By the Committee on Governmental Oversight and Accountability; and Senator Ring

585-02800-12

A bill to be entitled
An act relating to state technology; abolishing the
Agency for Enterprise Information Technology;
transferring the personnel, functions, and funds of
the Agency for Enterprise Information Technology to
the Agency for State Technology; transferring
specified personnel, functions, and funds relating to
technology programs from the Department of Management
Services to the Agency for State Technology;
transferring the Northwood Shared Resource Center and
the Southwood Shared Resource Center to the agency;
repealing s. 14.204, F.S., relating to the Agency for
Enterprise Information Technology; creating s. 14.206,
F.S.; creating the Agency for State Technology;
providing for an executive director who shall be the
state’s Chief Information Officer; requiring the
Governor to appoint a search committee to recommend
candidates for executive director; providing for
organization of the agency; providing duties and
responsibilities of the agency and of the executive
director; prohibiting the agency from using certain
trust funds for certain purposes; authorizing the
agency to adopt rules; reordering and amending s.
282.0041, F.S.; revising and providing definitions of
terms as used in the Enterprise Information Technology
Services Management Act; amending s. 282.0055, F.S.;
revising provisions for assignment of information
technology services; directing the agency to create a
road map for enterprise information technology service
consolidation and a comprehensive transition plan; requiring the transition plan to be submitted to the Governor and Cabinet and the Legislature by a certain date; providing duties for state agencies relating to the transition plan; prohibiting state agencies from performing certain technology-related activities; providing for exceptions; amending s. 282.0056, F.S.; providing for development by the agency executive director of a biennial State Information Technology Strategic Resources Plan for approval by the Governor and Cabinet; directing state agencies to submit their own information technology plans and any requested information to the agency; revising provisions for development of work plans and implementation plans; revising provisions for reporting on achievements; amending s. 282.201, F.S.; revising provisions for a state data center system; providing legislative intent; directing the agency to provide recommendations to the Governor, Cabinet, and Legislature relating to primary data center designations and changes to the schedule for the consolidations of state agency data centers; providing duties of a state agency consolidating a data center into a primary data center; revising the scheduled consolidation dates for state agency data centers; amending s. 282.203, F.S.; revising duties of primary data centers; removing provisions for boards of trustees to head primary data centers; requiring a memorandum of understanding between the primary data
center and the participating state agency; limiting
the term of the memorandum; providing for failure to
enter into a memorandum; repealing s. 282.204, F.S.,
relating to Northwood Shared Resource Center;
repealing s. 282.205, F.S., relating to Southwood
Shared Resource Center; creating s. 282.206, F.S.;
establishing the Fletcher Shared Resource Center
within the Department of Financial Services to provide
enterprise information technology services; directing
the center to collaborate with the agency; directing
the center to provide collocation services to the
Department of Legal Affairs, the Department of
Agriculture and Consumer Services, and the Department
of Financial Services; directing the Department of
Financial Services to continue to use the center and
provide service to the Office of Financial Regulation
and the Office of Insurance Regulation and host the
Legislative Appropriations System/Planning and
Budgeting Subsystem; providing for governance of the
center; providing for a steering committee to ensure
adequacy and appropriateness of services; directing
the Department of Legal Affairs and the Department of
Agriculture and Consumer Services to move data center
equipment to the center by certain dates; repealing s.
282.33, F.S., relating to objective standards for data
center energy efficiency; amending s. 282.34, F.S.;
revising provisions for a statewide e-mail service to
meet the needs of executive branch agencies; requiring
the agency to reevaluate the current contract for e-
mail services; requiring state agencies to receive e-mail services through the agency; authorizing the Department of Agriculture and Consumer Services, the Department of Financial Services, the Office of Financial Regulation, and the Office of Insurance Regulation to receive e-mail services from the Fletcher Shared Resource Center or the agency; amending s. 282.702, F.S.; directing the agency to develop a plan for statewide voice-over-Internet protocol services; requiring certain content in the plan; requiring the plan to be submitted to the Governor, Cabinet, and Legislature by a certain date; amending s. 364.0135, F.S.; providing for the agency’s role in the promotion of broadband Internet service; providing an additional duty; amending ss. 20.22, 110.205, 215.22, 215.322, 216.292, 282.318, 282.604, 282.703, 282.704, 282.705, 282.706, 282.707, 282.709, 282.7101, 282.711, 287.012, 287.057, 318.18, 320.0802, 328.72, 365.171, 365.172, 365.173, 365.174, 401.013, 401.015, 401.018, 401.021, 401.024, 401.027, 401.465, 445.011, 445.045, and 668.50, F.S., relating to a financial and cash management system task force, career service exemptions, trust funds, payment cards and electronic funds transfers, the Communications Working Capital Trust Fund, the Enterprise Information Technology Services Management Act, adoption of rules, the Communication Information Technology Services Act, procurement of commodities and contractual services, the Florida Uniform Disposition of Traffic Infractions
Act, surcharge on vehicle license tax, vessel registration, broadband Internet service, the emergency communications number E911, regional emergency medical telecommunications, the Workforce Innovation Act of 2000, and the Uniform Electronic Transaction Act; conforming provisions and cross-references to changes made by the act; revising and deleting obsolete provisions; providing effective dates.

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

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

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

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

(1) The Technology Program established under section 20.22(2), Florida Statutes, is transferred by a type one transfer, as defined in s. 20.06(1), Florida Statutes, from the Department of Management Services to the Agency for State Technology in the Executive Officer of the Governor.
(2) All of the powers, duties, functions, records, personnel, and property; funds, trust funds, and unexpended balances of appropriations, allocations, and other funds; administrative authority; administrative rules; pending issues; and existing contracts relating to the following responsibilities are transferred by a type one transfer, as defined in s. 20.06(1), Florida Statutes, from the Department of Management Services to the Agency for State Technology in the Executive Office of the Governor:

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

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

(c) Administrative and regulatory responsibilities under s. 364.0135, Florida Statutes, relating to broadband Internet service.
(d) Administrative and regulatory responsibilities under ss. 365.171, 365.172, 365.173, 365.174, and 365.175, Florida Statutes, relating to emergency communications number E911.

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

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

2. The Emergency Communications Number E911 System Fund.

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

(4) All lawful orders issued by the Department of Management Services implementing or enforcing or otherwise in regard to ss. 282.701-282.711, s. 364.0135, ss. 365.171-365.175, or part I of chapter 401, Florida Statutes, issued before July 1, 2012, remain in effect and are enforceable on or after that date unless thereafter modified in accordance with law.
(5) Any binding contract or interagency agreement entered into pursuant to ss. 282.701-282.711, s. 364.0135, ss. 365.171-365.175, or part I of chapter 401, Florida Statutes, and existing before July 1, 2012, between the Department of Management Services or an entity or agent of the department and any other agency, entity, or person continues as a binding contract or agreement for the remainder of the term of such contract or agreement on the Agency for State Technology.

(6) The rules of the Department of Management Services relating to ss. 282.701-282.711, s. 364.0135, ss. 365.171-365.175, or part I of chapter 401, Florida Statutes, which were in effect at 11:59 p.m. on June 30, 2012, become rules of the Agency for State Technology and remain in effect until amended or repealed in the manner provided by law.

(7) The transfer of regulatory authority under ss. 282.701-282.711, s. 364.0135, ss. 365.171-365.175, or part I of chapter 401, Florida Statutes, provided by this section does not affect the validity of any judicial or administrative action pending as of 11:59 p.m. on June 30, 2012, to which the Department of Management Services is at that time a party, and the Agency for State Technology shall be substituted as a party in interest in such action.

(8) The Northwood Shared Resource Center is transferred by a type one transfer, as defined in s. 20.06(1), Florida Statutes, from the Department of Management Services to the Agency for State Technology in the Executive Office of the Governor.

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

(b) The rules of the Northwood Shared Resource Center which
were in effect at 11:59 p.m. on June 30, 2012, become rules of
the Agency for State Technology and remain in effect until
amended or repealed in the manner provided by law.

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

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

(b) The rules of the Southwood Shared Resource Center which
were in effect at 11:59 p.m. on June 30, 2012, become rules of
the Agency for State Technology and remain in effect until
amended or repealed in the manner provided by law.

Section 3. Section 14.204, Florida Statutes, is repealed.
Section 4. Section 14.206, Florida Statutes, is created to
read:

14.206 Agency for State Technology.—The Agency for State
Technology is created in the Executive Office of the Governor.

(1) The head of the agency shall be the Governor and
Cabinet.

(2) The agency is a separate budget entity and is not subject to control, supervision, or direction by the Executive Office of the Governor, including, but not limited to, purchasing, transactions involving real or personal property, personnel, or budgetary matters.

(3) The agency shall have an executive director who is the state’s Chief Information Officer and who must be qualified by education and experience for the office. The executive director shall be appointed by the Governor, subject to confirmation by the Cabinet and the Senate, and shall serve at the pleasure of the Governor and Cabinet.

(a) The executive director:

1. Shall be responsible for developing and administering a comprehensive long-range plan for the state’s information technology resources, ensuring the proper management of such resources, and delivering services.

2. Shall appoint a Chief Technology Officer to lead the divisions of the agency dedicated to the operation and delivery of enterprise information technology services.

3. Shall appoint a Chief Operations Officer to lead the divisions of the agency dedicated to enterprise information technology policy, planning, standards and procurement.

4. Shall designate a state Chief Information Security Officer.

5. May appoint all employees necessary to carry out the duties and responsibilities of the agency.

(b) The Governor shall appoint a search committee to recruit an executive director for the agency. At a minimum, the 
Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture shall each have one appointment to the search committee. The committee shall determine the position description; identify the knowledge, skills, and abilities that qualified candidates must possess; define and conduct the search process; and recommend top candidates to the Governor and Cabinet for their approval. The recommendation of top candidates shall also include recommended salary ranges.

(4) The following officers, divisions, and units of the agency are established:

(a) Under the Chief Technology Officer:

1. The Division of Telecommunications which includes:
   a. SUNCOM.
   c. State E911 Program.

2. The Division of Data Center Operations which includes:
   b. Southwood Shared Resource Center.

3. The Division of Enterprise Service Delivery which includes:
   a. Enterprise e-mail.

(b) Under the Chief Enterprise Applications Officer:


2. Enterprise Software Operations.

3. Enterprise Data Standards.

4. Enterprise Data Management.

(c) Under the Chief Operations Officer:

1. Strategic Planning.

2. Enterprise Information Technology Standards.
a. Enterprise Information Technology Procurement.

b. Information Technology Security and Compliance.

3. Enterprise Services Planning and Consolidation.

4. Enterprise Project Management.

(d) Under the Director of Administration:

1. Accounting and Budgeting.

2. Personnel.

3. Procurement and Contracts.

(e) Under the Office of the Executive Director:

1. Inspector General.

2. Legal.

3. Governmental Affairs.

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

(a) Develop and publish a long-term State Information Technology Resources Strategic Plan.

(b) Initiate, plan, design, implement, and manage enterprise information technology services.

(c) Beginning October 1, 2012, and every 3 months thereafter, provide a status report on its initiatives. The report shall be presented at a meeting of the Governor and Cabinet.

(d) Beginning September 1, 2013, and every 3 months thereafter until enterprise information technology service consolidations are complete, provide a status report on the implementation of the consolidations that must be completed during the fiscal year. The report shall be submitted to the Executive Office of the Governor, the Cabinet, the President of the Senate, and the Speaker of the House of Representatives. At
a minimum, the report must describe:

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

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

(e) Set technical standards for information technology, review major information technology projects and procurements, establish information technology security standards, provide for the procurement of information technology resources, excluding human resources, and deliver enterprise information technology services as defined in s. 282.0041.

(f) Establish and operate shared resource centers.

(g) Establish and deliver enterprise information technology services to serve state agencies on a cost-sharing basis, charging each state agency its proportionate share of the cost of maintaining and delivering a service based on a state agency’s use of the service.

(h) Use the following principles to develop a means of chargeback for primary data center services:

1. The customers of the primary data center shall provide payments to the primary data center which are sufficient to maintain the solvency of the primary data center operation for all costs not directly funded through the General Appropriations Act.

2. Per-unit cost of usage shall be the primary basis for pricing, and usage must be accurately measurable and attributable to the appropriate customer.
3. The primary data center shall combine the aggregate purchasing power of large and small customers to achieve collective savings opportunities to all customers.

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

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

6. Chargeback methodologies must consider technological change when:
   a. New services require short-term investments before achieving long-term, full cost recovery for the service.
   b. Customers of antiquated services may not be able to bear all of the costs for the antiquated services during periods when customers are migrating to replacement services.

7. Prices may be established which allow for accrual of cash balances for the purpose of maintaining contingent operating funds and funding planned capital investments. Accrual of the cash balances shall be considered costs for the purposes of this section.

8. The primary data center may not knowingly enter into an agreement with a customer for more than 2 years if associated charges will not be sufficient to cover the associated proportional costs.

9. Flat rate charges may be used only if there are provisions for reconciling charges to comport with actual costs and use.
   (i) Exercise technical and fiscal prudence in determining the best way to deliver enterprise information technology
services.

(j) Collect and maintain an inventory of the information technology resources in the state agencies.

(k) Assume ownership or custody and control of information processing equipment, supplies, and positions required in order to thoroughly carry out the agency’s duties and responsibilities.

(l) Adopt rules and policies for the efficient, secure, and economical management and operation of the shared resource centers and state telecommunications services.

(m) Provide other public sector organizations as defined in s. 282.0041 with access to the services provided by the agency. Access shall be provided on the same cost basis that applies to state agencies.

(n) Ensure that data that is confidential under state or federal law may not be entered into or processed through any shared resource center or network established under the agency until safeguards for the data’s security satisfactory to the agency head and the executive director of the agency have been designed, installed, and tested and are fully operational. This paragraph does not prescribe what actions necessary to satisfy a state agency’s objectives are to be undertaken and does not remove from the control and administration of the state agency the responsibility for working with the agency to implement safeguards, regardless of whether such control and administration are specifically required by general law or administered under the general program authority and responsibility of the state agency.

(o) Conduct periodic assessments of state agencies for
compliance with statewide information technology policies and recommend to the Governor and Cabinet statewide policies for information technology.

(6) The agency may not use or direct the spending of operational information technology trust funds to study and develop enterprise information strategies, plans, rules, reports, policies, proposals, budgets, or enterprise information technology initiatives that are not directly related to developing information technology services for which usage fees reimburse the costs of the initiative. As used in this subsection, the term “operational information technology trust funds” means funds into which deposits are made on a fee-for-service basis or a trust fund dedicated to a specific information technology project or system.

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

(8) The agency may adopt rules to carry out its duties and responsibilities.

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

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

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

(1)(2) “Agency for State Enterprise Information Technology” or “agency” means the agency created in s. 14.206.

(2)(3) “Agency information technology service” means a service that directly helps a state agency fulfill its statutory or constitutional responsibilities and policy
objectives and is usually associated with the state agency’s primary or core business functions.

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

(3)(5) “Breach” has the same meaning as in s. 817.5681(4).

(4)(6) “Business continuity plan” means a plan for disaster recovery which provides for the continued functioning of a primary data center during and after a disaster.

(5) “Collocation” means the method by which a state agency’s data center occupies physical space within a shared resource center where physical floor space, bandwidth, power, cooling, and physical security are available for an equitable usage rate and minimal complexity, and allow for the sustained management and oversight of the collocating agency’s information technology resources as well as physical and logical database administration by the collocating agency’s staff.

(6)(7) “Computing facility” means a state agency site space containing fewer than a total of 10 physical or logical servers, any of which supports a strategic or nonstrategic information technology service, as described in budget instructions developed pursuant to s. 216.023, but excluding telecommunications and voice gateways and a clustered pair of servers operating as a single logical server to provide file, print, security, and endpoint management services single, logical-server installations that exclusively perform a utility function such as file and print servers.
(7) “Computing service” means an information technology service that is used in all state agencies or a subset of agencies and is, therefore, a candidate for being established as an enterprise information technology service. Examples include e-mail, service hosting, telecommunications, and disaster recovery.

(8) “Customer entity” means an entity that obtains services from a primary data center.

(8)(9) “Data center” means a state agency site space containing 10 or more physical or logical servers any of which supports a strategic or nonstrategic information technology service, as described in budget instructions developed pursuant to s. 216.023.

(10) “Department” means the Department of Management Services.

(10)(11) “Enterprise information technology service” means an information technology service that is used in all state agencies or a subset of state agencies and is established in law to be designed, delivered, and managed at the enterprise level. Current enterprise information technology services include data center services, e-mail, and security.

(9)(12) “E-mail, messaging, and calendaring service” means the enterprise information technology service that enables users to send, receive, file, store, manage, and retrieve electronic messages, attachments, appointments, and addresses. The e-mail, messaging, and calendaring service must include e-mail account management; help desk; technical support and user provisioning services; disaster recovery and backup and restore capabilities; antispam and antivirus capabilities; archiving and e-discovery;
and remote access and mobile messaging capabilities.

(11) “Information-system utility” means an information processing a full-service information-processing facility offering hardware, software, operations, integration, networking, floor space, and consulting services.

(13) “Information technology resources” means equipment, hardware, software, firmware, programs, systems, networks, infrastructure, media, and related material used to automatically, electronically, and wirelessly collect, receive, access, transmit, display, store, record, retrieve, analyze, evaluate, process, classify, manipulate, manage, assimilate, control, communicate, exchange, convert, converge, interface, switch, or disseminate information of any kind or form, and includes the human resources to perform such duties, but excludes application developers and logical database administrators.

(14) “Local area network” means any telecommunications network through which messages and data are exchanged strictly within a single building or contiguous campus.

(12) “Information technology policy” means statements that describe clear choices for how information technology will deliver effective and efficient government services to residents and improve state agency operations. A policy may relate to investments, business applications, architecture, or infrastructure. A policy describes its rationale, implications of compliance or noncompliance, the timeline for implementation, metrics for determining compliance, and the accountable structure responsible for its implementation.

(15) “Logical database administration” means the resources
required to build and maintain database structure, implement and maintain role-based data access controls, and perform performance optimization of data queries and includes the manipulation, transformation, modification, and maintenance of data within a logical database. Typical tasks include schema design and modifications, user provisioning, query tuning, index and statistics maintenance, and data import, export, and manipulation.

(16) “Memorandum of understanding” means a written agreement between a shared resource center or the Division of Telecommunications in the agency and a state agency which specifies the scope of services provided, service level, duration of the agreement, responsible parties, and service costs. A memorandum of understanding is not a rule pursuant to chapter 120.

(17) “Other public sector organizations” means entities of the legislative and judicial branches, the State Board of Administration, the State University System, the Florida Community College System, counties, and municipalities. Such organizations may elect to participate in the information technology programs, services, or contracts offered by the Agency for State Technology, including information technology procurement, in accordance with general law, policies, and administrative rules.

(18) (16) “Performance metrics” means the measures of an organization’s activities and performance.

(19) “Physical database administration” means the resources responsible for installing, maintaining, and operating an environment within which a database is hosted. Typical tasks
include database engine installation, configuration, and security patching, as well as performing backup and restoration of hosted databases, setup and maintenance of instance-based data replication, and monitoring the health and performance of the database environment.

(20) "Primary data center" means a data center that is a recipient entity for consolidation of state agency information technology resources nonprimary data centers and computing facilities and that is established by law.

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

(22) "Risk analysis" means the process of identifying security risks, determining their magnitude, and identifying areas needing safeguards.

(23) "Service level" means the key performance indicators (KPI) of an organization or service which must be regularly performed, monitored, and achieved.

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

(25) "Shared resource center" means a primary data center that has been designated and assigned specific duties under this chapter or by the Agency for State Technology under s. 14.206.

(26) "Standards" means required practices, controls, components, or configurations established by an authority.
(26) "State agency" means any official, officer, commission, board, authority, council, committee, or department of the executive branch of state government. The term does not include the State Board of Administration, university boards of trustees, or state universities.

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

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

(29) "Telecommunications" means the science and technology of communication at a distance, including electronic systems used in the transmission or reception of information.

(30) "Threat" means any circumstance or event that may cause harm to the integrity, availability, or confidentiality of information technology resources.

(31) "Total cost" means all costs associated with information technology projects or initiatives, including, but not limited to, value of hardware, software, service, maintenance, incremental personnel, and facilities. Total cost of a loan or gift of information technology resources to a state agency includes the fair market value of the resources.

(32) "Usage" means the billing amount charged by the primary data center, less any pass-through charges, to the state agency customer entity.

(33) "Usage rate" means a state agency’s customer.
(34) “Wide area network” means any telecommunications network or components thereof through which messages and data are exchanged outside of a local area network.

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

(Substantial rewording of section. See s. 282.0055, Florida Statutes, for current text.)

282.0055 Assignment of enterprise information technology.—

(1) The establishment of a systematic process for the planning, design, implementation, procurement, delivery, and maintenance of enterprise information technology services shall be the responsibility of the Agency for State Technology for executive branch agencies that are created or authorized in statute to perform legislatively delegated functions. The agency’s duties shall be performed in collaboration with the state agencies. The supervision, design, development, delivery, and maintenance of state-agency specific or unique software applications shall remain within the responsibility and control of the individual state agency or other public sector organization.

(2) During the 2012-2013 fiscal year, the Agency for State Technology shall, in collaboration with the state agencies and other stakeholders, create a road map for enterprise information technology service consolidation. At a minimum, the road map must include:

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

(b) A schedule for the consolidation of state agency data
(c) Cost-saving targets and timeframes for when the savings will be realized.

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

(3) By October 15th of each year beginning in 2013, the Agency for State Technology shall develop a comprehensive transition plan for scheduled consolidations occurring in the next fiscal year. This plan shall be submitted to the Governor, the Cabinet, the President of the Senate, and the Speaker of the House of Representatives. The transition plan shall be developed in consultation with other state agencies submitting state agency transition plans. The comprehensive transition plan must include:

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

(b) Strategies to minimize risks associated with any of the proposed consolidations.

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

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

(e) An analysis of the cost effects resulting from the planned consolidations on existing state agencies.
(f) The fiscal year adjustments to budget categories in order to absorb the transfer of state agency information technology resources pursuant to the legislative budget request instructions provided in s. 216.023.

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

(4) State agencies have the following duties:

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

(b) For the purpose of completing its work activities, each state agency shall temporarily assign staff to assist the agency with designated tasks as negotiated between the agency and the state agency.

(c) Each state agency identified for consolidation into an enterprise information technology service offering must submit a transition plan to the Agency for State Technology by September 1 of the fiscal year before the fiscal year in which the scheduled consolidation will occur. Transition plans shall be developed in consultation with the agency and must include:

1. An inventory of the state agency data center’s resources being consolidated, including all hardware, software, staff, and contracted services, and the facility resources performing data center management and operations, security, backup and recovery, disaster recovery, system administration, database administration, system programming, mainframe maintenance, job
control, production control, print, storage, technical support, help desk, and managed services, but excluding application development.

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

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

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

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

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

(5)(a) Unless authorized by the Legislature or as provided in paragraphs (b) and (c), a state agency may not:

1. Create a new computing service or expand an existing computing service if that service has been designated as an enterprise information technology service.

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

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

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

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

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

1. A request for an exception must be submitted in writing to the Agency for State Technology. The agency must accept, accept with conditions, or deny the request within 60 days after receipt of the written request. The agency’s decision is not subject to chapter 120.

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

   a. A detailed description of the capacity requirements of the state agency requesting the exception.

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

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

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

282.0056 Strategic plan, development of work plan, and development of implementation plans; and policy recommendations.—

(1) In order to provide a systematic process for meeting the state’s technology needs, the executive director of the Agency for State Technology shall develop a biennial state Information Technology Resources Strategic Plan. The Governor and Cabinet shall approve the plan before transmitting it to the Legislature, biennially, starting October 1, 2013. The plan must include the following elements:

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

(b) An inventory of the information technology resources in state agencies and major projects currently in progress and planned. This does not imply that the agency has approval authority over major projects. As used in this section, the term “major project” means projects that cost more than $1 million to implement.

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

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

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

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

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

(2) Each state agency shall, biennially, provide to the agency the inventory required under paragraph (1)(b). The agency shall consult with and assist state agencies in the preparation of these inventories. Each state agency shall submit its plan to the agency biennially, starting January 1, 2013.

(3) For the purpose of completing its work activities, each state agency shall provide to the agency all requested information, including, but not limited to, the state agency’s costs, service requirements, staffing, and equipment inventories.

(4)(1) For the purpose of ensuring accountability for the
duties and responsibilities of the executive director and the agency under ss. 14.206 and 282.0055, the executive director for the purposes of carrying out its responsibilities under s. 282.0055, the Agency for Enterprise Information Technology shall develop an annual work plan within 60 days after the beginning of the fiscal year describing the activities that the agency intends to undertake for that year and identify the critical success factors, risks, and issues associated with the work planned. The work plan must also include planned including proposed outcomes and completion timeframes for the planning and implementation of all enterprise information technology services. The work plan must align with the state Information Technology Strategic Plan, be presented at a public hearing, and be approved by the Governor and Cabinet; thereafter, be submitted to the President of the Senate and the Speaker of the House of Representatives. The work plan may be amended as needed, subject to approval by the Governor and Cabinet.

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

(3) In developing policy recommendations and implementation plans for established and proposed enterprise information technology services, the agency shall describe the scope of operation, conduct costs and requirements analyses, conduct an inventory of all existing information technology resources that are associated with each service, and develop strategies and timeframes for statewide migration.
(4) For the purpose of completing its work activities, each state agency shall provide to the agency all requested information, including, but not limited to, the state agency’s costs, service requirements, and equipment inventories.

(5) For the purpose of ensuring accountability for the duties and responsibilities of the executive director and the agency under ss. 14.206 and 282.0055, within 60 days after the end of each fiscal year, the executive director agency shall report to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representatives on what was achieved or not achieved in the prior year’s work plan.

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

(Substantial rewording of section. See s. 282.201, Florida Statutes, for current text.)

282.201 State data center system; agency duties and limitations.—A state data center system that includes all primary data centers, other nonprimary data centers, and computing facilities, and that provides an enterprise information technology service, is established.

(1) INTENT.—The Legislature finds that the most efficient and effective means of providing quality utility data processing services to state agencies requires that computing resources be concentrated in quality facilities that provide the proper security, infrastructure, and staff resources to ensure that the state’s data is maintained reliably and safely and is recoverable in the event of a disaster. Efficiencies resulting from such consolidation include the increased ability to leverage technological expertise and hardware and software...
capabilities; increased savings through consolidated purchasing
decisions; and the enhanced ability to deploy technology
improvements and implement new policies consistently throughout
the consolidated organization.

(2) AGENCY FOR STATE TECHNOLOGY DUTIES.—The agency shall:
(a) By October 1, 2013, provide to the Governor and
Cabinet, recommendations for approving, confirming, and removing
primary data center designation. Upon the approval of the
Governor and Cabinet of primary data center designations,
existing primary data center designations are repealed.
(b) By October 1 of each year, beginning in 2013, provide
recommendations to the Governor, Cabinet, and Legislature
relating to changes to the schedule for the consolidations of
state agency data centers. Changes to the consolidation schedule
must be based on the goals of maximizing efficiency of service
delivery and current and future cost savings.

(3) STATE AGENCY DUTIES.—
(a) Any state agency that is consolidating agency data
centers into a primary data center must execute a new or update
an existing memorandum of understanding within 60 days after the
specified consolidation date, as required by s. 282.203, in
order to specify the services and levels of service it is to
receive from the primary data center as a result of the
consolidation. If a state agency is unable to execute a
memorandum of understanding by that date, the state agency shall
submit a report to the Executive Office of the Governor, the
Cabinet, the President of the Senate, and the Speaker of the
House of Representatives within 5 working days after that date
which explains the specific issues preventing execution and
describes its plan and schedule for resolving those issues.

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

(4) SCHEDULE FOR CONSOLIDATIONS OF STATE AGENCY DATA
CENTERS.—Consolidations of state agency data centers are
suspended for the 2012-2013 fiscal year. Consolidations shall
resume during the 2013-2014 fiscal year based upon a revised
schedule developed by the agency. State agency data centers and
computing facilities shall be consolidated into the agency by
June 30, 2018.

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

(Substantial rewording of section. See
s. 282.203, Florida Statutes, for current text.)

282.203 Primary data centers; duties.—
(1) Each primary data center shall:
(a) Serve participating state agencies as an information-
system utility.
(b) Cooperate with participating state agencies to offer,
develop, and support the services and applications.
(c) Comply with rules adopted by the Agency for State
Technology, pursuant to this section, and coordinate with the
agency in the consolidation of data centers.
(d) Provide transparent financial statements to
participating state agencies.
(e) Assume the least-privileged administrative access
rights necessary to perform the services provided by the data center for the software and equipment that is consolidated into a primary data center.

(2) Each primary data center shall enter into a memorandum of understanding with each participating state agency to provide services. A memorandum of understanding may not have a term exceeding 3 years but may include an option to renew for up to 3 years. Failure to execute a memorandum within 60 days after service commencement shall, in the case of a participating state agency, result in the continuation of the terms of the memorandum of understanding from the previous fiscal year, including any amendments that were formally proposed to the state agency by the primary data center within the 3 months before service commencement, and a revised cost-of-service estimate. If a participating state agency fails to execute a memorandum of understanding within 60 days after service commencement, the data center may cease providing services.

Section 10. Effective December 31, 2013, section 282.204, Florida Statutes, is repealed.

Section 11. Effective December 31, 2013, section 282.205, Florida Statutes, is repealed.

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

282.206 Fletcher Shared Resource Center.—The Fletcher Shared Resource Center is established as a state agency within the Department of Financial Services.

(1) The center shall collaborate with the Agency for State Technology to develop policies, procedures, standards, and rules for the delivery of enterprise information technology services.
(2) The center may comply with the policies and rules of the Agency for State Technology related to the design and delivery of enterprise information technology services.

(3) The center shall provide collocation services to the Department of Legal Affairs and the Department of Agriculture and Consumer Services.

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

(5) The center shall be governed through a master memorandum of understanding and complemented by a steering committee comprised of the chief information officers of the Department of Legal Affairs, the Department of Agriculture and Consumer Services, and the Department of Financial Services. The steering committee shall meet quarterly to ensure that customers are receiving expected services in accordance with the memorandum of understanding and to discuss services and structure. The committee may create ad hoc workgroups to account for, mitigate, and manage any unforeseen issues.

(6) The Department of Legal Affairs shall move its data center equipment to the center by June 30, 2014.

(7) The Department of Agriculture and Consumer Services shall move its Mayo Building data center equipment to the center by June 30, 2014.

Section 13. Section 282.33, Florida Statutes, is repealed.

Section 14. Section 282.34, Florida Statutes, is amended to read:
282.34 Statewide e-mail service.—A statewide e-mail service that includes the delivery and support of e-mail, messaging, and calendaring capabilities is established as an enterprise information technology service as defined in s. 282.0041. The service shall be provisioned designed to meet the needs of all executive branch agencies and may also be used by other public sector nonstate agency entities. The primary goals of the service are to leverage the state’s existing investment in e-mail; provide a reliable collaborative communication service to state agencies; minimize the state investment required to establish, operate, and support the statewide service; reduce the cost of current e-mail operations and the number of duplicative e-mail systems; and eliminate the need for each state agency to maintain its own e-mail staff.

(1) The Agency for State Technology shall reevaluate the current contract for enterprise e-mail services to ensure it meets the primary goals of the service.

(2) Except as specified in subsection (3), all state agencies shall receive their primary e-mail services exclusively through the Agency for State Technology.

(3) The Department of Agriculture and Consumer Services, the Department of Legal Affairs, the Department of Financial Services, the Office of Financial Regulation, the Office of Insurance Regulation, and the State Board of Administration may receive e-mail services from the Fletcher Shared Resource Center or the Agency for State Technology.

(1) The Southwood Shared Resource Center, a primary data center, shall be the provider of the statewide e-mail service for all state agencies. The center shall centrally host, manage,
operate, and support the service, or outsource the hosting, management, operational, or support components of the service in order to achieve the primary goals identified in this section.

(2) The Agency for Enterprise Information Technology, in cooperation and consultation with all state agencies, shall prepare and submit for approval by the Legislative Budget Commission at a meeting scheduled before June 30, 2011, a proposed plan for the migration of all state agencies to the statewide e-mail service. The plan for migration must include:

(a) A cost-benefit analysis that compares the total recurring and nonrecurring operating costs of the current agency e-mail systems, including monthly mailbox costs, staffing, licensing and maintenance costs, hardware, and other related e-mail product and service costs to the costs associated with the proposed statewide e-mail service. The analysis must also include:

1. A comparison of the estimated total 7-year life-cycle cost of the current agency e-mail systems versus the feasibility of funding the migration and operation of the statewide e-mail service.

2. An estimate of recurring costs associated with the energy consumption of current agency e-mail equipment, and the basis for the estimate.

3. An identification of the overall cost savings resulting from state agencies migrating to the statewide e-mail service and decommissioning their agency e-mail systems.

(b) A proposed migration date for all state agencies to be migrated to the statewide e-mail service. The Agency for Enterprise Information Technology shall work with the Executive
Office of the Governor to develop the schedule for migrating all state agencies to the statewide e-mail service except for the Department of Legal Affairs. The Department of Legal Affairs shall provide to the Agency for Enterprise Information Technology by June 1, 2011, a proposed migration date based upon its decision to participate in the statewide e-mail service and the identification of any issues that require resolution in order to migrate to the statewide e-mail service.

(c) A budget amendment, submitted pursuant to chapter 216, for adjustments to each agency’s approved operating budget necessary to transfer sufficient budget resources into the appropriate data processing category to support its statewide e-mail service costs.

(d) A budget amendment, submitted pursuant to chapter 216, for adjustments to the Southwood Shared Resource Center approved operating budget to include adjustments in the number of authorized positions, salary budget and associated rate, necessary to implement the statewide e-mail service.

(3) Contingent upon approval by the Legislative Budget Commission, the Southwood Shared Resource Center may contract for the provision of a statewide e-mail service. Executive branch agencies must be completely migrated to the statewide e-mail service based upon the migration date included in the proposed plan approved by the Legislative Budget Commission.

(4) Notwithstanding chapter 216, general revenue funds may be increased or decreased for each agency provided the net change to general revenue in total for all agencies is zero or less.

(5) Subsequent to the approval of the consolidated budget
amendment to reflect budget adjustments necessary to migrate to
the statewide e-mail service, an agency may make adjustments
subject to s. 216.177, notwithstanding provisions in chapter 216
which may require such adjustments to be approved by the
Legislative Budget Commission.

(6) No agency may initiate a new e-mail service or execute
a new e-mail contract or amend a current e-mail contract, other
than with the Southwood Shared Resource Center, for nonessential
products or services unless the Legislative Budget Commission
denies approval for the Southwood Shared Resource Center to
enter into a contract for the statewide e-mail service.

(7) The Agency for Enterprise Information Technology shall
work with the Southwood Shared Resource Center to develop an
implementation plan that identifies and describes the detailed
processes and timelines for an agency’s migration to the
statewide e-mail service based on the migration date approved by
the Legislative Budget Commission. The agency may establish and
coordinate workgroups consisting of agency e-mail management,
information technology, budget, and administrative staff to
assist the agency in the development of the plan.

(8) Each executive branch agency shall provide all
information necessary to develop the implementation plan,
including, but not limited to, required mailbox features and the
number of mailboxes that will require migration services. Each
agency must also identify any known business, operational, or
technical plans, limitations, or constraints that should be
considered when developing the plan.

Section 15. Section 282.702, Florida Statutes, is amended
to read:
282.702 Powers and duties.—The Agency for State Technology Department of Management Services shall have the following powers, duties, and functions:

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

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

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

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

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

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

(7) To cooperate with any federal, state, or local emergency management agency in providing for emergency telecommunications services.
(8) To control and approve the purchase, lease, or acquisition and the use of telecommunications services, software, circuits, and equipment provided as part of any other total telecommunications system to be used by the state or its agencies.

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

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

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

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

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

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

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

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

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

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

(14) To enter into contracts or agreements, with or without competitive bidding or procurement, to make available, on a fair, reasonable, and nondiscriminatory basis, property and other structures under agency departmental control for the placement of new facilities by any wireless provider of mobile service as defined in 47 U.S.C. s. 153(27) or s. 332(d) and any telecommunications company as defined in s. 364.02 if it is practical and feasible to make such property or other structures available. The agency department may, without adopting a rule, charge a just, reasonable, and nondiscriminatory fee for the placement of the facilities, payable annually, based on the fair market value of space used by comparable telecommunications facilities in the state. The agency department and a wireless provider or telecommunications company may negotiate the reduction or elimination of a fee in consideration of services provided to the agency department by the wireless provider or telecommunications company. All such fees collected by the
agency department shall be deposited directly into the Law Enforcement Radio Operating Trust Fund, and may be used by the agency department to construct, maintain, or support the system.

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

(16) Develop a plan for statewide voice-over-Internet protocol services. The plan shall include cost estimates and the estimated return on investment. The plan shall be submitted to the Governor, the Cabinet, the President of the Senate, and the Speaker of the House of Representatives by June 30, 2013.

Section 16. Section 364.0135, Florida Statutes, is amended to read:

364.0135 Promotion of broadband adoption.—

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

(2) As the provider of the state and local government networks in accordance with part III of chapter 282, the Agency for State Technology shall use its expertise in broadband technologies, and associations with the telecommunications industry to foster the goals described in subsection (1).

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

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

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

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

3. Provide a baseline assessment of statewide broadband deployment in terms of percentage of households with broadband availability.
(b) Assist other public and private entities with planning, obtaining resources, and initiating projects to achieve the goals described in subsection (1). This assistance shall be directed to the entities with the most suitable expertise, resources, and capabilities to contribute to these goals and cultivate collaboration among such entities to achieve a more comprehensive strategic approach.

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

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

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

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

2. Encourage the sustainable adoption of broadband in
3. Work toward encouraging investments in establishing affordable and sustainable broadband Internet service in unserved areas of the state.

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

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

(5) The Agency for State Technology department may:
(a) Enter into contracts necessary or useful to carry out the purposes of this section.
(b) Establish any committee or workgroup to administer and carry out the purposes of this section.
(c) Adopt rules necessary to carry out the purposes of this section. Any rule, contract, grant, or other activity undertaken by the department shall ensure that all entities are in compliance with any applicable federal or state laws, rules, and regulations, including, but not limited to, those applicable to private entities providing communications services for hire and the requirements of s. 350.81.

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

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

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

(a) Facilities Program.
(b) Technology Program.
(b)(c) Workforce Program.
(c)(d) Support Program.
2. Federal Property Assistance Program.
(d)(e) Administration Program.
(e)(f) Division of Administrative Hearings.
(f)(g) Division of Retirement.
(g)(h) Division of State Group Insurance.

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

110.205 Career service; exemptions.—

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

(e) The executive director of Chief Information Officer in the Agency for Enterprise Information Technology. Unless otherwise fixed by law, the Governor and Cabinet Agency for Enterprise Information Technology shall set the salary and benefits of this position in accordance with the rules of the Senior Management Service.

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

215.22 Certain income and certain trust funds exempt.—

(1) The following income of a revenue nature or the following trust funds shall be exempt from the appropriation required by s. 215.20(1):
(o) The Communications Working Capital Trust Fund of the Agency for State Technology Department of Management Services.

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

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

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

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

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

216.292 Appropriations nontransferable; exceptions.—

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

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

Section 22. Subsections (3), (4), (5), and (6) of section 282.318, Florida Statutes, are amended to read:

282.318 Enterprise security of data and information technology.—

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

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

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

      1. Comprehensive risk analyses and information security audits conducted by state agencies.
2. Responding to suspected or confirmed information security incidents, including suspected or confirmed breaches of personal information or exempt data.

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

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

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

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

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

(e) Provide training for agency information security managers.

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

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

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

(b) Annually submit to the Agency for State Enterprise Information Technology annually by July 31, the state agency’s comprehensive strategic and operational information security
plans developed pursuant to the rules and guidelines established by the Agency for State Enterprise Information Technology.

1. The state agency comprehensive strategic information security plan must cover a 3-year period and define security goals, intermediate objectives, and projected agency costs for the strategic issues of agency information security policy, risk management, security training, security incident response, and survivability. The plan must be based on the enterprise strategic information security plan created by the Agency for State Enterprise Information Technology. Additional issues may be included.

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

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

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

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

(f) Ensure that periodic internal audits and evaluations of the state agency’s security program for the data, information, and information technology resources of the state agency are conducted. The results of such audits and evaluations are confidential information and exempt from s. 119.07(1), except that such information shall be available to the Auditor General and the Agency for State Enterprise Information Technology for performing postauditing duties.

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

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

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

1. Suspected or confirmed information security incidents and breaches must be immediately reported to the Agency for State Enterprise Information Technology.

2. For incidents involving breaches, agencies shall provide notice in accordance with s. 817.5681 and to the Agency for State Enterprise Information Technology in accordance with this subsection.

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

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

Section 23. Section 282.604, Florida Statutes, is amended
282.604 Adoption of rules.—The Agency for State Technology Department of Management Services shall, with input from stakeholders, adopt rules pursuant to ss. 120.536(1) and 120.54 for the development, procurement, maintenance, and use of accessible electronic information technology by governmental units.

Section 24. Section 282.703, Florida Statutes, is amended to read:

282.703 SUNCOM Network; exemptions from the required use.—

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

(2) The Agency for State Technology department shall design, engineer, implement, manage, and operate through state ownership, commercial leasing, contracted services, or some combination thereof, the facilities, equipment, and contracts providing SUNCOM Network services, and shall develop a system of equitable billings and charges for telecommunications services.

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

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

(5) All state agencies shall use the SUNCOM Network for state agency telecommunications services as the services become available; however, a state agency is not relieved of responsibility for maintaining telecommunications services necessary for effective management of its programs and functions. The Agency for State Technology department may provide such communications services to a state university if requested by the university.

(a) If a SUNCOM Network service does not meet the telecommunications requirements of a state agency, the state agency must notify the Agency for State Technology department in writing and detail the requirements for that service. If the agency department is unable to meet a state agency’s requirements by enhancing SUNCOM Network service, the Agency for State Technology department may grant the state agency an
exemption from the required use of specified SUNCOM Network services.

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

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

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

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

Section 25. Section 282.704, Florida Statutes, is amended to read:

282.704 Use of state SUNCOM Network by municipalities.—A municipality may request the Agency for State Technology department to provide any or all of the SUNCOM Network’s portfolio of communications services upon such terms and conditions as the agency department may establish. The requesting municipality shall pay its share of installation and recurring costs according to the published rates for SUNCOM.
Network services and as invoiced by the agency department. Such municipality shall also pay for any requested modifications to existing SUNCOM Network services, if any charges apply.

Section 26. Section 282.705, Florida Statutes, is amended to read:

282.705 Use of state SUNCOM Network by nonprofit corporations.—

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

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

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

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

(3) Nonprofit corporations established pursuant to general law and an association of municipal governments which is wholly owned by the municipalities are eligible to use the state SUNCOM Network, subject to the terms and conditions of the agency department.
(4) Institutions qualified to participate in the William L. Boyd, IV, Florida Resident Access Grant Program pursuant to s. 1009.89 are eligible to use the state SUNCOM Network, subject to the terms and conditions of the agency department. Such entities are not required to satisfy the other criteria of this section.

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

Section 27. Section 282.706, Florida Statutes, is amended to read:

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

Section 28. Section 282.707, Florida Statutes, is amended to read:

282.707 SUNCOM Network; criteria for usage.—

(1) The Agency for State Technology department and customers served by the agency department shall periodically review the qualifications of subscribers using the state SUNCOM Network and terminate services provided to a facility not qualified under this part or rules adopted hereunder. In the event of nonpayment of invoices by subscribers whose SUNCOM Network invoices are paid from sources other than legislative
appropriations, such nonpayment represents good and sufficient
reason to terminate service.

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

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

Section 29. Section 282.709, Florida Statutes, is amended
to read:

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

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

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

(b) The Agency department shall bear the overall
responsibility for the design, engineering, acquisition, and
implementation of the statewide radio communications system and
for ensuring the proper operation and maintenance of all common
system equipment.
(c)1. The agency department may rent or lease space on any tower under its control and refuse to lease space on any tower at any site.

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

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

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

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

(d) The agency department shall exercise its powers and duties under this part to plan, manage, and administer the mutual aid channels in the statewide radio communication system.

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

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

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

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

(a) The Joint Task Force on State Agency Law Enforcement Communications shall consist of eight members, as follows:

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

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

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

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

5. A representative of the Division of Law Enforcement of the Department of Environmental Protection who shall be appointed by the secretary of the department.

6. A representative of the Department of Corrections who shall be appointed by the secretary of the department.

7. A representative of the Division of State Fire Marshal of the Department of Financial Services who shall be appointed by the State Fire Marshal.

8. A representative of the Department of Transportation who shall be appointed by the secretary of the department.

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

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

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

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

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

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

(b) Funds from the State Agency Law Enforcement Radio System Trust Fund may be used by the agency department to fund mutual aid buildout maintenance and sustainment as appropriated by law. This paragraph expires July 1, 2012.

(4) The Agency for State Technology department may create and administer an interoperability network to enable interoperability between various radio communications technologies and to serve federal agencies, state agencies, and
agencies of political subdivisions of the state for the purpose of public safety and domestic security.

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

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

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

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

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

Section 30. Section 282.7101, Florida Statutes, is amended to read:
282.7101 Statewide system of regional law enforcement communications.—

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

(2) The Agency for State Technology shall develop and maintain a statewide system of regional law enforcement communications. In formulating such a system, the Agency shall divide the state into appropriate regions and shall develop a program that includes, but is not limited to:

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

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

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

(3) The Agency shall adopt any necessary rules and regulations for administering and coordinating the statewide system of regional law enforcement communications.
(4) The executive director secretary of the Agency for State Technology department or his or her designee is designated as the director of the statewide system of regional law enforcement communications and, for the purpose of carrying out the provisions of this section, may coordinate the activities of the system with other interested state agencies and local law enforcement agencies.

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

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

Section 31. Section 282.711, Florida Statutes, is amended to read:

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

Section 32. Subsection (14) of section 287.012, Florida Statutes, is amended to read:

287.012 Definitions.—As used in this part, the term:
(14) “Information technology” means, but is not limited to, equipment, hardware, software, mainframe maintenance, firmware, programs, systems, networks, infrastructure, media, and related material used to automatically, electronically, and wirelessly collect, receive, access, transmit, display, store, record, retrieve, analyze, evaluate, process, classify, manipulate, manage, assimilate, control, communicate, exchange, convert, converge, interface, switch, or disseminate information of any kind or form has the meaning ascribed in s. 282.0041.

Section 33. Subsection (22) of section 287.057, Florida Statutes, is amended to read:

287.057 Procurement of commodities or contractual services.—

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

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

(b) The department, in consultation with the agency, shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to administer the program for online procurement. The rules shall include, but not be limited to:
1. Determining the requirements and qualification criteria for prequalifying vendors.

2. Establishing the procedures for conducting online procurement.

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

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

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

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

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

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

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

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

Section 34. Subsection (17) of section 318.18, Florida Statutes, is amended to read:

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

(17) In addition to any penalties imposed, a surcharge of $3 must be paid for all criminal offenses listed in s. 318.17 and for all noncriminal moving traffic violations under chapter 316. Revenue from the surcharge shall be remitted to the Department of Revenue and deposited quarterly into the State Agency Law Enforcement Radio System Trust Fund of the Agency for State Technology Department of Management Services for the state agency law enforcement radio system, as described in s. 282.709, and to provide technical assistance to state agencies and local law enforcement agencies with their statewide systems of regional law enforcement communications, as described in s. 282.7101. This subsection expires July 1, 2012. The Agency for State Technology Department of Management Services may retain funds sufficient to recover the costs and expenses incurred for managing, administering, and overseeing the Statewide Law Enforcement Radio System, and providing technical assistance to state agencies and local law enforcement agencies with their
statewide systems of regional law enforcement communications. The Agency for State Technology Department of Management Services working in conjunction with the Joint Task Force on State Agency Law Enforcement Communications shall determine and direct the purposes for which these funds are used to enhance and improve the radio system.

Section 35. Section 320.0802, Florida Statutes, is amended to read:

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

Section 36. Subsection (9) of section 328.72, Florida Statutes, is amended to read:

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

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

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

365.171 Emergency communications number E911 state plan.—
(3) DEFINITIONS.—As used in this section, the term:

(a) “Agency” means the Agency for State Technology “Office” means the Technology Program within the Department of Management Services, as designated by the secretary of the department.

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

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

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

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

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

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

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

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

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

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

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

(9) SYSTEM APPROVAL.—An emergency communications number E911 system may not shall be established and a and no present system may not shall be expanded without prior approval of the agency office.

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

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

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

365.172 Emergency communications number “E911.”—
(2) LEGISLATIVE INTENT.—It is the intent of the Legislature to:

(d) Provide for an E911 board to administer the fee, with oversight by the Agency for State Technology office, in a manner that is competitively and technologically neutral as to all voice communications services providers.

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

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

(a) “Agency” means the Agency for State Technology.

(t) “Office” means the Technology Program within the Department of Management Services, as designated by the secretary of the department.

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

(5) THE E911 BOARD.—

(a) The E911 Board is established to administer, with oversight by the agency office, the fee imposed under subsection (8), including receiving revenues derived from the fee; distributing portions of the revenues to wireless providers, counties, and the agency office; accounting for receipts, distributions, and income derived by the funds maintained in the fund; and providing annual reports to the Governor and the Legislature for submission by the agency office on amounts collected and expended, the purposes for which expenditures have been made, and the status of E911 service in this state. In order to advise and assist the agency office in carrying out the purposes of this section, the board, which shall have the power of a body corporate, has the powers enumerated in subsection (6).

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

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

1. The annual receipts, including the total amount of fee revenues collected by each provider, the total disbursements of money in the fund, including the amount of fund-reimbursed expenses incurred by each wireless provider to comply with the order, and the amount of moneys on deposit in the fund.
2. Whether the amount of the fee and the allocation percentages set forth in s. 365.173 have been or should be adjusted to comply with the requirements of the order or other provisions of this chapter, and the reasons for making or not making a recommended adjustment to the fee.

3. Any other issues related to providing E911 services.

4. The status of E911 services in this state.

(12) FACILITATING E911 SERVICE IMPLEMENTATION.—To balance the public need for reliable E911 services through reliable wireless systems and the public interest served by governmental zoning and land development regulations and notwithstanding any other law or local ordinance to the contrary, the following standards shall apply to a local government’s actions, as a regulatory body, in the regulation of the placement, construction, or modification of a wireless communications facility. This subsection shall not, however, be construed to waive or alter the provisions of s. 286.011 or s. 286.0115. For the purposes of this subsection only, “local government” shall mean any municipality or county and any agency of a municipality or county only. The term “local government” does not, however, include any airport, as defined by s. 330.27(2), even if it is owned or controlled by or through a municipality, county, or agency of a municipality or county. Further, notwithstanding anything in this section to the contrary, this subsection does not apply to or control a local government’s actions as a property or structure owner in the use of any property or structure owned by such entity for the placement, construction, or modification of wireless communications facilities. In the use of property or structures owned by the local government,
however, a local government may not use its regulatory authority 
so as to avoid compliance with, or in a manner that does not 
advance, the provisions of this subsection.

(f) Notwithstanding any other law to the contrary, 
notwithstanding, the agency Department of Management Services 
shall negotiate, in the name of the state, leases for wireless 
communications facilities that provide access to state 
government-owned property not acquired for transportation 
purposes, and the Department of Transportation shall negotiate, 
in the name of the state, leases for wireless communications 
facilities that provide access to property acquired for state 
rights-of-way. On property acquired for transportation purposes, 
leases shall be granted in accordance with s. 337.251. On other 
state government-owned property, leases shall be granted on a 
space available, first-come, first-served basis. Payments 
required by state government under a lease must be reasonable 
and must reflect the market rate for the use of the state 
government-owned property. The agency Department of Management 
Services and the Department of Transportation may are authorized 
to adopt rules for the terms and conditions and granting of any 
such leases.

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

365.173 Emergency Communications Number E911 System Fund.—

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

(a) The wireless category; and  
(b) The nonwireless category.

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

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

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

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

Section 40. Subsection (1) of section 365.174, Florida Statutes, is amended to read:
365.174 Proprietary confidential business information.—
(1) All proprietary confidential business information submitted by a provider to the board or to the Agency for State Technology office, including the name and billing or service addresses of service subscribers, and trade secrets as defined by s. 812.081, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Statistical abstracts of information collected by the board or the agency office may be released or published, but only in a manner that does not identify or allow identification of subscribers or their service numbers or of revenues attributable to any provider.

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

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

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

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

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

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

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

(4) A frequency allocation and use provision that includes,
which shall include on an entity basis each assigned and planned
radio channel and the type of operation (simplex, duplex, half
duplex, etc.) on each channel.
(5) An operational provision that includes, which shall include dispatching, logging, and operating procedures pertaining to telecommunications on an entity basis and regional basis.

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

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

401.018 System coordination.—

(1) The statewide system of regional emergency medical telecommunications shall be developed by the Agency for State Technology Department of Management Services, which is department shall be responsible for the implementation and coordination of such system into the state telecommunications plan. The agency department shall adopt any necessary rules and regulations for administering implementing and coordinating the such a system.

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

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

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

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

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

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

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

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

401.465 911 public safety telecommunicator certification.—
(2) PERSONNEL; STANDARDS AND CERTIFICATION.—
(a) Effective October 1, 2012, any person employed as a 911 public safety telecommunicator at a public safety answering point, as defined in s. 365.172(3)(b) or 365.172(3)(a), must be certified by the department.

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

445.011 Workforce information systems.—
(4) Workforce Florida, Inc., shall coordinate development
and implementation of workforce information systems with the executive director of the Agency for State Enterprise Information Technology to ensure compatibility with the state’s information system strategy and enterprise architecture.

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

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

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

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

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

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

668.50 Uniform Electronic Transaction Act.—

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

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

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

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

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

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

Section 51. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2012.