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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, the Division  
467 of Administrative Hearings, and the Florida Housing Finance  
468 Corporation are exempt from data center consolidation unless  
469 specifically directed by the Legislature. The exempt entities  
470 shall provide any information requested by the department which  
471 is reasonably necessary for an analysis relating to the  
472 feasibility and cost of data center 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)~~<sup>1</sup>. 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 becoming a law, this act shall take effect July 1, 2013.