

FOR CONSIDERATION By the Committee on Governmental Oversight and Accountability

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

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

54
55 Be It Enacted by the Legislature of the State of Florida:

56
57 Section 1. Section 14.204, Florida Statutes, is
58 transferred, renumbered as section 20.61, Florida Statutes, and

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59 amended to read:

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

62 20.61 Department of State Technology; powers and duties.-
63 The Department of State Technology is hereby created as an
64 executive agency under the Governor.

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

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

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

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

87 (3) The following divisions and offices are established

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88 within the department:

89 (a) Division of Information Management.

90 (b) Division of Enterprise Information Technology Services.

91 (c) The Office Of Information Security.

92 (d) The Office of Strategic Planning.

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

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

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

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

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

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

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

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- 117 1. Department of Elder Affairs.
- 118 2. Agency for Health Care Administration.
- 119 3. Agency for Persons with Disabilities.
- 120 4. Department of Children and Families.
- 121 5. Department of Health.
- 122 6. Department of Veterans' Affairs.
- 123 (b) Deputy Information Officer of Criminal and Civil
- 124 Justice, to include:
- 125 1. Department of Juvenile Justice.
- 126 2. Parole Commission.
- 127 3. Department of Corrections.
- 128 4. Board of Clemency.
- 129 5. Department of Law Enforcement.
- 130 6. Department of Highway Safety and Motor Vehicles.
- 131 (c) Deputy Information Officer of Education, to include
- 132 the:
- 133 1. Department of Education.
- 134 2. State Board of Education.
- 135 3. Board of Governors.
- 136 (d) Deputy Information Officer of Business Operations, to
- 137 include:
- 138 1. Department of Revenue.
- 139 2. Department of Business and Professional Regulation.
- 140 3. Department of the Lottery.
- 141 4. Department of Economic Opportunity.
- 142 (e) Deputy Information Officer of Community Services, to
- 143 include:
- 144 1. Department of Military Affairs.
- 145 2. Department of Transportation.

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146 3. Department of State.

147 4. Department of Emergency Management.

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

150 1. Department of Environmental Protection.

151 2. Department of Fish and Wildlife.

152 3. Department of Citrus.

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

155 1. The Department of Financial Services.

156 2. The Department of Management Services.

157 3. The Department of Legal Affairs.

158 4. The Department of Agriculture and Consumer Services.

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

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

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

169 282.0041 Definitions.—As used in this chapter, the term:

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

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

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175 (1)~~(3)~~ "Agency information technology service" means a
176 service that directly helps a state ~~an~~ agency fulfill its
177 statutory or constitutional responsibilities and policy
178 objectives and is usually associated with the state agency's
179 primary or core business functions.

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

185 (2)~~(5)~~ "Breach" has the same meaning as in s. 817.5681(4).

186 (3)~~(6)~~ "Business continuity plan" means a plan for disaster
187 recovery which provides for the continued functioning of a
188 shared resource center or primary data center during and after a
189 disaster.

190 (4)~~(7)~~ "Computing facility" means a state agency site ~~space~~
191 containing fewer than ~~a total of~~ 10 physical or logical servers,
192 any of which supports a strategic or nonstrategic information
193 technology service, as described in budget instructions
194 developed pursuant to s. 216.023, but excluding
195 telecommunications and voice gateways and clustered pairs of
196 servers operating as a single logical server to provide file,
197 print, security, and endpoint management services ~~single,~~
198 ~~logical-server installations that exclusively perform a utility~~
199 ~~function such as file and print servers.~~

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

203 ~~(8) "Customer entity" means an entity that obtains services~~

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204 ~~from a primary data center.~~

205 ~~(6)(9)~~ "Data center" means state agency space containing 10
206 or more physical or logical servers, any of which supports a
207 strategic or nonstrategic information technology service, as
208 described in budget instructions developed pursuant to s.
209 216.023.

210 ~~(7)(10)~~ "Department" means the Department of State
211 Technology Management Services.

212 ~~(9)(11)~~ "Enterprise information technology service" means
213 an information technology service that is used in all state
214 agencies or a subset of state agencies and is established in law
215 to be designed, delivered, and managed at the enterprise level.

216 ~~(8)(12)~~ "Email ~~E-mail~~, messaging, and calendaring service"
217 means the enterprise information technology service that enables
218 users to send, receive, file, store, manage, and retrieve
219 electronic messages, attachments, appointments, and addresses.
220 ~~The e-mail, messaging, and calendaring service must include e-~~
221 ~~mail account management; help desk; technical support and user~~
222 ~~provisioning services; disaster recovery and backup and restore~~
223 ~~capabilities; antis spam and antivirus capabilities; archiving and~~
224 ~~e-discovery; and remote access and mobile messaging~~
225 ~~capabilities.~~

226 ~~(10)(13)~~ "Information-system utility" means an information
227 processing ~~a full-service information-processing~~ facility
228 offering hardware, software, operations, integration,
229 networking, floor space, and consulting services.

230 ~~(12)(14)~~ "Information technology resources" means
231 equipment, hardware, software, firmware, programs, systems,
232 networks, infrastructure, media, and related material used to

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

240 (11) ~~(15)~~ "Information technology policy" means statements
241 that describe clear choices for how information technology will
242 deliver effective and efficient government services to residents
243 and improve state agency operations. A policy may relate to
244 investments, business applications, architecture, or
245 infrastructure. A policy describes its rationale, implications
246 of compliance or noncompliance, the timeline for implementation,
247 metrics for determining compliance, and the accountable
248 structure responsible for its implementation.

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

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

258 (15) "Other public sector organizations" means entities of
259 the legislative and judicial branches, the State University
260 System, the Florida Community College System, counties, and
261 municipalities. Such organizations may elect to participate in

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262 the information technology programs, services, or contracts
263 offered by the department, including information technology
264 procurement, in accordance with general law, policies, and
265 administrative rules.

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

268 (16)~~(17)~~ "Primary data center" means a data center that is
269 a recipient entity ~~for consolidation of~~ state agency information
270 technology resources and provides contracted services to the
271 agency nonprimary data centers and computing facilities and that
272 is established by law.

273 ~~(17)~~~~(18)~~ "Project" means an endeavor that has a defined
274 start and end point; is undertaken to create or modify a unique
275 product, service, or result; and has specific objectives that,
276 when attained, signify completion.

277 ~~(18)~~~~(19)~~ "Risk analysis" means the process of identifying
278 security risks, determining their magnitude, and identifying
279 areas needing safeguards.

280 ~~(19)~~~~(20)~~ "Service level" means the key performance
281 indicators (KPI) of an organization or service which must be
282 regularly performed, monitored, and achieved.

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

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

290 ~~(21)~~~~(22)~~ "Standards" means required practices, controls,

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291 components, or configurations established by an authority.

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

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

299 (24)~~(23)~~ "SUNCOM Network" means the state enterprise
300 telecommunications system that provides all methods of
301 electronic or optical telecommunications beyond a single
302 building or contiguous building complex and used by entities
303 authorized as network users under this part.

304 (25)~~(24)~~ "Telecommunications" means the science and
305 technology of communication at a distance, including electronic
306 systems used in the transmission or reception of information.

307 (26)~~(25)~~ "Threat" means any circumstance or event that may
308 cause harm to the integrity, availability, or confidentiality of
309 information technology resources.

310 (27)~~(26)~~ "Total cost" means all costs associated with
311 information technology projects or initiatives, including, but
312 not limited to, value of hardware, software, service,
313 maintenance, incremental personnel, and facilities. Total cost
314 of a loan or gift of information technology resources to a state
315 ~~an~~ agency includes the fair market value of the resources.

316 (28)~~(27)~~ "Usage" means the billing amount charged by the
317 shared resource ~~primary data~~ center, minus ~~less~~ any pass-through
318 charges, to the customer entity.

319 (29)~~(28)~~ "Usage rate" means a customer entity's usage or

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320 billing amount as a percentage of total usage.

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

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

326 282.0055 Assignment of information technology; long-range
327 plan; powers and duties.—The department shall design, plan,
328 develop, implement, and manage state enterprise information
329 technology services and infrastructure to achieve the use of
330 cost-effective and cost-efficient common technology. ~~In order to~~
331 ~~ensure the most effective and efficient use of the state's~~
332 ~~information technology and information technology resources and~~
333 ~~notwithstanding other provisions of law to the contrary,~~
334 ~~policies for the design, planning, project management, and~~
335 ~~implementation of enterprise information technology services~~
336 ~~shall be the responsibility of the Agency for Enterprise~~
337 ~~Information Technology for executive branch agencies created or~~
338 ~~authorized in statute to perform legislatively delegated~~
339 ~~functions.~~ The supervision, design, delivery, and management of
340 state agency information technology shall remain within the
341 responsibility and control of the individual state agency.

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

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

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

357 (a) Setting state technology policy.

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

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

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

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

374 (f) Upon request, advising, supporting, and collaborating
375 with the Division of Purchasing in the Department of Management
376 Services, in establishing best practices for the procurement of
377 information technology products in order to achieve savings for

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378 the state.

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

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

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

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

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

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

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

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

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

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

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

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

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

432 (t) Maintaining the official Internet state portal.

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

435 282.0056 Development of work plan; development of

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436 implementation plans; and policy recommendations.—

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

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

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

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

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

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

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

471 (c) Upon approval of the Governor, include in its
472 legislative budget requests a recommendation for consolidating
473 state agency data to provide better access for private and
474 government use.

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

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

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

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

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494 development activities.

495 (3) Beginning January 1, 2018, the department shall review
496 and approve technology purchases made by state agencies.

497 Approval must be based on technology policies and standards
498 established by the department and approved by the Legislature.

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

504 282.203 Primary data centers.—

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

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

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

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

521 2. Annually, by July 30 for the current fiscal year and by
522 December 1 for the subsequent fiscal year, the data center must

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523 provide total projected billings for each customer entity which
524 are required to recover the costs of the data center.

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

528

529 The financial information required under subparagraphs 1., 2.,
530 and 3. must be based on current law and current appropriations.

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

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

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

541 a. Identify the parties and their roles, duties, and
542 responsibilities under the agreement.

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

545 c. State the duration of the contractual term and specify
546 the conditions for contract renewal.

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

550 e. Identify the scope of work.

551 f. Identify the products or services to be delivered with

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552 sufficient specificity to permit an external financial or
553 performance audit.

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

558 h. Identify applicable funds and funding streams for the
559 services or products under contract.

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

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

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

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

572 2. A service-level agreement may include:

573 a. A dispute resolution mechanism, including alternatives
574 to administrative or judicial proceedings;

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

578 c. Additional terms and conditions as determined advisable
579 by the parties if such additional terms and conditions do not
580 conflict with the requirements of this section or rules adopted

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581 by the department ~~Agency for Enterprise Information Technology~~.

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

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

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

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

599 (b) Establish procedures for the primary data center to
600 ensure that budgeting and accounting procedures, cost-recovery
601 methodologies, and operating procedures are in compliance with
602 laws governing the state data center system, rules adopted by
603 the department ~~Agency for Enterprise Information Technology~~, and
604 applicable federal regulations, including 2 C.F.R. part 225 and
605 45 C.F.R.

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

608 1. Establishing policies that ensure that cost-recovery
609 methodologies, billings, receivables, expenditure, budgeting,

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610 and accounting data are captured and reported timely,
611 consistently, accurately, and transparently and, upon adoption
612 of rules by the department ~~Agency for Enterprise Information~~
613 ~~Technology~~, are in compliance with such rules.

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

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

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

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

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

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

638 a. The board may direct the primary data center to adjust

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639 current year chargeback rates through the end of the fiscal year
640 to cover the shortfall. The rate adjustments shall be
641 implemented using actual usage rate and billing data from the
642 first three quarters of the fiscal year and the same principles
643 used to set rates for the fiscal year.

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

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

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

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

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

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

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

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

670 Section 9. Section 282.206, Florida Statutes, is created to
671 read:

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

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

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

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

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

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697 and manage any unforeseen issues.

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

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

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

704 282.318 Enterprise security of data and information
705 technology.—

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

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

717 (b) Develop enterprise security rules and published
718 guidelines for:

719 1. Comprehensive risk analyses and information security
720 audits conducted by state agencies.

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

724 3. State agency security plans, including strategic
725 security plans and security program plans.

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726 4. The recovery of information technology and data
727 following a disaster.

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

731 (c) Assist state agencies in complying with the provisions
732 of this section.

733 (d) Pursue appropriate funding for the purpose of enhancing
734 domestic security.

735 (e) Provide training for state agency information security
736 managers.

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

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

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

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

752 1. The agency strategic information security plan must
753 cover a 3-year period and define security goals, intermediate
754 objectives, and projected agency costs for the strategic issues

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755 of agency information security policy, risk management, security
756 training, security incident response, and survivability. The
757 plan must be based on the enterprise strategic information
758 security plan created by the department ~~Agency for Enterprise~~
759 ~~Information Technology~~. Additional issues may be included.

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

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

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

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

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

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

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

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

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813 agency to reduce those risks.

814 (i) Develop a process for detecting, reporting, and
815 responding to suspected or confirmed security incidents,
816 including suspected or confirmed breaches consistent with the
817 security rules and guidelines established by the department
818 ~~Agency for Enterprise Information Technology~~.

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

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

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

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

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

836 Section 12. Effective upon this act becoming law, section
837 282.34, Florida Statutes, is repealed.

838 Section 13. Section 282.604, Florida Statutes, is amended
839 to read:

840 282.604 Adoption of rules.—The department ~~of Management~~
841 ~~Services~~ shall, with input from stakeholders, adopt rules

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842 ~~pursuant to ss. 120.536(1) and 120.54~~ for the development,
843 procurement, maintenance, and use of accessible electronic
844 information technology by governmental units.

845 Section 14. Section 282.702, Florida Statutes, is amended
846 to read:

847 282.702 Powers and duties.—The department ~~of Management~~
848 ~~Services~~ shall have the following powers, duties, and functions:

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

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

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

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

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

868 (6) To purchase, lease, or otherwise acquire and to hold,
869 sell, transfer, license, or otherwise dispose of real, personal,
870 and intellectual property, including, but not limited to,

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871 patents, trademarks, copyrights, and service marks.

872 (7) To cooperate with any federal, state, or local
873 emergency management agency in providing for emergency
874 telecommunications services.

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

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

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

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

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

895 (a) Establishing technical standards to physically
896 interface with the SUNCOM Network.

897 (b) Specifying how telecommunications are transmitted
898 within the SUNCOM Network.

899 (c) Controlling the routing of telecommunications within

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900 the SUNCOM Network.

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

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

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

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

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929 telecommunications company may negotiate the reduction or
930 elimination of a fee in consideration of services provided to
931 the department by the wireless provider or telecommunications
932 company. All such fees collected by the department shall be
933 deposited directly into the Law Enforcement Radio Operating
934 Trust Fund, and may be used by the department to construct,
935 maintain, or support the system.

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

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

949 282.703 SUNCOM Network; exemptions from the required use.-

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

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958 (5) All state agencies shall use the SUNCOM Network for
959 state agency telecommunications services as the services become
960 available; however, a state ~~an~~ agency is not relieved of
961 responsibility for maintaining telecommunications services
962 necessary for effective management of its programs and
963 functions. The department may provide such communications
964 services to a state university if requested by the university.

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

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

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

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

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

991 20.22 Department of Management Services.—There is created a
992 Department of Management Services.

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

995 (a) Facilities Program.

996 ~~(b) Technology Program.~~

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

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

999 (d)2. Federal Property Assistance Program.

1000 (e) Administration Program.

1001 (f) Division of Administrative Hearings.

1002 (g) Division of Retirement.

1003 (h) Division of State Group Insurance.

1004 Section 17. Paragraph (e) of subsection (2) of section
1005 110.205, Florida Statutes, is amended to read:

1006 110.205 Career service; exemptions.—

1007 (2) EXEMPT POSITIONS.—The exempt positions that are not
1008 covered by this part include the following:

1009 (e) The Chief Information Officer in the Department of
1010 State ~~Agency for Enterprise Information~~ Technology. Unless
1011 otherwise fixed by law, the Governor ~~Agency for Enterprise~~
1012 ~~Information Technology~~ shall set the salary and benefits of this
1013 position in accordance with the rules of the Senior Management
1014 Service.

1015 Section 18. Paragraph (o) of subsection (1) of section

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1016 215.22, Florida Statutes, is amended to read:

1017 215.22 Certain income and certain trust funds exempt.—

1018 (1) The following income of a revenue nature or the
1019 following trust funds shall be exempt from the appropriation
1020 required by s. 215.20(1):

1021 (o) The Communications Working Capital Trust Fund of the
1022 Department of State Technology ~~Management Services~~.

1023 Section 19. Subsections (2) and (9) of section 215.322,
1024 Florida Statutes, are amended to read:

1025 215.322 Acceptance of credit cards, charge cards, debit
1026 cards, or electronic funds transfers by state agencies, units of
1027 local government, and the judicial branch.—

1028 (2) A state agency as defined in s. 216.011, or the
1029 judicial branch, may accept credit cards, charge cards, debit
1030 cards, or electronic funds transfers in payment for goods and
1031 services with the prior approval of the Chief Financial Officer.
1032 If the Internet or other related electronic methods are to be
1033 used as the collection medium, the Department of State Agency
1034 ~~for Enterprise Information~~ Technology shall review and recommend
1035 to the Chief Financial Officer whether to approve the request
1036 with regard to the process or procedure to be used.

1037 (9) For payment programs in which credit cards, charge
1038 cards, or debit cards are accepted by state agencies, the
1039 judicial branch, or units of local government, the Chief
1040 Financial Officer, in consultation with the Department of State
1041 ~~Agency for Enterprise Information~~ Technology, may adopt rules to
1042 establish uniform security safeguards for cardholder data and to
1043 ensure compliance with the Payment Card Industry Data Security
1044 Standards.

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1045 Section 20. Paragraph (c) of subsection (6) of section
1046 216.292, Florida Statutes, is amended to read:

1047 216.292 Appropriations nontransferable; exceptions.—

1048 (6) The Chief Financial Officer shall transfer from any
1049 available funds of an agency or the judicial branch the
1050 following amounts and shall report all such transfers and the
1051 reasons therefor to the legislative appropriations committees
1052 and the Executive Office of the Governor:

1053 (c) The amount due to the Communications Working Capital
1054 Trust Fund from moneys appropriated in the General
1055 Appropriations Act for the purpose of paying for services
1056 provided by the state communications system in the Department of
1057 State Technology Management Services which is unpaid 45 days
1058 after the billing date. The amount transferred shall be that
1059 billed by the department.

1060 Section 21. Subsection (14) of section 287.012, Florida
1061 Statutes, is amended to read:

1062 287.012 Definitions.—As used in this part, the term:

1063 (14) "Information technology" means equipment, hardware,
1064 software, firmware, programs, systems, networks, infrastructure,
1065 media, and related material used to automatically,
1066 electronically, and wirelessly collect, receive, access,
1067 transmit, display, store, record, retrieve, analyze, evaluate,
1068 process, classify, manipulate, manage, assimilate, control,
1069 communicate, exchange, convert, converge, interface, switch, or
1070 disseminate information of any kind or form ~~has the meaning~~
1071 ~~ascribed in s. 282.0041.~~

1072 Section 22. Subsection (22) of section 287.057, Florida
1073 Statutes, is amended to read:

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1074 287.057 Procurement of commodities or contractual
1075 services.—

1076 (22) The department, in consultation with the Department of
1077 State Agency for Enterprise Information Technology and the Chief
1078 Financial Officer Comptroller, shall maintain ~~develop~~ a program
1079 for online procurement of commodities and contractual services.
1080 To enable the state to promote open competition and to leverage
1081 its buying power, agencies shall participate in the online
1082 procurement program, and eligible users may participate in the
1083 program. Only vendors prequalified as meeting mandatory
1084 requirements and qualifications criteria may participate in
1085 online procurement.

1086 (a) The department, in consultation with the Department of
1087 State Technology agency, may contract for equipment and services
1088 necessary to develop and implement online procurement.

1089 (b) The department, in consultation with the Department of
1090 State Technology agency, shall adopt rules, ~~pursuant to ss.~~
1091 ~~120.536(1) and 120.54,~~ to administer the program for online
1092 procurement. The rules must ~~shall~~ include, but are not ~~be~~
1093 limited to:

1094 1. Determining the requirements and qualification criteria
1095 for prequalifying vendors.

1096 2. Establishing the procedures for conducting online
1097 procurement.

1098 3. Establishing the criteria for eligible commodities and
1099 contractual services.

1100 4. Establishing the procedures for providing access to
1101 online procurement.

1102 5. Determining the criteria warranting any exceptions to

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1103 participation in the online procurement program.

1104 (c) The department may impose and shall collect all fees
1105 for the use of the online procurement systems.

1106 1. The fees may be imposed on an individual transaction
1107 basis or as a fixed percentage of the cost savings generated. At
1108 a minimum, the fees must be ~~set~~ in an amount sufficient to cover
1109 the projected costs of the services, including administrative
1110 and project service costs, in accordance with the policies of
1111 the department.

1112 2. If the department contracts with a provider for online
1113 procurement, the department, pursuant to appropriation, shall
1114 compensate the provider from the fees after the department has
1115 satisfied all ongoing costs. The provider shall report
1116 transaction data to the department each month so that the
1117 department may determine the amount due and payable to the
1118 department from each vendor.

1119 3. All fees that are due and payable to the state on a
1120 transactional basis or as a fixed percentage of the cost savings
1121 generated are subject to s. 215.31 and must be remitted within
1122 40 days after receipt of payment for which the fees are due. For
1123 fees that are not remitted within 40 days, the vendor shall pay
1124 interest at the rate established under s. 55.03(1) on the unpaid
1125 balance from the expiration of the 40-day period until the fees
1126 are remitted.

1127 4. All fees and surcharges collected under this paragraph
1128 shall be deposited in the Operating Trust Fund as provided by
1129 law.

1130 Section 23. Subsection (17) of section 318.18, Florida
1131 Statutes, is amended to read:

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1132 318.18 Amount of penalties.—The penalties required for a
1133 noncriminal disposition pursuant to s. 318.14 or a criminal
1134 offense listed in s. 318.17 are as follows:

1135 (17) In addition to any penalties imposed, a surcharge of
1136 \$3 must be paid for all criminal offenses listed in s. 318.17
1137 and for all noncriminal moving traffic violations under chapter
1138 316. Revenue from the surcharge shall be remitted to the
1139 Department of Revenue and deposited quarterly into the State
1140 Agency Law Enforcement Radio System Trust Fund of the Department
1141 of State Technology Management Services for the state agency law
1142 enforcement radio system, as described in s. 282.709, and to
1143 provide technical assistance to state agencies and local law
1144 enforcement agencies with their statewide systems of regional
1145 law enforcement communications, as described in s. 282.7101.
1146 This subsection expires July 1, 2021. The Department of State
1147 Technology Management Services may retain funds sufficient to
1148 recover the costs and expenses incurred for managing,
1149 administering, and overseeing the Statewide Law Enforcement
1150 Radio System, and providing technical assistance to state
1151 agencies and local law enforcement agencies with their statewide
1152 systems of regional law enforcement communications. The
1153 Department of State Technology Management Services working in
1154 conjunction with the Joint Task Force on State Agency Law
1155 Enforcement Communications shall determine and direct the
1156 purposes for which these funds are used to enhance and improve
1157 the radio system.

1158 Section 24. Section 320.0802, Florida Statutes, is amended
1159 to read:

1160 320.0802 Surcharge on license tax.—There is hereby levied

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1161 and imposed on each license tax imposed under s. 320.08, except
1162 those set forth in s. 320.08(11), a surcharge in the amount of
1163 \$1, which shall be collected in the same manner as the license
1164 tax and deposited into the State Agency Law Enforcement Radio
1165 System Trust Fund of the Department of State Technology
1166 ~~Management Services~~.

1167 Section 25. Subsection (9) of section 328.72, Florida
1168 Statutes, is amended to read:

1169 328.72 Classification; registration; fees and charges;
1170 surcharge; disposition of fees; fines; marine turtle stickers.-

1171 (9) SURCHARGE.-In addition, there is hereby levied and
1172 imposed on each vessel registration fee imposed under subsection
1173 (1) a surcharge in the amount of \$1 for each 12-month period of
1174 registration, which shall be collected in the same manner as the
1175 fee and deposited into the State Agency Law Enforcement Radio
1176 System Trust Fund of the Department of State Technology
1177 ~~Management Services~~.

1178 Section 26. Subsections (2) through (5) of section
1179 364.0135, Florida Statutes, are amended to read:

1180 364.0135 Promotion of broadband adoption.-

1181 (2) The Department of State Technology may ~~Management~~
1182 ~~Services is authorized to~~ work collaboratively with, and to
1183 receive staffing support and other resources from, Enterprise
1184 Florida, Inc., state agencies, local governments, private
1185 businesses, and community organizations to:

1186 (a) Monitor the adoption of broadband Internet service in
1187 collaboration with communications service providers, including,
1188 but not limited to, wireless and wireline Internet service
1189 providers, to develop geographical information system maps at

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1190 the census tract level that ~~will~~:

1191 1. Identify geographic gaps in broadband services,
1192 including areas unserved by any broadband provider and areas
1193 served by a single broadband provider;

1194 2. Identify the download and upload transmission speeds
1195 made available to businesses and individuals in the state, at
1196 the census tract level of detail, using data rate benchmarks for
1197 broadband service used by the Federal Communications Commission
1198 to reflect different speed tiers; and

1199 3. Provide a baseline assessment of statewide broadband
1200 deployment in terms of percentage of households with broadband
1201 availability.

1202 (b) Create a strategic plan that has goals and strategies
1203 for increasing the use of broadband Internet service in the
1204 state.

1205 (c) Build and facilitate local technology planning teams or
1206 partnerships with members representing cross-sections of the
1207 community, which may include, but are not limited to,
1208 representatives from the following organizations and industries:
1209 libraries, K-12 education, colleges and universities, local
1210 health care providers, private businesses, community
1211 organizations, economic development organizations, local
1212 governments, tourism, parks and recreation, and agriculture.

1213 (d) Encourage the use of broadband Internet service,
1214 especially in the rural, unserved, and underserved communities
1215 of the state through grant programs having effective strategies
1216 to facilitate the statewide deployment of broadband Internet
1217 service. For any grants to be awarded, priority must be given to
1218 projects that:

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1219 1. Provide access to broadband education, awareness,
 1220 training, access, equipment, and support to libraries, schools,
 1221 colleges and universities, health care providers, and community
 1222 support organizations.

1223 2. Encourage the sustainable adoption of broadband in
 1224 primarily unserved areas by removing barriers to entry.

1225 3. Work toward encouraging investments in establishing
 1226 affordable and sustainable broadband Internet service in
 1227 unserved areas of the state.

1228 4. Facilitate the development of applications, programs,
 1229 and services, including, but not limited to, telework,
 1230 telemedicine, and e-learning to increase the usage of, and
 1231 demand for, broadband Internet service in the state.

1232 (3) The Department of State Technology may:

1233 (a) Apply for and accept federal funds for the purposes of
 1234 this section, as well as gifts and donations from individuals,
 1235 foundations, and private organizations.

1236 ~~(4) The Department may~~

1237 (b) Enter into contracts necessary or useful to carry out
 1238 the purposes of this section.

1239 (c) ~~(5) The department may~~ Establish any committee or
 1240 workgroup to administer and carry out the purposes of this
 1241 section.

1242 Section 27. Subsections (3), (4), (5), (7), (9), and (10)
 1243 of section 365.171, Florida Statutes, are amended to read:

1244 365.171 Emergency communications number E911 state plan.—

1245 (3) DEFINITIONS.—As used in this section, the term:

1246 (a) "Department" means the Department of State Technology
 1247 ~~"Office" means the Technology Program within the Department of~~

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1248 ~~Management Services, as designated by the secretary of the~~
1249 ~~department.~~

1250 (b) "Local government" means any municipality ~~city~~, county,
1251 or political subdivision of the state and its agencies.

1252 (c) "Public agency" means the state and any municipality
1253 ~~city~~, county, ~~city and county~~, ~~municipal corporation~~, chartered
1254 organization, special ~~public~~ district, or public authority
1255 located in whole or in part within this state which provides, or
1256 has authority to provide, firefighting, law enforcement,
1257 ambulance, medical, or other emergency services.

1258 (d) "Public safety agency" means a functional division of a
1259 public agency which provides firefighting, law enforcement,
1260 medical, or other emergency services.

1261 (4) STATE PLAN.—The department ~~office~~ shall develop,
1262 maintain, and implement appropriate modifications for a
1263 statewide emergency communications E911 system plan. The plan
1264 shall provide for:

1265 (a) The public agency emergency communications requirements
1266 for each entity of local government in the state.

1267 (b) A system to meet specific local government
1268 requirements. Such system must ~~shall~~ include law enforcement,
1269 firefighting, and emergency medical services and may include
1270 other emergency services such as poison control, suicide
1271 prevention, and emergency management services.

1272 (c) Identification of the mutual aid agreements necessary
1273 to obtain an effective E911 system.

1274 (d) A funding provision that identifies the cost necessary
1275 to implement the E911 system.

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1277 The department ~~is office shall be~~ responsible for the
1278 implementation and coordination of such plan. The department
1279 ~~office~~ shall adopt any necessary rules and schedules related to
1280 public agencies for implementing and coordinating the plan,
1281 pursuant to chapter 120.

1282 (5) SYSTEM DIRECTOR.—The secretary of the department or his
1283 or her designee is designated as the director of the statewide
1284 emergency communications number E911 system and, for the purpose
1285 of carrying out the provisions of this section, may ~~is~~
1286 ~~authorized to~~ coordinate the activities of the system with
1287 state, county, local, and private agencies. The director in
1288 implementing the system shall consult, cooperate, and coordinate
1289 with local law enforcement agencies.

1290 (7) TELECOMMUNICATIONS INDUSTRY COORDINATION.—The
1291 department ~~office~~ shall coordinate with the Florida Public
1292 Service Commission which shall encourage the Florida
1293 telecommunications industry to activate facility modification
1294 plans for timely E911 implementation.

1295 (9) SYSTEM APPROVAL.—An ~~No~~ emergency communications number
1296 E911 system may not ~~shall~~ be established or ~~and no~~ present
1297 system ~~shall~~ be expanded without the prior approval of the
1298 department ~~office~~.

1299 (10) COMPLIANCE.—All public agencies shall assist the
1300 department ~~office~~ in their efforts to carry out the intent of
1301 this section, and such agencies shall comply with the developed
1302 plan.

1303 Section 28. Present paragraphs (h) through (s) of
1304 subsection (3) of section 365.172, Florida Statutes, are
1305 redesignated as paragraphs (i) through (t), respectively, a new

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1306 paragraph (h) is added to that subsection, and paragraph (d) of
1307 subsection (2), present paragraph (t) of subsection (3),
1308 subsection (4), paragraph (a) of subsection (5), paragraph (c)
1309 of subsection (6), and paragraph (f) of subsection (12) of that
1310 section, are amended to read:

1311 365.172 Emergency communications number "E911."—

1312 (2) LEGISLATIVE INTENT.—It is the intent of the Legislature
1313 to:

1314 (d) Provide for an E911 board to administer the fee, with
1315 oversight by the department office, in a manner that is
1316 competitively and technologically neutral with respect ~~as~~ to all
1317 voice communications services providers.

1318

1319 It is further the intent of the Legislature that the fee
1320 authorized or imposed by this section not necessarily provide
1321 the total funding required for establishing or providing E911
1322 service.

1323 (3) DEFINITIONS.—Only as used in this section and ss.

1324 365.171, 365.173, and 365.174, the term:

1325 (h) "Department" means the Department of State Technology.

1326 ~~(t) "Office" means the Technology Program within the~~
1327 ~~Department of Management Services, as designated by the~~
1328 ~~secretary of the department.~~

1329 (4) POWERS AND DUTIES OF THE DEPARTMENT OFFICE.—The
1330 department office shall oversee the administration of the fee
1331 authorized and imposed on subscribers of voice communications
1332 services under subsection (8).

1333 (5) THE E911 BOARD.—

1334 (a) The E911 Board is established to administer, with

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1335 oversight by the department ~~office~~, the fee imposed under
1336 subsection (8), including ~~receiving~~ revenues derived from the
1337 fee; distributing portions of the revenues to wireless
1338 providers, counties, and the department ~~office~~; accounting for
1339 receipts, distributions, and income derived from ~~by~~ the funds
1340 maintained in the fund; and providing annual reports to the
1341 Governor and the Legislature for submission by the department
1342 ~~office~~ on amounts collected and expended, the purposes for which
1343 expenditures have been made, and the status of E911 service in
1344 this state. In order to advise and assist the department ~~office~~
1345 in administering ~~implementing the purposes of~~ this section, the
1346 board, which has the power of a body corporate, has the powers
1347 enumerated in subsection (6).

1348 (6) AUTHORITY OF THE BOARD; ANNUAL REPORT.—

1349 (c) By February 28 of each year, the board shall prepare a
1350 report for submission by the department ~~office~~ to the Governor,
1351 Cabinet, the President of the Senate, and the Speaker of the
1352 House of Representatives which addresses for the immediately
1353 preceding calendar year:

1354 1. The annual receipts, including the total amount of fee
1355 revenues collected by each provider, the total disbursements of
1356 money in the fund, including the amount of fund-reimbursed
1357 expenses incurred by each wireless provider to comply with the
1358 order, and the amount of moneys on deposit in the fund.

1359 2. Whether the amount of the fee and the allocation
1360 percentages set forth in s. 365.173 have been or should be
1361 adjusted to comply with the ~~requirements of the~~ order or other
1362 provisions of this chapter, and the reasons for making or not
1363 making a recommended adjustment to the fee.

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1364 3. Any other issues related to providing E911 services.

1365 4. The status of E911 services in this state.

1366 (12) FACILITATING E911 SERVICE IMPLEMENTATION.—To balance
1367 the public need for reliable E911 services through reliable
1368 wireless systems and the public interest served by governmental
1369 zoning and land development regulations and notwithstanding any
1370 other law or local ordinance to the contrary, the following
1371 standards ~~shall~~ apply to a local government's actions, as a
1372 regulatory body, in the regulation of the placement,
1373 construction, or modification of a wireless communications
1374 facility. This subsection does ~~shall~~ not, ~~however,~~ be construed
1375 ~~to~~ waive or alter the provisions of s. 286.011 or s. 286.0115.
1376 For the purposes of this subsection only, the term "local
1377 government" means only ~~shall mean~~ any municipality or county and
1378 any agency of a municipality or county ~~only~~. The term "local
1379 government" does not, ~~however,~~ include any airport, as defined
1380 by s. 330.27(2), even if it is owned or controlled by or through
1381 a municipality, county, or agency of a municipality or county.
1382 Further, notwithstanding any other provision of ~~anything in~~ this
1383 section ~~to the contrary,~~ this subsection does not apply to or
1384 control a local government's actions ~~as a property or structure~~
1385 ~~owner~~ in the use of any property or structure owned by such
1386 entity for the placement, construction, or modification of
1387 wireless communications facilities. In the use of property or
1388 structures owned by the local government, however, a local
1389 government may not use its regulatory authority so as to avoid
1390 compliance with, or in a manner that does not advance, the
1391 provisions of this subsection.

1392 (f) Any other law to the contrary notwithstanding, the

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1393 department and the Department of Management Services shall
1394 negotiate, in the name of the state, leases for wireless
1395 communications facilities that provide access to state
1396 government-owned property not acquired for transportation
1397 purposes, and the Department of Transportation shall negotiate,
1398 in the name of the state, leases for wireless communications
1399 facilities that provide access to property acquired for state
1400 rights-of-way. On property acquired for transportation purposes,
1401 leases shall be granted in accordance with s. 337.251. On other
1402 state government-owned property, leases shall be granted on a
1403 space available, first-come, first-served basis. Payments
1404 required by state government under a lease must be reasonable
1405 and ~~must~~ reflect the market rate for the use of the state
1406 government-owned property. The department ~~of Management Services~~
1407 and the Department of Transportation may ~~are authorized to~~ adopt
1408 rules for the terms and conditions and granting of any such
1409 leases.

1410 Section 29. Subsection (1) and paragraph (g) of subsection
1411 (2) of section 365.173, Florida Statutes, are amended to read:

1412 365.173 Emergency Communications Number E911 System Fund.—

1413 (1) All revenues derived from the fee levied on subscribers
1414 under s. 365.172 must be paid by the board into the State
1415 Treasury on or before the 15th day of each month. Such moneys
1416 must be accounted for in a special fund to be designated as the
1417 Emergency Communications Number E911 System Fund, a fund created
1418 in the Department of State Technology Program, ~~or other office~~
1419 ~~as designated by the Secretary of Management Services~~, and, for
1420 accounting purposes, ~~must be~~ segregated into two separate
1421 categories:

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1422 (a) The wireless category; and

1423 (b) The nonwireless category.

1424

1425 All moneys must be invested by the Chief Financial Officer
1426 pursuant to s. 17.61. All moneys in such fund shall ~~are to~~ be
1427 expended by the department ~~office~~ for the purposes provided in
1428 this section and s. 365.172. These funds are not subject to s.
1429 215.20.

1430 (2) As determined by the board pursuant to s.
1431 365.172(8)(h), and subject to any modifications approved by the
1432 board pursuant to s. 365.172(6)(a)3. or (8)(i), the moneys in
1433 the fund shall be distributed and used only as follows:

1434 (g) Two percent of the moneys in the fund shall be used to
1435 make monthly distributions to rural counties for the purpose of
1436 providing facilities and network and service enhancements and
1437 assistance for the 911 or E911 systems operated by rural
1438 counties and for the provision of grants by the department
1439 ~~office~~ to rural counties for upgrading and replacing E911
1440 systems.

1441

1442 The Legislature recognizes that the fee authorized under s.
1443 365.172 may not necessarily provide the total funding required
1444 for establishing or providing the E911 service. It is the intent
1445 of the Legislature that all revenue from the fee be used as
1446 specified in this subsection.

1447 Section 30. Subsection (1) of section 365.174, Florida
1448 Statutes, is amended to read:

1449 365.174 Proprietary confidential business information.—

1450 (1) All proprietary confidential business information

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1451 submitted by a provider to the board or the Department of State
1452 Technology office, including the name and billing or service
1453 addresses of service subscribers, and trade secrets as defined
1454 by s. 812.081, is confidential and exempt from s. 119.07(1) and
1455 s. 24(a), Art. I of the State Constitution. Statistical
1456 abstracts of information collected by the board or the
1457 department office may be released or published, but only in a
1458 manner that does not identify or allow identification of
1459 subscribers or their service numbers or of revenues attributable
1460 to any provider.

1461 Section 31. Section 401.013, Florida Statutes, is amended
1462 to read:

1463 401.013 Legislative intent.—It is the intention and purpose
1464 of the Legislature that a statewide system of regional emergency
1465 medical telecommunications be developed whereby the maximum use
1466 of existing radio channels is achieved in order to more
1467 effectively and rapidly provide emergency medical service to the
1468 general population. To this end, all emergency medical service
1469 entities within the state are directed to provide the Department
1470 of State Technology Management Services with any information the
1471 department requests for the purpose of implementing ~~the~~
1472 ~~provisions of~~ s. 401.015, and such entities must ~~shall~~ comply
1473 with the resultant provisions established pursuant to this part.

1474 Section 32. Section 401.015, Florida Statutes, is amended
1475 to read:

1476 401.015 Statewide regional emergency medical
1477 telecommunication system.—The Department of State Technology
1478 shall ~~Management Services is authorized and directed to develop~~
1479 a statewide system of regional emergency medical

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1480 telecommunications. For the purpose of this part, the term
1481 "telecommunications" means ~~these~~ voice, data, and signaling
1482 transmissions and receptions between emergency medical service
1483 components, including, but not limited to: ambulances; rescue
1484 vehicles; hospitals or other related emergency receiving
1485 facilities; emergency communications centers; physicians and
1486 emergency medical personnel; paging facilities; law enforcement
1487 and fire protection agencies; and poison control, suicide, and
1488 emergency management agencies. In formulating such a system, the
1489 agency department shall divide the state into appropriate
1490 regions and ~~shall~~ develop a program that ~~which~~ includes, but is
1491 not limited to, the following provisions:

1492 (1) A requirements provision that states, ~~which shall state~~
1493 the telecommunications requirements for each emergency medical
1494 entity comprising the region.

1495 (2) An interfacility communications provision that depicts,
1496 ~~which shall depict~~ the telecommunications interfaces between the
1497 various medical service entities which operate within the region
1498 and state.

1499 (3) An organizational layout provision that includes, ~~which~~
1500 ~~shall include~~ each emergency medical entity and the number of
1501 radio operating units (base, mobile, handheld, etc.) per entity.

1502 (4) A frequency allocation and use provision that includes,
1503 ~~which shall include~~ on an entity basis each assigned and planned
1504 radio channel and the type of operation (simplex, duplex, half
1505 duplex, etc.) on each channel.

1506 (5) An operational provision that includes, ~~which shall~~
1507 ~~include~~ dispatching, logging, and operating procedures
1508 pertaining to telecommunications on an entity basis and regional

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1509 basis.

1510 (6) An emergency medical service telephone provision that
1511 includes, ~~which shall include~~ the telephone and the numbering
1512 plan throughout the region for both the public and interface
1513 requirements.

1514 Section 33. Section 401.018, Florida Statutes, is amended
1515 to read:

1516 401.018 System coordination.—

1517 (1) The statewide system of regional emergency medical
1518 telecommunications shall be developed by the Department of State
1519 Technology Management Services, which ~~department~~ shall be
1520 responsible for the implementation and coordination of such
1521 system into the state telecommunications plan. The department
1522 shall adopt any necessary rules ~~and regulations~~ for
1523 administering ~~implementing~~ and coordinating such a system.

1524 (2) The Department of State Technology Management Services
1525 shall be designated as the state frequency coordinator for the
1526 special emergency radio service.

1527 Section 34. Section 401.021, Florida Statutes, is amended
1528 to read:

1529 401.021 System director.—The Secretary of the Department of
1530 State Technology Management Services or his or her designee is
1531 designated as the director of the statewide telecommunications
1532 system of the regional emergency medical service and, for the
1533 purpose of carrying out the provisions of this part, may ~~is~~
1534 ~~authorized to~~ coordinate the activities of the
1535 telecommunications system with other interested state, county,
1536 local, and private agencies.

1537 Section 35. Section 401.024, Florida Statutes, is amended

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1538 to read:

1539 401.024 System approval.—An ~~From July 1, 1973, no~~ emergency
1540 medical telecommunications system may not shall be established
1541 or present systems expanded without prior approval of the
1542 Department of State Technology Management Services.

1543 Section 36. Section 401.027, Florida Statutes, is amended
1544 to read:

1545 401.027 Federal assistance.—The Secretary of the Department
1546 of State Technology Management Services or his or her designee
1547 may is authorized to apply for and accept federal funding
1548 assistance in the development and implementation of a statewide
1549 emergency medical telecommunications system.

1550 Section 37. Subsection (4) of section 445.011, Florida
1551 Statutes, is amended to read:

1552 445.011 Workforce information systems.—

1553 (4) Workforce Florida, Inc., shall coordinate development
1554 and implementation of workforce information systems with the
1555 Secretary executive director of the Department of State Agency
1556 for Enterprise Information Technology to ensure compatibility
1557 with the state's information system strategy and enterprise
1558 architecture.

1559 Section 38. Subsection (2) and paragraphs (a) and (b) of
1560 subsection (4) of section 445.045, Florida Statutes, are amended
1561 to read:

1562 445.045 Development of an Internet-based system for
1563 information technology industry promotion and workforce
1564 recruitment.—

1565 (2) Workforce Florida, Inc., shall coordinate with the
1566 Department of State Agency for Enterprise Information Technology

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1567 and the Department of Economic Opportunity to ensure that links,
1568 where feasible and appropriate, to existing job information
1569 websites maintained by the state and state agencies and ~~to~~
1570 ~~ensure~~ that information technology positions offered by the
1571 state and state agencies are posted on the information
1572 technology website.

1573 (4) (a) Workforce Florida, Inc., shall coordinate
1574 development and maintenance of the website under this section
1575 with the Secretary ~~executive director~~ of the Department of State
1576 ~~Agency for Enterprise Information~~ Technology to ensure
1577 compatibility with the state's information system strategy and
1578 enterprise architecture.

1579 (b) Workforce Florida, Inc., may enter into an agreement
1580 with the Department of State ~~Agency for Enterprise Information~~
1581 ~~Technology~~, the Department of Economic Opportunity, or any other
1582 public agency with the requisite information technology
1583 expertise for the provision of design, operating, or other
1584 technological services necessary to develop and maintain the
1585 website.

1586 Section 39. Paragraph (b) of subsection (18) of section
1587 668.50, Florida Statutes, is amended to read:

1588 668.50 Uniform Electronic Transaction Act.—

1589 (18) ACCEPTANCE AND DISTRIBUTION OF ELECTRONIC RECORDS BY
1590 GOVERNMENTAL AGENCIES.—

1591 (b) To the extent that a governmental agency uses
1592 electronic records and electronic signatures under paragraph
1593 (a), the Department of State ~~Agency for Enterprise Information~~
1594 ~~Technology~~, in consultation with the governmental agency, giving
1595 due consideration to security, may specify:

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1596 1. The manner and format in which the electronic records
1597 must be created, generated, sent, communicated, received, and
1598 stored and the systems established for those purposes.

1599 2. If electronic records must be signed by electronic
1600 means, the type of electronic signature required, the manner and
1601 format in which the electronic signature must be affixed to the
1602 electronic record, and the identity of, or criteria that must be
1603 met by, any third party used by a person filing a document to
1604 facilitate the process.

1605 3. Control processes and procedures as appropriate to
1606 ensure adequate preservation, disposition, integrity, security,
1607 confidentiality, and auditability of electronic records.

1608 4. Any other required attributes for electronic records
1609 which are specified for corresponding nonelectronic records or
1610 reasonably necessary under the circumstances.

1611 Section 40. Transfer from the Executive Office of the
1612 Governor.—All of the powers, duties, functions, records,
1613 personnel, and property; funds, trust funds, and unexpended
1614 balances of appropriations, allocations, and other funds;
1615 administrative authority; administrative rules; pending issues;
1616 and existing contracts of the Agency for Enterprise Information
1617 Technology within the Executive Office of the Governor shall
1618 continue and to the extent necessary are transferred by a type
1619 one transfer, pursuant to s. 20.06(1), Florida Statutes, to the
1620 Department of State Technology under s. 20.61, Florida Statutes.

1621 Section 41. Transfer from the Department of Management
1622 Services.—

1623 (1) The Technology Program established under s. 20.22(2),
1624 Florida Statutes, is transferred intact by a type one transfer,

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1625 as defined in s. 20.06(1), Florida Statutes, from the Department
1626 of Management Services to the Department of State Technology.

1627 (2) All of the powers, duties, functions, records,
1628 personnel, and property; funds, trust funds, and unexpended
1629 balances of appropriations, allocations, and other funds;
1630 administrative authority; administrative rules; pending issues;
1631 and existing contracts relating to the following
1632 responsibilities of the Department of Management Services are
1633 transferred by a type one transfer, as defined in s.20.06(1), to
1634 the Department of State Technology:

1635 (a) Administrative and regulatory responsibilities under
1636 part II of chapter 282, Florida Statutes, consisting of ss.
1637 282.601-282.606, Florida Statutes, relating to accessibility of
1638 electronic information and information technology for state
1639 employees and members of the public with disabilities, including
1640 the responsibility for rules for the development, procurement,
1641 maintenance, and use of accessible electronic information
1642 technology by governmental units pursuant to s. 282.604, Florida
1643 Statutes.

1644 (b) Administrative and regulatory responsibilities under
1645 part III of chapter 282, Florida Statutes, consisting of ss.
1646 282.701-282.711, Florida Statutes, relating to the state
1647 telecommunications network, state communications,
1648 telecommunications services with state agencies and political
1649 subdivisions of the state, the SUNCOM network, the law
1650 enforcement radio system and interoperability network, regional
1651 law enforcement communications, and remote electronic access.

1652 (c) Administrative and regulatory responsibilities under s.
1653 364.0135, Florida Statutes, relating to broadband Internet

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1654 service.

1655 (d) Administrative and regulatory responsibilities under
1656 ss. 365.171-365.175, Florida Statutes, relating to emergency
1657 communications number E911.

1658 (e) Administrative and regulatory responsibilities under
1659 part I of chapter 401, Florida Statutes, consisting of ss.
1660 401.013-401.027, Florida Statutes, relating to a statewide
1661 system of regional emergency medical telecommunications.

1662 (3) (a) The following trust funds are transferred by a type
1663 one transfer, as defined in s. 20.06(1), Florida Statutes, from
1664 the Department of Management Services to the Department of State
1665 Technology:

1666 1. The Communications Working Capital Trust Fund.

1667 2. The Emergency Communications Number E911 System Fund.

1668 3. The State Agency Law Enforcement Radio System Trust
1669 Fund.

1670 4. Federal Grants Trust Fund.

1671 (b) All unexpended balances of appropriations, allocations,
1672 and other funds of the Department of Management Services
1673 relating to ss. 282.701-282.711, s. 364.0135, ss. 365.171-
1674 365.175, and part I of chapter 401, Florida Statutes, which are
1675 not specifically transferred by this subsection are transferred
1676 by a type one transfer, as defined in s. 20.06(1), Florida
1677 Statutes, to the Department of State Technology.

1678 (4) All lawful orders issued by the Department of
1679 Management Services implementing or enforcing or otherwise in
1680 regard to ss. 282.701-282.711, s. 364.0135, ss. 365.171-365.175,
1681 or part I of chapter 401, Florida Statutes, issued before July
1682 1, 2013, shall remain in effect and be enforceable after that

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1683 date unless thereafter modified in accordance with law.

1684 (5) Any binding contract or interagency agreement entered
1685 into pursuant to ss. 282.701-282.711, s. 364.0135, ss. 365.171-
1686 365.175, or part I of chapter 401, Florida Statutes, and
1687 existing before July 1, 2013, between the Department of
1688 Management Services or an entity or agent of the department and
1689 any other agency, entity, or person shall continue as a binding
1690 contract or agreement for the remainder of the term of such
1691 contract or agreement on the Department of State Technology.

1692 (6) The rules of the Department of Management Services
1693 relating to ss. 282.701-282.711, s. 364.0135, ss. 365.171-
1694 365.175, or part I of chapter 401, Florida Statutes, that were
1695 in effect at 11:59 p.m. on June 30, 2013, shall become the rules
1696 of the Department of State Technology and remain in effect until
1697 amended or repealed in the manner provided by law.

1698 (7) The transfer of regulatory authority under ss. 282.701-
1699 282.711, s. 364.0135, ss. 365.171-365.175, or part I of chapter
1700 401, Florida Statutes, provided by this section does not affect
1701 the validity of any judicial or administrative action pending as
1702 of 11:59 p.m. on June 30, 2013, to which the Department of
1703 Management Services is at that time a party, and the Department
1704 of State Technology shall be substituted as a party in interest
1705 in any such action.

1706 (8) The Northwood Shared Resource Center is transferred by
1707 a type one transfer, as defined in s. 20.06(1), Florida
1708 Statutes, from the Department of Management Services to the
1709 Department of State Technology.

1710 (a) Any binding contract or interagency agreement entered
1711 into between the Northwood Shared Resource Center or an entity

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1712 or agent of the center and any other agency, entity, or person
1713 shall continue as a binding contract or agreement for the
1714 remainder of the term of such contract or agreement on the
1715 Department of State Technology.

1716 (b) The rules of the Northwood Shared Resource Center that
1717 were in effect at 11:59 p.m. on June 30, 2013, shall become the
1718 rules of the Department of State Technology and shall remain in
1719 effect until amended or repealed in the manner provided by law.

1720 (9) The Southwood Shared Resource Center is transferred by
1721 a type one transfer, as defined in s. 20.06(1), Florida
1722 Statutes, from the Department of Management Services to the
1723 Department of State Technology.

1724 (a) Any binding contract or interagency agreement entered
1725 into between the Southwood Shared Resource Center or an entity
1726 or agent of the center and any other agency, entity, or person
1727 shall continue as a binding contract or agreement for the
1728 remainder of the term of such contract or agreement on the
1729 Department of State Technology.

1730 (b) The rules of the Southwood Shared Resource Center that
1731 were in effect at 11:59 p.m. on June 30, 2013, shall become the
1732 rules of the Department of State Technology and shall remain in
1733 effect until amended or repealed in the manner provided by law.

1734 Section 42. For the 2013-2014 fiscal year, the sum of
1735 \$2,865,108 in recurring general revenue funds, \$2,134,892 in
1736 nonrecurring general revenue funds, and 24 full-time equivalent
1737 positions and associated salary rate of 2,010,951 are
1738 appropriated to the Department of State Technology for the
1739 purpose of implementing this act.

1740 Section 43. Except as otherwise expressly provided in this

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1741 act and except for this section, which shall take effect upon
1742 become law, this act shall take effect July 1, 2013.