

By the Committees on Appropriations; and Governmental Oversight
and Accountability

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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 deleting the requirement that the department's work
15 plan be presented at a public hearing; expressly
16 exempting certain entities from data center
17 consolidation; creating s. 282.0057, F.S.; providing a
18 schedule for the initiation of department information
19 technology projects; specifying tasks to be approved
20 and completed; repealing s. 282.201, relating to the
21 state data center system; amending s. 282.203, F.S.;
22 conforming provisions to changes made by the act;
23 providing for future repeal; repealing s. 282.204,
24 F.S., relating to Northwood Shared Resource Center;
25 repealing s. 282.205, F.S., relating to Southwood
26 Shared Resource Center; creating s. 282.206, F.S.;
27 establishing the Fletcher Shared Resource Center
28 within the Department of Financial Services to provide
29 enterprise information technology services to the

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30 department, co-location services to the Department of
31 Legal Services and the Department of Agriculture and
32 Consumer Services, and host the Legislative
33 Appropriations System/Planning and Budgeting
34 Subsystem; providing for governance of the center;
35 authorizing the Department of Legal Affairs and the
36 Department of Agriculture and Consumer Services to
37 move data center equipment to the center; amending s.
38 282.318, F.S.; conforming provisions to changes made
39 by the act; repealing s. 282.33, F.S., relating to
40 objective standards for data center energy efficiency;
41 repealing s. 282.34, F.S., relating to enterprise
42 email service; amending ss. 282.604, 282.702, 282.703,
43 20.22, 110.205, 215.22, 215.322, 215.96, 216.292,
44 287.012, 287.057, 318.18, 320.0802, 328.72, 364.0135,
45 365.171, 365.172, 365.173, 365.174, 401.013, 401.015,
46 401.018, 401.021, 401.024, 401.027, 445.011, 445.045,
47 668.50, and 1006.73, F.S.; conforming provisions to
48 changes made by the act; transferring the personnel,
49 functions, and funds of the Agency for Enterprise
50 Information Technology to the Department of State
51 Technology; transferring specified personnel,
52 functions, funds, trust funds, administrative orders,
53 contracts, and rules relating to technology programs
54 from the Department of Management Services to the
55 Department of State Technology; transferring the
56 Northwood Shared Resource Center and the Southwood
57 Shared Resource Center to the department; providing
58 that the status of any employee positions transferred

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59 to the department is retained; providing an
60 appropriation; providing effective dates.

61
62 Be It Enacted by the Legislature of the State of Florida:

63
64 Section 1. Section 14.204, Florida Statutes, is
65 transferred, renumbered as section 20.61, Florida Statutes, and
66 amended to read:

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

69 20.61 Department of State Technology; powers and duties.-
70 The Department of State Technology is hereby created as an
71 executive agency under the Governor.

72 (1) The department shall have a secretary, who shall be
73 appointed by the Governor. The secretary must be confirmed by
74 the Senate and shall serve at the pleasure of the Governor. The
75 secretary shall be the state's Chief Information Officer.

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

87 (a) The council shall consider and make recommendations to

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88 the secretary on such matters as enterprise information
89 technology policies, standards, services, and architecture.

90 (b) The secretary shall consult with the council with
91 regard to executing the duties and responsibilities of the
92 department related to statewide information technology strategic
93 planning and policy.

94 (3) The following divisions and offices are established
95 within the department:

96 (a) Division of Information Management.

97 (b) Division of Enterprise Information Technology Services.

98 (c) The Office Of Information Security.

99 (d) The Office of Strategic Planning.

100 (4) There shall be a Chief Operations Officer, a Chief
101 Planning Officer, a Chief Security Officer, and a Deputy Chief
102 Information Officer all of whom serve at the pleasure of the
103 secretary.

104 (a) The Chief Operations Officer is responsible for the
105 operations and delivery of enterprise information technology
106 services including management of telecommunication services and
107 data center operations.

108 (b) The Chief Planning Officer is responsible for
109 establishing and maintaining enterprise information technology
110 policy, planning, standards, project management, oversight, and
111 procurement.

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

115 (d) The Deputy Chief Information Officer is responsible for
116 establishing and maintaining the enterprise strategy for

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117 enterprise information technology services.

118 (5) The following deputy Chief Information Officer
119 positions shall be appointed and serve at the pleasure of the
120 secretary. Each deputy is responsible for the following core
121 agency groups:

122 (a) Deputy Information Officer of Human Services, to
123 include:

- 124 1. Department of Elder Affairs.
- 125 2. Agency for Health Care Administration.
- 126 3. Agency for Persons with Disabilities.
- 127 4. Department of Children and Families.
- 128 5. Department of Health.
- 129 6. Department of Veterans' Affairs.

130 (b) Deputy Information Officer of Criminal and Civil
131 Justice, to include:

- 132 1. Department of Juvenile Justice.
- 133 2. Parole Commission.
- 134 3. Department of Corrections.
- 135 4. Board of Clemency.
- 136 5. Department of Law Enforcement.
- 137 6. Department of Highway Safety and Motor Vehicles.

138 (c) Deputy Information Officer of Education, to include
139 the:

- 140 1. Department of Education.
- 141 2. State Board of Education.
- 142 3. Board of Governors.

143 (d) Deputy Information Officer of Business Operations, to
144 include:

- 145 1. Department of Revenue.

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146 2. Department of Business and Professional Regulation.

147 3. Department of the Lottery.

148 4. Department of Economic Opportunity.

149 (e) Deputy Information Officer of Community Services, to
 150 include:

151 1. Department of Military Affairs.

152 2. Department of Transportation.

153 3. Department of State.

154 4. Department of Emergency Management.

155 (f) Deputy Information Officer of Natural Resources, to
 156 include:

157 1. Department of Environmental Protection.

158 2. Department of Fish and Wildlife.

159 3. Department of Citrus.

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

162 1. The Department of Financial Services.

163 2. The Department of Management Services.

164 3. The Department of Legal Affairs.

165 4. The Department of Agriculture and Consumer Services.

166 (6) In order to optimize the efficiency and utility of
 167 information technology systems within core agency groups, the
 168 secretary may require the participation of programs within a
 169 state agency to work with a deputy chief information officer
 170 outside of the agency's assigned core group.

171 (7) The secretary may obtain administrative services
 172 through the Department of Management Services pursuant to a
 173 memorandum of understanding.

174 Section 2. Section 282.0041, Florida Statutes, is reordered

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175 and amended to read:

176 282.0041 Definitions.—As used in this chapter, the term:

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

180 ~~(2) "Agency for Enterprise Information Technology" means~~
181 ~~the agency created in s. 14.204.~~

182 (1)~~(3)~~ "Agency information technology service" means a
183 service that directly helps a state ~~an~~ agency fulfill its
184 statutory or constitutional responsibilities and policy
185 objectives and is usually associated with the state agency's
186 primary or core business functions.

187 ~~(4) "Annual budget meeting" means a meeting of the board of~~
188 ~~trustees of a primary data center to review data center usage to~~
189 ~~determine the apportionment of board members for the following~~
190 ~~fiscal year, review rates for each service provided, and~~
191 ~~determine any other required changes.~~

192 (2)~~(5)~~ "Breach" has the same meaning as in s. 817.5681(4).

193 (3)~~(6)~~ "Business continuity plan" means a plan for disaster
194 recovery which provides for the continued functioning of a
195 shared resource center or primary data center during and after a
196 disaster.

197 (4)~~(7)~~ "Computing facility" means a state agency site ~~space~~
198 containing fewer than ~~a total of~~ 10 physical or logical servers,
199 any of which supports a strategic or nonstrategic information
200 technology service, as described in budget instructions
201 developed pursuant to s. 216.023, but excluding
202 telecommunications and voice gateways and clustered pairs of
203 servers operating as a single logical server to provide file,

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204 print, security, and endpoint management services ~~single,~~
205 ~~logical-server installations that exclusively perform a utility~~
206 ~~function such as file and print servers.~~

207 (5) "Computing service" means an information technology
208 service that is used in all state agencies or a subset of
209 agencies.

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

212 (6) ~~(9)~~ "Data center" means state agency space containing 10
213 or more physical or logical servers, any of which supports a
214 strategic or nonstrategic information technology service, as
215 described in budget instructions developed pursuant to s.
216 216.023.

217 (7) ~~(10)~~ "Department" means the Department of State
218 Technology Management Services.

219 (9) ~~(11)~~ "Enterprise information technology service" means
220 an information technology service that is used in all state
221 agencies or a subset of state agencies and is established in law
222 to be designed, delivered, and managed at the enterprise level.

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

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233 ~~(10)-(13)~~ "Information-system utility" means an information
234 processing a full-service information-processing facility
235 offering hardware, software, operations, integration,
236 networking, floor space, and consulting services.

237 ~~(12)-(14)~~ "Information technology resources" means
238 equipment, hardware, software, firmware, programs, systems,
239 networks, infrastructure, media, and related material used to
240 automatically, electronically, and wirelessly collect, receive,
241 access, transmit, display, store, record, retrieve, analyze,
242 evaluate, process, classify, manipulate, manage, assimilate,
243 control, communicate, exchange, convert, converge, interface,
244 switch, or disseminate information of any kind or form, and
245 includes the human resources to perform such duties except for
246 application developers and logical database administrators.

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

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

259 (14) "Memorandum of understanding" means a written
260 agreement between the department and a state agency which
261 specifies the scope of services provided, service level,

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262 duration of the agreement, responsible parties, and service
263 costs. A memorandum of understanding is not a rule pursuant to
264 chapter 120.

265 (15) "Other public sector organizations" means entities of
266 the legislative and judicial branches, the State University
267 System, the Florida Community College System, counties, and
268 municipalities. Such organizations may elect to participate in
269 the information technology programs, services, or contracts
270 offered by the department, including information technology
271 procurement, in accordance with general law, policies, and
272 administrative rules.

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

275 ~~(16)~~(17) "Primary data center" means a data center that is
276 a recipient entity ~~for consolidation~~ of state agency information
277 technology resources and provides contracted services to the
278 ~~agency nonprimary data centers and computing facilities and that~~
279 ~~is established by law.~~

280 ~~(17)~~(18) "Project" means an endeavor that has a defined
281 start and end point; is undertaken to create or modify a unique
282 product, service, or result; and has specific objectives that,
283 when attained, signify completion.

284 ~~(18)~~(19) "Risk analysis" means the process of identifying
285 security risks, determining their magnitude, and identifying
286 areas needing safeguards.

287 ~~(19)~~(20) "Service level" means the key performance
288 indicators (KPI) of an organization or service which must be
289 regularly performed, monitored, and achieved.

290 ~~(21) "Service-level agreement" means a written contract~~

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291 ~~between a data center and a customer entity which specifies the~~
292 ~~scope of services provided, service level, the duration of the~~
293 ~~agreement, the responsible parties, and service costs. A~~
294 ~~service-level agreement is not a rule pursuant to chapter 120.~~

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

297 ~~(21)-(22)~~ "Standards" means required practices, controls,
298 components, or configurations established by an authority.

299 (22) "State agency" has the same meaning as in s.
300 216.011(1), but excluding the Department of Legal Affairs, the
301 Department of Financial Services, and the Department of
302 Agriculture and Consumer Services.

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

306 ~~(24)-(23)~~ "SUNCOM Network" means the state enterprise
307 telecommunications system that provides all methods of
308 electronic or optical telecommunications beyond a single
309 building or contiguous building complex and used by entities
310 authorized as network users under this part.

311 ~~(25)-(24)~~ "Telecommunications" means the science and
312 technology of communication at a distance, including electronic
313 systems used in the transmission or reception of information.

314 ~~(26)-(25)~~ "Threat" means any circumstance or event that may
315 cause harm to the integrity, availability, or confidentiality of
316 information technology resources.

317 ~~(27)-(26)~~ "Total cost" means all costs associated with
318 information technology projects or initiatives, including, but
319 not limited to, value of hardware, software, service,

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

323 ~~(28)-(27)~~ "Usage" means the billing amount charged by the
324 shared resource primary data center, minus less any pass-through
325 charges, to the customer entity.

326 ~~(29)-(28)~~ "Usage rate" means a customer entity's usage or
327 billing amount as a percentage of total usage.

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

331 Section 3. Section 282.0055, Florida Statutes, is amended
332 to read:

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

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349 (1) To assist with achieving this purpose, the department
350 shall biennially develop and coordinate a comprehensive long-
351 range plan for the state's information technology resources,
352 including opportunities for coordinating with other public-
353 sector organizations; ensuring the proper management of such
354 resources; developing agency budget requests for submission to
355 the Legislature; and delivering enterprise information
356 technology services. In developing the plan, the department
357 shall identify best practices from executive branch agencies and
358 other public and private sector entities in order to develop,
359 replicate, and implement such information technology best
360 practices and standards into the state's technology services and
361 infrastructure.

362 (2) The department shall have the following powers and
363 duties:

364 (a) Setting state technology policy.

365 (b) The development, design, planning, project management,
366 implementation, delivery, and management of enterprise
367 information technology services.

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

371 (d) Preparing fiscal impact statements relating to
372 necessary modifications and the delivery of technology to
373 support policies required by proposed legislation.

374 (e) Coordinating technology resource acquisition planning,
375 and assisting the Department of Management Services' Division of
376 Purchasing in using aggregate buying methodologies whenever
377 possible and with procurement negotiations for hardware and

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378 software products and services in order to improve the
379 efficiency and reduce the cost of enterprise information
380 technology services.

381 (f) Upon request, advising, supporting, and collaborating
382 with the Division of Purchasing in the Department of Management
383 Services, in establishing best practices for the procurement of
384 information technology products in order to achieve savings for
385 the state.

386 (g) Upon request, supporting and collaborating with the
387 Division of Purchasing in the Department of Management Services,
388 in conducting procurement negotiations for information
389 technology products that will be used by multiple state
390 agencies.

391 (h) Providing oversight or project management for all
392 technology resources for projects exceeding an annual investment
393 of \$2.5 million to accomplish goals of technology portfolio
394 management.

395 (i) Establishing performance measurement standards and
396 metrics regarding the success of technology projects and
397 services across the enterprise.

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

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

405 (l) Developing a cost-recovery plan to recover both the
406 costs and the accrual of funds sufficient for reinvesting in new

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407 services and better technologies. This plan shall be developed
408 in consultation with state agencies and approved by the
409 Legislature.

410 (m) At the discretion of the department, collecting and
411 maintaining an inventory of the information technology resources
412 in state agencies and the data maintained by each agency. The
413 department may develop standards for data elements.

414 (n) Assuming ownership or custody and control of
415 information processing equipment, supplies, and positions in
416 order to thoroughly carry out the duties and responsibilities of
417 the department.

418 (o) Adopting rules and policies for the efficient, secure,
419 and economical management and operation of enterprise
420 information technology services.

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

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

432 (r) Conducting periodic assessments of state agencies for
433 compliance with statewide information technology policies and
434 recommending to the Governor or the Financial Management
435 Information Board statewide policies for information technology.

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

438 (t) Maintaining the official Internet state portal.

439 Section 4. Subsection (1) of section 282.0056, Florida
440 Statutes, is amended, and subsection (6) is added to that
441 section, to read:

442 282.0056 Development of work plan; development of
443 implementation plans; and policy recommendations.—

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

457 (6) The Department of Law Enforcement, the Department of
458 the Lottery's Gaming System, Systems Design and Development in
459 the Office of Policy and Budget, the State Board of
460 Administration, state attorneys, public defenders, criminal
461 conflict and civil regional counsel, capital collateral regional
462 counsel, the Florida Clerks of Court Operations Corporation, the
463 Department of Legal Affairs, the Department of Financial
464 Services, the Department of Agriculture and Consumer Services'

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465 Agriculture Management Information Center and the Division of
466 Licensing, the Justice Administrative Commission, and the
467 Florida Housing Finance Corporation are exempt from data center
468 consolidation unless specifically directed by the Legislature.
469 The exempt entities shall provide any information requested by
470 the department which is reasonably necessary for an analysis
471 relating to the feasibility and cost of data center
472 consolidation.

473 Section 5. Section 282.0057 Florida Statutes, is created to
474 read:

475 282.0057 Information technology project initiation
476 schedule; reporting.-

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

478 (a) In cooperation with the Governor's Office of Policy and
479 Budget, publish a report on its current and planned information
480 technology expenditures, including, but not limited to, line-
481 item detail expenditures on systems development, personnel
482 services, and equipment from the previous fiscal year and
483 anticipated expenditures for the upcoming fiscal year; a
484 prioritization of information technology initiatives to address
485 unmet needs and opportunities for significant efficiencies or
486 improved effectiveness within the state information technology
487 enterprise; and a prioritized funding schedule for all major
488 projects or initiatives, as well as cost estimates of the fiscal
489 impact of the recommended initiatives.

490 (b) Coordinate state agencies in developing and
491 implementing data sharing. The department shall determine and
492 implement statewide efforts to standardize data elements and
493 shall determine data ownership assignments among state agencies.

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

497 (d) Oversee the expanded use and implementation of project
498 and contract management principles as they relate to information
499 technology projects. Funded projects within state agencies must
500 use the project and contract management methodologies specified
501 by the department.

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

503 (a) Develop systems and methodologies to review, evaluate,
504 and prioritize existing information technology projects and
505 develop a plan for leveraging technology across state agencies.
506 The department shall report to the Governor, the President of
507 the Senate, and the Speaker of the House of Representatives on
508 the status of information technology projects and the agency's
509 recommendations for project development on a semiannual basis.
510 Such recommendations shall be incorporated into the state
511 agency's legislative budget requests for technology projects.

512 (b) Develop standards for application development,
513 including, but not limited to, a standard methodology and cost-
514 benefit analysis that state agencies shall use for application
515 development activities.

516 (3) Beginning January 1, 2018, the department shall review
517 and approve technology purchases made by state agencies.
518 Approval must be based on technology policies and standards
519 established by the department and approved by the Legislature.

520 Section 6. Section 282.201, Florida Statutes, is repealed.

521 Section 7. Paragraphs (c), (e), (h), (i), and (m) of
522 subsection (1), paragraph (e) of subsection (2), and paragraphs

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523 (b), (e), (h), and (k) of subsection (3) of section 282.203,
524 Florida Statutes, are amended and a new subsection (4) is added
525 to that section, to read:

526 282.203 Primary data centers.—

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

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

531 (e) Provide transparent financial statements to customer
532 entities and the department ~~Agency for Enterprise Information~~
533 ~~Technology~~. The financial statements shall be provided as
534 follows:

535 1. Annually, by July 30 for the current fiscal year and by
536 December 1 for the subsequent fiscal year, the data center must
537 provide the total annual budgeted costs by major expenditure
538 category, including, but not limited to, salaries, expense,
539 operating capital outlay, contracted services, or other
540 personnel services, which directly relate to the provision of
541 each service and which separately indicate the administrative
542 overhead allocated to each service.

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

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

550

551 The financial information required under subparagraphs 1., 2.,

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552 and 3. must be based on current law and current appropriations.

553 (h) Develop a business continuity plan and conduct a live
554 exercise of the plan at least annually. The plan must be
555 approved by the board and the department ~~Agency for Enterprise~~
556 ~~Information Technology~~.

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

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

563 a. Identify the parties and their roles, duties, and
564 responsibilities under the agreement.

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

567 c. State the duration of the contractual term and specify
568 the conditions for contract renewal.

569 d. Prohibit the transfer of computing services between
570 primary data center facilities without at least 180 days' notice
571 of service cancellation.

572 e. Identify the scope of work.

573 f. Identify the products or services to be delivered with
574 sufficient specificity to permit an external financial or
575 performance audit.

576 g. Establish the services to be provided, the business
577 standards that must be met for each service, the cost of each
578 service, and the process by which the business standards for
579 each service are to be objectively measured and reported.

580 h. Identify applicable funds and funding streams for the

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581 services or products under contract.

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

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

586 k. Provide that a service-level agreement may be terminated
587 by either party for cause only after giving the other party and
588 the department ~~Agency for Enterprise Information Technology~~
589 notice in writing of the cause for termination and an
590 opportunity for the other party to resolve the identified cause
591 within a reasonable period.

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

594 2. A service-level agreement may include:

595 a. A dispute resolution mechanism, including alternatives
596 to administrative or judicial proceedings;

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

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

604 3. The failure to execute a service-level agreement within
605 60 days after service commencement shall, in the case of an
606 existing customer entity, result in a continuation of the terms
607 of the service-level agreement from the prior fiscal year,
608 including any amendments that were formally proposed to the
609 customer entity by the primary data center within the 3 months

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610 before service commencement, and a revised cost-of-service
611 estimate. If a new customer entity fails to execute an agreement
612 within 60 days after service commencement, the data center may
613 cease services.

614 (m) Assume administrative access rights to the resources
615 and equipment, such as servers, network components, and other
616 devices that are consolidated into the primary data center.

617 1. Upon the date of each consolidation specified in ~~s.~~
618 ~~282.201~~, the General Appropriations Act, or the Laws of Florida,
619 each agency shall relinquish all administrative access rights to
620 such resources and equipment.

621 2. Each primary data center shall provide its customer
622 agencies with the appropriate level of access to applications,
623 servers, network components, and other devices necessary for
624 agencies to perform their core business activities and
625 functions.

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

628 (e) The executive director of the department ~~Agency for~~
629 ~~Enterprise Information Technology~~ shall be the advisor to the
630 board.

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

633 (b) Establish procedures for the primary data center to
634 ensure that budgeting and accounting procedures, cost-recovery
635 methodologies, and operating procedures are in compliance with
636 laws governing the state data center system, rules adopted by
637 the department ~~Agency for Enterprise Information Technology~~, and
638 applicable federal regulations, including 2 C.F.R. part 225 and

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639 45 C.F.R.

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

642 1. Establishing policies that ensure that cost-recovery
643 methodologies, billings, receivables, expenditure, budgeting,
644 and accounting data are captured and reported timely,
645 consistently, accurately, and transparently and, upon adoption
646 of rules by the department ~~Agency for Enterprise Information~~
647 ~~Technology~~, are in compliance with such rules.

648 2. Requiring execution of service-level agreements by the
649 data center and each customer entity for services provided by
650 the data center to the customer entity.

651 3. Requiring cost recovery for the full cost of services,
652 including direct and indirect costs. The cost-recovery
653 methodology must ensure that no service is subsidizing another
654 service without an affirmative vote of approval by the customer
655 entity providing the subsidy.

656 4. Establishing special assessments to fund expansions
657 based on a methodology that apportions the assessment according
658 to the proportional benefit to each customer entity.

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

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

665 7. Projecting costs and revenues at the beginning of the
666 third quarter of each fiscal year through the end of the fiscal
667 year. If in any given fiscal year the primary data center is

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668 projected to earn revenues that are below costs for that fiscal
669 year after first reducing operating costs where possible, the
670 board shall implement any combination of the following remedies
671 to cover the shortfall:

672 a. The board may direct the primary data center to adjust
673 current year chargeback rates through the end of the fiscal year
674 to cover the shortfall. The rate adjustments shall be
675 implemented using actual usage rate and billing data from the
676 first three quarters of the fiscal year and the same principles
677 used to set rates for the fiscal year.

678 b. The board may direct the primary data center to levy
679 one-time charges on all customer entities to cover the
680 shortfall. The one-time charges shall be implemented using
681 actual usage rate and billing data from the first three quarters
682 of the fiscal year and the same principles used to set rates for
683 the fiscal year.

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

687 8. Providing a plan for consideration by the Legislative
688 Budget Commission if a billing rate schedule is used after the
689 start of the fiscal year which increases any agency's costs for
690 that fiscal year.

691 (h) By July 1 of each year, submit to the department ~~Agency~~
692 ~~for Enterprise Information Technology~~ proposed cost-recovery
693 mechanisms and rate structures for all customer entities for the
694 fiscal year including the cost-allocation methodology for
695 administrative expenditures and the calculation of
696 administrative expenditures as a percent of total costs.

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

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

702 Section 8. Section 282.204, Florida Statutes, is repealed.

703 Section 9. Section 282.205, Florida Statutes, is repealed.

704 Section 10. Section 282.206, Florida Statutes, is created
705 to read:

706 282.206 Fletcher Shared Resource Center.—The Fletcher
707 Shared Resource Center is established within the Department of
708 Financial Services.

709 (1) The center shall collaborate with the Department of
710 State Technology to develop policies, procedures, standards, and
711 rules for the delivery of enterprise information technology
712 services.

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

717 (3) The Department of Financial Services shall use the
718 Fletcher Shared Resource Center, provide full service to the
719 Office of Financial Regulation and the Office of Insurance
720 Regulation, and host the Legislative Appropriations
721 System/Planning and Budgeting Subsystem (LAS/PBS).

722 (4) The center shall be governed through a master
723 memorandum of understanding administered by a steering committee
724 comprised of the chief information officers of the customer
725 entities residing in the center. The steering committee shall

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726 meet quarterly in order to ensure that customers are receiving
727 expected services in accordance with the memorandum of
728 understanding and to discuss services and structure. The
729 committee may create ad hoc workgroups to account for, mitigate,
730 and manage any unforeseen issues.

731 (5) The Department of Legal Affairs may move its data
732 center equipment to the center.

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

735 Section 11. Subsections (3) through (6) of section 282.318,
736 Florida Statutes, are amended to read:

737 282.318 Enterprise security of data and information
738 technology.—

739 (3) The department ~~Agency for Enterprise Information~~
740 ~~Technology~~ is responsible for establishing rules and publishing
741 guidelines for ensuring an appropriate level of security for all
742 data and information technology resources for executive branch
743 agencies. The department ~~agency~~ shall also perform the following
744 duties and responsibilities:

745 (a) Develop, and annually update by February 1, an
746 enterprise information security strategic plan that includes
747 security goals and objectives for the strategic issues of
748 information security policy, risk management, training, incident
749 management, and survivability planning.

750 (b) Develop enterprise security rules and published
751 guidelines for:

752 1. Comprehensive risk analyses and information security
753 audits conducted by state agencies.

754 2. Responding to suspected or confirmed information

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755 security incidents, including suspected or confirmed breaches of
756 personal information or exempt data.

757 3. State agency security plans, including strategic
758 security plans and security program plans.

759 4. The recovery of information technology and data
760 following a disaster.

761 5. The managerial, operational, and technical safeguards
762 for protecting state government data and information technology
763 resources.

764 (c) Assist state agencies in complying with the provisions
765 of this section.

766 (d) Pursue appropriate funding for the purpose of enhancing
767 domestic security.

768 (e) Provide training for state agency information security
769 managers.

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

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

775 (a) Designate an information security manager to administer
776 the security program of the agency for its data and information
777 technology resources. This designation must be provided annually
778 in writing to the department ~~Agency for Enterprise Information~~
779 ~~Technology~~ by January 1.

780 (b) Submit to the department ~~Agency for Enterprise~~
781 ~~Information Technology~~ annually by July 31, the agency's
782 strategic and operational information security plans developed
783 pursuant to the department's rules and guidelines ~~established by~~

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784 ~~the Agency for Enterprise Information Technology.~~

785 1. The agency strategic information security plan must
786 cover a 3-year period and define security goals, intermediate
787 objectives, and projected agency costs for the strategic issues
788 of agency information security policy, risk management, security
789 training, security incident response, and survivability. The
790 plan must be based on the enterprise strategic information
791 security plan created by the department ~~Agency for Enterprise~~
792 ~~Information Technology~~. Additional issues may be included.

793 2. The state agency operational information security plan
794 must include a progress report for the prior operational
795 information security plan and a project plan that includes
796 activities, timelines, and deliverables for security objectives
797 that, subject to current resources, the state agency will
798 implement during the current fiscal year. The cost of
799 implementing the portions of the plan which cannot be funded
800 from current resources must be identified in the plan.

801 (c) Conduct, and update every 3 years, a comprehensive risk
802 analysis to determine the security threats to the data,
803 information, and information technology resources of the state
804 agency. The risk analysis information is confidential and exempt
805 from ~~the provisions of~~ s. 119.07(1), except that such
806 information shall be available to the Auditor General and the
807 department ~~Agency for Enterprise Information Technology~~ for
808 performing postauditing duties.

809 (d) Develop, and periodically update, written internal
810 policies and procedures that, ~~which~~ include procedures for
811 notifying the department ~~Agency for Enterprise Information~~
812 ~~Technology~~ when a suspected or confirmed breach, or an

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813 information security incident, occurs. Such policies and
814 procedures must be consistent with the rules and guidelines
815 established by the department ~~Agency for Enterprise Information~~
816 ~~Technology~~ to ensure the security of the data, information, and
817 information technology resources of the state agency. The
818 internal policies and procedures that, if disclosed, could
819 facilitate the unauthorized modification, disclosure, or
820 destruction of data or information technology resources are
821 confidential information and exempt from s. 119.07(1), except
822 that such information shall be available to the Auditor General
823 and the department ~~Agency for Enterprise Information Technology~~
824 for performing post auditing ~~postauditing~~ duties.

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

828 (f) Ensure that periodic internal audits and evaluations of
829 the agency's security program for the data, information, and
830 information technology resources of the state agency are
831 conducted. The results of such audits and evaluations are
832 confidential ~~information~~ and exempt from s. 119.07(1), except
833 that such information shall be available to the Auditor General
834 and the department ~~Agency for Enterprise Information Technology~~
835 for performing post auditing ~~postauditing~~ duties.

836 (g) Include appropriate security requirements in the
837 written specifications for the solicitation of information
838 technology and information technology resources and services,
839 which are consistent with the rules and guidelines established
840 by the department ~~Agency for Enterprise Information Technology~~.

841 (h) Provide security awareness training to employees and

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842 users of the state agency's communication and information
843 resources concerning information security risks and the
844 responsibility of employees and users to comply with policies,
845 standards, guidelines, and operating procedures adopted by the
846 agency to reduce those risks.

847 (i) Develop a process for detecting, reporting, and
848 responding to suspected or confirmed security incidents,
849 including suspected or confirmed breaches consistent with the
850 security rules and guidelines established by the department
851 ~~Agency for Enterprise Information Technology~~.

852 1. Suspected or confirmed information security incidents
853 and breaches must be immediately reported to the department
854 ~~Agency for Enterprise Information Technology~~.

855 2. For incidents involving breaches, agencies shall provide
856 notice in accordance with s. 817.5681 and to the department
857 ~~Agency for Enterprise Information Technology~~ in accordance with
858 this subsection.

859 (5) Each state agency shall include appropriate security
860 requirements in the specifications for the solicitation of
861 contracts for procuring information technology or information
862 technology resources or services which are consistent with the
863 rules and guidelines established by the department ~~Agency for~~
864 ~~Enterprise Information Technology~~.

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

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

869 Section 13. Effective upon this act becoming law, section
870 282.34, Florida Statutes, is repealed.

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871 Section 14. Section 282.604, Florida Statutes, is amended
872 to read:

873 282.604 Adoption of rules.—The department ~~of Management~~
874 ~~Services~~ shall, with input from stakeholders, adopt rules
875 ~~pursuant to ss. 120.536(1) and 120.54~~ for the development,
876 procurement, maintenance, and use of accessible electronic
877 information technology by governmental units.

878 Section 15. Section 282.702, Florida Statutes, is amended
879 to read:

880 282.702 Powers and duties.—The department ~~of Management~~
881 ~~Services~~ shall have the following powers, duties, and functions:

882 (1) To publish electronically the portfolio of services
883 available from the department, including pricing information;
884 the policies and procedures governing usage of available
885 services; and a forecast of the department's priorities for each
886 telecommunications service.

887 (2) To adopt technical standards by rule for the state
888 telecommunications network which ensure the interconnection and
889 operational security of computer networks, telecommunications,
890 and information systems of agencies.

891 (3) To enter into agreements related to information
892 technology and telecommunications services with state agencies
893 and political subdivisions of the state.

894 (4) To purchase from or contract with information
895 technology providers for information technology, including
896 private line services.

897 (5) To apply for, receive, and hold authorizations,
898 patents, copyrights, trademarks, service marks, licenses, and
899 allocations or channels and frequencies to carry out the

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900 purposes of this part.

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

905 (7) To cooperate with any federal, state, or local
906 emergency management agency in providing for emergency
907 telecommunications services.

908 (8) To control and approve the purchase, lease, or
909 acquisition and the use of telecommunications services,
910 software, circuits, and equipment provided as part of any other
911 total telecommunications system to be used by the state or its
912 agencies.

913 (9) To adopt rules ~~pursuant to ss. 120.536(1) and 120.54~~
914 relating to telecommunications and to administer the provisions
915 of this part.

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

919 (11) To monitor issues relating to telecommunications
920 facilities and services before the Florida Public Service
921 Commission and the Federal Communications Commission and, if
922 necessary, prepare position papers, prepare testimony, appear as
923 a witness, and retain witnesses on behalf of state agencies in
924 proceedings before the commissions.

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

928 (a) Establishing technical standards to physically

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929 interface with the SUNCOM Network.

930 (b) Specifying how telecommunications are transmitted
931 within the SUNCOM Network.

932 (c) Controlling the routing of telecommunications within
933 the SUNCOM Network.

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

936 (e) Ensuring orderly and reliable telecommunications
937 services in accordance with the service level agreements
938 executed with state agencies.

939 (13) To plan, design, and conduct experiments for
940 telecommunications services, equipment, and technologies, and to
941 implement enhancements in the state telecommunications network
942 if in the public interest and cost-effective. Funding for such
943 experiments must be derived from SUNCOM Network service revenues
944 and may not exceed 2 percent of the annual budget for the SUNCOM
945 Network for any fiscal year or as provided in the General
946 Appropriations Act. New services offered as a result of this
947 subsection may not affect existing rates for facilities or
948 services.

949 (14) To enter into contracts or agreements, with or without
950 competitive bidding or procurement, to make available, on a
951 fair, reasonable, and nondiscriminatory basis, property and
952 other structures under departmental control for the placement of
953 new facilities by any wireless provider of mobile service as
954 defined in 47 U.S.C. s. 153(27) or s. 332(d) and any
955 telecommunications company as defined in s. 364.02 if it is
956 practical and feasible to make such property or other structures
957 available. The department may, without adopting a rule, charge a

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958 just, reasonable, and nondiscriminatory fee for the placement of
959 the facilities, payable annually, based on the fair market value
960 of space used by comparable telecommunications facilities in the
961 state. The department and a wireless provider or
962 telecommunications company may negotiate the reduction or
963 elimination of a fee in consideration of services provided to
964 the department by the wireless provider or telecommunications
965 company. All such fees collected by the department shall be
966 deposited directly into the Law Enforcement Radio Operating
967 Trust Fund, and may be used by the department to construct,
968 maintain, or support the system.

969 (15) To establish policies that ensure that the
970 department's cost-recovery methodologies, billings, receivables,
971 expenditures, budgeting, and accounting data are captured and
972 reported timely, consistently, accurately, and transparently and
973 are in compliance with all applicable federal and state laws and
974 rules. The department shall annually submit a report to the
975 Governor, the President of the Senate, and the Speaker of the
976 House of Representatives ~~a report~~ that describes each service
977 and its cost, the billing methodology for recovering the cost of
978 the service, and, if applicable, the identity of those services
979 that are subsidized.

980 Section 16. Subsections (4) and (5) of section 282.703,
981 Florida Statutes, are amended to read:

982 282.703 SUNCOM Network; exemptions from the required use.-

983 (4) The department shall maintain a directory of
984 information and services which provides the names, phone
985 numbers, and email ~~e-mail~~ addresses for employees, state
986 agencies, and network devices that are served, in whole or in

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987 part, by the SUNCOM Network. State agencies and political
988 subdivisions of the state shall cooperate with the department by
989 providing timely and accurate directory information in the
990 manner established by the department.

991 (5) All state agencies shall use the SUNCOM Network for
992 state agency telecommunications services as the services become
993 available; however, a state ~~an~~ agency is not relieved of
994 responsibility for maintaining telecommunications services
995 necessary for effective management of its programs and
996 functions. The department may provide such communications
997 services to a state university if requested by the university.

998 (a) If a SUNCOM Network service does not meet the
999 telecommunications requirements of a state ~~an~~ agency, the state
1000 agency must notify the department in writing and detail the
1001 requirements for that service. If the department is unable to
1002 meet a state ~~an~~ agency's requirements by enhancing SUNCOM
1003 Network service, the department may grant the state agency an
1004 exemption from the required use of specified SUNCOM Network
1005 services.

1006 (b) Unless an exemption has been granted by the department,
1007 effective October 1, 2010, all customers of a shared resource
1008 ~~state primary data~~ center, excluding state universities, must
1009 use the shared SUNCOM Network telecommunications services
1010 connecting the shared resource ~~state primary data~~ center to
1011 SUNCOM services for all telecommunications needs in accordance
1012 with department rules.

1013 1. Upon discovery of customer noncompliance with this
1014 paragraph, the department shall provide the affected customer
1015 with a schedule for transferring to the shared

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1016 telecommunications services provided by the SUNCOM Network and
 1017 an estimate of all associated costs. The shared resource ~~state~~
 1018 ~~primary data~~ centers and their customers shall cooperate with
 1019 the department to accomplish the transfer.

1020 2. Customers may request an exemption from this paragraph
 1021 in the same manner as authorized in paragraph (a).

1022 Section 17. Subsection (2) of section 20.22, Florida
 1023 Statutes, is amended to read:

1024 20.22 Department of Management Services.—There is created a
 1025 Department of Management Services.

1026 (2) The following divisions and programs are established
 1027 within the department ~~of Management Services~~ ~~are established~~:

1028 (a) Facilities Program.

1029 ~~(b) Technology Program.~~

1030 (b) ~~(e)~~ Workforce Program.

1031 (c) ~~(d)~~¹ Support Program.

1032 (d)² Federal Property Assistance Program.

1033 (e) Administration Program.

1034 (f) Division of Administrative Hearings.

1035 (g) Division of Retirement.

1036 (h) Division of State Group Insurance.

1037 Section 18. Paragraph (e) of subsection (2) of section
 1038 110.205, Florida Statutes, is amended to read:

1039 110.205 Career service; exemptions.—

1040 (2) EXEMPT POSITIONS.—The exempt positions that are not
 1041 covered by this part include the following:

1042 (e) The Chief Information Officer in the Department of
 1043 State ~~Agency for Enterprise Information~~ Technology. Unless
 1044 otherwise fixed by law, the Governor ~~Agency for Enterprise~~

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1045 ~~Information Technology~~ shall set the salary and benefits of this
1046 position in accordance with the rules of the Senior Management
1047 Service.

1048 Section 19. Paragraph (o) of subsection (1) of section
1049 215.22, Florida Statutes, is amended to read:

1050 215.22 Certain income and certain trust funds exempt.—

1051 (1) The following income of a revenue nature or the
1052 following trust funds shall be exempt from the appropriation
1053 required by s. 215.20(1):

1054 (o) The Communications Working Capital Trust Fund of the
1055 Department of State Technology Management Services.

1056 Section 20. Subsections (2) and (9) of section 215.322,
1057 Florida Statutes, are amended to read:

1058 215.322 Acceptance of credit cards, charge cards, debit
1059 cards, or electronic funds transfers by state agencies, units of
1060 local government, and the judicial branch.—

1061 (2) A state agency as defined in s. 216.011, or the
1062 judicial branch, may accept credit cards, charge cards, debit
1063 cards, or electronic funds transfers in payment for goods and
1064 services with the prior approval of the Chief Financial Officer.
1065 If the Internet or other related electronic methods are to be
1066 used as the collection medium, the Department of State Agency
1067 ~~for Enterprise Information Technology~~ shall review and recommend
1068 to the Chief Financial Officer whether to approve the request
1069 with regard to the process or procedure to be used.

1070 (9) For payment programs in which credit cards, charge
1071 cards, or debit cards are accepted by state agencies, the
1072 judicial branch, or units of local government, the Chief
1073 Financial Officer, in consultation with the Department of State

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1074 ~~Agency for Enterprise Information~~ Technology, may adopt rules to
1075 establish uniform security safeguards for cardholder data and to
1076 ensure compliance with the Payment Card Industry Data Security
1077 Standards.

1078 Section 21. Subsection (2) of section 215.96, Florida
1079 Statutes, is amended to read:

1080 215.96 Coordinating council and design and coordination
1081 staff.—

1082 (2) The coordinating council shall consist of the Chief
1083 Financial Officer; the Commissioner of Agriculture; the Attorney
1084 General; the secretary of the Department of Management Services;
1085 the Secretary of the Department of State Technology ~~the Attorney~~
1086 ~~General;~~ and the Director of Planning and Budgeting, Executive
1087 Office of the Governor, or their designees. The Chief Financial
1088 Officer, or his or her designee, shall be chair of the
1089 coordinating council, and the design and coordination staff
1090 shall provide administrative and clerical support to the council
1091 and the board. The design and coordination staff shall maintain
1092 the minutes of each meeting and ~~shall~~ make such minutes
1093 available to any interested person. The Auditor General, the
1094 State Courts Administrator, an executive officer of the Florida
1095 Association of State Agency Administrative Services Directors,
1096 and an executive officer of the Florida Association of State
1097 Budget Officers, or their designees, shall serve without voting
1098 rights as ex officio members of ~~on~~ the ~~coordinating~~ council. The
1099 chair may call meetings of the ~~coordinating~~ council as often as
1100 necessary to transact business; however, the ~~coordinating~~
1101 council must ~~shall~~ meet at least once a year. Action of the
1102 coordinating council shall be by motion, duly made, seconded and

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1103 passed by a majority of the ~~coordinating~~ council voting in the
1104 affirmative for approval of items that are to be recommended for
1105 approval to the Financial Management Information Board.

1106 Section 22. Paragraph (c) of subsection (6) of section
1107 216.292, Florida Statutes, is amended to read:

1108 216.292 Appropriations nontransferable; exceptions.—

1109 (6) The Chief Financial Officer shall transfer from any
1110 available funds of an agency or the judicial branch the
1111 following amounts and shall report all such transfers and the
1112 reasons therefor to the legislative appropriations committees
1113 and the Executive Office of the Governor:

1114 (c) The amount due to the Communications Working Capital
1115 Trust Fund from moneys appropriated in the General
1116 Appropriations Act for the purpose of paying for services
1117 provided by the state communications system in the Department of
1118 State Technology Management Services which is unpaid 45 days
1119 after the billing date. The amount transferred shall be that
1120 billed by the department.

1121 Section 23. Subsection (14) of section 287.012, Florida
1122 Statutes, is amended to read:

1123 287.012 Definitions.—As used in this part, the term:

1124 (14) “Information technology” means equipment, hardware,
1125 software, firmware, programs, systems, networks, infrastructure,
1126 media, and related material used to automatically,
1127 electronically, and wirelessly collect, receive, access,
1128 transmit, display, store, record, retrieve, analyze, evaluate,
1129 process, classify, manipulate, manage, assimilate, control,
1130 communicate, exchange, convert, converge, interface, switch, or
1131 disseminate information of any kind or form ~~has the meaning~~

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1132 ~~ascribed in s. 282.0041.~~

1133 Section 24. Subsection (22) of section 287.057, Florida
1134 Statutes, is amended to read:

1135 287.057 Procurement of commodities or contractual
1136 services.—

1137 (22) The department, in consultation with the Department of
1138 State Agency for Enterprise Information Technology and the Chief
1139 Financial Officer ~~Comptroller~~, shall maintain ~~develop~~ a program
1140 for online procurement of commodities and contractual services.
1141 To enable the state to promote open competition and to leverage
1142 its buying power, agencies shall participate in the online
1143 procurement program, and eligible users may participate in the
1144 program. Only vendors prequalified as meeting mandatory
1145 requirements and qualifications criteria may participate in
1146 online procurement.

1147 (a) The department, in consultation with the Department of
1148 State Technology ~~agency~~, may contract for equipment and services
1149 necessary to develop and implement online procurement.

1150 (b) The department, in consultation with the Department of
1151 State Technology ~~agency~~, shall adopt rules, ~~pursuant to ss.~~
1152 ~~120.536(1) and 120.54,~~ to administer the program for online
1153 procurement. The rules must ~~shall~~ include, but are not ~~be~~
1154 limited to:

1155 1. Determining the requirements and qualification criteria
1156 for prequalifying vendors.

1157 2. Establishing the procedures for conducting online
1158 procurement.

1159 3. Establishing the criteria for eligible commodities and
1160 contractual services.

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1161 4. Establishing the procedures for providing access to
1162 online procurement.

1163 5. Determining the criteria warranting any exceptions to
1164 participation in the online procurement program.

1165 (c) The department may impose and shall collect all fees
1166 for the use of the online procurement systems.

1167 1. The fees may be imposed on an individual transaction
1168 basis or as a fixed percentage of the cost savings generated. At
1169 a minimum, the fees must be ~~set~~ in an amount sufficient to cover
1170 the projected costs of the services, including administrative
1171 and project service costs, in accordance with the policies of
1172 the department.

1173 2. If the department contracts with a provider for online
1174 procurement, the department, pursuant to appropriation, shall
1175 compensate the provider from the fees after the department has
1176 satisfied all ongoing costs. The provider shall report
1177 transaction data to the department each month so that the
1178 department may determine the amount due and payable to the
1179 department from each vendor.

1180 3. All fees that are due and payable to the state on a
1181 transactional basis or as a fixed percentage of the cost savings
1182 generated are subject to s. 215.31 and must be remitted within
1183 40 days after receipt of payment for which the fees are due. For
1184 fees that are not remitted within 40 days, the vendor shall pay
1185 interest at the rate established under s. 55.03(1) on the unpaid
1186 balance from the expiration of the 40-day period until the fees
1187 are remitted.

1188 4. All fees and surcharges collected under this paragraph
1189 shall be deposited in the Operating Trust Fund as provided by

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1190 law.

1191 Section 25. Subsection (17) of section 318.18, Florida
1192 Statutes, is amended to read:

1193 318.18 Amount of penalties.—The penalties required for a
1194 noncriminal disposition pursuant to s. 318.14 or a criminal
1195 offense listed in s. 318.17 are as follows:

1196 (17) In addition to any penalties imposed, a surcharge of
1197 \$3 must be paid for all criminal offenses listed in s. 318.17
1198 and for all noncriminal moving traffic violations under chapter
1199 316. Revenue from the surcharge shall be remitted to the
1200 Department of Revenue and deposited quarterly into the State
1201 Agency Law Enforcement Radio System Trust Fund of the Department
1202 of State Technology Management Services for the state agency law
1203 enforcement radio system, as described in s. 282.709, and to
1204 provide technical assistance to state agencies and local law
1205 enforcement agencies with their statewide systems of regional
1206 law enforcement communications, as described in s. 282.7101.
1207 This subsection expires July 1, 2021. The Department of State
1208 Technology Management Services may retain funds sufficient to
1209 recover the costs and expenses incurred for managing,
1210 administering, and overseeing the Statewide Law Enforcement
1211 Radio System, and providing technical assistance to state
1212 agencies and local law enforcement agencies with their statewide
1213 systems of regional law enforcement communications. The
1214 Department of State Technology Management Services working in
1215 conjunction with the Joint Task Force on State Agency Law
1216 Enforcement Communications shall determine and direct the
1217 purposes for which these funds are used to enhance and improve
1218 the radio system.

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1219 Section 26. Section 320.0802, Florida Statutes, is amended
1220 to read:

1221 320.0802 Surcharge on license tax.—There is hereby levied
1222 and imposed on each license tax imposed under s. 320.08, except
1223 those set forth in s. 320.08(11), a surcharge in the amount of
1224 \$1, which shall be collected in the same manner as the license
1225 tax and deposited into the State Agency Law Enforcement Radio
1226 System Trust Fund of the Department of State Technology
1227 ~~Management Services~~.

1228 Section 27. Subsection (9) of section 328.72, Florida
1229 Statutes, is amended to read:

1230 328.72 Classification; registration; fees and charges;
1231 surcharge; disposition of fees; fines; marine turtle stickers.—

1232 (9) SURCHARGE.—In addition, there is hereby levied and
1233 imposed on each vessel registration fee imposed under subsection
1234 (1) a surcharge in the amount of \$1 for each 12-month period of
1235 registration, which shall be collected in the same manner as the
1236 fee and deposited into the State Agency Law Enforcement Radio
1237 System Trust Fund of the Department of State Technology
1238 ~~Management Services~~.

1239 Section 28. Subsections (2) through (5) of section
1240 364.0135, Florida Statutes, are amended to read:

1241 364.0135 Promotion of broadband adoption.—

1242 (2) The Department of State Technology ~~may Management~~
1243 ~~Services is authorized to~~ work collaboratively with, and ~~to~~
1244 receive staffing support and other resources from, Enterprise
1245 Florida, Inc., state agencies, local governments, private
1246 businesses, and community organizations to:

1247 (a) Monitor the adoption of broadband Internet service in

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1248 collaboration with communications service providers, including,
1249 but not limited to, wireless and wireline Internet service
1250 providers, to develop geographical information system maps at
1251 the census tract level that ~~will~~:

1252 1. Identify geographic gaps in broadband services,
1253 including areas unserved by any broadband provider and areas
1254 served by a single broadband provider;

1255 2. Identify the download and upload transmission speeds
1256 made available to businesses and individuals in the state, at
1257 the census tract level of detail, using data rate benchmarks for
1258 broadband service used by the Federal Communications Commission
1259 to reflect different speed tiers; and

1260 3. Provide a baseline assessment of statewide broadband
1261 deployment in terms of percentage of households with broadband
1262 availability.

1263 (b) Create a strategic plan that has goals and strategies
1264 for increasing the use of broadband Internet service in the
1265 state.

1266 (c) Build and facilitate local technology planning teams or
1267 partnerships with members representing cross-sections of the
1268 community, which may include, but are not limited to,
1269 representatives from the following organizations and industries:
1270 libraries, K-12 education, colleges and universities, local
1271 health care providers, private businesses, community
1272 organizations, economic development organizations, local
1273 governments, tourism, parks and recreation, and agriculture.

1274 (d) Encourage the use of broadband Internet service,
1275 especially in the rural, unserved, and underserved communities
1276 of the state through grant programs having effective strategies

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1277 to facilitate the statewide deployment of broadband Internet
1278 service. For any grants to be awarded, priority must be given to
1279 projects that:

1280 1. Provide access to broadband education, awareness,
1281 training, access, equipment, and support to libraries, schools,
1282 colleges and universities, health care providers, and community
1283 support organizations.

1284 2. Encourage the sustainable adoption of broadband in
1285 primarily unserved areas by removing barriers to entry.

1286 3. Work toward encouraging investments in establishing
1287 affordable and sustainable broadband Internet service in
1288 unserved areas of the state.

1289 4. Facilitate the development of applications, programs,
1290 and services, including, but not limited to, telework,
1291 telemedicine, and e-learning to increase the usage of, and
1292 demand for, broadband Internet service in the state.

1293 (3) The Department of State Technology may:

1294 (a) Apply for and accept federal funds for the purposes of
1295 this section, as well as gifts and donations from individuals,
1296 foundations, and private organizations.

1297 ~~(4) The Department may~~

1298 (b) Enter into contracts necessary or useful to carry out
1299 the purposes of this section.

1300 (c) ~~(5) The department may~~ Establish any committee or
1301 workgroup to administer and carry out the purposes of this
1302 section.

1303 Section 29. Subsections (3), (4), (5), (7), (9), and (10)
1304 of section 365.171, Florida Statutes, are amended to read:

1305 365.171 Emergency communications number E911 state plan.—

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1306 (3) DEFINITIONS.—As used in this section, the term:

1307 (a) “Department” means the Department of State Technology
1308 ~~“Office” means the Technology Program within the Department of~~
1309 ~~Management Services, as designated by the secretary of the~~
1310 ~~department.~~

1311 (b) “Local government” means any municipality ~~city~~, county,
1312 or political subdivision of the state and its agencies.

1313 (c) “Public agency” means the state and any municipality
1314 ~~city~~, county, ~~city and county~~, ~~municipal corporation~~, chartered
1315 organization, special public ~~public~~ district, or public authority
1316 located in whole or in part within this state which provides, or
1317 has authority to provide, firefighting, law enforcement,
1318 ambulance, medical, or other emergency services.

1319 (d) “Public safety agency” means a functional division of a
1320 public agency which provides firefighting, law enforcement,
1321 medical, or other emergency services.

1322 (4) STATE PLAN.—The department ~~office~~ shall develop,
1323 maintain, and implement appropriate modifications for a
1324 statewide emergency communications E911 system plan. The plan
1325 shall provide for:

1326 (a) The public agency emergency communications requirements
1327 for each entity of local government in the state.

1328 (b) A system to meet specific local government
1329 requirements. Such system must ~~shall~~ include law enforcement,
1330 firefighting, and emergency medical services and may include
1331 other emergency services such as poison control, suicide
1332 prevention, and emergency management services.

1333 (c) Identification of the mutual aid agreements necessary
1334 to obtain an effective E911 system.

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1335 (d) A funding provision that identifies the cost necessary
1336 to implement the E911 system.

1337
1338 The department ~~is office shall be~~ responsible for the
1339 implementation and coordination of such plan. The department
1340 ~~office~~ shall adopt any necessary rules and schedules related to
1341 public agencies for implementing and coordinating the plan,
1342 pursuant to chapter 120.

1343 (5) SYSTEM DIRECTOR.—The secretary of the department or his
1344 or her designee is designated as the director of the statewide
1345 emergency communications number E911 system and, for the purpose
1346 of carrying out the provisions of this section, may ~~is~~
1347 ~~authorized to~~ coordinate the activities of the system with
1348 state, county, local, and private agencies. The director in
1349 implementing the system shall consult, cooperate, and coordinate
1350 with local law enforcement agencies.

1351 (7) TELECOMMUNICATIONS INDUSTRY COORDINATION.—The
1352 department ~~office~~ shall coordinate with the Florida Public
1353 Service Commission which shall encourage the Florida
1354 telecommunications industry to activate facility modification
1355 plans for timely E911 implementation.

1356 (9) SYSTEM APPROVAL.—An ~~No~~ emergency communications number
1357 E911 system may not ~~shall~~ be established or ~~and no~~ present
1358 system ~~shall~~ be expanded without the prior approval of the
1359 department ~~office~~.

1360 (10) COMPLIANCE.—All public agencies shall assist the
1361 department ~~office~~ in their efforts to carry out the intent of
1362 this section, and such agencies shall comply with the developed
1363 plan.

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1364 Section 30. Present paragraphs (h) through (s) of
1365 subsection (3) of section 365.172, Florida Statutes, are
1366 redesignated as paragraphs (i) through (t), respectively, a new
1367 paragraph (h) is added to that subsection, and paragraph (d) of
1368 subsection (2), present paragraph (t) of subsection (3),
1369 subsection (4), paragraph (a) of subsection (5), paragraph (c)
1370 of subsection (6), and paragraph (f) of subsection (12) of that
1371 section, are amended to read:

1372 365.172 Emergency communications number "E911."—

1373 (2) LEGISLATIVE INTENT.—It is the intent of the Legislature
1374 to:

1375 (d) Provide for an E911 board to administer the fee, with
1376 oversight by the department ~~office~~, in a manner that is
1377 competitively and technologically neutral with respect ~~as~~ to all
1378 voice communications services providers.

1379
1380 It is further the intent of the Legislature that the fee
1381 authorized or imposed by this section not necessarily provide
1382 the total funding required for establishing or providing E911
1383 service.

1384 (3) DEFINITIONS.—Only as used in this section and ss.
1385 365.171, 365.173, and 365.174, the term:

1386 (h) "Department" means the Department of State Technology.

1387 ~~(t) "Office" means the Technology Program within the~~
1388 ~~Department of Management Services, as designated by the~~
1389 ~~secretary of the department.~~

1390 (4) POWERS AND DUTIES OF THE DEPARTMENT ~~OFFICE~~.—The
1391 department ~~office~~ shall oversee the administration of the fee
1392 authorized and imposed on subscribers of voice communications

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1393 services under subsection (8).

1394 (5) THE E911 BOARD.—

1395 (a) The E911 Board is established to administer, with
1396 oversight by the department office, the fee imposed under
1397 subsection (8), including ~~receiving~~ revenues derived from the
1398 fee; distributing portions of the revenues to wireless
1399 providers, counties, and the department office; accounting for
1400 receipts, distributions, and income derived from ~~by~~ the funds
1401 maintained in the fund; and providing annual reports to the
1402 Governor and the Legislature for submission by the department
1403 ~~office~~ on amounts collected and expended, the purposes for which
1404 expenditures have been made, and the status of E911 service in
1405 this state. In order to advise and assist the department office
1406 in administering ~~implementing the purposes of~~ this section, the
1407 board, which has the power of a body corporate, has the powers
1408 enumerated in subsection (6).

1409 (6) AUTHORITY OF THE BOARD; ANNUAL REPORT.—

1410 (c) By February 28 of each year, the board shall prepare a
1411 report for submission by the department office to the Governor,
1412 Cabinet, the President of the Senate, and the Speaker of the
1413 House of Representatives which addresses for the immediately
1414 preceding calendar year:

1415 1. The annual receipts, including the total amount of fee
1416 revenues collected by each provider, the total disbursements of
1417 money in the fund, including the amount of fund-reimbursed
1418 expenses incurred by each wireless provider to comply with the
1419 order, and the amount of moneys on deposit in the fund.

1420 2. Whether the amount of the fee and the allocation
1421 percentages set forth in s. 365.173 have been or should be

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1422 adjusted to comply with the ~~requirements of the~~ order or other
1423 provisions of this chapter, and the reasons for making or not
1424 making a recommended adjustment to the fee.

1425 3. Any other issues related to providing E911 services.

1426 4. The status of E911 services in this state.

1427 (12) FACILITATING E911 SERVICE IMPLEMENTATION.—To balance
1428 the public need for reliable E911 services through reliable
1429 wireless systems and the public interest served by governmental
1430 zoning and land development regulations and notwithstanding any
1431 other law or local ordinance to the contrary, the following
1432 standards ~~shall~~ apply to a local government's actions, as a
1433 regulatory body, in the regulation of the placement,
1434 construction, or modification of a wireless communications
1435 facility. This subsection does ~~shall~~ not, ~~however,~~ be construed
1436 ~~to~~ waive or alter the provisions of s. 286.011 or s. 286.0115.
1437 For the purposes of this subsection only, the term "local
1438 government" means only ~~shall mean~~ any municipality or county and
1439 any agency of a municipality or county ~~only~~. The term "local
1440 government" does not, ~~however,~~ include any airport, as defined
1441 by s. 330.27~~(2)~~, even if it is owned or controlled by or through
1442 a municipality, county, or agency of a municipality or county.
1443 Further, notwithstanding any other provision of ~~anything in~~ this
1444 section ~~to the contrary~~, this subsection does not apply to or
1445 control a local government's actions ~~as a property or structure~~
1446 ~~owner~~ in the use of any property or structure owned by such
1447 entity for the placement, construction, or modification of
1448 wireless communications facilities. In the use of property or
1449 structures owned by the local government, however, a local
1450 government may not use its regulatory authority so as to avoid

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1451 compliance with, or in a manner that does not advance, the
1452 provisions of this subsection.

1453 (f) Any other law to the contrary notwithstanding, the
1454 department and the Department of Management Services shall
1455 negotiate, in the name of the state, leases for wireless
1456 communications facilities that provide access to state
1457 government-owned property not acquired for transportation
1458 purposes, and the Department of Transportation shall negotiate,
1459 in the name of the state, leases for wireless communications
1460 facilities that provide access to property acquired for state
1461 rights-of-way. On property acquired for transportation purposes,
1462 leases shall be granted in accordance with s. 337.251. On other
1463 state government-owned property, leases shall be granted on a
1464 space available, first-come, first-served basis. Payments
1465 required by state government under a lease must be reasonable
1466 and ~~must~~ reflect the market rate for the use of the state
1467 government-owned property. The ~~department of Management Services~~
1468 and the Department of Transportation may ~~are authorized to~~ adopt
1469 rules for the terms and conditions and granting of any such
1470 leases.

1471 Section 31. Subsection (1) and paragraph (g) of subsection
1472 (2) of section 365.173, Florida Statutes, are amended to read:

1473 365.173 Emergency Communications Number E911 System Fund.—

1474 (1) All revenues derived from the fee levied on subscribers
1475 under s. 365.172 must be paid by the board into the State
1476 Treasury on or before the 15th day of each month. Such moneys
1477 must be accounted for in a special fund to be designated as the
1478 Emergency Communications Number E911 System Fund, a fund created
1479 in the Department of State Technology Program, ~~or other office~~

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1480 ~~as designated by the Secretary of Management Services,~~ and, for
1481 accounting purposes, ~~must be~~ segregated into two separate
1482 categories:

1483 (a) The wireless category; and

1484 (b) The nonwireless category.

1485

1486 All moneys must be invested by the Chief Financial Officer
1487 pursuant to s. 17.61. All moneys in such fund shall ~~are to~~ be
1488 expended by the department ~~office~~ for the purposes provided in
1489 this section and s. 365.172. These funds are not subject to s.
1490 215.20.

1491 (2) As determined by the board pursuant to s.
1492 365.172(8)(h), and subject to any modifications approved by the
1493 board pursuant to s. 365.172(6)(a)3. or (8)(i), the moneys in
1494 the fund shall be distributed and used only as follows:

1495 (g) Two percent of the moneys in the fund shall be used to
1496 make monthly distributions to rural counties for the purpose of
1497 providing facilities and network and service enhancements and
1498 assistance for the 911 or E911 systems operated by rural
1499 counties and for the provision of grants by the department
1500 ~~office~~ to rural counties for upgrading and replacing E911
1501 systems.

1502

1503 The Legislature recognizes that the fee authorized under s.
1504 365.172 may not necessarily provide the total funding required
1505 for establishing or providing the E911 service. It is the intent
1506 of the Legislature that all revenue from the fee be used as
1507 specified in this subsection.

1508 Section 32. Subsection (1) of section 365.174, Florida

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1509 Statutes, is amended to read:

1510 365.174 Proprietary confidential business information.—

1511 (1) All proprietary confidential business information
1512 submitted by a provider to the board or the Department of State
1513 Technology ~~office~~, including the name and billing or service
1514 addresses of service subscribers, and trade secrets as defined
1515 by s. 812.081, is confidential and exempt from s. 119.07(1) and
1516 s. 24(a), Art. I of the State Constitution. Statistical
1517 abstracts of information collected by the board or the
1518 department ~~office~~ may be released or published, but only in a
1519 manner that does not identify or allow identification of
1520 subscribers or their service numbers or of revenues attributable
1521 to any provider.

1522 Section 33. Section 401.013, Florida Statutes, is amended
1523 to read:

1524 401.013 Legislative intent.—It is the intention and purpose
1525 of the Legislature that a statewide system of regional emergency
1526 medical telecommunications be developed whereby the maximum use
1527 of existing radio channels is achieved in order to more
1528 effectively and rapidly provide emergency medical service to the
1529 general population. To this end, all emergency medical service
1530 entities within the state are directed to provide the Department
1531 of State Technology ~~Management Services~~ with any information the
1532 department requests for the purpose of implementing ~~the~~
1533 ~~provisions of~~ s. 401.015, and such entities must ~~shall~~ comply
1534 with the resultant provisions established pursuant to this part.

1535 Section 34. Section 401.015, Florida Statutes, is amended
1536 to read:

1537 401.015 Statewide regional emergency medical

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1538 telecommunication system.—The Department of State Technology
1539 ~~shall Management Services is authorized and directed to~~ develop
1540 a statewide system of regional emergency medical
1541 telecommunications. For the purpose of this part, the term
1542 “telecommunications” means ~~these~~ voice, data, and signaling
1543 transmissions and receptions between emergency medical service
1544 components, including, but not limited to: ambulances; rescue
1545 vehicles; hospitals or other related emergency receiving
1546 facilities; emergency communications centers; physicians and
1547 emergency medical personnel; paging facilities; law enforcement
1548 and fire protection agencies; and poison control, suicide, and
1549 emergency management agencies. In formulating such a system, the
1550 agency ~~department~~ shall divide the state into appropriate
1551 regions and ~~shall~~ develop a program that ~~which~~ includes, but is
1552 not limited to, the following provisions:

1553 (1) A requirements provision that states, ~~which shall state~~
1554 the telecommunications requirements for each emergency medical
1555 entity comprising the region.

1556 (2) An interfacility communications provision that depicts,
1557 ~~which shall depict~~ the telecommunications interfaces between the
1558 various medical service entities which operate within the region
1559 and state.

1560 (3) An organizational layout provision that includes, ~~which~~
1561 ~~shall include~~ each emergency medical entity and the number of
1562 radio operating units (base, mobile, handheld, etc.) per entity.

1563 (4) A frequency allocation and use provision that includes,
1564 ~~which shall include~~ on an entity basis each assigned and planned
1565 radio channel and the type of operation (simplex, duplex, half
1566 duplex, etc.) on each channel.

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1567 (5) An operational provision that includes, ~~which shall~~
1568 ~~include~~ dispatching, logging, and operating procedures
1569 pertaining to telecommunications on an entity basis and regional
1570 basis.

1571 (6) An emergency medical service telephone provision that
1572 includes, ~~which shall include~~ the telephone and the numbering
1573 plan throughout the region for both the public and interface
1574 requirements.

1575 Section 35. Section 401.018, Florida Statutes, is amended
1576 to read:

1577 401.018 System coordination.—

1578 (1) The statewide system of regional emergency medical
1579 telecommunications shall be developed by the Department of State
1580 Technology Management Services, which ~~department~~ shall be
1581 responsible for the implementation and coordination of such
1582 system into the state telecommunications plan. The department
1583 shall adopt any necessary rules ~~and regulations~~ for
1584 administering ~~implementing~~ and coordinating such a system.

1585 (2) The Department of State Technology Management Services
1586 shall be designated as the state frequency coordinator for the
1587 special emergency radio service.

1588 Section 36. Section 401.021, Florida Statutes, is amended
1589 to read:

1590 401.021 System director.—The Secretary of the Department of
1591 State Technology Management Services or his or her designee is
1592 designated as the director of the statewide telecommunications
1593 system of the regional emergency medical service and, for the
1594 purpose of carrying out the provisions of this part, may ~~is~~
1595 ~~authorized to~~ coordinate the activities of the

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1596 telecommunications system with other interested state, county,
1597 local, and private agencies.

1598 Section 37. Section 401.024, Florida Statutes, is amended
1599 to read:

1600 401.024 System approval.—~~An~~ From July 1, 1973, no emergency
1601 medical telecommunications system may not ~~shall~~ be established
1602 or present systems expanded without prior approval of the
1603 Department of State Technology Management Services.

1604 Section 38. Section 401.027, Florida Statutes, is amended
1605 to read:

1606 401.027 Federal assistance.—The Secretary of the Department
1607 of State Technology Management Services or his or her designee
1608 may ~~is authorized~~ to apply for and accept federal funding
1609 assistance in the development and implementation of a statewide
1610 emergency medical telecommunications system.

1611 Section 39. Subsection (4) of section 445.011, Florida
1612 Statutes, is amended to read:

1613 445.011 Workforce information systems.—

1614 (4) Workforce Florida, Inc., shall coordinate development
1615 and implementation of workforce information systems with the
1616 Secretary ~~executive director~~ of the Department of State Agency
1617 ~~for Enterprise Information~~ Technology to ensure compatibility
1618 with the state's information system strategy and enterprise
1619 architecture.

1620 Section 40. Subsection (2) and paragraphs (a) and (b) of
1621 subsection (4) of section 445.045, Florida Statutes, are amended
1622 to read:

1623 445.045 Development of an Internet-based system for
1624 information technology industry promotion and workforce

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1625 recruitment.-

1626 (2) Workforce Florida, Inc., shall coordinate with the
1627 Department of State Agency for Enterprise Information Technology
1628 and the Department of Economic Opportunity to ensure that links,
1629 where feasible and appropriate, to existing job information
1630 websites maintained by the state and state agencies and ~~to~~
1631 ~~ensure~~ that information technology positions offered by the
1632 state and state agencies are posted on the information
1633 technology website.

1634 (4) (a) Workforce Florida, Inc., shall coordinate
1635 development and maintenance of the website under this section
1636 with the Secretary ~~executive director~~ of the Department of State
1637 Agency for Enterprise Information Technology to ensure
1638 compatibility with the state's information system strategy and
1639 enterprise architecture.

1640 (b) Workforce Florida, Inc., may enter into an agreement
1641 with the Department of State Agency for Enterprise Information
1642 Technology, the Department of Economic Opportunity, or any other
1643 public agency with the requisite information technology
1644 expertise for the provision of design, operating, or other
1645 technological services necessary to develop and maintain the
1646 website.

1647 Section 41. Paragraph (b) of subsection (18) of section
1648 668.50, Florida Statutes, is amended to read:

1649 668.50 Uniform Electronic Transaction Act.-

1650 (18) ACCEPTANCE AND DISTRIBUTION OF ELECTRONIC RECORDS BY
1651 GOVERNMENTAL AGENCIES.-

1652 (b) To the extent that a governmental agency uses
1653 electronic records and electronic signatures under paragraph

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1654 (a), the Department of State Agency for Enterprise Information
1655 Technology, in consultation with the governmental agency, giving
1656 due consideration to security, may specify:

1657 1. The manner and format in which the electronic records
1658 must be created, generated, sent, communicated, received, and
1659 stored and the systems established for those purposes.

1660 2. If electronic records must be signed by electronic
1661 means, the type of electronic signature required, the manner and
1662 format in which the electronic signature must be affixed to the
1663 electronic record, and the identity of, or criteria that must be
1664 met by, any third party used by a person filing a document to
1665 facilitate the process.

1666 3. Control processes and procedures as appropriate to
1667 ensure adequate preservation, disposition, integrity, security,
1668 confidentiality, and auditability of electronic records.

1669 4. Any other required attributes for electronic records
1670 which are specified for corresponding nonelectronic records or
1671 reasonably necessary under the circumstances.

1672 Section 42. Subsection (2) of section 1006.73, Florida
1673 Statutes, is amended to read:

1674 1006.73 Florida Virtual Campus.—

1675 (2) The chancellors of the Florida College System and the
1676 State University System shall exercise joint oversight of the
1677 Florida Virtual Campus and shall establish its governance and
1678 reporting structure, administrative and operational guidelines
1679 and processes, staffing requirements, and operational budget.
1680 All data center services needed by the Florida Virtual Campus
1681 shall be provided by a primary data center established pursuant
1682 to s. ss. 282.201 and 1004.649.

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- 1683 (a) In carrying out the purposes of this section:
- 1684 1. The campus is not an "agency" as defined in s. 20.03(11)
- 1685 and is not subject to chapter 287.
- 1686 2. The campus shall be deemed to be acting as an
- 1687 instrumentality of the state for purposes of sovereign immunity
- 1688 pursuant to s. 768.28(2).
- 1689 3. All records of the campus are public records unless made
- 1690 confidential or exempt from law.
- 1691 (b) The campus shall maintain an unencumbered balance of
- 1692 not less than 5 percent of its approved operating budget.
- 1693 (c) The campus may secure comprehensive general liability
- 1694 coverage, professional liability coverage, property and casualty
- 1695 coverage, and any other insurance coverage deemed appropriate by
- 1696 the chancellors.
- 1697 (d) The campus may contract for administrative services
- 1698 with a public postsecondary education institution. The
- 1699 administrative overhead costs charged by the institution may not
- 1700 exceed the actual cost of providing the services and shall
- 1701 require a specific appropriation in the General Appropriations
- 1702 Act.

1703 Section 43. Transfer from the Executive Office of the

1704 Governor.—All of the powers, duties, functions, records,

1705 personnel, and property; funds, trust funds, and unexpended

1706 balances of appropriations, allocations, and other funds;

1707 administrative authority; administrative rules; pending issues;

1708 and existing contracts of the Agency for Enterprise Information

1709 Technology within the Executive Office of the Governor shall

1710 continue and to the extent necessary are transferred by a type

1711 one transfer, pursuant to s. 20.06(1), Florida Statutes, to the

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1712 Department of State Technology under s. 20.61, Florida Statutes.

1713 Section 44. Transfer from the Department of Management
1714 Services.—Effective January 1, 2014:

1715 (1) The Technology Program established under s. 20.22(2),
1716 Florida Statutes, is transferred intact by a type one transfer,
1717 as defined in s. 20.06, Florida Statutes, from the Department of
1718 Management Services to the Department of State Technology.

1719 (2) All of the powers, duties, functions, records,
1720 personnel, and property; funds, trust funds, and unexpended
1721 balances of appropriations, allocations, and other funds;
1722 administrative authority; administrative rules; pending issues;
1723 and existing contracts relating to the following
1724 responsibilities of the Department of Management Services are
1725 transferred by a type one transfer, as defined in s.20.06, to
1726 the Department of State Technology:

1727 (a) Administrative and regulatory responsibilities under
1728 part II of chapter 282, Florida Statutes, consisting of ss.
1729 282.601-282.606, Florida Statutes, relating to accessibility of
1730 electronic information and information technology for state
1731 employees and members of the public with disabilities, including
1732 the responsibility for rules for the development, procurement,
1733 maintenance, and use of accessible electronic information
1734 technology by governmental units pursuant to s. 282.604, Florida
1735 Statutes.

1736 (b) Administrative and regulatory responsibilities under
1737 part III of chapter 282, Florida Statutes, consisting of ss.
1738 282.701-282.711, Florida Statutes, relating to the state
1739 telecommunications network, state communications,
1740 telecommunications services with state agencies and political

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1741 subdivisions of the state, the SUNCOM network, the law
1742 enforcement radio system and interoperability network, regional
1743 law enforcement communications, and remote electronic access.

1744 (c) Administrative and regulatory responsibilities under s.
1745 364.0135, Florida Statutes, relating to broadband Internet
1746 service.

1747 (d) Administrative and regulatory responsibilities under
1748 ss. 365.171-365.175, Florida Statutes, relating to emergency
1749 communications number E911.

1750 (e) Administrative and regulatory responsibilities under
1751 part I of chapter 401, Florida Statutes, consisting of ss.
1752 401.013-401.027, Florida Statutes, relating to a statewide
1753 system of regional emergency medical telecommunications.

1754 (3) (a) The following trust funds are transferred by a type
1755 one transfer, as defined in s. 20.06(1), Florida Statutes, from
1756 the Department of Management Services to the Department of State
1757 Technology:

1758 1. The Communications Working Capital Trust Fund.

1759 2. The Emergency Communications Number E911 System Fund.

1760 3. The State Agency Law Enforcement Radio System Trust
1761 Fund.

1762 4. Federal Grants Trust Fund.

1763 (b) All unexpended balances of appropriations, allocations,
1764 and other funds of the Department of Management Services
1765 relating to ss. 282.701-282.711, s. 364.0135, ss. 365.171-
1766 365.175, and part I of chapter 401, Florida Statutes, which are
1767 not specifically transferred by this subsection are transferred
1768 by a type one transfer, as defined in s. 20.06(1), Florida
1769 Statutes, to the Department of State Technology.

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1770 (4) All lawful orders issued by the Department of
1771 Management Services implementing or enforcing or otherwise in
1772 regard to ss. 282.701-282.711, s. 364.0135, ss. 365.171-365.175,
1773 or part I of chapter 401, Florida Statutes, issued before
1774 January 1, 2014, shall remain in effect and be enforceable after
1775 that date unless thereafter modified in accordance with law.

1776 (5) Any binding contract or interagency agreement entered
1777 into pursuant to ss. 282.701-282.711, s. 364.0135, ss. 365.171-
1778 365.175, or part I of chapter 401, Florida Statutes, and
1779 existing before January 1, 2014, between the Department of
1780 Management Services or an entity or agent of the department and
1781 any other agency, entity, or person shall continue as a binding
1782 contract or agreement for the remainder of the term of such
1783 contract or agreement on the Department of State Technology.

1784 (6) The rules of the Department of Management Services
1785 relating to ss. 282.701-282.711, s. 364.0135, ss. 365.171-
1786 365.175, or part I of chapter 401, Florida Statutes, that were
1787 in effect at 11:59 p.m. on December 31, 2013, shall become the
1788 rules of the Department of State Technology and remain in effect
1789 until amended or repealed in the manner provided by law.

1790 (7) The transfer of regulatory authority under ss. 282.701-
1791 282.711, s. 364.0135, ss. 365.171-365.175, or part I of chapter
1792 401, Florida Statutes, provided by this section does not affect
1793 the validity of any judicial or administrative action pending as
1794 of 11:59 p.m. on December 31, 2013, to which the Department of
1795 Management Services is at that time a party, and the Department
1796 of State Technology shall be substituted as a party in interest
1797 in any such action.

1798 (8) The Northwood Shared Resource Center is transferred by

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1799 a type one transfer, as defined in s. 20.06, Florida Statutes,
1800 from the Department of Management Services to the Department of
1801 State Technology.

1802 (a) Any binding contract or interagency agreement entered
1803 into between the Northwood Shared Resource Center or an entity
1804 or agent of the center and any other agency, entity, or person
1805 shall continue as a binding contract or agreement for the
1806 remainder of the term of such contract or agreement on the
1807 Department of State Technology.

1808 (b) The rules of the Northwood Shared Resource Center that
1809 were in effect at 11:59 p.m. on December 31, 2013, shall become
1810 the rules of the Department of State Technology and shall remain
1811 in effect until amended or repealed in the manner provided by
1812 law.

1813 (9) The Southwood Shared Resource Center is transferred by
1814 a type one transfer, as defined in s. 20.06, Florida Statutes,
1815 from the Department of Management Services to the Department of
1816 State Technology.

1817 (a) Any binding contract or interagency agreement entered
1818 into between the Southwood Shared Resource Center or an entity
1819 or agent of the center and any other agency, entity, or person
1820 shall continue as a binding contract or agreement for the
1821 remainder of the term of such contract or agreement on the
1822 Department of State Technology.

1823 (b) The rules of the Southwood Shared Resource Center that
1824 were in effect at 11:59 p.m. on December 31, 2013, shall become
1825 the rules of the Department of State Technology and shall remain
1826 in effect until amended or repealed in the manner provided by
1827 law.

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1828 Section 45. An employee transferred to the Department of
1829 State Technology by this act shall retain the same status of his
1830 or her current position upon the transfer of that position to
1831 the department.

1832 Section 46. For the 2013-2014 fiscal year, the sum of
1833 \$2,865,108 in recurring general revenue funds, \$2,134,892 in
1834 nonrecurring general revenue funds, and 24 full-time equivalent
1835 positions and associated salary rate of 2,010,951 are
1836 appropriated to the Department of State Technology for the
1837 purpose of implementing this act.

1838 Section 47. Except as otherwise expressly provided in this
1839 act and except for this section, which shall take effect upon
1840 become law, this act shall take effect July 1, 2013.