

By Senator Ring

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1
2 A bill to be entitled
3 An act relating to state technology; abolishing the
4 Agency for Enterprise Information Technology;
5 transferring the personnel, functions, and funds of
6 the agency to the Agency for State Technology;
7 transferring specified personnel, functions, funds,
8 trust funds, administrative orders, contracts, and
9 rules relating to technology programs from the
10 Department of Management Services to the Agency for
11 State Technology; transferring the Northwood Shared
12 Resource Center and the Southwood Shared Resource
13 Center to the agency; repealing s. 14.204, F.S.,
14 relating to the Agency for Enterprise Information
15 Technology; creating s. 14.206, F.S.; creating the
16 Agency for State Technology; providing for
17 organization of the agency; providing for an executive
18 director who shall be the state's Chief Information
19 Officer; providing duties and responsibilities of the
20 executive director; specifying the officers and
21 divisions of the agency; prohibiting the agency from
22 using certain trust funds for certain purposes;
23 authorizing the agency to adopt rules; reordering and
24 amending s. 282.0041, F.S.; revising and providing
25 definitions for terms used in the Enterprise
26 Information Technology Services Management Act;
27 amending s. 282.0055, F.S.; revising provisions for
28 assignment of enterprise information technology
29 services; directing the agency to establish a process

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30 for enterprise information technology services;
31 requiring the agency and state agencies to create
32 operational plans for service consolidation and
33 specifying the components of such plans; requiring the
34 agency to develop a comprehensive transition plan for
35 consolidation and submit such plan to the Governor,
36 the Cabinet, and the Legislature by a certain date;
37 specifying the components of the plan; providing
38 duties for state agencies relating to the transition
39 plan; prohibiting state agencies from engaging in
40 certain technology-related activities; providing
41 exceptions; amending s. 282.0056, F.S.; requiring the
42 agency executive director to develop a biennial state
43 Information Technology Strategic Plan for approval by
44 the Governor and the Cabinet; specifying the elements
45 of the plan; requiring state agencies to submit their
46 own biennial information technology plans and any
47 requested information to the agency; revising
48 provisions relating to the development of work plans
49 and implementation plans; revising provisions for
50 reporting on the work plan; amending s. 282.201, F.S.;
51 revising provisions relating to the state data center
52 system; providing legislative intent; proving agency
53 duties, including directing the agency to provide
54 recommendations to the Governor and Legislature
55 relating to changes to the schedule for the
56 consolidations of data centers; providing state agency
57 duties for consolidating a data center into a shared
58 resource center; suspending the consolidations

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59 scheduled for state agency data centers for a
60 specified period; amending s. 282.203, F.S.; revising
61 duties of shared resource centers; removing provisions
62 establishing boards of trustees to head centers;
63 requiring a memorandum of understanding between the
64 shared resource center and the participating state
65 agency; limiting the term of the memorandum; providing
66 for failure to enter into a memorandum; repealing s.
67 282.204, F.S., relating to Northwood Shared Resource
68 Center; repealing s. 282.205, F.S., relating to
69 Southwood Shared Resource Center; creating s. 282.206,
70 F.S.; establishing the Fletcher Shared Resource Center
71 within the Department of Financial Services to provide
72 enterprise information technology services; directing
73 the center to collaborate with the agency; directing
74 the center to provide colocation services to the
75 Department of Legal Affairs, the Department of
76 Agriculture and Consumer Services, and the Department
77 of Financial Services; directing the Department of
78 Financial Services to continue to use the center and
79 provide service to the Office of Financial Regulation
80 and the Office of Insurance Regulation and host the
81 Legislative Appropriations System/Planning and
82 Budgeting Subsystem; providing for governance of the
83 center; providing for a steering committee to ensure
84 adequacy and appropriateness of services; directing
85 the Department of Legal Affairs and the Department of
86 Agriculture and Consumer Services to move data center
87 equipment to the center by certain dates; amending s.

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88 282.318, F.S.; providing that certain departments are
89 exempted from the executive-level state agencies for
90 whom the agency establishes rules and guidelines
91 relating to security; repealing s. 282.33, F.S.,
92 relating to objective standards for data center energy
93 efficiency; repealing s. 282.34, F.S., relating to
94 enterprise email service; amending ss. 282.702, 20.22,
95 110.205, 215.22, 215.322, 216.292, 282.604, 282.703,
96 282.704, 282.705, 282.706, 282.707, 282.709, 282.7101,
97 282.711, 287.012, 287.057, 318.18, 320.0802, 328.72,
98 364.0135, 365.171, 365.172, 365.173, 365.174, 401.013,
99 401.015, 401.018, 401.021, 401.024, 401.027, 401.465,
100 445.011, 445.045, and 668.50, F.S.; conforming
101 provisions and cross-references to changes made by the
102 act; revising and deleting obsolete provisions;
103 providing an effective date.

104
105 Be It Enacted by the Legislature of the State of Florida:

106
107 Section 1. (1) The Agency for Enterprise Information
108 Technology is abolished.

109 (2) All of the powers, duties, functions, records,
110 personnel, and property; funds, trust funds, and unexpended
111 balances of appropriations, allocations, and other funds;
112 administrative authority; administrative rules; pending issues;
113 and existing contracts of the Agency for Enterprise Information
114 Technology are transferred by a type one transfer, pursuant to
115 s. 20.06(1), Florida Statutes, to the Agency for State
116 Technology.

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117 Section 2. Transfers from the Department of Management
118 Services.—

119 (1) The Technology Program established under s. 20.22(2),
120 Florida Statutes, is transferred intact by a type one transfer,
121 as defined in s. 20.06(1), Florida Statutes, from the Department
122 of Management Services to the Agency for State Technology.

123 (2) All of the powers, duties, functions, records,
124 personnel, and property; funds, trust funds, and unexpended
125 balances of appropriations, allocations, and other funds;
126 administrative authority; administrative rules; pending issues;
127 and existing contracts relating to the following
128 responsibilities of the Department of Management Services are
129 transferred by a type one transfer, as defined in s.20.06(1),
130 Florida Statutes, to the Agency for State Technology:

131 (a) Administrative and regulatory responsibilities under
132 part II of chapter 282, Florida Statutes, consisting of sections
133 282.601-282.606, Florida Statutes, relating to accessibility of
134 electronic information and information technology for state
135 employees and members of the public with disabilities, including
136 the responsibility for rules for the development, procurement,
137 maintenance, and use of accessible electronic information
138 technology by governmental units pursuant to s. 282.604, Florida
139 Statutes.

140 (b) Administrative and regulatory responsibilities under
141 part III of chapter 282, Florida Statutes, consisting of ss.
142 282.701-282.711, relating to the state telecommunications
143 network, state communications, telecommunications services with
144 state agencies and political subdivisions of the state, the
145 SUNCOM network, the law enforcement radio system and

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146 interoperability network, regional law enforcement
147 communications, and remote electronic access.

148 (c) Administrative and regulatory responsibilities under s.
149 364.0135, Florida Statutes, relating to broadband Internet
150 service.

151 (d) Administrative and regulatory responsibilities under
152 ss. 365.171-365.175, Florida Statutes, relating to emergency
153 communications number E911.

154 (e) Administrative and regulatory responsibilities under
155 part I of chapter 401, Florida Statutes, consisting of ss.
156 401.013-401.027, relating to a statewide system of regional
157 emergency medical telecommunications.

158 (3) (a) The following trust funds are transferred by a type
159 one transfer, as defined in s. 20.06(1), Florida Statutes, from
160 the Department of Management Services to the Agency for State
161 Technology:

- 162 1. The Communications Working Capital Trust Fund.
- 163 2. The Emergency Communications Number E911 System Fund.
- 164 3. The State Agency Law Enforcement Radio System Trust
165 Fund.

166 (b) All unexpended balances of appropriations, allocations,
167 and other funds of the Department of Management Services
168 relating to ss. 282.701-282.711, s. 364.0135, ss. 365.171-
169 365.175, and part I of chapter 401, Florida Statutes, which are
170 not specifically transferred by this subsection are transferred
171 by a type one transfer, as defined in s. 20.06(1), Florida
172 Statutes, to the Agency for State Technology.

173 (4) All lawful orders issued by the Department of
174 Management Services implementing or enforcing or otherwise in

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175 regard to ss. 282.701-282.711, s. 364.0135, ss. 365.171-365.175,
176 or part I of chapter 401, Florida Statutes, issued before July
177 1, 2013, shall remain in effect and be enforceable after that
178 date unless thereafter modified in accordance with law.

179 (5) Any binding contract or interagency agreement entered
180 into pursuant to ss. 282.701-282.711, s. 364.0135, ss. 365.171-
181 365.175, or part I of chapter 401, Florida Statutes, and
182 existing before July 1, 2013, between the Department of
183 Management Services or an entity or agent of the department and
184 any other agency, entity, or person shall continue as a binding
185 contract or agreement for the remainder of the term of such
186 contract or agreement on the Agency for State Technology.

187 (6) The rules of the Department of Management Services
188 relating to ss. 282.701-282.711, s. 364.0135, ss. 365.171-
189 365.175, or part I of chapter 401, Florida Statutes, that were
190 in effect at 11:59 p.m. on June 30, 2013, shall become the rules
191 of the Agency for State Technology and remain in effect until
192 amended or repealed in the manner provided by law.

193 (7) The transfer of regulatory authority under ss. 282.701-
194 282.711, s. 364.0135, ss. 365.171-365.175, or part I of chapter
195 401, Florida Statutes, provided by this section shall not affect
196 the validity of any judicial or administrative action pending as
197 of 11:59 p.m. on June 30, 2013, to which the Department of
198 Management Services is at that time a party, and the Agency for
199 State Technology shall be substituted as a party in interest in
200 any such action.

201 (8) The Northwood Shared Resource Center is transferred by
202 a type one transfer, as defined in s. 20.06(1), Florida
203 Statutes, from the Department of Management Services to the

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204 Agency for State Technology.

205 (a) Any binding contract or interagency agreement entered
206 into between the Northwood Shared Resource Center or an entity
207 or agent of the center and any other agency, entity, or person
208 shall continue as a binding contract or agreement for the
209 remainder of the term of such contract or agreement on the
210 Agency for State Technology.

211 (b) The rules of the Northwood Shared Resource Center that
212 were in effect at 11:59 p.m. on June 30, 2013, shall become the
213 rules of the Agency for State Technology and shall remain in
214 effect until amended or repealed in the manner provided by law.

215 (9) The Southwood Shared Resource Center is transferred by
216 a type one transfer, as defined in s. 20.06(1), Florida
217 Statutes, from the Department of Management Services to the
218 Agency for State Technology.

219 (a) Any binding contract or interagency agreement entered
220 into between the Southwood Shared Resource Center or an entity
221 or agent of the center and any other agency, entity, or person
222 shall continue as a binding contract or agreement for the
223 remainder of the term of such contract or agreement on the
224 Agency for State Technology.

225 (b) The rules of the Southwood Shared Resource Center that
226 were in effect at 11:59 p.m. on June 30, 2013, shall become the
227 rules of the Agency for State Technology and shall remain in
228 effect until amended or repealed in the manner provided by law.

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

230 Section 4. Section 14.206, Florida Statutes, is created to
231 read:

232 14.206 Agency for State Technology; creation; powers and

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233 duties.-

234 (1) The Agency for State Technology is created. The head of
235 the agency shall be the Governor.

236 (2) The agency shall have an executive director who is the
237 state's Chief Information Officer and who must:

238 (a) Have at least a bachelor's degree in computer science,
239 information systems, business or public administration, or a
240 related field;

241 (b) Have 10 or more years of experience working in the
242 field of information technology;

243 (c) Have at least 5 years of experience managing multiple,
244 large, cross-functional information technology teams or
245 projects, and influencing senior-level management and key
246 stakeholders;

247 (d) Have at least 5 years of executive-level leadership
248 responsibilities;

249 (e) Have performed an integral role in enterprise-wide
250 information technology consolidations; and

251 (f) Be appointed by the Governor. The executive director
252 shall serve at the pleasure of the Governor.

253 (3) The Executive Director:

254 (a) Is responsible for developing and administering a
255 comprehensive long-range plan for the state's information
256 technology resources, including opportunities for interfacing
257 with the judicial branch and local government entities; ensuring
258 the proper management of such resources; developing budget
259 requests for submission to the Legislature; and delivering
260 enterprise information technology services.

261 (b) Shall appoint a Chief Technology Officer to lead the

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262 divisions of the agency dedicated to the operation and delivery
263 of enterprise information technology services.

264 (c) Shall appoint a Chief Operations Officer to lead the
265 divisions of the agency dedicated to enterprise information
266 technology policy, planning, standards, and procurement.

267 (d) Shall designate a state Chief Information Security
268 Officer.

269 (e) May appoint all employees necessary to carry out the
270 duties and responsibilities of the agency.

271 (4) The following officers and divisions of the agency are
272 established:

273 (a) Under the Chief Technology Officer:

274 1. The Division of Telecommunications upon the transfer of
275 any portion of the Technology Program from the Department of
276 Management Services to the agency.

277 2. The Division of Data Center Operations, which includes,
278 but is not limited to, any shared resource center established or
279 operated by the agency, except the Fletcher Shared Resources
280 Center established under s. 282.206.

281 (b) Under the Chief Operations Officer:

282 1. The Division of Strategic Planning, which shall serve as
283 the liaison between the agency and other state agencies; develop
284 an information technology plan for the respective agencies'
285 specific business operations; develop the agency's long-range
286 program plan relative to information technology purchasing
287 decisions, project management, and security needs; manage agency
288 information technology resources in a way that maximizes
289 resources and minimizes multiplicity of platforms; and be
290 responsible for coordinating information technology budget

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291 submission requests to the Legislature. The Chief Operations
292 Officer duties can be jurisdictionally delegated to the
293 following Assistant Chief Operations Officers, who report
294 directly to the Chief Operations Officer:

295 a. Assistant Chief Operations Officer of Human Services,
296 who shall oversee the:

- 297 (I) Department of Elder Affairs.
298 (II) Agency for Health Care Administration.
299 (III) Agency for Persons with Disabilities.
300 (IV) Department of Children and Families.
301 (V) Department of Health.
302 (VI) Department of Veterans' Affairs.
303 (VII) Florida Developmental Disabilities Council.

304 b. Assistant Chief Operations Officer of Criminal and Civil
305 Justice, who shall oversee the:

- 306 (I) Department of Juvenile Justice.
307 (II) Parole Commission.
308 (III) Department of Corrections.
309 (IV) Board of Clemency.
310 (V) Department of Law Enforcement.
311 (VI) Department of Highway Safety and Motor Vehicles.

312 c. Assistant Chief Operations Officer of Education, who
313 shall oversee the:

- 314 (I) Department of Education.
315 (II) State Board of Education.
316 (III) Board of Governors.

317 d. Assistant Chief Operations Officer of Business
318 Operations, who shall oversee the:

- 319 (I) Department of Revenue.

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- 320 (II) Department of Business and Professional Regulation.
321 (III) Department of the Lottery.
322 (IV) Department of Economic Opportunity.
323 (V) Enterprise Florida, Inc.
324 (VI) Public Employees Relations Commission.
325 (VII) Space Florida.
326 (VIII) Department of Management Services.
327 e. Assistant Chief Operations Officer of Community
328 Services, who shall oversee the:
329 (I) Department of Military Affairs.
330 (II) Department of Transportation.
331 (III) Department of State
332 (IV) Department of Emergency Management.
333 (V) Florida Sports Foundation.
334 (VI) Workforce Florida, Inc.
335 (VII) Commission on Human Relations.
336 f. Assistant Chief Operations Officer of Natural Resources,
337 who shall oversee the:
338 (I) Department of Environmental Protection.
339 (II) Fish and Wildlife Conservation Commission.
340 (III) Department of Citrus.
341 2. The Division of Enterprise Information Technology
342 Standards, which includes the:
343 a. Bureau of Enterprise Information Technology Procurement;
344 and
345 b. Bureau of Enterprise Information Technology Security and
346 Compliance.
347 3. The Division of Enterprise Services Planning and
348 Consolidation.

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349 4. The Division of Enterprise Project Management.

350 (c) Under the Office of the Executive Director:

351 1. The Inspector General.

352 2. The Chief of Staff.

353 3. Legal.

354 4. Governmental Affairs.

355 5. The Division of Administration. These services may be
356 provided by the Department of Management Services through a
357 memorandum of understanding as defined in s. 282.0041.

358 (5) The agency shall have the following duties and
359 responsibilities:

360 (a) Developing and publishing a long-term State Information
361 Technology Resources Strategic Plan.

362 (b) Initiating, planning, designing, implementing, and
363 managing enterprise information technology services.

364 (c) Beginning October 1, 2013, and every 3 months
365 thereafter, submitting a quarterly status report on its
366 initiatives to the Governor and Cabinet. The report must include
367 a section on enterprise information technology service
368 consolidations and, at a minimum, describe:

369 1. Whether the consolidation is on schedule, including
370 progress on achieving the milestones necessary for successful
371 and timely consolidation of scheduled agency data centers and
372 computing facilities;

373 2. The risks that may affect the progress or outcome of the
374 consolidation and how such risks are being mitigated or managed;
375 and

376 3. Statewide information technology policy recommendations
377 in accordance with paragraph (m).

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378 (d) Setting technical standards for information technology,
379 review major information technology projects and procurements,
380 establish information technology security standards, and deliver
381 enterprise information technology services as defined in s.
382 282.0041.

383 (e) Operating shared resource centers.

384 (f) Establishing and delivering enterprise information
385 technology services to serve state agencies on a cost-sharing
386 basis, charging each state agency its proportionate share of the
387 cost of maintaining and delivering a service based on the state
388 agency's use of the service.

389 (g) Using the following principles to develop a means of
390 chargeback for shared resource center services:

391 1. The customers of the shared resource center shall
392 provide payments to the shared resource center which are
393 sufficient to maintain the solvency of the shared resource
394 center operation for all costs not directly funded through the
395 General Appropriations Act.

396 2. Per unit cost of usage shall be the primary basis for
397 pricing, and usage must be accurately measurable and
398 attributable to the appropriate customer.

399 3. The shared resource center shall combine the aggregate
400 purchasing power of large and small customers to achieve
401 collective savings opportunities to all customers.

402 4. Chargeback methodologies shall be devised to consider
403 restrictions on grants to customers.

404 5. Chargeback methodologies should establish incentives
405 that lead to customer usage practices that result in lower costs
406 to the state.

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407 6. Chargeback methodologies must consider technological
408 change if:

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

411 b. Customers of antiquated services may not be able to bear
412 all of the costs for the antiquated services during periods when
413 customers are migrating to replacement services.

414 7. Prices may be established that allow for the accrual of
415 cash balances for the purpose of maintaining contingent
416 operating funds and funding planned capital investments. Accrual
417 of the cash balances are considered to be costs for the purposes
418 of this section.

419 8. The shared resource center may not knowingly enter into
420 an agreement with a customer for more than 2 years if associated
421 charges are not sufficient to cover the associated proportional
422 costs.

423 9. Flat rate charges may be used only if there are
424 provisions for reconciling charges to comport with actual costs
425 and use.

426 (h) Collecting and maintaining an inventory of the
427 information technology resources in the state agencies.

428 (i) Assuming ownership or custody and control of
429 information processing equipment, supplies, and positions
430 required in order to thoroughly carry out the duties and
431 responsibilities of the agency.

432 (j) Adopting rules and policies for the efficient, secure,
433 and economical management and operation of the shared resource
434 centers and state telecommunications services.

435 (k) Providing other public sector organizations as defined

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436 in s. 282.0041 with access to the services provided by the
437 agency. Access shall be provided on the same cost basis that
438 applies to state agencies.

439 (l) Ensuring that data that is confidential under state or
440 federal law is protected until safeguards for the data's
441 security satisfactory to the department head and the executive
442 director have been designed, installed, and tested and are fully
443 operational. This provision does not prescribe what actions are
444 undertaken to satisfy a department's objectives or to remove
445 responsibility for working with the agency to implement
446 safeguards from the control and administration of the
447 departments, regardless of whether such control and
448 administration are specifically required by law or administered
449 under the general program authority and responsibility of the
450 department.

451 (m) Conducting periodic assessments of state agencies for
452 compliance with statewide information technology policies and
453 recommending to the Governor and Cabinet statewide policies for
454 information technology.

455 (6) The agency shall operate in a manner that ensures the
456 participation and representation of state agencies.

457 (7) The Agency for State Technology may not use, and
458 executives of the agency may not direct spending from,
459 operational information technology trust funds for studying and
460 developing enterprise information technology strategies, plans,
461 rules, reports, policies, proposals, budgets, or enterprise
462 information technology initiatives that are not directly related
463 to developing information technology services for which usage
464 fees reimburse the costs of the initiative. As used in this

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465 subsection, the term "operational information technology trust
466 fund" means a fund into which deposits are made on a fee-for-
467 service basis or a trust fund dedicated to a specific
468 information technology project or system.

469 (8) The portions of the agency's activities described in
470 subsection (7) for which usage fees do not reimburse costs of
471 the activity shall be funded at a rate of 0.55 percent of the
472 total identified information technology funds spent through
473 MyFloridaMarketPlace.

474 (9) The agency may adopt rules to carry out its duties and
475 responsibilities.

476 Section 5. Section 282.0041, Florida Statutes, is reordered
477 and amended to read:

478 282.0041 Definitions.—As used in this chapter, the term:

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

482 (1)(2) "Agency for State Enterprise Information Technology"
483 or "agency" means the agency created under s. 14.206 in s.
484 14.204.

485 (2)(3) "Agency information technology service" means a
486 service that directly helps a state an agency fulfill its
487 statutory or constitutional responsibilities and policy
488 objectives and is usually associated with the state agency's
489 primary or core business functions.

490 ~~(4) "Annual budget meeting" means a meeting of the board of~~
491 ~~trustees of a primary data center to review data center usage to~~
492 ~~determine the apportionment of board members for the following~~
493 ~~fiscal year, review rates for each service provided, and~~

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494 ~~determine any other required changes.~~

495 ~~(3)-(5)~~ "Breach" has the same meaning as in s. 817.5681(4).

496 ~~(4)-(6)~~ "Business continuity plan" means a plan for disaster
497 recovery which provides for the continued functioning of a
498 shared resource center or primary data center during and after a
499 disaster.

500 ~~(5)-(7)~~ "Computing facility" means a state agency site space
501 containing fewer than ~~a total of~~ 10 physical or logical servers,
502 any of which supports a strategic or nonstrategic information
503 technology service, as described in budget instructions
504 developed pursuant to s. 216.023, but excluding
505 telecommunications and voice gateways and a clustered pair of
506 servers operating as a single logical server to provide file,
507 print, security, and endpoint management services ~~single,~~
508 ~~logical-server installations that exclusively perform a utility~~
509 ~~function such as file and print servers.~~

510 ~~(6)~~ "Computing service" means an information technology
511 service that is used in all state agencies or a subset of
512 agencies and is, therefore, a candidate for being established as
513 an enterprise information technology service. Examples include,
514 but are not limited to, e-mail, service hosting,
515 telecommunications, and disaster recovery.

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

518 ~~(7)-(9)~~ "Data center" means state agency space containing 10
519 or more physical or logical servers any of which supports a
520 strategic or nonstrategic information technology service, as
521 described in budget instructions developed pursuant to s.
522 216.023.

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523 ~~(10) "Department" means the Department of Management~~
524 ~~Services.~~

525 (9) ~~(11)~~ "Enterprise information technology service" means
526 an information technology service that is used in all state
527 agencies or a subset of state agencies and is established in law
528 to be designed, delivered, and managed at the enterprise level.
529 Current enterprise information technology services that include
530 data center services, email, and security.

531 (8) ~~(12)~~ "E-mail, messaging, and calendaring service" means
532 the enterprise information technology service that enables users
533 to send, receive, file, store, manage, and retrieve electronic
534 messages, attachments, appointments, and addresses. ~~The e-mail,~~
535 ~~messaging, and calendaring service must include e-mail account~~
536 ~~management; help desk; technical support and user provisioning~~
537 ~~services; disaster recovery and backup and restore capabilities;~~
538 ~~antispam and antivirus capabilities; archiving and e-discovery;~~
539 ~~and remote access and mobile messaging capabilities.~~

540 (10) ~~(13)~~ "Information-system utility" means an information
541 processing ~~a full-service information-processing~~ facility
542 offering hardware, software, operations, integration,
543 networking, floor space, and consulting services.

544 (12) ~~(14)~~ "Information technology resources" means
545 equipment, hardware, software, firmware, programs, systems,
546 networks, infrastructure, media, and related material used to
547 automatically, electronically, and wirelessly collect, receive,
548 access, transmit, display, store, record, retrieve, analyze,
549 evaluate, process, classify, manipulate, manage, assimilate,
550 control, communicate, exchange, convert, converge, interface,
551 switch, or disseminate information of any kind or form, and

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552 includes the human resources to perform such duties, but
553 excludes application developers and logical database
554 administrators.

555 (11)~~(15)~~ "Information technology policy" means statements
556 that describe clear choices for how information technology will
557 deliver effective and efficient government services to residents
558 and improve state agency operations. A policy may relate to
559 investments, business applications, architecture, or
560 infrastructure. A policy describes its rationale, implications
561 of compliance or noncompliance, the timeline for implementation,
562 metrics for determining compliance, and the accountable
563 structure responsible for its implementation.

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

567 (14) "Logical database administration" means the resources
568 required to build and maintain database structure, implement and
569 maintain role-based data access controls, and perform
570 performance optimization of data queries and includes the
571 manipulation, transformation, modification, and maintenance of
572 data within a logical database. Typical tasks include schema
573 design and modifications, user provisioning, query tuning, index
574 and statistics maintenance, and data import, export, and
575 manipulation.

576 (15) "Memorandum of understanding" means a written
577 agreement between the agency and a state agency which specifies
578 the scope of services provided, service level, duration of the
579 agreement, responsible parties, and service costs. A memorandum
580 of understanding is not a rule pursuant to chapter 120.

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581 (16) "Other public sector organizations" means entities of
582 the legislative and judicial branches, the State University
583 System, the Florida Community College System, counties, and
584 municipalities. Such organizations may elect to participate in
585 the information technology programs, services, or contracts
586 offered by the Agency for State Technology, including
587 information technology procurement, in accordance with general
588 law, policies, and administrative rules.

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

591 (17) "Physical database administration" means the resources
592 responsible for installing, maintaining, and operating an
593 environment within which a database is hosted. Typical tasks
594 include database engine installation, configuration, and
595 security patching, as well as performing backup and restoration
596 of hosted databases, setup and maintenance of instance-based
597 data replication, and monitoring the health and performance of
598 the database environment.

599 ~~(18)~~~~(17)~~ "Primary data center" means a data center that is
600 a recipient entity for consolidation of state agency information
601 technology resources and provides contracted services to the
602 agency nonprimary data centers and computing facilities and that
603 is established by law.

604 ~~(19)~~~~(18)~~ "Project" means an endeavor that has a defined
605 start and end point; is undertaken to create or modify a unique
606 product, service, or result; and has specific objectives that,
607 when attained, signify completion.

608 ~~(20)~~~~(19)~~ "Risk analysis" means the process of identifying
609 security risks, determining their magnitude, and identifying

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610 areas needing safeguards.

611 (21)~~(20)~~ "Service level" means the key performance
612 indicators (KPI) of an organization or service which must be
613 regularly performed, monitored, and achieved.

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

619 (22) "Shared resource center" means a primary data center
620 that is state controlled.

621 (23)~~(22)~~ "Standards" means required practices, controls,
622 components, or configurations established by an authority.

623 (24) "State agency" has the same meaning as in s.
624 216.011(1), except that for the purposes of this chapter, the
625 term does not include university boards of trustees or state
626 universities.

627 (25) "State agency site" means a single, contiguous local
628 area network segment that does not traverse a metropolitan area
629 network or wide area network.

630 (26)~~(23)~~ "SUNCOM Network" means the state enterprise
631 telecommunications system that provides all methods of
632 electronic or optical telecommunications beyond a single
633 building or contiguous building complex and used by entities
634 authorized as network users under this part.

635 (27)~~(24)~~ "Telecommunications" means the science and
636 technology of communication at a distance, including electronic
637 systems used in the transmission or reception of information.

638 (28)~~(25)~~ "Threat" means any circumstance or event that may

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639 cause harm to the integrity, availability, or confidentiality of
640 information technology resources.

641 (29)~~(26)~~ "Total cost" means all costs associated with
642 information technology projects or initiatives, including, but
643 not limited to, value of hardware, software, service,
644 maintenance, incremental personnel, and facilities. Total cost
645 of a loan or gift of information technology resources to a state
646 ~~an~~ agency includes the fair market value of the resources.

647 (30)~~(27)~~ "Usage" means the billing amount charged by the
648 shared resource ~~primary data~~ center, minus less any pass-through
649 charges, to the state agency ~~customer~~ entity.

650 (31)~~(28)~~ "Usage rate" means a state agency's ~~customer~~
651 ~~entity's~~ usage or billing amount as a percentage of total usage.

652 (32) "Wide area network" means any telecommunications
653 network or components thereof through which messages and data
654 are exchanged outside of a local area network.

655 Section 6. Section 282.0055, Florida Statutes, is amended
656 to read:

657 (Substantial rewording of section. See
658 s. 282.0055, F.S., for current text.)

659 282.0055 Assignment of enterprise information technology.-

660 (1) The Agency for State Technology shall establish a
661 systematic process for the planning, design, implementation,
662 procurement, delivery, and maintenance of enterprise information
663 technology services for executive branch agencies. Such duties
664 shall be performed in collaboration with the state agencies. The
665 supervision, design, development, delivery, and maintenance of
666 state-agency specific or unique software applications shall
667 remain within the responsibility and control of each state

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668 agency or other public sector organization.

669 (2) During the 2013-2014 fiscal year, the Agency for State
670 Technology shall, in collaboration with the state agencies and
671 other stakeholders, create strategic and operational plans for
672 enterprise information technology service consolidation. At a
673 minimum, the plans must include:

674 (a) An enterprise architecture that provides innovative,
675 yet practical and cost-effective offerings.

676 (b) A schedule for the consolidation of state agency data
677 centers.

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

680 (d) Recommendations, including cost estimates, for
681 enhancements to the Northwood Shared Resource Center and the
682 Southwood Shared Resource Center that will improve their ability
683 to deliver enterprise information technology services.

684 (3) By October 15th of each year beginning in 2014, the
685 Agency for State Technology shall develop a comprehensive
686 transition plan for scheduled consolidations occurring the next
687 fiscal year. This plan shall be submitted to the Governor, the
688 Cabinet, the President of the Senate, and the Speaker of the
689 House of Representatives. The transition plan shall be developed
690 in consultation with agencies submitting agency transition
691 plans. The comprehensive transition plan must include:

692 (a) Recommendations for accomplishing the proposed
693 transitions as efficiently and effectively as possible with
694 minimal disruption to state agency business processes.

695 (b) Strategies to minimize risks associated with the
696 proposed consolidations.

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697 (c) A compilation of the state agency transition plans
698 submitted by state agencies scheduled for consolidation during
699 the following fiscal year.

700 (d) An estimate of the cost to provide enterprise
701 information technology services for each state agency scheduled
702 for consolidation.

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

705 (f) The fiscal year adjustments to budget categories in
706 order to absorb the transfer of agency information technology
707 resources pursuant to the legislative budget request
708 instructions provided in s. 216.023.

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

712 (4) State agencies have the following duties:

713 (a) For the purpose of completing its work activities, each
714 state agency shall provide to the Agency for State Technology
715 all requested information and any other information relevant to
716 the state agency's ability to effectively transition its
717 information technology resources into the agency.

718 (b) For the purpose of completing its work activities, each
719 state agency shall temporarily assign staff to assist the agency
720 as negotiated between the Agency for State Technology and the
721 state agency.

722 (c) Each state agency identified for consolidation into an
723 enterprise information technology service offering shall submit
724 a transition plan to the Agency for State Technology by
725 September 1 of the fiscal year before the fiscal year in which

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726 the scheduled consolidation will occur. Transition plans shall
727 be developed in consultation with the agency and must include:

728 1. An inventory of the state agency data center's resources
729 being consolidated, including all hardware, software, staff, and
730 contracted services, and resources performing data center
731 management and operations, security, backup and recovery,
732 disaster recovery, system administration, physical and logical
733 database administration, network services, system programming,
734 job control, production control, print, storage, technical
735 support, help desk, and managed services, but excluding
736 application development.

737 2. A description of the level of services needed to meet
738 the technical and operational requirements of the platforms
739 being consolidated and an estimate of the primary data center's
740 cost for the provision of such services.

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

743 4. A description of the information technology resources
744 proposed to remain in the state agency.

745 5. A baseline project schedule for the completion of the
746 consolidation.

747 6. The specific recurring and nonrecurring budget
748 adjustments of budget resources by appropriation category into
749 the appropriate data processing category pursuant to the
750 legislative budget instructions in s. 216.023 necessary to
751 support state agency costs for the transfer.

752 (5) (a) Unless authorized by the Legislature or as provided
753 in paragraph (b), a state agency may not:

754 1. Create a new computing service or expand an existing

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755 computing service if that service has been designated as an
756 enterprise information technology service.

757 2. Spend funds before the state agency's scheduled
758 consolidation to an enterprise information technology service to
759 purchase or modify hardware or operations software that does not
760 comply with hardware and software standards established by the
761 Agency for State Technology.

762 3. Unless for the purpose of offsite disaster recovery
763 services, transfer existing computing services to any service
764 provider other than the Agency for State Technology.

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

768 5. Initiate a new computing service with any service
769 provider other than the Agency for State Technology if that
770 service has been designated as an enterprise information
771 technology service.

772 (b) Exceptions to the limitations in subparagraphs (a)1.,
773 2., 3., and 5. may be granted by the Agency for State Technology
774 if there is insufficient capacity in the primary data centers to
775 absorb the workload associated with agency computing services,
776 expenditures are compatible with the scheduled consolidation and
777 established standards, or the equipment or resources are needed
778 to meet a critical state agency business need that cannot be
779 satisfied from surplus equipment or resources of the primary
780 data center until the state agency data center is consolidated.

781 1. A request for an exception must be submitted in writing
782 to the Agency for State Technology. The agency must accept,
783 accept with conditions, or deny the request within 60 days after

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784 receipt of the written request. The agency's decision is not
785 subject to chapter 120.

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

788 a. A detailed description of the capacity requirements of
789 the state agency requesting the exception; and

790 b. Documentation from the state agency head demonstrating
791 why it is critical to the state agency's mission that the
792 expansion or transfer be completed within the fiscal year rather
793 than when capacity is established at a primary data center.

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

798 Section 7. Section 282.0056, Florida Statutes, is amended
799 to read:

800 282.0056 Development of strategic, information technology,
801 and work plans; report development of work plan; development of
802 implementation plans; and policy recommendations.-

803 (1) STRATEGIC PLAN.-In order to provide a systematic
804 process for meeting the state's technology needs, the executive
805 director of the Agency for State Technology shall develop a
806 biennial state Information Technology Strategic Plan. The
807 Governor and Cabinet shall approve the plan before transmitting
808 it to the Legislature, biennially, beginning October 1, 2014.
809 The plan must include the following elements:

810 (a) The vision, goals, initiatives, and targets for state
811 information technology for the short term of 2 years, midterm of
812 3 to 5 years, and long term of more than 5 years.

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813 (b) An inventory of the information technology resources in
814 state agencies and major projects currently in progress. As used
815 in this section, the term "major project" means projects that
816 cost more than a total of \$1 million to implement.

817 (c) An analysis of opportunities for statewide initiatives
818 that would yield efficiencies, cost savings, or avoidance or
819 improve effectiveness in state programs. The analysis must
820 include:

821 1. Information technology services that should be designed,
822 delivered, and managed as enterprise information technology
823 services; and

824 2. Techniques for consolidating the purchase of information
825 technology commodities and services that may result in savings
826 for the state and for establishing a process to achieve savings
827 through consolidated purchases.

828 (d) Recommended initiatives based on the analysis in
829 paragraph (c).

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

836 (f) An enterprise information security strategic plan that
837 includes security goals and objectives for information security
838 policy, risk management, training, incident management, and
839 survivability planning.

840 (2) INFORMATION TECHNOLOGY PLAN.—

841 (a) Each state agency shall, biennially, develop its own

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842 information technology plan that includes the information
843 required under paragraph (1)(b). The Agency for State Technology
844 shall consult with and assist state agencies in the preparation
845 of these plans. Each state agency shall submit its plan to the
846 agency biennially, beginning January 1, 2014.

847 (b) For the purpose of completing its work activities, each
848 state agency shall provide to the Agency for State Technology
849 all requested information, including, but not limited to, the
850 state agency's costs, service requirements, staffing, and
851 equipment inventories.

852 (3)~~(1)~~ ANNUAL WORK PLAN.—For the purposes of ensuring
853 accountability for the duties and responsibilities of the
854 executive director of the Agency for State Technology and the
855 agency under ss. 14.206 and 282.0055, the executive director
856 carrying out its responsibilities under s. 282.0055, the Agency
857 for Enterprise Information Technology shall develop an annual
858 work plan within 60 days after the beginning of the fiscal year
859 describing the activities that the agency intends to undertake
860 for that year which identifies the critical success factors,
861 risks, and issues associated with the work planned. The work
862 plan must also include planned ~~including proposed~~ outcomes and
863 ~~completion~~ timeframes for the planning and implementation of all
864 enterprise information technology services. The work plan must
865 align with the state Information Technology Strategic Plan, be
866 presented at a public hearing, ~~be and~~ approved by the Governor
867 and Cabinet, and, thereafter, ~~be~~ submitted to the President of
868 the Senate and the Speaker of the House of Representatives. The
869 work plan may be amended as needed, subject to approval by the
870 Governor and Cabinet.

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871 ~~(2) The agency may develop and submit to the President of~~
872 ~~the Senate, the Speaker of the House of Representatives, and the~~
873 ~~Governor by October 1 of each year implementation plans for~~
874 ~~proposed enterprise information technology services to be~~
875 ~~established in law.~~

876 ~~(3) In developing policy recommendations and implementation~~
877 ~~plans for established and proposed enterprise information~~
878 ~~technology services, the agency shall describe the scope of~~
879 ~~operation, conduct costs and requirements analyses, conduct an~~
880 ~~inventory of all existing information technology resources that~~
881 ~~are associated with each service, and develop strategies and~~
882 ~~timeframes for statewide migration.~~

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

887 (4) (5) REPORT.—For the purpose of ensuring accountability
888 for the duties and responsibilities of the executive director of
889 the Agency for State Technology and the agency under ss. 14.206
890 and 282.0055, within 60 days after the end of each fiscal year,
891 the executive director agency shall report to the Governor and
892 Cabinet, the President of the Senate, and the Speaker of the
893 House of Representatives on what was achieved or not achieved in
894 the prior year's work plan.

895 Section 8. Section 282.201, Florida Statutes, is amended to
896 read:

897 (Substantial rewording of section. See
898 s. 282.201, F.S., for current text.)

899 282.201 State data center system; agency duties and

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900 limitations.—A state data center system that includes all shared
901 resource centers, primary data centers, and computing
902 facilities, and that provides an enterprise information
903 technology service, is established.

904 (1) INTENT.—The Legislature finds that the most efficient
905 and effective means of providing quality utility data processing
906 services to state agencies requires that computing resources be
907 concentrated in quality facilities that provide the proper
908 security, infrastructure, and staff resources in order to ensure
909 that the state's data is maintained reliably and safely and is
910 recoverable in the event of a disaster. Efficiencies resulting
911 from such consolidation include increased ability to leverage
912 technological expertise and hardware and software capabilities;
913 increased savings through consolidated purchasing decisions; and
914 enhanced ability to deploy technology improvements and implement
915 new policies consistently throughout the consolidated
916 organization. Therefore, it is the intent of the Legislature
917 that state agency data centers and computing facilities be
918 consolidated into the Agency for State Technology to the maximum
919 extent possible by June 30, 2019.

920 (2) AGENCY FOR STATE TECHNOLOGY DUTIES.—

921 (a) The agency shall, by October 1, 2013, provide
922 recommendations to the Governor and Cabinet for approving,
923 confirming, and removing shared resource center or primary data
924 center designation. Upon approval, existing designations shall
925 be deemed obsolete.

926 (b) The agency shall establish a schedule for the
927 consolidation of state agency data centers subject to review and
928 approval by the Governor and Cabinet. The schedule or transition

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929 plan must be provided by October 1, 2014, and be updated
930 annually until consolidation is complete. The schedule must be
931 based on the goals of maximizing the efficiency and quality of
932 service delivery and cost savings.

933 (3) STATE AGENCY DUTIES.—

934 (a) A state agency that is consolidating agency data
935 centers into a shared resource center must execute a new or
936 update an existing memorandum of understanding within 60 days
937 after the specified consolidation date, as required by s.
938 282.203, in order to specify the services and levels of service
939 it is to receive from the shared resource center as a result of
940 the consolidation. If a state agency is unable to execute a
941 memorandum of understanding by that date, the state agency shall
942 submit a report to the Governor and Cabinet within 5 working
943 days after that date which explains the specific issues
944 preventing execution and describes its plan and schedule for
945 resolving those issues.

946 (b) On the date of each consolidation specified in general
947 law or the General Appropriations Act, each state agency shall
948 retain the least-privileged administrative access rights
949 necessary to perform the duties not assigned to the primary data
950 centers.

951 (4) SCHEDULE FOR CONSOLIDATIONS OF STATE AGENCY DATA
952 CENTERS.—Consolidations of agency data centers shall be
953 suspended for the 2013-2014 fiscal year. Consolidations shall
954 resume during the 2014-2015 fiscal year based upon a revised
955 schedule developed by the agency.

956 Section 9. Section 282.203, Florida Statutes, is amended to
957 read:

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958 (Substantial rewording of section. See
959 s. 282.203, F.S., for current text.)
960 282.203 Shared resource centers; duties.—
961 (1) Each shared resource center shall:
962 (a) Serve participating state agencies as an information-
963 system utility.
964 (b) Cooperate with participating state agencies to offer,
965 develop, and support the services and applications.
966 (c) Comply with rules adopted by the Agency for State
967 Technology, pursuant to this section, and coordinate with the
968 agency in the consolidation of data centers.
969 (d) Provide transparent financial statements to
970 participating state agencies.
971 (e) Assume the least-privileged administrative access
972 rights necessary to perform the services provided by the data
973 center for the software and equipment that is consolidated into
974 a primary data center.
975 (2) Each shared resource center shall enter into a
976 memorandum of understanding with each participating state agency
977 to provide services.
978 (a) A memorandum of understanding may not have a term
979 exceeding 3 years but may include an option to renew for up to 3
980 years.
981 (b) The failure to execute a memorandum of understanding
982 within 60 days after service commencement shall, in the case of
983 a participating state agency, result in a continuation of the
984 terms of the memorandum of understanding from the previous
985 fiscal year, including any amendments that were formally
986 proposed to the state agency by the shared resource center

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987 within the 3 months before service commencement, and a revised
988 cost-of-service estimate. If a participating state agency fails
989 to execute a memorandum of understanding within 60 days after
990 service commencement, the shared resource center may cease
991 services.

992 Section 10. Section 282.204, Florida Statutes, is repealed.

993 Section 11. Section 282.205, Florida Statutes, is repealed.

994 Section 12. Section 282.206, Florida Statutes, is created
995 to read:

996 282.206 Fletcher Shared Resource Center.—The Fletcher
997 Shared Resource Center is established within the Department of
998 Financial Services.

999 (1) The center shall collaborate with the Agency for State
1000 Technology to develop policies, procedures, standards, and rules
1001 for the delivery of enterprise information technology services.

1002 (2) The center shall provide colocation services to the
1003 Department of Legal Affairs and the Department of Agriculture
1004 and Consumer Services if data center equipment is moved pursuant
1005 to subsections (5) or (6).

1006 (3) The Department of Financial Services shall use the
1007 Fletcher Shared Resource Center, provide full service to the
1008 Office of Financial Regulation and the Office of Insurance
1009 Regulation, and host the Legislative Appropriations
1010 System/Planning and Budgeting Subsystem (LAS/PBS).

1011 (4) The center shall be governed through a master
1012 memorandum of understanding administered by a steering committee
1013 comprised of the chief information officers of the Department of
1014 Legal Affairs, the Department of Agriculture and Consumer
1015 Services, and the Department of Financial Services. The steering

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1016 committee shall meet quarterly to ensure that customers are
1017 receiving expected services in accordance with the memorandum of
1018 understanding and to discuss services and structure. The
1019 committee may create ad hoc workgroups to account for, mitigate,
1020 and manage any unforeseen issues.

1021 (5) The Department of Legal Affairs may move its data
1022 center equipment to the center by June 30, 2015.

1023 (6) The Department of Agriculture and Consumer Services may
1024 move its Mayo Building data center equipment to the center by
1025 June 30, 2015.

1026 Section 13. Subsections (3), (4), (5), and (6) of section
1027 282.318, Florida Statutes, are amended to read:

1028 282.318 Enterprise security of data and information
1029 technology.—

1030 (3) The Agency for State ~~Enterprise Information~~ Technology
1031 is responsible for establishing rules and publishing guidelines
1032 for ensuring an appropriate level of security for all state
1033 agency data and information technology resources for, with the
1034 exception of the Department of Agriculture and Consumer
1035 Services, the Department of Financial Services, and the
1036 Department of Legal Affairs ~~executive branch agencies~~. The
1037 agency shall also perform the following duties and
1038 responsibilities:

1039 (a) Develop, and annually update by February 1, an
1040 enterprise information security strategic plan that includes
1041 security goals and objectives for the strategic issues of
1042 information security policy, risk management, training, incident
1043 management, and survivability planning.

1044 (b) Develop enterprise security rules and published

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1045 guidelines for:

1046 1. Comprehensive risk analyses and information security
1047 audits conducted by state agencies.

1048 2. Responding to suspected or confirmed information
1049 security incidents, including suspected or confirmed breaches of
1050 personal information or exempt data.

1051 3. Agency security plans, including strategic security
1052 plans and security program plans.

1053 4. The recovery of information technology and data
1054 following a disaster.

1055 5. The managerial, operational, and technical safeguards
1056 for protecting state government data and information technology
1057 resources.

1058 (c) Assist agencies in complying with the provisions of
1059 this section.

1060 (d) Pursue appropriate funding for the purpose of enhancing
1061 domestic security.

1062 (e) Provide training for agency information security
1063 managers.

1064 (f) Annually review the strategic and operational
1065 information security plans of executive branch agencies.

1066 (4) To assist the Agency for State ~~Enterprise Information~~
1067 Technology in carrying out its responsibilities, each state
1068 agency head shall, at a minimum:

1069 (a) Designate an information security manager to administer
1070 the security program of the state agency for its data and
1071 information technology resources. This designation must be
1072 provided annually in writing to the agency ~~for Enterprise~~
1073 ~~Information Technology~~ by January 1.

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1074 (b) Submit to the agency ~~for Enterprise Information~~
1075 ~~Technology~~ annually by July 31, the state agency's comprehensive
1076 ~~strategie~~ and operational information security plans developed
1077 pursuant to the rules and guidelines established by the agency
1078 ~~for Enterprise Information Technology~~.

1079 1. The state agency comprehensive ~~strategie~~ information
1080 security plan must cover a 3-year period and define security
1081 goals, intermediate objectives, and projected agency costs for
1082 the strategic issues of agency information security policy, risk
1083 management, security training, security incident response, and
1084 survivability. The plan must be based on the enterprise
1085 strategic information security plan created by the agency ~~for~~
1086 ~~Enterprise Information Technology~~. Additional issues may be
1087 included.

1088 2. The state agency operational information security plan
1089 must include a progress report for the prior operational
1090 information security plan and a project plan that includes
1091 activities, timelines, and deliverables for security objectives
1092 that, subject to current resources, the state agency will
1093 implement during the current fiscal year. The cost of
1094 implementing the portions of the plan which cannot be funded
1095 from current resources must be identified in the plan.

1096 (c) Conduct, and update every 3 years, a comprehensive risk
1097 analysis to determine the security threats to the data,
1098 information, and information technology resources of the state
1099 agency. The risk analysis information is confidential and exempt
1100 from ~~the provisions of~~ s. 119.07(1), except that such
1101 information shall be available to the Auditor General and the
1102 agency ~~for Enterprise Information Technology~~ for performing

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1103 postauditing duties.

1104 (d) Develop, and periodically update, written internal
1105 policies and procedures that, ~~which~~ include procedures for
1106 notifying the agency ~~for Enterprise Information Technology~~ when
1107 a suspected or confirmed breach, or an information security
1108 incident, occurs. Such policies and procedures must be
1109 consistent with the rules and guidelines established by the
1110 agency ~~for Enterprise Information Technology~~ to ensure the
1111 security of the data, information, and information technology
1112 resources of the state agency. The internal policies and
1113 procedures that, if disclosed, could facilitate the unauthorized
1114 modification, disclosure, or destruction of data or information
1115 technology resources are confidential information and exempt
1116 from s. 119.07(1), except that such information shall be
1117 available to the Auditor General and the Agency for State
1118 ~~Enterprise Information~~ Technology for performing postauditing
1119 duties.

1120 (e) Implement appropriate cost-effective safeguards to
1121 address identified risks to the data, information, and
1122 information technology resources of the state agency.

1123 (f) Ensure that periodic internal audits and evaluations of
1124 the state agency's security program for the data, information,
1125 and information technology resources of the state agency are
1126 conducted. The results of such audits and evaluations are
1127 confidential ~~information~~ and exempt from s. 119.07(1), except
1128 that such information shall be available to the Auditor General
1129 and the agency ~~for Enterprise Information Technology~~ for
1130 performing postauditing duties.

1131 (g) Include appropriate security requirements in the

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1132 written specifications for the solicitation of information
1133 technology and information technology resources and services,
1134 which are consistent with the rules and guidelines established
1135 by the agency ~~for Enterprise Information Technology~~.

1136 (h) Provide security awareness training to employees and
1137 users of the state agency's communication and information
1138 resources concerning information security risks and the
1139 responsibility of employees and users to comply with policies,
1140 standards, guidelines, and operating procedures adopted by the
1141 state agency to reduce those risks.

1142 (i) Develop a process for detecting, reporting, and
1143 responding to suspected or confirmed security incidents,
1144 including suspected or confirmed breaches consistent with the
1145 security rules and guidelines established by the agency ~~for~~
1146 ~~Enterprise Information Technology~~.

1147 1. Suspected or confirmed information security incidents
1148 and breaches must be immediately reported to the agency ~~for~~
1149 ~~Enterprise Information Technology~~.

1150 2. For incidents involving breaches, agencies shall provide
1151 notice in accordance with s. 817.5681 and to the agency ~~for~~
1152 ~~Enterprise Information Technology~~ in accordance with this
1153 subsection.

1154 ~~(5) Each state agency shall include appropriate security~~
1155 ~~requirements in the specifications for the solicitation of~~
1156 ~~contracts for procuring information technology or information~~
1157 ~~technology resources or services which are consistent with the~~
1158 ~~rules and guidelines established by the agency for Enterprise~~
1159 ~~Information Technology.~~

1160 (5) ~~(6)~~ The Agency for State ~~Enterprise Information~~

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1161 Technology may adopt rules relating to information security and
1162 to administer the provisions of this section.

1163 Section 14. Section 282.33, Florida Statutes, is repealed.

1164 Section 15. Section 282.34, Florida Statutes, is repealed.

1165 Section 16. Section 282.702, Florida Statutes, is amended
1166 to read:

1167 282.702 Powers and duties.—The Agency for State Technology
1168 ~~Department of Management Services~~ shall have the following
1169 powers, duties, and functions:

1170 (1) To publish electronically the portfolio of services
1171 available from the agency ~~department~~, including pricing
1172 information; the policies and procedures governing usage of
1173 available services; and a forecast of the agency's ~~department's~~
1174 priorities for each telecommunications service.

1175 (2) To adopt technical standards by rule for the state
1176 telecommunications network which ensure the interconnection and
1177 operational security of computer networks, telecommunications,
1178 and information systems of agencies.

1179 (3) To enter into agreements related to information
1180 technology and telecommunications services with state agencies
1181 and political subdivisions of the state.

1182 (4) To purchase from or contract with information
1183 technology providers for information technology, including
1184 private line services.

1185 (5) To apply for, receive, and hold authorizations,
1186 patents, copyrights, trademarks, service marks, licenses, and
1187 allocations or channels and frequencies to carry out the
1188 purposes of this part.

1189 (6) To purchase, lease, or otherwise acquire and to hold,

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1190 sell, transfer, license, or otherwise dispose of real, personal,
1191 and intellectual property, including, but not limited to,
1192 patents, trademarks, copyrights, and service marks.

1193 (7) To cooperate with any federal, state, or local
1194 emergency management agency in providing for emergency
1195 telecommunications services.

1196 (8) To control and approve the purchase, lease, or
1197 acquisition and the use of telecommunications services,
1198 software, circuits, and equipment provided as part of any other
1199 total telecommunications system to be used by the state or its
1200 agencies.

1201 (9) To adopt rules ~~pursuant to ss. 120.536(1) and 120.54~~
1202 relating to telecommunications and to administer the provisions
1203 of this part.

1204 (10) To apply for and accept federal funds for the purposes
1205 of this part as well as gifts and donations from individuals,
1206 foundations, and private organizations.

1207 (11) To monitor issues relating to telecommunications
1208 facilities and services before the Florida Public Service
1209 Commission and the Federal Communications Commission and, if
1210 necessary, prepare position papers, prepare testimony, appear as
1211 a witness, and retain witnesses on behalf of state agencies in
1212 proceedings before the commissions.

1213 (12) Unless delegated to the state agencies by the agency
1214 ~~department~~, to manage and control, but not intercept or
1215 interpret, telecommunications within the SUNCOM Network by:

1216 (a) Establishing technical standards to physically
1217 interface with the SUNCOM Network.

1218 (b) Specifying how telecommunications are transmitted

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1219 within the SUNCOM Network.

1220 (c) Controlling the routing of telecommunications within
1221 the SUNCOM Network.

1222 (d) Establishing standards, policies, and procedures for
1223 access to and the security of the SUNCOM Network.

1224 (e) Ensuring orderly and reliable telecommunications
1225 services in accordance with the service level agreements
1226 executed with state agencies.

1227 (13) To plan, design, and conduct experiments for
1228 telecommunications services, equipment, and technologies, and to
1229 implement enhancements in the state telecommunications network
1230 if in the public interest and cost-effective. Funding for such
1231 experiments must be derived from SUNCOM Network service revenues
1232 and may not exceed 2 percent of the annual budget for the SUNCOM
1233 Network for any fiscal year or as provided in the General
1234 Appropriations Act. New services offered as a result of this
1235 subsection may not affect existing rates for facilities or
1236 services.

1237 (14) To enter into contracts or agreements, with or without
1238 competitive bidding or procurement, to make available, on a
1239 fair, reasonable, and nondiscriminatory basis, property and
1240 other structures under agency ~~departmental~~ control for the
1241 placement of new facilities by any wireless provider of mobile
1242 service as defined in 47 U.S.C. s. 153(27) or s. 332(d) and any
1243 telecommunications company as defined in s. 364.02 if it is
1244 practical and feasible to make such property or other structures
1245 available. The agency ~~department~~ may, without adopting a rule,
1246 charge a just, reasonable, and nondiscriminatory fee for the
1247 placement of the facilities, payable annually, based on the fair

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1248 market value of space used by comparable telecommunications
1249 facilities in the state. The agency ~~department~~ and a wireless
1250 provider or telecommunications company may negotiate the
1251 reduction or elimination of a fee in consideration of services
1252 provided to the agency ~~department~~ by the wireless provider or
1253 telecommunications company. All such fees collected by the
1254 agency ~~department~~ shall be deposited directly into the Law
1255 Enforcement Radio Operating Trust Fund, and may be used by the
1256 agency ~~department~~ to construct, maintain, or support the system.

1257 (15) Establish policies that ensure that the agency's
1258 ~~department's~~ cost-recovery methodologies, billings, receivables,
1259 expenditures, budgeting, and accounting data are captured and
1260 reported timely, consistently, accurately, and transparently and
1261 are in compliance with all applicable federal and state laws and
1262 rules. The agency ~~department~~ shall annually submit a report to
1263 the Governor, Cabinet, the President of the Senate, and the
1264 Speaker of the House of Representatives ~~a report~~ that describes
1265 each service and its cost, the billing methodology for
1266 recovering the cost of the service, and, if applicable, the
1267 identity of those services that are subsidized.

1268 Section 17. Subsection (2) of section 20.22, Florida
1269 Statutes, is amended to read:

1270 20.22 Department of Management Services.—There is created a
1271 Department of Management Services.

1272 (2) The following divisions and programs are established
1273 within the Department of Management Services ~~are established~~:

1274 (a) Facilities Program.

1275 ~~(b) Technology Program.~~

1276 (b) ~~(c)~~ Workforce Program.

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1277 (c)~~(d)~~1. Support Program.

1278 (d)~~2~~. Federal Property Assistance Program.

1279 (e) Administration Program.

1280 (f) Division of Administrative Hearings.

1281 (g) Division of Retirement.

1282 (h) Division of State Group Insurance.

1283 Section 18. Paragraph (e) of subsection (2) of section

1284 110.205, Florida Statutes, is amended to read:

1285 110.205 Career service; exemptions.—

1286 (2) EXEMPT POSITIONS.—The exempt positions that are not

1287 covered by this part include the following:

1288 (e) The executive director of ~~Chief Information Officer in~~

1289 the Agency for State Enterprise Information Technology. Unless

1290 otherwise fixed by law, the Governor and Cabinet ~~Agency for~~

1291 ~~Enterprise Information Technology~~ shall set the salary and

1292 benefits of this position in accordance with the rules of the

1293 Senior Management Service.

1294 Section 19. Paragraph (o) of subsection (1) of section

1295 215.22, Florida Statutes, is amended to read:

1296 215.22 Certain income and certain trust funds exempt.—

1297 (1) The following income of a revenue nature or the

1298 following trust funds shall be exempt from the appropriation

1299 required by s. 215.20(1):

1300 (o) The Communications Working Capital Trust Fund of the

1301 Agency for State Technology ~~Department of Management Services~~.

1302 Section 20. Subsections (2) and (9) of section 215.322,

1303 Florida Statutes, are amended to read:

1304 215.322 Acceptance of credit cards, charge cards, debit

1305 cards, or electronic funds transfers by state agencies, units of

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1306 local government, and the judicial branch.-

1307 (2) A state agency as defined in s. 216.011, or the
1308 judicial branch, may accept credit cards, charge cards, debit
1309 cards, or electronic funds transfers in payment for goods and
1310 services with the prior approval of the Chief Financial Officer.
1311 If the Internet or other related electronic methods are to be
1312 used as the collection medium, the Agency for State Enterprise
1313 ~~Information~~ Technology shall review and recommend to the Chief
1314 Financial Officer whether to approve the request with regard to
1315 the process or procedure to be used.

1316 (9) For payment programs in which credit cards, charge
1317 cards, or debit cards are accepted by state agencies, the
1318 judicial branch, or units of local government, the Chief
1319 Financial Officer, in consultation with the Agency for State
1320 ~~Enterprise Information~~ Technology, may adopt rules to establish
1321 uniform security safeguards for cardholder data and to ensure
1322 compliance with the Payment Card Industry Data Security
1323 Standards.

1324 Section 21. Paragraph (c) of subsection (6) of section
1325 216.292, Florida Statutes, is amended to read:

1326 216.292 Appropriations nontransferable; exceptions.-

1327 (6) The Chief Financial Officer shall transfer from any
1328 available funds of an agency or the judicial branch the
1329 following amounts and shall report all such transfers and the
1330 reasons therefor to the legislative appropriations committees
1331 and the Executive Office of the Governor:

1332 (c) The amount due to the Communications Working Capital
1333 Trust Fund from moneys appropriated in the General
1334 Appropriations Act for the purpose of paying for services

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1335 provided by the state communications system in the Agency for
1336 State Technology Department of Management Services which are ~~is~~
1337 unpaid 45 days after the billing date. The amount transferred
1338 shall be that billed by the agency ~~department~~.

1339 Section 22. Section 282.604, Florida Statutes, is amended
1340 to read:

1341 282.604 Adoption of rules.—The Agency for State Technology
1342 ~~Department of Management Services~~ shall, with input from
1343 stakeholders, adopt rules pursuant to ss. 120.536(1) and 120.54
1344 for the development, procurement, maintenance, and use of
1345 accessible electronic information technology by governmental
1346 units.

1347 Section 23. Section 282.703, Florida Statutes, is amended
1348 to read:

1349 282.703 SUNCOM Network; exemptions from the required use.—

1350 (1) The SUNCOM Network is established within the Agency for
1351 State Technology ~~department~~ as the state enterprise
1352 telecommunications system for providing local and long-distance
1353 communications services to state agencies, political
1354 subdivisions of the state, municipalities, and nonprofit
1355 corporations pursuant to this part. The SUNCOM Network shall be
1356 developed to transmit all types of telecommunications signals,
1357 including, but not limited to, voice, data, video, image, and
1358 radio. State agencies shall cooperate and assist in the
1359 development and joint use of telecommunications systems and
1360 services.

1361 (2) The Agency for State Technology ~~department~~ shall
1362 design, engineer, implement, manage, and operate through state
1363 ownership, commercial leasing, contracted services, or some

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1364 combination thereof, the facilities, equipment, and contracts
1365 providing SUNCOM Network services, and shall develop a system of
1366 equitable billings and charges for telecommunications services.

1367 (3) The Agency for State Technology ~~department~~ shall own,
1368 manage, and establish standards for the telecommunications
1369 addressing and numbering plans for the SUNCOM Network. This
1370 includes distributing or revoking numbers and addresses to
1371 authorized users of the network and delegating or revoking the
1372 delegation of management of subsidiary groups of numbers and
1373 addresses to authorized users of the network.

1374 (4) The Agency for State Technology ~~department~~ shall
1375 maintain a directory of information and services which provides
1376 the names, phone numbers, and email ~~e-mail~~ addresses for
1377 employees, state agencies, and network devices that are served,
1378 in whole or in part, by the SUNCOM Network. State agencies and
1379 political subdivisions of the state shall cooperate with the
1380 agency ~~department~~ by providing timely and accurate directory
1381 information in the manner established by the agency ~~department~~.

1382 (5) All state agencies shall use the SUNCOM Network for
1383 state agency telecommunications services as the services become
1384 available; however, a state ~~an agency~~ is not relieved of
1385 responsibility for maintaining telecommunications services
1386 necessary for effective management of its programs and
1387 functions. The agency ~~department~~ may provide such communications
1388 services to a state university if requested by the university.

1389 (a) If a SUNCOM Network service does not meet the
1390 telecommunications requirements of a state ~~an~~ agency, the state
1391 agency must notify the Agency for State Technology ~~department~~ in
1392 writing and detail the requirements for that service. If the

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1393 ~~agency department~~ is unable to meet a state ~~an~~ agency's
1394 requirements by enhancing SUNCOM Network service, the agency
1395 ~~department~~ may grant the state agency an exemption from the
1396 required use of specified SUNCOM Network services.

1397 (b) Unless an exemption has been granted by the agency
1398 ~~department~~, effective October 1, 2010, all customers of a shared
1399 resource ~~state primary data~~ center, excluding state
1400 universities, must use the shared SUNCOM Network
1401 telecommunications services connecting the shared resource ~~state~~
1402 ~~primary data~~ center to SUNCOM services for all
1403 telecommunications needs in accordance with agency ~~department~~
1404 rules.

1405 1. Upon discovery of customer noncompliance with this
1406 paragraph, the agency ~~department~~ shall provide the affected
1407 customer with a schedule for transferring to the shared
1408 telecommunications services provided by the SUNCOM Network and
1409 an estimate of all associated costs. The shared resource ~~state~~
1410 ~~primary data~~ centers and their customers shall cooperate with
1411 the agency ~~department~~ to accomplish the transfer.

1412 2. Customers may request an exemption from this paragraph
1413 in the same manner as authorized in paragraph (a).

1414 (6) This section may not be construed to require a state
1415 university to use SUNCOM Network communication services.

1416 Section 24. Section 282.704, Florida Statutes, is amended
1417 to read:

1418 282.704 Use of state SUNCOM Network by municipalities.—Any
1419 municipality may request the Agency for State Technology
1420 ~~department~~ to provide any or all of the SUNCOM Network's
1421 portfolio of communications services upon such terms and

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1422 conditions as the agency ~~department~~ may establish. The
1423 requesting municipality shall pay its share of installation and
1424 recurring costs according to the published rates for SUNCOM
1425 Network services and as invoiced by the agency ~~department~~. Such
1426 municipality shall also pay for any requested modifications to
1427 existing SUNCOM Network services, if any charges apply.

1428 Section 25. Section 282.705, Florida Statutes, is amended
1429 to read:

1430 282.705 Use of state SUNCOM Network by nonprofit
1431 corporations.—

1432 (1) The Agency for State Technology ~~department~~ shall
1433 provide a means whereby private nonprofit corporations under
1434 contract with state agencies or political subdivisions of the
1435 state may use the state SUNCOM Network, subject to the
1436 limitations in this section. In order to qualify to use the
1437 state SUNCOM Network, a nonprofit corporation shall:

1438 (a) Expend the majority of its total direct revenues for
1439 the provision of contractual services to the state, a
1440 municipality, or a political subdivision; and

1441 (b) Receive only a small portion of its total revenues from
1442 any source other than a state agency, a municipality, or a
1443 political subdivision during the time SUNCOM Network services
1444 are requested.

1445 (2) Each nonprofit corporation seeking authorization to use
1446 the state SUNCOM Network shall provide to the agency ~~department~~,
1447 upon request, proof of compliance with subsection (1).

1448 (3) Nonprofit corporations established pursuant to general
1449 law and an association of municipal governments which is wholly
1450 owned by the municipalities are eligible to use the state SUNCOM

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1451 Network, subject to the terms and conditions of the agency
1452 ~~department~~.

1453 (4) Institutions qualified to participate in the William L.
1454 Boyd, IV, Florida Resident Access Grant Program pursuant to s.
1455 1009.89 are eligible to use the state SUNCOM Network, subject to
1456 the terms and conditions of the agency ~~department~~. Such entities
1457 are not required to satisfy the other criteria of this section.

1458 (5) Private, nonprofit elementary and secondary schools are
1459 eligible for rates and services on the same basis as public
1460 schools if such schools do not have an endowment in excess of
1461 \$50 million.

1462 Section 26. Section 282.706, Florida Statutes, is amended
1463 to read:

1464 282.706 Use of SUNCOM Network by libraries.—The Agency for
1465 State Technology ~~department~~ may provide SUNCOM Network services
1466 to any library in the state, including libraries in public
1467 schools, community colleges, state universities, and nonprofit
1468 private postsecondary educational institutions, and libraries
1469 owned and operated by municipalities and political subdivisions.
1470 This section may not be construed to require a state university
1471 library to use SUNCOM Network services.

1472 Section 27. Section 282.707, Florida Statutes, is amended
1473 to read:

1474 282.707 SUNCOM Network; criteria for usage.—

1475 (1) The Agency for State Technology ~~department~~ and
1476 customers served by the agency ~~department~~ shall periodically
1477 review the qualifications of subscribers using the state SUNCOM
1478 Network and terminate services provided to a facility not
1479 qualified under this part or rules adopted hereunder. In the

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1480 event of nonpayment of invoices by subscribers whose SUNCOM
1481 Network invoices are paid from sources other than legislative
1482 appropriations, such nonpayment represents good and sufficient
1483 reason to terminate service.

1484 (2) The Agency for State Technology ~~department~~ shall adopt
1485 rules for implementing and operating the state SUNCOM Network,
1486 which include procedures for withdrawing and restoring
1487 authorization to use the state SUNCOM Network. Such rules shall
1488 provide a minimum of 30 days' notice to affected parties before
1489 terminating voice communications service.

1490 (3) This section does not limit or restrict the ability of
1491 the Florida Public Service Commission to set jurisdictional
1492 tariffs of telecommunications companies.

1493 Section 28. Section 282.709, Florida Statutes, is amended
1494 to read:

1495 282.709 State agency law enforcement radio system and
1496 interoperability network.—

1497 (1) The Agency for State Technology ~~department~~ may acquire
1498 and administer a statewide radio communications system to serve
1499 law enforcement units of state agencies, and to serve local law
1500 enforcement agencies through mutual aid channels.

1501 (a) The agency ~~department~~ shall, in conjunction with the
1502 Department of Law Enforcement and the Division of Emergency
1503 Management, establish policies, procedures, and standards to be
1504 incorporated into a comprehensive management plan for the use
1505 and operation of the statewide radio communications system.

1506 (b) The agency ~~department~~ shall bear the overall
1507 responsibility for the design, engineering, acquisition, and
1508 implementation of the statewide radio communications system and

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1509 for ensuring the proper operation and maintenance of all common
1510 system equipment.

1511 (c)1. The agency ~~department~~ may rent or lease space on any
1512 tower under its control and refuse to lease space on any tower
1513 at any site.

1514 2. The agency ~~department~~ may rent, lease, or sublease
1515 ground space as necessary to locate equipment to support
1516 antennae on the towers. The costs for the use of such space
1517 shall be established by the agency ~~department~~ for each site if
1518 it is determined to be practicable and feasible to make space
1519 available.

1520 3. The agency ~~department~~ may rent, lease, or sublease
1521 ground space on lands acquired by the agency ~~department~~ for the
1522 construction of privately owned or publicly owned towers. The
1523 agency ~~department~~ may, as a part of such rental, lease, or
1524 sublease agreement, require space on such towers for antennae as
1525 necessary for the construction and operation of the state agency
1526 law enforcement radio system or any other state need.

1527 4. All moneys collected by the agency ~~department~~ for rents,
1528 leases, and subleases under this subsection shall be deposited
1529 directly into the State Agency Law Enforcement Radio System
1530 Trust Fund established in subsection (3) and may be used by the
1531 agency ~~department~~ to construct, maintain, or support the system.

1532 5. The positions necessary for the agency ~~department~~ to
1533 accomplish its duties under this subsection shall be established
1534 in the General Appropriations Act and funded by the Law
1535 Enforcement Radio Operating Trust Fund or other revenue sources.

1536 (d) The agency ~~department~~ shall exercise its powers and
1537 duties under this part to plan, manage, and administer the

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1538 mutual aid channels in the statewide radio communication system.

1539 1. In implementing such powers and duties, the agency
1540 ~~department~~ shall consult and act in conjunction with the
1541 Department of Law Enforcement and the Division of Emergency
1542 Management, and shall manage and administer the mutual aid
1543 channels in a manner that reasonably addresses the needs and
1544 concerns of the involved law enforcement agencies and emergency
1545 response agencies and entities.

1546 2. The agency ~~department~~ may make the mutual aid channels
1547 available to federal agencies, state agencies, and agencies of
1548 the political subdivisions of the state for the purpose of
1549 public safety and domestic security.

1550 (e) The agency ~~department~~ may allow other state agencies to
1551 use the statewide radio communications system under terms and
1552 conditions established by the agency ~~department~~.

1553 (2) The Joint Task Force on State Agency Law Enforcement
1554 Communications is created adjunct to the Agency for State
1555 Technology ~~department~~ to advise the agency ~~department~~ of member-
1556 agency needs relating to the planning, designing, and
1557 establishment of the statewide communication system.

1558 (a) The Joint Task Force on State Agency Law Enforcement
1559 Communications shall consist of the following members:

1560 1. A representative of the Division of Alcoholic Beverages
1561 and Tobacco of the Department of Business and Professional
1562 Regulation who shall be appointed by the secretary of the
1563 department.

1564 2. A representative of the Division of Florida Highway
1565 Patrol of the Department of Highway Safety and Motor Vehicles
1566 who shall be appointed by the executive director of the

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1567 department.

1568 3. A representative of the Department of Law Enforcement
1569 who shall be appointed by the executive director of the
1570 department.

1571 4. A representative of the Fish and Wildlife Conservation
1572 Commission who shall be appointed by the executive director of
1573 the commission.

1574 5. A representative of the Department of Corrections who
1575 shall be appointed by the secretary of the department.

1576 6. A representative of the Division of State Fire Marshal
1577 of the Department of Financial Services who shall be appointed
1578 by the State Fire Marshal.

1579 7. A representative of the Department of Transportation who
1580 shall be appointed by the secretary of the department.

1581 (b) Each appointed member of the joint task force shall
1582 serve at the pleasure of the appointing official. Any vacancy on
1583 the joint task force shall be filled in the same manner as the
1584 original appointment. A joint task force member may, upon
1585 notification to the chair before the beginning of any scheduled
1586 meeting, appoint an alternative to represent the member on the
1587 task force and vote on task force business in his or her
1588 absence.

1589 (c) The joint task force shall elect a chair from among its
1590 members to serve a 1-year term. A vacancy in the chair of the
1591 joint task force must be filled for the remainder of the
1592 unexpired term by an election of the joint task force members.

1593 (d) The joint task force shall meet as necessary, but at
1594 least quarterly, at the call of the chair and at the time and
1595 place designated by him or her.

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1596 (e) The per diem and travel expenses incurred by a member
1597 of the joint task force in attending its meetings and in
1598 attending to its affairs shall be paid pursuant to s. 112.061,
1599 from funds budgeted to the state agency that the member
1600 represents.

1601 (f) The agency ~~department~~ shall provide technical support
1602 to the joint task force.

1603 (3) (a) The State Agency Law Enforcement Radio System Trust
1604 Fund is established in the Agency for State Technology
1605 ~~department~~ and funded from surcharges collected under ss.
1606 318.18, 320.0802, and 328.72. Upon appropriation, moneys in the
1607 trust fund may be used by the agency ~~department~~ to acquire by
1608 competitive procurement the equipment, software, and
1609 engineering, administrative, and maintenance services it needs
1610 to construct, operate, and maintain the statewide radio system.
1611 Moneys in the trust fund from surcharges shall be used to help
1612 fund the costs of the system. Upon completion of the system,
1613 moneys in the trust fund may also be used by the agency for
1614 paying ~~department for payment of~~ the recurring maintenance costs
1615 of the system.

1616 (b) Funds from the State Agency Law Enforcement Radio
1617 System Trust Fund may be used by the agency ~~department~~ to fund
1618 mutual aid buildout maintenance and sustainment and the
1619 interoperability network created under subsection (4) as
1620 appropriated by law. This paragraph expires July 1, 2013.

1621 (4) The Agency for State Technology ~~department~~ may create
1622 and administer an interoperability network to enable
1623 interoperability between various radio communications
1624 technologies and to serve federal agencies, state agencies, and

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1625 agencies of political subdivisions of the state for the purpose
1626 of public safety and domestic security.

1627 (a) The agency ~~department~~ shall, in conjunction with the
1628 Department of Law Enforcement and the Division of Emergency
1629 Management, exercise its powers and duties pursuant to this
1630 chapter to plan, manage, and administer the interoperability
1631 network. The agency ~~office~~ may:

1632 1. Enter into mutual aid agreements among federal agencies,
1633 state agencies, and political subdivisions of the state for the
1634 use of the interoperability network.

1635 2. Establish the cost of maintenance and operation of the
1636 interoperability network and charge subscribing federal and
1637 local law enforcement agencies for access and use of the
1638 network. The agency ~~department~~ may not charge state law
1639 enforcement agencies identified in paragraph (2) (a) to use the
1640 network.

1641 3. In consultation with the Department of Law Enforcement
1642 and the Division of Emergency Management, amend and enhance the
1643 statewide radio communications system as necessary to implement
1644 the interoperability network.

1645 (b) The agency ~~department~~, in consultation with the Joint
1646 Task Force on State Agency Law Enforcement Communications, and
1647 in conjunction with the Department of Law Enforcement and the
1648 Division of Emergency Management, shall establish policies,
1649 procedures, and standards to incorporate into a comprehensive
1650 management plan for the use and operation of the
1651 interoperability network.

1652 Section 29. Section 282.7101, Florida Statutes, is amended
1653 to read:

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1654 282.7101 Statewide system of regional law enforcement
1655 communications.—

1656 (1) It is the intent and purpose of the Legislature that a
1657 statewide system of regional law enforcement communications be
1658 developed whereby maximum efficiency in the use of existing
1659 radio channels is achieved in order to deal more effectively
1660 with the apprehension of criminals and the prevention of crime.
1661 To this end, all law enforcement agencies within the state are
1662 directed to provide the Agency for State Technology ~~department~~
1663 with any information the agency ~~department~~ requests for the
1664 purpose of implementing the provisions of subsection (2).

1665 (2) The Agency for State Technology ~~department~~ is hereby
1666 ~~authorized and~~ directed to develop and maintain a statewide
1667 system of regional law enforcement communications. In
1668 formulating such a system, the agency ~~department~~ shall divide
1669 the state into appropriate regions and shall develop a program
1670 that includes, but is not limited to:

1671 (a) The communications requirements for each county and
1672 municipality comprising the region.

1673 (b) An interagency communications provision that depicts
1674 the communication interfaces between municipal, county, and
1675 state law enforcement entities operating within the region.

1676 (c) A frequency allocation and use provision that includes,
1677 on an entity basis, each assigned and planned radio channel and
1678 the type of operation, simplex, duplex, or half-duplex, on each
1679 channel.

1680 (3) The Agency for State Technology ~~department~~ shall adopt
1681 any necessary rules and regulations for administering and
1682 coordinating the statewide system of regional law enforcement

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1683 communications.

1684 (4) The executive director ~~secretary~~ of the Agency for
1685 State Technology department or his or her designee is designated
1686 as the director of the statewide system of regional law
1687 enforcement communications and, for the purpose of carrying out
1688 the provisions of this section, may coordinate the activities of
1689 the system with other interested state agencies and local law
1690 enforcement agencies.

1691 (5) A law enforcement communications system may not be
1692 established or expanded without the prior approval of the Agency
1693 for State Technology department.

1694 (6) Within the limits of its capability, the Department of
1695 Law Enforcement is encouraged to lend assistance to the Agency
1696 for State Technology department in the development of the
1697 statewide system of regional law enforcement communications
1698 proposed by this section.

1699 Section 30. Section 282.711, Florida Statutes, is amended
1700 to read:

1701 282.711 Remote electronic access services.—The Agency for
1702 State Technology department may collect fees for providing
1703 remote electronic access pursuant to s. 119.07(2). The fees may
1704 be imposed on individual transactions or as a fixed subscription
1705 for a designated period of time. All fees collected under this
1706 section shall be deposited in the appropriate trust fund of the
1707 program or activity that made the remote electronic access
1708 available.

1709 Section 31. Subsection (14) of section 287.012, Florida
1710 Statutes, is amended to read:

1711 287.012 Definitions.—As used in this part, the term:

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1712 (14) "Information technology" means equipment, hardware,
1713 software, firmware, programs, systems, networks, infrastructure,
1714 media, and related material used to automatically,
1715 electronically, and wirelessly collect, receive, access,
1716 transmit, display, store, record, retrieve, analyze, evaluate,
1717 process, classify, manipulate, manage, assimilate, control,
1718 communicate, exchange, convert, converge, interface, switch, or
1719 disseminate information of any kind or form ~~has the meaning~~
1720 ~~ascribed in s. 282.0041.~~

1721 Section 32. Subsection (22) of section 287.057, Florida
1722 Statutes, is amended to read:

1723 287.057 Procurement of commodities or contractual
1724 services.—

1725 (22) The department, in consultation with the Agency for
1726 State Enterprise Information Technology and the Chief Financial
1727 Officer Comptroller, shall develop a program for online
1728 procurement of commodities and contractual services. To enable
1729 the state to promote open competition and to leverage its buying
1730 power, agencies shall participate in the online procurement
1731 program, and eligible users may participate in the program. Only
1732 vendors prequalified as meeting mandatory requirements and
1733 qualifications criteria may participate in online procurement.

1734 (a) The department, in consultation with the agency, may
1735 contract for equipment and services necessary to develop and
1736 implement online procurement.

1737 (b) The department, in consultation with the agency, shall
1738 adopt rules, pursuant to ss. 120.536(1) and 120.54, to
1739 administer the program for online procurement. The rules shall
1740 include, but not be limited to:

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1741 1. Determining the requirements and qualification criteria
1742 for prequalifying vendors.

1743 2. Establishing the procedures for conducting online
1744 procurement.

1745 3. Establishing the criteria for eligible commodities and
1746 contractual services.

1747 4. Establishing the procedures for providing access to
1748 online procurement.

1749 5. Determining the criteria warranting any exceptions to
1750 participation in the online procurement program.

1751 (c) The department may impose and shall collect all fees
1752 for the use of the online procurement systems.

1753 1. The fees may be imposed on an individual transaction
1754 basis or as a fixed percentage of the cost savings generated. At
1755 a minimum, the fees must be set in an amount sufficient to cover
1756 the projected costs of the services, including administrative
1757 and project service costs in accordance with the policies of the
1758 department.

1759 2. If the department contracts with a provider for online
1760 procurement, the department, pursuant to appropriation, shall
1761 compensate the provider from the fees after the department has
1762 satisfied all ongoing costs. The provider shall report
1763 transaction data to the department each month so that the
1764 department may determine the amount due and payable to the
1765 department from each vendor.

1766 3. All fees that are due and payable to the state on a
1767 transactional basis or as a fixed percentage of the cost savings
1768 generated are subject to s. 215.31 and must be remitted within
1769 40 days after receipt of payment for which the fees are due. For

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1770 fees that are not remitted within 40 days, the vendor shall pay
1771 interest at the rate established under s. 55.03(1) on the unpaid
1772 balance from the expiration of the 40-day period until the fees
1773 are remitted.

1774 4. All fees and surcharges collected under this paragraph
1775 shall be deposited in the Operating Trust Fund as provided by
1776 law.

1777 Section 33. Subsection (17) of section 318.18, Florida
1778 Statutes, is amended to read:

1779 318.18 Amount of penalties.—The penalties required for a
1780 noncriminal disposition pursuant to s. 318.14 or a criminal
1781 offense listed in s. 318.17 are as follows:

1782 (17) In addition to any penalties imposed, a surcharge of
1783 \$3 must be paid for all criminal offenses listed in s. 318.17
1784 and for all noncriminal moving traffic violations under chapter
1785 316. Revenue from the surcharge shall be remitted to the
1786 Department of Revenue and deposited quarterly into the State
1787 Agency Law Enforcement Radio System Trust Fund of the Agency for
1788 State Technology ~~Department of Management Services~~ for the state
1789 agency law enforcement radio system, as described in s. 282.709,
1790 and to provide technical assistance to state agencies and local
1791 law enforcement agencies with their statewide systems of
1792 regional law enforcement communications, as described in s.
1793 282.7101. This subsection expires July 1, 2021. The Agency for
1794 State Technology ~~Department of Management Services~~ may retain
1795 funds sufficient to recover the costs and expenses incurred for
1796 managing, administering, and overseeing the Statewide Law
1797 Enforcement Radio System, and providing technical assistance to
1798 state agencies and local law enforcement agencies with their

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1799 statewide systems of regional law enforcement communications.
1800 The Agency for State Technology ~~Department of Management~~
1801 ~~Services~~ working in conjunction with the Joint Task Force on
1802 State Agency Law Enforcement Communications shall determine and
1803 direct the purposes for which these funds are used to enhance
1804 and improve the radio system.

1805 Section 34. Section 320.0802, Florida Statutes, is amended
1806 to read:

1807 320.0802 Surcharge on license tax.—There is hereby levied
1808 and imposed on each license tax imposed under s. 320.08, except
1809 those set forth in s. 320.08(11), a surcharge in the amount of
1810 \$1, which shall be collected in the same manner as the license
1811 tax and deposited into the State Agency Law Enforcement Radio
1812 System Trust Fund of the Agency for State Technology ~~Department~~
1813 ~~of Management Services~~.

1814 Section 35. Subsection (9) of section 328.72, Florida
1815 Statutes, is amended to read:

1816 328.72 Classification; registration; fees and charges;
1817 surcharge; disposition of fees; fines; marine turtle stickers.—

1818 (9) SURCHARGE.—In addition, there is hereby levied and
1819 imposed on each vessel registration fee imposed under subsection
1820 (1) a surcharge in the amount of \$1 for each 12-month period of
1821 registration, which shall be collected in the same manner as the
1822 fee and deposited into the State Agency Law Enforcement Radio
1823 System Trust Fund of the Agency for State Technology ~~Department~~
1824 ~~of Management Services~~.

1825 Section 36. Section 364.0135, Florida Statutes, is amended
1826 to read:

1827 364.0135 Promotion of broadband adoption.—

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1828 (1) The Legislature finds that the sustainable adoption of
1829 broadband Internet service is critical to the economic and
1830 business development of the state and is beneficial for
1831 libraries, schools, colleges and universities, health care
1832 providers, and community organizations. The term "sustainable
1833 adoption" means the ability for communications service providers
1834 to offer broadband services in all areas of the state by
1835 encouraging adoption and utilization levels that allow for these
1836 services to be offered in the free market absent the need for
1837 governmental subsidy.

1838 (2) The Agency for State Technology may ~~Department of~~
1839 ~~Management Services is authorized to~~ work collaboratively with,
1840 and to receive staffing support and other resources from,
1841 Enterprise Florida, Inc., state agencies, local governments,
1842 private businesses, and community organizations to:

1843 (a) Monitor the adoption of broadband Internet service in
1844 collaboration with communications service providers, including,
1845 but not limited to, wireless and wireline Internet service
1846 providers, to develop geographical information system maps at
1847 the census tract level that will:

1848 1. Identify geographic gaps in broadband services,
1849 including areas unserved by any broadband provider and areas
1850 served by a single broadband provider;

1851 2. Identify the download and upload transmission speeds
1852 made available to businesses and individuals in the state, at
1853 the census tract level of detail, using data rate benchmarks for
1854 broadband service used by the Federal Communications Commission
1855 to reflect different speed tiers; and

1856 3. Provide a baseline assessment of statewide broadband

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1857 deployment in terms of percentage of households with broadband
1858 availability.

1859 (b) Create a strategic plan that has goals and strategies
1860 for increasing the use of broadband Internet service in the
1861 state.

1862 (c) Build and facilitate local technology planning teams or
1863 partnerships with members representing cross-sections of the
1864 community, which may include, but are not limited to,
1865 representatives from the following organizations and industries:
1866 libraries, K-12 education, colleges and universities, local
1867 health care providers, private businesses, community
1868 organizations, economic development organizations, local
1869 governments, tourism, parks and recreation, and agriculture.

1870 (d) Encourage the use of broadband Internet service,
1871 especially in the rural, unserved, and underserved communities
1872 of the state through grant programs having effective strategies
1873 to facilitate the statewide deployment of broadband Internet
1874 service. For any grants to be awarded, priority must be given to
1875 projects that:

1876 1. Provide access to broadband education, awareness,
1877 training, access, equipment, and support to libraries, schools,
1878 colleges and universities, health care providers, and community
1879 support organizations.

1880 2. Encourage the sustainable adoption of broadband in
1881 primarily unserved areas by removing barriers to entry.

1882 3. Work toward encouraging investments in establishing
1883 affordable and sustainable broadband Internet service in
1884 unserved areas of the state.

1885 4. Facilitate the development of applications, programs,

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1886 and services, including, but not limited to, telework,
1887 telemedicine, and e-learning to increase the usage of, and
1888 demand for, broadband Internet service in the state.

1889 (3) The Agency for State Technology ~~department~~ may apply
1890 for and accept federal funds for purposes of this section, as
1891 well as gifts and donations from individuals, foundations, and
1892 private organizations.

1893 (4) The Agency for State Technology ~~department~~ may:

1894 (a) Enter into contracts necessary or useful to carry out
1895 the purposes of this section.

1896 (b) ~~(5) The department may~~ Establish any committee or
1897 workgroup to administer and carry out the purposes of this
1898 section.

1899 Section 37. Subsections (3), (4), (5), (7), (9), (10), and
1900 (11) of section 365.171, Florida Statutes, are amended to read:

1901 365.171 Emergency communications number E911 state plan.—

1902 (3) DEFINITIONS.—As used in this section, the term:

1903 (a) "Agency" means the Agency for State Technology "Office"
1904 ~~means the Technology Program within the Department of Management~~
1905 ~~Services, as designated by the secretary of the department.~~

1906 (b) "Local government" means any city, county, or political
1907 subdivision of the state and its agencies.

1908 (c) "Public agency" means the state and any city, county,
1909 city and county, municipal corporation, chartered organization,
1910 public district, or public authority located in whole or in part
1911 within this state which provides, or has authority to provide,
1912 firefighting, law enforcement, ambulance, medical, or other
1913 emergency services.

1914 (d) "Public safety agency" means a functional division of a

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1915 public agency which provides firefighting, law enforcement,
1916 medical, or other emergency services.

1917 (4) STATE PLAN.—The agency ~~office~~ shall develop, maintain,
1918 and implement appropriate modifications for a statewide
1919 emergency communications E911 system plan. The plan shall
1920 provide for:

1921 (a) The public agency emergency communications requirements
1922 for each entity of local government in the state.

1923 (b) A system to meet specific local government
1924 requirements. Such system shall include law enforcement,
1925 firefighting, and emergency medical services and may include
1926 other emergency services such as poison control, suicide
1927 prevention, and emergency management services.

1928 (c) Identification of the mutual aid agreements necessary
1929 to obtain an effective E911 system.

1930 (d) A funding provision that identifies the cost necessary
1931 to implement the E911 system.

1932

1933 The agency ~~office~~ shall be responsible for the implementation
1934 and coordination of such plan. The agency ~~office~~ shall adopt any
1935 necessary rules and schedules related to public agencies for
1936 implementing and coordinating the plan, pursuant to chapter 120.

1937 (5) SYSTEM DIRECTOR.—The executive director of the agency
1938 ~~secretary of the department~~ or his or her designee is designated
1939 as the director of the statewide emergency communications number
1940 E911 system and, for the purpose of carrying out the provisions
1941 of this section, may ~~is authorized to~~ coordinate the activities
1942 of the system with state, county, local, and private agencies.
1943 The director in implementing the system shall consult,

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1944 cooperate, and coordinate with local law enforcement agencies.

1945 (7) TELECOMMUNICATIONS INDUSTRY COORDINATION.—The agency
 1946 ~~office~~ shall coordinate with the Florida Public Service
 1947 Commission which shall encourage the Florida telecommunications
 1948 industry to activate facility modification plans for timely E911
 1949 implementation.

1950 (9) SYSTEM APPROVAL.—An ~~Ne~~ emergency communications number
 1951 E911 system may not ~~shall~~ be established or ~~and~~ ~~no~~ present
 1952 system ~~shall be~~ expanded without prior approval of the agency
 1953 ~~office~~.

1954 (10) COMPLIANCE.—All public agencies shall assist the
 1955 agency ~~office~~ in their efforts to carry out the intent of this
 1956 section, and such agencies shall comply with the developed plan.

1957 (11) FEDERAL ASSISTANCE.—The executive director of the
 1958 agency ~~secretary of the department~~ or his or her designee may
 1959 apply for and accept federal funding assistance in the
 1960 development and implementation of a statewide emergency
 1961 communications number E911 system.

1962 Section 38. Present paragraphs (a) through (s) of
 1963 subsection (3) of section 365.172, Florida Statutes, are
 1964 redesignated as paragraphs (b) through (t), respectively, a new
 1965 paragraph (a) is added to that subsection, and paragraph (d) of
 1966 subsection (2), paragraph (t) of subsection (3), subsection (4),
 1967 paragraph (a) of subsection (5), paragraph (c) of subsection
 1968 (6), and paragraph (f) of subsection (12) are amended to read:

1969 365.172 Emergency communications number "E911."—

1970 (2) LEGISLATIVE INTENT.—It is the intent of the Legislature
 1971 to:

1972 (d) Provide for an E911 board to administer the fee, with

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1973 oversight by the agency office, in a manner that is
1974 competitively and technologically neutral as to all voice
1975 communications services providers.

1976
1977 It is further the intent of the Legislature that the fee
1978 authorized or imposed by this section not necessarily provide
1979 the total funding required for establishing or providing E911
1980 service.

1981 (3) DEFINITIONS.—Only as used in this section and ss.
1982 365.171, 365.173, and 365.174, the term:

1983 (a) "Agency" means the Agency for State Technology.

1984 ~~(t) "Office" means the Technology Program within the~~
1985 ~~Department of Management Services, as designated by the~~
1986 ~~secretary of the department.~~

1987 (4) POWERS AND DUTIES OF THE AGENCY FOR STATE TECHNOLOGY
1988 ~~OFFICE~~.—The agency office shall oversee the administration of
1989 the fee authorized and imposed on subscribers of voice
1990 communications services under subsection (8).

1991 (5) THE E911 BOARD.—

1992 (a) The E911 Board is established to administer, with
1993 oversight by the agency office, the fee imposed under subsection
1994 (8), including receiving revenues derived from the fee;
1995 distributing portions of the revenues to wireless providers,
1996 counties, and the agency office; accounting for receipts,
1997 distributions, and income derived by the funds maintained in the
1998 fund; and providing annual reports to the Governor, the Cabinet,
1999 and the Legislature for submission by the agency office on
2000 amounts collected and expended, the purposes for which
2001 expenditures have been made, and the status of E911 service in

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2002 this state. In order to advise and assist the agency ~~office~~ in
 2003 carrying out ~~implementing~~ the purposes of this section, the
 2004 board, which has the power of a body corporate, has the powers
 2005 enumerated in subsection (6).

2006 (6) AUTHORITY OF THE BOARD; ANNUAL REPORT.—

2007 (c) By February 28 of each year, the board shall prepare a
 2008 report for submission by the agency ~~office~~ to the Governor,
 2009 Cabinet, the President of the Senate, and the Speaker of the
 2010 House of Representatives which addresses for the immediately
 2011 preceding calendar year:

2012 1. The annual receipts, including the total amount of fee
 2013 revenues collected by each provider, the total disbursements of
 2014 money in the fund, including the amount of fund-reimbursed
 2015 expenses incurred by each wireless provider to comply with the
 2016 order, and the amount of moneys on deposit in the fund.

2017 2. Whether the amount of the fee and the allocation
 2018 percentages set forth in s. 365.173 have been or should be
 2019 adjusted to comply with the requirements of the order or other
 2020 provisions of this chapter, and the reasons for making or not
 2021 making a recommended adjustment to the fee.

2022 3. Any other issues related to providing E911 services.

2023 4. The status of E911 services in this state.

2024 (12) FACILITATING E911 SERVICE IMPLEMENTATION.—To balance
 2025 the public need for reliable E911 services through reliable
 2026 wireless systems and the public interest served by governmental
 2027 zoning and land development regulations and notwithstanding any
 2028 other law or local ordinance to the contrary, the following
 2029 standards shall apply to a local government's actions, as a
 2030 regulatory body, in the regulation of the placement,

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2031 construction, or modification of a wireless communications
2032 facility. This subsection shall not, however, be construed to
2033 waive or alter the provisions of s. 286.011 or s. 286.0115. For
2034 the purposes of this subsection only, "local government" shall
2035 mean any municipality or county and any agency of a municipality
2036 or county only. The term "local government" does not, however,
2037 include any airport, as defined by s. 330.27(2), even if it is
2038 owned or controlled by or through a municipality, county, or
2039 agency of a municipality or county. Further, notwithstanding
2040 anything in this section to the contrary, this subsection does
2041 not apply to or control a local government's actions as a
2042 property or structure owner in the use of any property or
2043 structure owned by such entity for the placement, construction,
2044 or modification of wireless communications facilities. In the
2045 use of property or structures owned by the local government,
2046 however, a local government may not use its regulatory authority
2047 so as to avoid compliance with, or in a manner that does not
2048 advance, the provisions of this subsection.

2049 (f) Any other law to the contrary notwithstanding, the
2050 agency ~~Department of Management Services~~ shall negotiate, in the
2051 name of the state, leases for wireless communications facilities
2052 that provide access to state government-owned property not
2053 acquired for transportation purposes, and the Department of
2054 Transportation shall negotiate, in the name of the state, leases
2055 for wireless communications facilities that provide access to
2056 property acquired for state rights-of-way. On property acquired
2057 for transportation purposes, leases shall be granted in
2058 accordance with s. 337.251. On other state government-owned
2059 property, leases shall be granted on a space available, first-

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2060 come, first-served basis. Payments required by state government
 2061 under a lease must be reasonable and must reflect the market
 2062 rate for the use of the state government-owned property. The
 2063 agency ~~Department of Management Services~~ and the Department of
 2064 Transportation are authorized to adopt rules for the terms and
 2065 conditions and granting of any such leases.

2066 Section 39. Subsection (1) and paragraph (g) of subsection
 2067 (2) of section 365.173, Florida Statutes, are amended to read:

2068 365.173 Emergency Communications Number E911 System Fund.—

2069 (1) All revenues derived from the fee levied on subscribers
 2070 under s. 365.172 must be paid by the board into the State
 2071 Treasury on or before the 15th day of each month. Such moneys
 2072 must be accounted for in a special fund to be designated as the
 2073 Emergency Communications Number E911 System Fund, a fund created
 2074 in the Agency for State Technology Program, ~~or other office as~~
 2075 ~~designated by the Secretary of Management Services~~, and, for
 2076 accounting purposes, must be segregated into two separate
 2077 categories:

2078 (a) The wireless category; and

2079 (b) The nonwireless category.

2080
 2081 All moneys must be invested by the Chief Financial Officer
 2082 pursuant to s. 17.61. All moneys in such fund are to be expended
 2083 by the agency ~~office~~ for the purposes provided in this section
 2084 and s. 365.172. These funds are not subject to s. 215.20.

2085 (2) As determined by the board pursuant to s.
 2086 365.172 (8) (h), and subject to any modifications approved by the
 2087 board pursuant to s. 365.172 (6) (a) 3. or (8) (i), the moneys in
 2088 the fund shall be distributed and used only as follows:

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2089 (g) Two percent of the moneys in the fund shall be used to
2090 make monthly distributions to rural counties for the purpose of
2091 providing facilities and network and service enhancements and
2092 assistance for the 911 or E911 systems operated by rural
2093 counties and for the provision of grants by the agency ~~office~~ to
2094 rural counties for upgrading and replacing E911 systems.

2095
2096 The Legislature recognizes that the fee authorized under s.
2097 365.172 may not necessarily provide the total funding required
2098 for establishing or providing the E911 service. It is the intent
2099 of the Legislature that all revenue from the fee be used as
2100 specified in this subsection.

2101 Section 40. Subsection (1) of section 365.174, Florida
2102 Statutes, is amended to read:

2103 365.174 Proprietary confidential business information.—

2104 (1) All proprietary confidential business information
2105 submitted by a provider to the board or the Agency for State
2106 Technology ~~office~~, including the name and billing or service
2107 addresses of service subscribers, and trade secrets as defined
2108 by s. 812.081, is confidential and exempt from s. 119.07(1) and
2109 s. 24(a), Art. I of the State Constitution. Statistical
2110 abstracts of information collected by the board or the agency
2111 ~~office~~ may be released or published, but only in a manner that
2112 does not identify or allow identification of subscribers or
2113 their service numbers or of revenues attributable to any
2114 provider.

2115 Section 41. Section 401.013, Florida Statutes, is amended
2116 to read:

2117 401.013 Legislative intent.—It is the intention and purpose

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2118 of the Legislature that a statewide system of regional emergency
2119 medical telecommunications be developed whereby maximum use of
2120 existing radio channels is achieved in order to more effectively
2121 and rapidly provide emergency medical service to the general
2122 population. To this end, all emergency medical service entities
2123 within the state are directed to provide the Agency for State
2124 Technology ~~Department of Management Services~~ with any
2125 information the agency department requests for the purpose of
2126 implementing the provisions of s. 401.015, and such entities
2127 shall comply with the resultant provisions established pursuant
2128 to this part.

2129 Section 42. Section 401.015, Florida Statutes, is amended
2130 to read:

2131 401.015 Statewide regional emergency medical
2132 telecommunication system.—The Agency for State Technology shall
2133 ~~Department of Management Services is authorized and directed to~~
2134 develop a statewide system of regional emergency medical
2135 telecommunications. For the purpose of this part, the term
2136 "telecommunications" means ~~those~~ voice, data, and signaling
2137 transmissions and receptions between emergency medical service
2138 components, including, but not limited to: ambulances; rescue
2139 vehicles; hospitals or other related emergency receiving
2140 facilities; emergency communications centers; physicians and
2141 emergency medical personnel; paging facilities; law enforcement
2142 and fire protection agencies; and poison control, suicide, and
2143 emergency management agencies. In formulating such a system, the
2144 agency department shall divide the state into appropriate
2145 regions and ~~shall~~ develop a program that ~~which~~ includes, but is
2146 not limited to, the following provisions:

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2147 (1) A requirements provision that states, ~~which shall state~~
2148 the telecommunications requirements for each emergency medical
2149 entity comprising the region.

2150 (2) An interfacility communications provision that depicts,
2151 ~~which shall depict~~ the telecommunications interfaces between the
2152 various medical service entities which operate within the region
2153 and state.

2154 (3) An organizational layout provision that includes, ~~which~~
2155 ~~shall include~~ each emergency medical entity and the number of
2156 radio operating units (base, mobile, handheld, etc.) per entity.

2157 (4) A frequency allocation and use provision that includes,
2158 ~~which shall include~~ on an entity basis each assigned and planned
2159 radio channel and the type of operation (simplex, duplex, half
2160 duplex, etc.) on each channel.

2161 (5) An operational provision that includes, ~~which shall~~
2162 ~~include~~ dispatching, logging, and operating procedures
2163 pertaining to telecommunications on an entity basis and regional
2164 basis.

2165 (6) An emergency medical service telephone provision that
2166 includes, ~~which shall include~~ the telephone and the numbering
2167 plan throughout the region for both the public and interface
2168 requirements.

2169 Section 43. Section 401.018, Florida Statutes, is amended
2170 to read:

2171 401.018 System coordination.—

2172 (1) The statewide system of regional emergency medical
2173 telecommunications shall be developed by the Agency for State
2174 Technology Department of Management Services, ~~which department~~
2175 shall be responsible for the implementation and coordination of

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2176 such system into the state telecommunications plan. The agency
2177 ~~department~~ shall adopt any necessary rules and regulations for
2178 implementing and coordinating such a system.

2179 (2) The Agency for State Technology ~~Department of~~
2180 ~~Management Services~~ shall be designated as the state frequency
2181 coordinator for the special emergency radio service.

2182 Section 44. Section 401.021, Florida Statutes, is amended
2183 to read:

2184 401.021 System director.—The executive director of the
2185 Agency for State Technology ~~Secretary of Management Services~~ or
2186 his or her designee is designated as the director of the
2187 statewide telecommunications system of the regional emergency
2188 medical service and, for the purpose of carrying out the
2189 provisions of this part, may ~~is authorized to~~ coordinate the
2190 activities of the telecommunications system with other
2191 interested state, county, local, and private agencies.

2192 Section 45. Section 401.024, Florida Statutes, is amended
2193 to read:

2194 401.024 System approval.—An ~~From July 1, 1973, no~~ emergency
2195 medical telecommunications system may not ~~shall~~ be established
2196 or present systems expanded without prior approval of the Agency
2197 for State Technology ~~Department of Management Services~~.

2198 Section 46. Section 401.027, Florida Statutes, is amended
2199 to read:

2200 401.027 Federal assistance.—The executive director of the
2201 Agency for State Technology ~~Secretary of Management Services~~ or
2202 his or her designee may ~~is authorized to~~ apply for and accept
2203 federal funding assistance in the development and implementation
2204 of a statewide emergency medical telecommunications system.

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2205 Section 47. Paragraph (a) of subsection (2) of section
2206 401.465, Florida Statutes, is amended to read:

2207 401.465 911 public safety telecommunicator certification.—

2208 (2) PERSONNEL; STANDARDS AND CERTIFICATION.—

2209 (a) Effective October 1, 2012, any person employed as a 911
2210 public safety telecommunicator at a public safety answering
2211 point, as defined in s. 365.172(3) ~~(a)~~, must be certified by the
2212 department.

2213 Section 48. Subsection (4) of section 445.011, Florida
2214 Statutes, is amended to read:

2215 445.011 Workforce information systems.—

2216 (4) Workforce Florida, Inc., shall coordinate development
2217 and implementation of workforce information systems with the
2218 executive director of the Agency for State Enterprise
2219 ~~Information~~ Technology to ensure compatibility with the state's
2220 information system strategy and enterprise architecture.

2221 Section 49. Subsection (2) and paragraphs (a) and (b) of
2222 subsection (4) of section 445.045, Florida Statutes, are amended
2223 to read:

2224 445.045 Development of an Internet-based system for
2225 information technology industry promotion and workforce
2226 recruitment.—

2227 (2) Workforce Florida, Inc., shall coordinate with the
2228 Agency for State Enterprise ~~Information~~ Technology and the
2229 Department of Economic Opportunity to ensure links, where
2230 feasible and appropriate, to existing job information websites
2231 maintained by the state and state agencies and to ensure that
2232 information technology positions offered by the state and state
2233 agencies are posted on the information technology website.

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2234 (4) (a) Workforce Florida, Inc., shall coordinate
2235 development and maintenance of the website under this section
2236 with the executive director of the Agency for State Enterprise
2237 ~~Information~~ Technology to ensure compatibility with the state's
2238 information system strategy and enterprise architecture.

2239 (b) Workforce Florida, Inc., may enter into an agreement
2240 with the Agency for State Enterprise~~Information~~ Technology, the
2241 Department of Economic Opportunity, or any other public agency
2242 with the requisite information technology expertise for the
2243 provision of design, operating, or other technological services
2244 necessary to develop and maintain the website.

2245 Section 50. Paragraph (b) of subsection (18) of section
2246 668.50, Florida Statutes, is amended to read:

2247 668.50 Uniform Electronic Transaction Act.—

2248 (18) ACCEPTANCE AND DISTRIBUTION OF ELECTRONIC RECORDS BY
2249 GOVERNMENTAL AGENCIES.—

2250 (b) To the extent that a governmental agency uses
2251 electronic records and electronic signatures under paragraph
2252 (a), the Agency for State Enterprise~~Information~~ Technology, in
2253 consultation with the governmental agency, giving due
2254 consideration to security, may specify:

2255 1. The manner and format in which the electronic records
2256 must be created, generated, sent, communicated, received, and
2257 stored and the systems established for those purposes.

2258 2. If electronic records must be signed by electronic
2259 means, the type of electronic signature required, the manner and
2260 format in which the electronic signature must be affixed to the
2261 electronic record, and the identity of, or criteria that must be
2262 met by, any third party used by a person filing a document to

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2263 facilitate the process.

2264 3. Control processes and procedures as appropriate to
2265 ensure adequate preservation, disposition, integrity, security,
2266 confidentiality, and auditability of electronic records.

2267 4. Any other required attributes for electronic records
2268 which are specified for corresponding nonelectronic records or
2269 reasonably necessary under the circumstances.

2270 Section 51. This act shall take effect July 1, 2013.