  
663 to consolidate purchases of goods and services and lower the  
664 cost of providing services to customer entities.

665 (4) REPEAL.—This section expires January 1, 2014.

666 Section 7. Section 282.204, Florida Statutes, is repealed.

667 Section 8. Section 282.205, Florida Statutes, is repealed.

585-02044-13

20131762\_\_

668 Section 9. Section 282.206, Florida Statutes, is created to  
669 read:

670 282.206 Fletcher Shared Resource Center.—The Fletcher  
671 Shared Resource Center is established within the Department of  
672 Financial Services.

673 (1) The center shall collaborate with the Department of  
674 State Technology to develop policies, procedures, standards, and  
675 rules for the delivery of enterprise information technology  
676 services.

677 (2) The center shall provide co-location services to the  
678 Department of Legal Affairs and the Department of Agriculture  
679 and Consumer Services if data center equipment is moved pursuant  
680 to subsections (5) or (6).

681 (3) The Department of Financial Services shall use the  
682 Fletcher Shared Resource Center, provide full service to the  
683 Office of Financial Regulation and the Office of Insurance  
684 Regulation, and provide co-location services to host the  
685 Legislative Appropriations System/Planning and Budgeting  
686 Subsystem (LAS/PBS).

687 (4) The center shall be governed through a master  
688 memorandum of understanding administered by a steering committee  
689 comprised of the chief information officers of the customer  
690 entities residing in the center. The steering committee shall  
691 meet quarterly in order to ensure that customers are receiving  
692 expected services in accordance with the memorandum of  
693 understanding and to discuss services and structure. The  
694 committee may create ad hoc workgroups to account for, mitigate,  
695 and manage any unforeseen issues.

696 (5) The Department of Legal Affairs may move its data



585-02044-13

20131762\_\_

697 center equipment to the center.

698 (6) The Department of Agriculture and Consumer Services may  
699 move its Mayo Building data center equipment to the center.

700 Section 10. Subsections (3) through (6) of section 282.318,  
701 Florida Statutes, are amended to read:

702 282.318 Enterprise security of data and information  
703 technology.—

704 (3) The department ~~Agency for Enterprise Information~~  
705 ~~Technology~~ is responsible for establishing rules and publishing  
706 guidelines for ensuring an appropriate level of security for all  
707 data and information technology resources for executive branch  
708 agencies. The department ~~agency~~ shall also perform the following  
709 duties and responsibilities:

710 (a) Develop, and annually update by February 1, an  
711 enterprise information security strategic plan that includes  
712 security goals and objectives for the strategic issues of  
713 information security policy, risk management, training, incident  
714 management, and survivability planning.

715 (b) Develop enterprise security rules and published  
716 guidelines for:

717 1. Comprehensive risk analyses and information security  
718 audits conducted by state agencies.

719 2. Responding to suspected or confirmed information  
720 security incidents, including suspected or confirmed breaches of  
721 personal information or exempt data.

722 3. State agency security plans, including strategic  
723 security plans and security program plans.

724 4. The recovery of information technology and data  
725 following a disaster.

585-02044-13

20131762\_\_

726 5. The managerial, operational, and technical safeguards  
727 for protecting state government data and information technology  
728 resources.

729 (c) Assist state agencies in complying with the provisions  
730 of this section.

731 (d) Pursue appropriate funding for the purpose of enhancing  
732 domestic security.

733 (e) Provide training for state agency information security  
734 managers.

735 (f) Annually review the strategic and operational  
736 information security plans of state ~~executive branch~~ agencies.

737 (4) To assist the department ~~Agency for Enterprise~~  
738 ~~Information Technology~~ in carrying out its responsibilities,  
739 each state agency head shall, at a minimum:

740 (a) Designate an information security manager to administer  
741 the security program of the agency for its data and information  
742 technology resources. This designation must be provided annually  
743 in writing to the department ~~Agency for Enterprise Information~~  
744 ~~Technology~~ by January 1.

745 (b) Submit to the department ~~Agency for Enterprise~~  
746 ~~Information Technology~~ annually by July 31, the agency's  
747 strategic and operational information security plans developed  
748 pursuant to the department's rules and guidelines ~~established by~~  
749 ~~the Agency for Enterprise Information Technology~~.

750 1. The agency strategic information security plan must  
751 cover a 3-year period and define security goals, intermediate  
752 objectives, and projected agency costs for the strategic issues  
753 of agency information security policy, risk management, security  
754 training, security incident response, and survivability. The

585-02044-13

20131762\_\_

755 plan must be based on the enterprise strategic information  
756 security plan created by the department ~~Agency for Enterprise~~  
757 ~~Information Technology~~. Additional issues may be included.

758 2. The state agency operational information security plan  
759 must include a progress report for the prior operational  
760 information security plan and a project plan that includes  
761 activities, timelines, and deliverables for security objectives  
762 that, subject to current resources, the state agency will  
763 implement during the current fiscal year. The cost of  
764 implementing the portions of the plan which cannot be funded  
765 from current resources must be identified in the plan.

766 (c) Conduct, and update every 3 years, a comprehensive risk  
767 analysis to determine the security threats to the data,  
768 information, and information technology resources of the state  
769 agency. The risk analysis information is confidential and exempt  
770 from ~~the provisions of~~ s. 119.07(1), except that such  
771 information shall be available to the Auditor General and the  
772 department ~~Agency for Enterprise Information Technology~~ for  
773 performing postauditing duties.

774 (d) Develop, and periodically update, written internal  
775 policies and procedures that, ~~which~~ include procedures for  
776 notifying the department ~~Agency for Enterprise Information~~  
777 ~~Technology~~ when a suspected or confirmed breach, or an  
778 information security incident, occurs. Such policies and  
779 procedures must be consistent with the rules and guidelines  
780 established by the department ~~Agency for Enterprise Information~~  
781 ~~Technology~~ to ensure the security of the data, information, and  
782 information technology resources of the state agency. The  
783 internal policies and procedures that, if disclosed, could

585-02044-13

20131762

784 facilitate the unauthorized modification, disclosure, or  
785 destruction of data or information technology resources are  
786 confidential information and exempt from s. 119.07(1), except  
787 that such information shall be available to the Auditor General  
788 and the department ~~Agency for Enterprise Information Technology~~  
789 for performing post auditing ~~postauditing~~ duties.

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

793 (f) Ensure that periodic internal audits and evaluations of  
794 the agency's security program for the data, information, and  
795 information technology resources of the state agency are  
796 conducted. The results of such audits and evaluations are  
797 confidential ~~information~~ and exempt from s. 119.07(1), except  
798 that such information shall be available to the Auditor General  
799 and the department ~~Agency for Enterprise Information Technology~~  
800 for performing post auditing ~~postauditing~~ duties.

801 (g) Include appropriate security requirements in the  
802 written specifications for the solicitation of information  
803 technology and information technology resources and services,  
804 which are consistent with the rules and guidelines established  
805 by the department ~~Agency for Enterprise Information Technology~~.

806 (h) Provide security awareness training to employees and  
807 users of the state agency's communication and information  
808 resources concerning information security risks and the  
809 responsibility of employees and users to comply with policies,  
810 standards, guidelines, and operating procedures adopted by the  
811 agency to reduce those risks.

812 (i) Develop a process for detecting, reporting, and

585-02044-13

20131762\_\_

813 responding to suspected or confirmed security incidents,  
814 including suspected or confirmed breaches consistent with the  
815 security rules and guidelines established by the department  
816 ~~Agency for Enterprise Information Technology~~.

817 1. Suspected or confirmed information security incidents  
818 and breaches must be immediately reported to the department  
819 ~~Agency for Enterprise Information Technology~~.

820 2. For incidents involving breaches, agencies shall provide  
821 notice in accordance with s. 817.5681 and to the department  
822 ~~Agency for Enterprise Information Technology~~ in accordance with  
823 this subsection.

824 (5) Each state agency shall include appropriate security  
825 requirements in the specifications for the solicitation of  
826 contracts for procuring information technology or information  
827 technology resources or services which are consistent with the  
828 rules and guidelines established by the department ~~Agency for~~  
829 ~~Enterprise Information Technology~~.

830 (6) The department ~~Agency for Enterprise Information~~  
831 ~~Technology~~ may adopt rules relating to information security and  
832 to administer the provisions of this section.

833 Section 11. Section 282.33, Florida Statutes, is repealed.

834 Section 12. Effective upon this act becoming law, section  
835 282.34, Florida Statutes, is repealed.

836 Section 13. Section 282.604, Florida Statutes, is amended  
837 to read:

838 282.604 Adoption of rules.—The department ~~of Management~~  
839 ~~Services~~ shall, with input from stakeholders, adopt rules  
840 ~~pursuant to ss. 120.536(1) and 120.54~~ for the development,  
841 procurement, maintenance, and use of accessible electronic

585-02044-13

20131762\_\_

842 information technology by governmental units.

843 Section 14. Section 282.702, Florida Statutes, is amended  
844 to read:

845 282.702 Powers and duties.—The department ~~of Management~~  
846 ~~Services~~ shall have the following powers, duties, and functions:

847 (1) To publish electronically the portfolio of services  
848 available from the department, including pricing information;  
849 the policies and procedures governing usage of available  
850 services; and a forecast of the department's priorities for each  
851 telecommunications service.

852 (2) To adopt technical standards by rule for the state  
853 telecommunications network which ensure the interconnection and  
854 operational security of computer networks, telecommunications,  
855 and information systems of agencies.

856 (3) To enter into agreements related to information  
857 technology and telecommunications services with state agencies  
858 and political subdivisions of the state.

859 (4) To purchase from or contract with information  
860 technology providers for information technology, including  
861 private line services.

862 (5) To apply for, receive, and hold authorizations,  
863 patents, copyrights, trademarks, service marks, licenses, and  
864 allocations or channels and frequencies to carry out the  
865 purposes of this part.

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

870 (7) To cooperate with any federal, state, or local

585-02044-13

20131762\_\_

871 emergency management agency in providing for emergency  
872 telecommunications services.

873 (8) To control and approve the purchase, lease, or  
874 acquisition and the use of telecommunications services,  
875 software, circuits, and equipment provided as part of any other  
876 total telecommunications system to be used by the state or its  
877 agencies.

878 (9) To adopt rules ~~pursuant to ss. 120.536(1) and 120.54~~  
879 relating to telecommunications and to administer the provisions  
880 of this part.

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

884 (11) To monitor issues relating to telecommunications  
885 facilities and services before the Florida Public Service  
886 Commission and the Federal Communications Commission and, if  
887 necessary, prepare position papers, prepare testimony, appear as  
888 a witness, and retain witnesses on behalf of state agencies in  
889 proceedings before the commissions.

890 (12) Unless delegated to the state agencies by the  
891 department, to manage and control, but not intercept or  
892 interpret, telecommunications within the SUNCOM Network by:

893 (a) Establishing technical standards to physically  
894 interface with the SUNCOM Network.

895 (b) Specifying how telecommunications are transmitted  
896 within the SUNCOM Network.

897 (c) Controlling the routing of telecommunications within  
898 the SUNCOM Network.

899 (d) Establishing standards, policies, and procedures for

585-02044-13

20131762\_\_

900 access to and the security of the SUNCOM Network.

901 (e) Ensuring orderly and reliable telecommunications  
902 services in accordance with the service level agreements  
903 executed with state agencies.

904 (13) To plan, design, and conduct experiments for  
905 telecommunications services, equipment, and technologies, and to  
906 implement enhancements in the state telecommunications network  
907 if in the public interest and cost-effective. Funding for such  
908 experiments must be derived from SUNCOM Network service revenues  
909 and may not exceed 2 percent of the annual budget for the SUNCOM  
910 Network for any fiscal year or as provided in the General  
911 Appropriations Act. New services offered as a result of this  
912 subsection may not affect existing rates for facilities or  
913 services.

914 (14) To enter into contracts or agreements, with or without  
915 competitive bidding or procurement, to make available, on a  
916 fair, reasonable, and nondiscriminatory basis, property and  
917 other structures under departmental control for the placement of  
918 new facilities by any wireless provider of mobile service as  
919 defined in 47 U.S.C. s. 153(27) or s. 332(d) and any  
920 telecommunications company as defined in s. 364.02 if it is  
921 practical and feasible to make such property or other structures  
922 available. The department may, without adopting a rule, charge a  
923 just, reasonable, and nondiscriminatory fee for the placement of  
924 the facilities, payable annually, based on the fair market value  
925 of space used by comparable telecommunications facilities in the  
926 state. The department and a wireless provider or  
927 telecommunications company may negotiate the reduction or  
928 elimination of a fee in consideration of services provided to



585-02044-13

20131762\_\_

929 the department by the wireless provider or telecommunications  
930 company. All such fees collected by the department shall be  
931 deposited directly into the Law Enforcement Radio Operating  
932 Trust Fund, and may be used by the department to construct,  
933 maintain, or support the system.

934 (15) To establish policies that ensure that the  
935 department's cost-recovery methodologies, billings, receivables,  
936 expenditures, budgeting, and accounting data are captured and  
937 reported timely, consistently, accurately, and transparently and  
938 are in compliance with all applicable federal and state laws and  
939 rules. The department shall annually submit a report to the  
940 Governor, the President of the Senate, and the Speaker of the  
941 House of Representatives ~~a report~~ that describes each service  
942 and its cost, the billing methodology for recovering the cost of  
943 the service, and, if applicable, the identity of those services  
944 that are subsidized.

945 Section 15. Subsections (4) and (5) of section 282.703,  
946 Florida Statutes, are amended to read:

947 282.703 SUNCOM Network; exemptions from the required use.—

948 (4) The department shall maintain a directory of  
949 information and services which provides the names, phone  
950 numbers, and email ~~e-mail~~ addresses for employees, state  
951 agencies, and network devices that are served, in whole or in  
952 part, by the SUNCOM Network. State agencies and political  
953 subdivisions of the state shall cooperate with the department by  
954 providing timely and accurate directory information in the  
955 manner established by the department.

956 (5) All state agencies shall use the SUNCOM Network for  
957 state agency telecommunications services as the services become

585-02044-13

20131762

958 available; however, a state ~~an~~ agency is not relieved of  
959 responsibility for maintaining telecommunications services  
960 necessary for effective management of its programs and  
961 functions. The department may provide such communications  
962 services to a state university if requested by the university.

963 (a) If a SUNCOM Network service does not meet the  
964 telecommunications requirements of a state ~~an~~ agency, the state  
965 agency must notify the department in writing and detail the  
966 requirements for that service. If the department is unable to  
967 meet a state ~~an~~ agency's requirements by enhancing SUNCOM  
968 Network service, the department may grant the state agency an  
969 exemption from the required use of specified SUNCOM Network  
970 services.

971 (b) Unless an exemption has been granted by the department,  
972 effective October 1, 2010, all customers of a shared resource  
973 ~~state primary data~~ center, excluding state universities, must  
974 use the shared SUNCOM Network telecommunications services  
975 connecting the shared resource ~~state primary data~~ center to  
976 SUNCOM services for all telecommunications needs in accordance  
977 with department rules.

978 1. Upon discovery of customer noncompliance with this  
979 paragraph, the department shall provide the affected customer  
980 with a schedule for transferring to the shared  
981 telecommunications services provided by the SUNCOM Network and  
982 an estimate of all associated costs. The shared resource ~~state~~  
983 ~~primary data~~ centers and their customers shall cooperate with  
984 the department to accomplish the transfer.

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

585-02044-13

20131762\_\_

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

989 20.22 Department of Management Services.—There is created a  
990 Department of Management Services.

991 (2) The following divisions and programs are established  
992 within the department ~~of Management Services~~ are established:

993 (a) Facilities Program.

994 ~~(b) Technology Program.~~

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

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

997 (d) ~~2.~~ Federal Property Assistance Program.

998 (e) Administration Program.

999 (f) Division of Administrative Hearings.

1000 (g) Division of Retirement.

1001 (h) Division of State Group Insurance.

1002 Section 17. Paragraph (e) of subsection (2) of section  
1003 110.205, Florida Statutes, is amended to read:

1004 110.205 Career service; exemptions.—

1005 (2) EXEMPT POSITIONS.—The exempt positions that are not  
1006 covered by this part include the following:

1007 (e) The Chief Information Officer in the Department of  
1008 State ~~Agency for Enterprise Information~~ Technology. Unless  
1009 otherwise fixed by law, the Governor ~~Agency for Enterprise~~  
1010 ~~Information Technology~~ shall set the salary and benefits of this  
1011 position in accordance with the rules of the Senior Management  
1012 Service.

1013 Section 18. Paragraph (o) of subsection (1) of section  
1014 215.22, Florida Statutes, is amended to read:

1015 215.22 Certain income and certain trust funds exempt.—

585-02044-13

20131762\_\_

1016 (1) The following income of a revenue nature or the  
1017 following trust funds shall be exempt from the appropriation  
1018 required by s. 215.20(1):

1019 (o) The Communications Working Capital Trust Fund of the  
1020 Department of State Technology Management Services.

1021 Section 19. Subsections (2) and (9) of section 215.322,  
1022 Florida Statutes, are amended to read:

1023 215.322 Acceptance of credit cards, charge cards, debit  
1024 cards, or electronic funds transfers by state agencies, units of  
1025 local government, and the judicial branch.—

1026 (2) A state agency as defined in s. 216.011, or the  
1027 judicial branch, may accept credit cards, charge cards, debit  
1028 cards, or electronic funds transfers in payment for goods and  
1029 services with the prior approval of the Chief Financial Officer.  
1030 If the Internet or other related electronic methods are to be  
1031 used as the collection medium, the Department of State Agency  
1032 ~~for Enterprise Information Technology~~ shall review and recommend  
1033 to the Chief Financial Officer whether to approve the request  
1034 with regard to the process or procedure to be used.

1035 (9) For payment programs in which credit cards, charge  
1036 cards, or debit cards are accepted by state agencies, the  
1037 judicial branch, or units of local government, the Chief  
1038 Financial Officer, in consultation with the Department of State  
1039 ~~Agency for Enterprise Information Technology~~, may adopt rules to  
1040 establish uniform security safeguards for cardholder data and to  
1041 ensure compliance with the Payment Card Industry Data Security  
1042 Standards.

1043 Section 20. Subsection (2) of section 215.96, Florida  
1044 Statutes, is amended to read:

585-02044-13

20131762\_\_

1045           215.96 Coordinating council and design and coordination  
1046 staff.—

1047           (2) The coordinating council shall consist of the Chief  
1048 Financial Officer; the Commissioner of Agriculture; the Attorney  
1049 General; the secretary of the Department of Management Services;  
1050 the Secretary of the Department of State Technology ~~the Attorney~~  
1051 ~~General~~; and the Director of Planning and Budgeting, Executive  
1052 Office of the Governor, or their designees. The Chief Financial  
1053 Officer, or his or her designee, shall be chair of the  
1054 coordinating council, and the design and coordination staff  
1055 shall provide administrative and clerical support to the council  
1056 and the board. The design and coordination staff shall maintain  
1057 the minutes of each meeting and ~~shall~~ make such minutes  
1058 available to any interested person. The Auditor General, the  
1059 State Courts Administrator, an executive officer of the Florida  
1060 Association of State Agency Administrative Services Directors,  
1061 and an executive officer of the Florida Association of State  
1062 Budget Officers, or their designees, shall serve without voting  
1063 rights as ex officio members of ~~on~~ the ~~coordinating~~ council. The  
1064 chair may call meetings of the ~~coordinating~~ council as often as  
1065 necessary to transact business; however, the ~~coordinating~~  
1066 council must ~~shall~~ meet at least once a year. Action of the  
1067 coordinating council shall be by motion, duly made, seconded and  
1068 passed by a majority of the ~~coordinating~~ council voting in the  
1069 affirmative for approval of items that are to be recommended for  
1070 approval to the Financial Management Information Board.

1071           Section 21. Paragraph (c) of subsection (6) of section  
1072 216.292, Florida Statutes, is amended to read:

1073           216.292 Appropriations nontransferable; exceptions.—

585-02044-13

20131762\_\_

1074 (6) The Chief Financial Officer shall transfer from any  
1075 available funds of an agency or the judicial branch the  
1076 following amounts and shall report all such transfers and the  
1077 reasons therefor to the legislative appropriations committees  
1078 and the Executive Office of the Governor:

1079 (c) The amount due to the Communications Working Capital  
1080 Trust Fund from moneys appropriated in the General  
1081 Appropriations Act for the purpose of paying for services  
1082 provided by the state communications system in the Department of  
1083 State Technology Management Services which is unpaid 45 days  
1084 after the billing date. The amount transferred shall be that  
1085 billed by the department.

1086 Section 22. Subsection (14) of section 287.012, Florida  
1087 Statutes, is amended to read:

1088 287.012 Definitions.—As used in this part, the term:

1089 (14) "Information technology" means equipment, hardware,  
1090 software, firmware, programs, systems, networks, infrastructure,  
1091 media, and related material used to automatically,  
1092 electronically, and wirelessly collect, receive, access,  
1093 transmit, display, store, record, retrieve, analyze, evaluate,  
1094 process, classify, manipulate, manage, assimilate, control,  
1095 communicate, exchange, convert, converge, interface, switch, or  
1096 disseminate information of any kind or form ~~has the meaning~~  
1097 ~~ascribed in s. 282.0041.~~

1098 Section 23. Subsection (22) of section 287.057, Florida  
1099 Statutes, is amended to read:

1100 287.057 Procurement of commodities or contractual  
1101 services.—

1102 (22) The department, in consultation with the Department of

585-02044-13

20131762\_\_

1103 State Agency for Enterprise Information Technology and the Chief  
1104 Financial Officer ~~Controller~~, shall maintain ~~develop~~ a program  
1105 for online procurement of commodities and contractual services.  
1106 To enable the state to promote open competition and to leverage  
1107 its buying power, agencies shall participate in the online  
1108 procurement program, and eligible users may participate in the  
1109 program. Only vendors prequalified as meeting mandatory  
1110 requirements and qualifications criteria may participate in  
1111 online procurement.

1112 (a) The department, in consultation with the Department of  
1113 State Technology ~~agency~~, may contract for equipment and services  
1114 necessary to develop and implement online procurement.

1115 (b) The department, in consultation with the Department of  
1116 State Technology ~~agency~~, shall adopt rules, ~~pursuant to ss.~~  
1117 ~~120.536(1) and 120.54~~, to administer the program for online  
1118 procurement. The rules must ~~shall~~ include, but are not ~~be~~  
1119 limited to:

1120 1. Determining the requirements and qualification criteria  
1121 for prequalifying vendors.

1122 2. Establishing the procedures for conducting online  
1123 procurement.

1124 3. Establishing the criteria for eligible commodities and  
1125 contractual services.

1126 4. Establishing the procedures for providing access to  
1127 online procurement.

1128 5. Determining the criteria warranting any exceptions to  
1129 participation in the online procurement program.

1130 (c) The department may impose and shall collect all fees  
1131 for the use of the online procurement systems.

585-02044-13

20131762\_\_

1132           1. The fees may be imposed on an individual transaction  
1133 basis or as a fixed percentage of the cost savings generated. At  
1134 a minimum, the fees must be ~~set~~ in an amount sufficient to cover  
1135 the projected costs of the services, including administrative  
1136 and project service costs, in accordance with the policies of  
1137 the department.

1138           2. If the department contracts with a provider for online  
1139 procurement, the department, pursuant to appropriation, shall  
1140 compensate the provider from the fees after the department has  
1141 satisfied all ongoing costs. The provider shall report  
1142 transaction data to the department each month so that the  
1143 department may determine the amount due and payable to the  
1144 department from each vendor.

1145           3. All fees that are due and payable to the state on a  
1146 transactional basis or as a fixed percentage of the cost savings  
1147 generated are subject to s. 215.31 and must be remitted within  
1148 40 days after receipt of payment for which the fees are due. For  
1149 fees that are not remitted within 40 days, the vendor shall pay  
1150 interest at the rate established under s. 55.03(1) on the unpaid  
1151 balance from the expiration of the 40-day period until the fees  
1152 are remitted.

1153           4. All fees and surcharges collected under this paragraph  
1154 shall be deposited in the Operating Trust Fund as provided by  
1155 law.

1156           Section 24. Subsection (17) of section 318.18, Florida  
1157 Statutes, is amended to read:

1158           318.18 Amount of penalties.—The penalties required for a  
1159 noncriminal disposition pursuant to s. 318.14 or a criminal  
1160 offense listed in s. 318.17 are as follows:



585-02044-13

20131762

1161 (17) In addition to any penalties imposed, a surcharge of  
1162 \$3 must be paid for all criminal offenses listed in s. 318.17  
1163 and for all noncriminal moving traffic violations under chapter  
1164 316. Revenue from the surcharge shall be remitted to the  
1165 Department of Revenue and deposited quarterly into the State  
1166 Agency Law Enforcement Radio System Trust Fund of the Department  
1167 of State Technology ~~Management Services~~ for the state agency law  
1168 enforcement radio system, as described in s. 282.709, and to  
1169 provide technical assistance to state agencies and local law  
1170 enforcement agencies with their statewide systems of regional  
1171 law enforcement communications, as described in s. 282.7101.  
1172 This subsection expires July 1, 2021. The Department of State  
1173 Technology ~~Management Services~~ may retain funds sufficient to  
1174 recover the costs and expenses incurred for managing,  
1175 administering, and overseeing the Statewide Law Enforcement  
1176 Radio System, and providing technical assistance to state  
1177 agencies and local law enforcement agencies with their statewide  
1178 systems of regional law enforcement communications. The  
1179 Department of State Technology ~~Management Services~~ working in  
1180 conjunction with the Joint Task Force on State Agency Law  
1181 Enforcement Communications shall determine and direct the  
1182 purposes for which these funds are used to enhance and improve  
1183 the radio system.

1184 Section 25. Section 320.0802, Florida Statutes, is amended  
1185 to read:

1186 320.0802 Surcharge on license tax.—There is hereby levied  
1187 and imposed on each license tax imposed under s. 320.08, except  
1188 those set forth in s. 320.08(11), a surcharge in the amount of  
1189 \$1, which shall be collected in the same manner as the license

585-02044-13

20131762

1190 tax and deposited into the State Agency Law Enforcement Radio  
1191 System Trust Fund of the Department of State Technology  
1192 ~~Management Services~~.

1193 Section 26. Subsection (9) of section 328.72, Florida  
1194 Statutes, is amended to read:

1195 328.72 Classification; registration; fees and charges;  
1196 surcharge; disposition of fees; fines; marine turtle stickers.-

1197 (9) SURCHARGE.-In addition, there is hereby levied and  
1198 imposed on each vessel registration fee imposed under subsection  
1199 (1) a surcharge in the amount of \$1 for each 12-month period of  
1200 registration, which shall be collected in the same manner as the  
1201 fee and deposited into the State Agency Law Enforcement Radio  
1202 System Trust Fund of the Department of State Technology  
1203 ~~Management Services~~.

1204 Section 27. Subsections (2) through (5) of section  
1205 364.0135, Florida Statutes, are amended to read:

1206 364.0135 Promotion of broadband adoption.-

1207 (2) The Department of State Technology may ~~Management~~  
1208 ~~Services is authorized to~~ work collaboratively with, and ~~to~~  
1209 receive staffing support and other resources from, Enterprise  
1210 Florida, Inc., state agencies, local governments, private  
1211 businesses, and community organizations to:

1212 (a) Monitor the adoption of broadband Internet service in  
1213 collaboration with communications service providers, including,  
1214 but not limited to, wireless and wireline Internet service  
1215 providers, to develop geographical information system maps at  
1216 the census tract level that ~~will~~:

1217 1. Identify geographic gaps in broadband services,  
1218 including areas unserved by any broadband provider and areas

585-02044-13

20131762\_\_

1219 served by a single broadband provider;

1220       2. Identify the download and upload transmission speeds  
1221 made available to businesses and individuals in the state, at  
1222 the census tract level of detail, using data rate benchmarks for  
1223 broadband service used by the Federal Communications Commission  
1224 to reflect different speed tiers; and

1225       3. Provide a baseline assessment of statewide broadband  
1226 deployment in terms of percentage of households with broadband  
1227 availability.

1228       (b) Create a strategic plan that has goals and strategies  
1229 for increasing the use of broadband Internet service in the  
1230 state.

1231       (c) Build and facilitate local technology planning teams or  
1232 partnerships with members representing cross-sections of the  
1233 community, which may include, but are not limited to,  
1234 representatives from the following organizations and industries:  
1235 libraries, K-12 education, colleges and universities, local  
1236 health care providers, private businesses, community  
1237 organizations, economic development organizations, local  
1238 governments, tourism, parks and recreation, and agriculture.

1239       (d) Encourage the use of broadband Internet service,  
1240 especially in the rural, unserved, and underserved communities  
1241 of the state through grant programs having effective strategies  
1242 to facilitate the statewide deployment of broadband Internet  
1243 service. For any grants to be awarded, priority must be given to  
1244 projects that:

1245       1. Provide access to broadband education, awareness,  
1246 training, access, equipment, and support to libraries, schools,  
1247 colleges and universities, health care providers, and community

585-02044-13

20131762\_\_

1248 support organizations.

1249 2. Encourage the sustainable adoption of broadband in  
1250 primarily unserved areas by removing barriers to entry.

1251 3. Work toward encouraging investments in establishing  
1252 affordable and sustainable broadband Internet service in  
1253 unserved areas of the state.

1254 4. Facilitate the development of applications, programs,  
1255 and services, including, but not limited to, telework,  
1256 telemedicine, and e-learning to increase the usage of, and  
1257 demand for, broadband Internet service in the state.

1258 (3) The Department of State Technology may:

1259 (a) Apply for and accept federal funds for the purposes of  
1260 this section, as well as gifts and donations from individuals,  
1261 foundations, and private organizations.

1262 ~~(4) The Department may~~

1263 (b) Enter into contracts necessary or useful to carry out  
1264 the purposes of this section.

1265 ~~(c) (5) The department may~~ Establish any committee or  
1266 workgroup to administer and carry out the purposes of this  
1267 section.

1268 Section 28. Subsections (3), (4), (5), (7), (9), and (10)  
1269 of section 365.171, Florida Statutes, are amended to read:

1270 365.171 Emergency communications number E911 state plan.—

1271 (3) DEFINITIONS.—As used in this section, the term:

1272 (a) "Department" means the Department of State Technology

1273 ~~"Office" means the Technology Program within the Department of~~  
1274 ~~Management Services, as designated by the secretary of the~~  
1275 ~~department.~~

1276 (b) "Local government" means any municipality ~~city~~, county,

585-02044-13

20131762\_\_

1277 or political subdivision of the state and its agencies.

1278 (c) "Public agency" means the state and any municipality  
1279 ~~city, county, city and county, municipal corporation,~~ chartered  
1280 organization, special public district, or public authority  
1281 located in whole or in part within this state which provides, or  
1282 has authority to provide, firefighting, law enforcement,  
1283 ambulance, medical, or other emergency services.

1284 (d) "Public safety agency" means a functional division of a  
1285 public agency which provides firefighting, law enforcement,  
1286 medical, or other emergency services.

1287 (4) STATE PLAN.—The department ~~office~~ shall develop,  
1288 maintain, and implement appropriate modifications for a  
1289 statewide emergency communications E911 system plan. The plan  
1290 shall provide for:

1291 (a) The public agency emergency communications requirements  
1292 for each entity of local government in the state.

1293 (b) A system to meet specific local government  
1294 requirements. Such system must ~~shall~~ include law enforcement,  
1295 firefighting, and emergency medical services and may include  
1296 other emergency services such as poison control, suicide  
1297 prevention, and emergency management services.

1298 (c) Identification of the mutual aid agreements necessary  
1299 to obtain an effective E911 system.

1300 (d) A funding provision that identifies the cost necessary  
1301 to implement the E911 system.

1302  
1303 The department ~~is office~~ shall be responsible for the  
1304 implementation and coordination of such plan. The department  
1305 ~~office~~ shall adopt any necessary rules and schedules related to

585-02044-13

20131762\_\_

1306 public agencies for implementing and coordinating the plan,  
1307 pursuant to chapter 120.

1308 (5) SYSTEM DIRECTOR.—The secretary of the department or his  
1309 or her designee is designated as the director of the statewide  
1310 emergency communications number E911 system and, for the purpose  
1311 of carrying out the provisions of this section, may ~~is~~  
1312 ~~authorized to~~ coordinate the activities of the system with  
1313 state, county, local, and private agencies. The director in  
1314 implementing the system shall consult, cooperate, and coordinate  
1315 with local law enforcement agencies.

1316 (7) TELECOMMUNICATIONS INDUSTRY COORDINATION.—The  
1317 department ~~office~~ shall coordinate with the Florida Public  
1318 Service Commission which shall encourage the Florida  
1319 telecommunications industry to activate facility modification  
1320 plans for timely E911 implementation.

1321 (9) SYSTEM APPROVAL.—An ~~No~~ emergency communications number  
1322 E911 system may not ~~shall~~ be established or ~~and no~~ present  
1323 system ~~shall~~ be expanded without the prior approval of the  
1324 department ~~office~~.

1325 (10) COMPLIANCE.—All public agencies shall assist the  
1326 department ~~office~~ in their efforts to carry out the intent of  
1327 this section, and such agencies shall comply with the developed  
1328 plan.

1329 Section 29. Present paragraphs (h) through (s) of  
1330 subsection (3) of section 365.172, Florida Statutes, are  
1331 redesignated as paragraphs (i) through (t), respectively, a new  
1332 paragraph (h) is added to that subsection, and paragraph (d) of  
1333 subsection (2), present paragraph (t) of subsection (3),  
1334 subsection (4), paragraph (a) of subsection (5), paragraph (c)

585-02044-13

20131762\_\_

1335 of subsection (6), and paragraph (f) of subsection (12) of that  
 1336 section, are amended to read:

1337 365.172 Emergency communications number "E911."—

1338 (2) LEGISLATIVE INTENT.—It is the intent of the Legislature  
 1339 to:

1340 (d) Provide for an E911 board to administer the fee, with  
 1341 oversight by the department ~~office~~, in a manner that is  
 1342 competitively and technologically neutral with respect ~~as~~ to all  
 1343 voice communications services providers.

1344

1345 It is further the intent of the Legislature that the fee  
 1346 authorized or imposed by this section not necessarily provide  
 1347 the total funding required for establishing or providing E911  
 1348 service.

1349 (3) DEFINITIONS.—Only as used in this section and ss.  
 1350 365.171, 365.173, and 365.174, the term:

1351 (h) "Department" means the Department of State Technology.

1352 ~~(t) "Office" means the Technology Program within the~~  
 1353 ~~Department of Management Services, as designated by the~~  
 1354 ~~secretary of the department.~~

1355 (4) POWERS AND DUTIES OF THE DEPARTMENT ~~OFFICE~~.—The  
 1356 department ~~office~~ shall oversee the administration of the fee  
 1357 authorized and imposed on subscribers of voice communications  
 1358 services under subsection (8).

1359 (5) THE E911 BOARD.—

1360 (a) The E911 Board is established to administer, with  
 1361 oversight by the department ~~office~~, the fee imposed under  
 1362 subsection (8), including ~~receiving~~ revenues derived from the  
 1363 fee; distributing portions of the revenues to wireless

585-02044-13

20131762

1364 providers, counties, and the department ~~office~~; accounting for  
 1365 receipts, distributions, and income derived from ~~by~~ the funds  
 1366 maintained in the fund; and providing annual reports to the  
 1367 Governor and the Legislature for submission by the department  
 1368 ~~office~~ on amounts collected and expended, the purposes for which  
 1369 expenditures have been made, and the status of E911 service in  
 1370 this state. In order to advise and assist the department ~~office~~  
 1371 in administering ~~implementing the purposes of~~ this section, the  
 1372 board, which has the power of a body corporate, has the powers  
 1373 enumerated in subsection (6).

1374 (6) AUTHORITY OF THE BOARD; ANNUAL REPORT.—

1375 (c) By February 28 of each year, the board shall prepare a  
 1376 report for submission by the department ~~office~~ to the Governor,  
 1377 Cabinet, the President of the Senate, and the Speaker of the  
 1378 House of Representatives which addresses for the immediately  
 1379 preceding calendar year:

1380 1. The annual receipts, including the total amount of fee  
 1381 revenues collected by each provider, the total disbursements of  
 1382 money in the fund, including the amount of fund-reimbursed  
 1383 expenses incurred by each wireless provider to comply with the  
 1384 order, and the amount of moneys on deposit in the fund.

1385 2. Whether the amount of the fee and the allocation  
 1386 percentages set forth in s. 365.173 have been or should be  
 1387 adjusted to comply with the ~~requirements of the~~ order or other  
 1388 provisions of this chapter, and the reasons for making or not  
 1389 making a recommended adjustment to the fee.

1390 3. Any other issues related to providing E911 services.

1391 4. The status of E911 services in this state.

1392 (12) FACILITATING E911 SERVICE IMPLEMENTATION.—To balance



585-02044-13

20131762\_\_

1393 the public need for reliable E911 services through reliable  
1394 wireless systems and the public interest served by governmental  
1395 zoning and land development regulations and notwithstanding any  
1396 other law or local ordinance to the contrary, the following  
1397 standards ~~shall~~ apply to a local government's actions, as a  
1398 regulatory body, in the regulation of the placement,  
1399 construction, or modification of a wireless communications  
1400 facility. This subsection does ~~shall~~ not, ~~however,~~ be construed  
1401 ~~to~~ waive or alter the provisions of s. 286.011 or s. 286.0115.  
1402 For the purposes of this subsection only, the term "local  
1403 government" means only ~~shall mean~~ any municipality or county and  
1404 any agency of a municipality or county ~~only~~. The term "local  
1405 government" does not, ~~however,~~ include any airport, as defined  
1406 by s. 330.27~~(2)~~, even if it is owned or controlled by or through  
1407 a municipality, county, or agency of a municipality or county.  
1408 Further, notwithstanding any other provision of ~~anything in~~ this  
1409 section ~~to the contrary~~, this subsection does not apply to or  
1410 control a local government's actions ~~as a property or structure~~  
1411 ~~owner~~ in the use of any property or structure owned by such  
1412 entity for the placement, construction, or modification of  
1413 wireless communications facilities. In the use of property or  
1414 structures owned by the local government, however, a local  
1415 government may not use its regulatory authority so as to avoid  
1416 compliance with, or in a manner that does not advance, the  
1417 provisions of this subsection.

1418 (f) Any other law to the contrary notwithstanding, the  
1419 department and the Department of Management Services shall  
1420 negotiate, in the name of the state, leases for wireless  
1421 communications facilities that provide access to state

585-02044-13

20131762\_\_

1422 government-owned property not acquired for transportation  
1423 purposes, and the Department of Transportation shall negotiate,  
1424 in the name of the state, leases for wireless communications  
1425 facilities that provide access to property acquired for state  
1426 rights-of-way. On property acquired for transportation purposes,  
1427 leases shall be granted in accordance with s. 337.251. On other  
1428 state government-owned property, leases shall be granted on a  
1429 space available, first-come, first-served basis. Payments  
1430 required by state government under a lease must be reasonable  
1431 and ~~must~~ reflect the market rate for the use of the state  
1432 government-owned property. The department ~~of Management Services~~  
1433 and the Department of Transportation may ~~are authorized to~~ adopt  
1434 rules for the terms and conditions and granting of any such  
1435 leases.

1436 Section 30. Subsection (1) and paragraph (g) of subsection  
1437 (2) of section 365.173, Florida Statutes, are amended to read:

1438 365.173 Emergency Communications Number E911 System Fund.—

1439 (1) All revenues derived from the fee levied on subscribers  
1440 under s. 365.172 must be paid by the board into the State  
1441 Treasury on or before the 15th day of each month. Such moneys  
1442 must be accounted for in a special fund to be designated as the  
1443 Emergency Communications Number E911 System Fund, a fund created  
1444 in the Department of State Technology Program, ~~or other office~~  
1445 ~~as designated by the Secretary of Management Services~~, and, for  
1446 accounting purposes, ~~must be~~ segregated into two separate  
1447 categories:

1448 (a) The wireless category; and

1449 (b) The nonwireless category.

1450

585-02044-13

20131762

1451 All moneys must be invested by the Chief Financial Officer  
1452 pursuant to s. 17.61. All moneys in such fund shall ~~are to~~ be  
1453 expended by the department ~~office~~ for the purposes provided in  
1454 this section and s. 365.172. These funds are not subject to s.  
1455 215.20.

1456 (2) As determined by the board pursuant to s.  
1457 365.172(8)(h), and subject to any modifications approved by the  
1458 board pursuant to s. 365.172(6)(a)3. or (8)(i), the moneys in  
1459 the fund shall be distributed and used only as follows:

1460 (g) Two percent of the moneys in the fund shall be used to  
1461 make monthly distributions to rural counties for the purpose of  
1462 providing facilities and network and service enhancements and  
1463 assistance for the 911 or E911 systems operated by rural  
1464 counties and for the provision of grants by the department  
1465 ~~office~~ to rural counties for upgrading and replacing E911  
1466 systems.

1467  
1468 The Legislature recognizes that the fee authorized under s.  
1469 365.172 may not necessarily provide the total funding required  
1470 for establishing or providing the E911 service. It is the intent  
1471 of the Legislature that all revenue from the fee be used as  
1472 specified in this subsection.

1473 Section 31. Subsection (1) of section 365.174, Florida  
1474 Statutes, is amended to read:

1475 365.174 Proprietary confidential business information.—

1476 (1) All proprietary confidential business information  
1477 submitted by a provider to the board or the Department of State  
1478 Technology ~~office~~, including the name and billing or service  
1479 addresses of service subscribers, and trade secrets as defined

585-02044-13

20131762\_\_

1480 by s. 812.081, is confidential and exempt from s. 119.07(1) and  
1481 s. 24(a), Art. I of the State Constitution. Statistical  
1482 abstracts of information collected by the board or the  
1483 department ~~office~~ may be released or published, but only in a  
1484 manner that does not identify or allow identification of  
1485 subscribers or their service numbers or of revenues attributable  
1486 to any provider.

1487 Section 32. Section 401.013, Florida Statutes, is amended  
1488 to read:

1489 401.013 Legislative intent.—It is the intention and purpose  
1490 of the Legislature that a statewide system of regional emergency  
1491 medical telecommunications be developed whereby the maximum use  
1492 of existing radio channels is achieved in order to more  
1493 effectively and rapidly provide emergency medical service to the  
1494 general population. To this end, all emergency medical service  
1495 entities within the state are directed to provide the Department  
1496 of State Technology ~~Management Services~~ with any information the  
1497 department requests for the purpose of implementing ~~the~~  
1498 ~~provisions of~~ s. 401.015, and such entities must ~~shall~~ comply  
1499 with the resultant provisions established pursuant to this part.

1500 Section 33. Section 401.015, Florida Statutes, is amended  
1501 to read:

1502 401.015 Statewide regional emergency medical  
1503 telecommunication system.—The Department of State Technology  
1504 shall ~~Management Services is authorized and directed to~~ develop  
1505 a statewide system of regional emergency medical  
1506 telecommunications. For the purpose of this part, the term  
1507 "telecommunications" means ~~these~~ voice, data, and signaling  
1508 transmissions and receptions between emergency medical service

585-02044-13

20131762\_\_

1509 components, including, but not limited to: ambulances; rescue  
1510 vehicles; hospitals or other related emergency receiving  
1511 facilities; emergency communications centers; physicians and  
1512 emergency medical personnel; paging facilities; law enforcement  
1513 and fire protection agencies; and poison control, suicide, and  
1514 emergency management agencies. In formulating such a system, the  
1515 agency ~~department~~ shall divide the state into appropriate  
1516 regions and ~~shall~~ develop a program that ~~which~~ includes, but is  
1517 not limited to, the following provisions:

1518 (1) A requirements provision that states, ~~which shall state~~  
1519 the telecommunications requirements for each emergency medical  
1520 entity comprising the region.

1521 (2) An interfacility communications provision that depicts,  
1522 ~~which shall depict~~ the telecommunications interfaces between the  
1523 various medical service entities which operate within the region  
1524 and state.

1525 (3) An organizational layout provision that includes, ~~which~~  
1526 ~~shall include~~ each emergency medical entity and the number of  
1527 radio operating units (base, mobile, handheld, etc.) per entity.

1528 (4) A frequency allocation and use provision that includes,  
1529 ~~which shall include~~ on an entity basis each assigned and planned  
1530 radio channel and the type of operation (simplex, duplex, half  
1531 duplex, etc.) on each channel.

1532 (5) An operational provision that includes, ~~which shall~~  
1533 ~~include~~ dispatching, logging, and operating procedures  
1534 pertaining to telecommunications on an entity basis and regional  
1535 basis.

1536 (6) An emergency medical service telephone provision that  
1537 includes, ~~which shall include~~ the telephone and the numbering

585-02044-13

20131762\_\_

1538 plan throughout the region for both the public and interface  
1539 requirements.

1540 Section 34. Section 401.018, Florida Statutes, is amended  
1541 to read:

1542 401.018 System coordination.—

1543 (1) The statewide system of regional emergency medical  
1544 telecommunications shall be developed by the Department of State  
1545 Technology Management Services, which ~~department~~ shall be  
1546 responsible for the implementation and coordination of such  
1547 system into the state telecommunications plan. The department  
1548 shall adopt any necessary rules ~~and regulations~~ for  
1549 administering ~~implementing~~ and coordinating such a system.

1550 (2) The Department of State Technology Management Services  
1551 shall be designated as the state frequency coordinator for the  
1552 special emergency radio service.

1553 Section 35. Section 401.021, Florida Statutes, is amended  
1554 to read:

1555 401.021 System director.—The Secretary of the Department of  
1556 State Technology Management Services or his or her designee is  
1557 designated as the director of the statewide telecommunications  
1558 system of the regional emergency medical service and, for the  
1559 purpose of carrying out the provisions of this part, may ~~is~~  
1560 ~~authorized to~~ coordinate the activities of the  
1561 telecommunications system with other interested state, county,  
1562 local, and private agencies.

1563 Section 36. Section 401.024, Florida Statutes, is amended  
1564 to read:

1565 401.024 System approval.—~~An~~ ~~From July 1, 1973, no~~ emergency  
1566 medical telecommunications system may not ~~shall~~ be established

585-02044-13

20131762\_\_

1567 or present systems expanded without prior approval of the  
1568 Department of State Technology Management Services.

1569 Section 37. Section 401.027, Florida Statutes, is amended  
1570 to read:

1571 401.027 Federal assistance.—The Secretary of the Department  
1572 of State Technology Management Services or his or her designee  
1573 may is authorized to apply for and accept federal funding  
1574 assistance in the development and implementation of a statewide  
1575 emergency medical telecommunications system.

1576 Section 38. Subsection (4) of section 445.011, Florida  
1577 Statutes, is amended to read:

1578 445.011 Workforce information systems.—

1579 (4) Workforce Florida, Inc., shall coordinate development  
1580 and implementation of workforce information systems with the  
1581 Secretary executive director of the Department of State Agency  
1582 for Enterprise Information Technology to ensure compatibility  
1583 with the state's information system strategy and enterprise  
1584 architecture.

1585 Section 39. Subsection (2) and paragraphs (a) and (b) of  
1586 subsection (4) of section 445.045, Florida Statutes, are amended  
1587 to read:

1588 445.045 Development of an Internet-based system for  
1589 information technology industry promotion and workforce  
1590 recruitment.—

1591 (2) Workforce Florida, Inc., shall coordinate with the  
1592 Department of State Agency for Enterprise Information Technology  
1593 and the Department of Economic Opportunity to ensure that links,  
1594 where feasible and appropriate, to existing job information  
1595 websites maintained by the state and state agencies and ~~to~~

585-02044-13

20131762\_\_

1596 ~~ensure~~ that information technology positions offered by the  
1597 state and state agencies are posted on the information  
1598 technology website.

1599 (4) (a) Workforce Florida, Inc., shall coordinate  
1600 development and maintenance of the website under this section  
1601 with the Secretary ~~executive director~~ of the Department of State  
1602 ~~Agency for Enterprise Information~~ Technology to ensure  
1603 compatibility with the state's information system strategy and  
1604 enterprise architecture.

1605 (b) Workforce Florida, Inc., may enter into an agreement  
1606 with the Department of State ~~Agency for Enterprise Information~~  
1607 Technology, the Department of Economic Opportunity, or any other  
1608 public agency with the requisite information technology  
1609 expertise for the provision of design, operating, or other  
1610 technological services necessary to develop and maintain the  
1611 website.

1612 Section 40. Paragraph (b) of subsection (18) of section  
1613 668.50, Florida Statutes, is amended to read:

1614 668.50 Uniform Electronic Transaction Act.—

1615 (18) ACCEPTANCE AND DISTRIBUTION OF ELECTRONIC RECORDS BY  
1616 GOVERNMENTAL AGENCIES.—

1617 (b) To the extent that a governmental agency uses  
1618 electronic records and electronic signatures under paragraph  
1619 (a), the Department of State ~~Agency for Enterprise Information~~  
1620 Technology, in consultation with the governmental agency, giving  
1621 due consideration to security, may specify:

1622 1. The manner and format in which the electronic records  
1623 must be created, generated, sent, communicated, received, and  
1624 stored and the systems established for those purposes.



585-02044-13

20131762\_\_

1625           2. If electronic records must be signed by electronic  
1626 means, the type of electronic signature required, the manner and  
1627 format in which the electronic signature must be affixed to the  
1628 electronic record, and the identity of, or criteria that must be  
1629 met by, any third party used by a person filing a document to  
1630 facilitate the process.

1631           3. Control processes and procedures as appropriate to  
1632 ensure adequate preservation, disposition, integrity, security,  
1633 confidentiality, and auditability of electronic records.

1634           4. Any other required attributes for electronic records  
1635 which are specified for corresponding nonelectronic records or  
1636 reasonably necessary under the circumstances.

1637           Section 41. Transfer from the Executive Office of the  
1638 Governor.—All of the powers, duties, functions, records,  
1639 personnel, and property; funds, trust funds, and unexpended  
1640 balances of appropriations, allocations, and other funds;  
1641 administrative authority; administrative rules; pending issues;  
1642 and existing contracts of the Agency for Enterprise Information  
1643 Technology within the Executive Office of the Governor shall  
1644 continue and to the extent necessary are transferred by a type  
1645 one transfer, pursuant to s. 20.06(1), Florida Statutes, to the  
1646 Department of State Technology under s. 20.61, Florida Statutes.

1647           Section 42. Transfer from the Department of Management  
1648 Services.—Effective January 1, 2014:

1649           (1) The Technology Program established under s. 20.22(2),  
1650 Florida Statutes, is transferred intact by a type one transfer,  
1651 as defined in s. 20.06, Florida Statutes, from the Department of  
1652 Management Services to the Department of State Technology.

1653           (2) All of the powers, duties, functions, records,

585-02044-13

20131762

1654 personnel, and property; funds, trust funds, and unexpended  
1655 balances of appropriations, allocations, and other funds;  
1656 administrative authority; administrative rules; pending issues;  
1657 and existing contracts relating to the following  
1658 responsibilities of the Department of Management Services are  
1659 transferred by a type one transfer, as defined in s.20.06, to  
1660 the Department of State Technology:

1661 (a) Administrative and regulatory responsibilities under  
1662 part II of chapter 282, Florida Statutes, consisting of ss.  
1663 282.601-282.606, Florida Statutes, relating to accessibility of  
1664 electronic information and information technology for state  
1665 employees and members of the public with disabilities, including  
1666 the responsibility for rules for the development, procurement,  
1667 maintenance, and use of accessible electronic information  
1668 technology by governmental units pursuant to s. 282.604, Florida  
1669 Statutes.

1670 (b) Administrative and regulatory responsibilities under  
1671 part III of chapter 282, Florida Statutes, consisting of ss.  
1672 282.701-282.711, Florida Statutes, relating to the state  
1673 telecommunications network, state communications,  
1674 telecommunications services with state agencies and political  
1675 subdivisions of the state, the SUNCOM network, the law  
1676 enforcement radio system and interoperability network, regional  
1677 law enforcement communications, and remote electronic access.

1678 (c) Administrative and regulatory responsibilities under s.  
1679 364.0135, Florida Statutes, relating to broadband Internet  
1680 service.

1681 (d) Administrative and regulatory responsibilities under  
1682 ss. 365.171-365.175, Florida Statutes, relating to emergency

585-02044-13

20131762

1683 communications number E911.

1684 (e) Administrative and regulatory responsibilities under  
1685 part I of chapter 401, Florida Statutes, consisting of ss.  
1686 401.013-401.027, Florida Statutes, relating to a statewide  
1687 system of regional emergency medical telecommunications.

1688 (3) (a) The following trust funds are transferred by a type  
1689 one transfer, as defined in s. 20.06(1), Florida Statutes, from  
1690 the Department of Management Services to the Department of State  
1691 Technology:

- 1692 1. The Communications Working Capital Trust Fund.
- 1693 2. The Emergency Communications Number E911 System Fund.
- 1694 3. The State Agency Law Enforcement Radio System Trust  
1695 Fund.
- 1696 4. Federal Grants Trust Fund.

1697 (b) All unexpended balances of appropriations, allocations,  
1698 and other funds of the Department of Management Services  
1699 relating to ss. 282.701-282.711, s. 364.0135, ss. 365.171-  
1700 365.175, and part I of chapter 401, Florida Statutes, which are  
1701 not specifically transferred by this subsection are transferred  
1702 by a type one transfer, as defined in s. 20.06(1), Florida  
1703 Statutes, to the Department of State Technology.

1704 (4) All lawful orders issued by the Department of  
1705 Management Services implementing or enforcing or otherwise in  
1706 regard to ss. 282.701-282.711, s. 364.0135, ss. 365.171-365.175,  
1707 or part I of chapter 401, Florida Statutes, issued before  
1708 January 1, 2014, shall remain in effect and be enforceable after  
1709 that date unless thereafter modified in accordance with law.

1710 (5) Any binding contract or interagency agreement entered  
1711 into pursuant to ss. 282.701-282.711, s. 364.0135, ss. 365.171-

585-02044-13

20131762

1712 365.175, or part I of chapter 401, Florida Statutes, and  
1713 existing before January 1, 2014, between the Department of  
1714 Management Services or an entity or agent of the department and  
1715 any other agency, entity, or person shall continue as a binding  
1716 contract or agreement for the remainder of the term of such  
1717 contract or agreement on the Department of State Technology.

1718 (6) The rules of the Department of Management Services  
1719 relating to ss. 282.701-282.711, s. 364.0135, ss. 365.171-  
1720 365.175, or part I of chapter 401, Florida Statutes, that were  
1721 in effect at 11:59 p.m. on December 31, 2013, shall become the  
1722 rules of the Department of State Technology and remain in effect  
1723 until amended or repealed in the manner provided by law.

1724 (7) The transfer of regulatory authority under ss. 282.701-  
1725 282.711, s. 364.0135, ss. 365.171-365.175, or part I of chapter  
1726 401, Florida Statutes, provided by this section does not affect  
1727 the validity of any judicial or administrative action pending as  
1728 of 11:59 p.m. on December 31, 2013, to which the Department of  
1729 Management Services is at that time a party, and the Department  
1730 of State Technology shall be substituted as a party in interest  
1731 in any such action.

1732 (8) The Northwood Shared Resource Center is transferred by  
1733 a type one transfer, as defined in s. 20.06, Florida Statutes,  
1734 from the Department of Management Services to the Department of  
1735 State Technology.

1736 (a) Any binding contract or interagency agreement entered  
1737 into between the Northwood Shared Resource Center or an entity  
1738 or agent of the center and any other agency, entity, or person  
1739 shall continue as a binding contract or agreement for the  
1740 remainder of the term of such contract or agreement on the

585-02044-13

20131762

1741 Department of State Technology.

1742 (b) The rules of the Northwood Shared Resource Center that  
1743 were in effect at 11:59 p.m. on December 31, 2013, shall become  
1744 the rules of the Department of State Technology and shall remain  
1745 in effect until amended or repealed in the manner provided by  
1746 law.

1747 (9) The Southwood Shared Resource Center is transferred by  
1748 a type one transfer, as defined in s. 20.06, Florida Statutes,  
1749 from the Department of Management Services to the Department of  
1750 State Technology.

1751 (a) Any binding contract or interagency agreement entered  
1752 into between the Southwood Shared Resource Center or an entity  
1753 or agent of the center and any other agency, entity, or person  
1754 shall continue as a binding contract or agreement for the  
1755 remainder of the term of such contract or agreement on the  
1756 Department of State Technology.

1757 (b) The rules of the Southwood Shared Resource Center that  
1758 were in effect at 11:59 p.m. on December 31, 2013, shall become  
1759 the rules of the Department of State Technology and shall remain  
1760 in effect until amended or repealed in the manner provided by  
1761 law.

1762 Section 43. For the 2013-2014 fiscal year, the sum of  
1763 \$2,865,108 in recurring general revenue funds, \$2,134,892 in  
1764 nonrecurring general revenue funds, and 24 full-time equivalent  
1765 positions and associated salary rate of 2,010,951 are  
1766 appropriated to the Department of State Technology for the  
1767 purpose of implementing this act.

1768 Section 44. Except as otherwise expressly provided in this  
1769 act and except for this section, which shall take effect upon

585-02044-13

20131762\_\_

1770

become law, this act shall take effect July 1, 2013.