

Committee Substitute for Senate Bill No. 2574

An act relating to information technology; amending s. 11.90, F.S.; deleting an obsolete provision relating to duties of the Legislative Budget Commission; amending s. 14.204, F.S.; revising the duties of the Agency for Enterprise Information Technology; requiring the agency to complete certain duties relating to a proposed enterprise information technology services plan by a specified date; creating the Office of Information Security within the agency; designating the Chief Information Security Officer as head of the office and who reports to the executive director of the agency; amending 20.315, F.S., relating to the offender-based information system; deleting obsolete provisions; amending s. 110.205, F.S.; revising certain positions relating to the obsolete State Technology Office that are exempted from career service; amending s. 282.003, F.S.; renaming the Information Technology Resources Management Act as the "Enterprise Information Technology Services Management Act"; amending s. 282.0041, F.S.; revising definitions; amending s. 282.0056, F.S.; revising provisions relating to proposed enterprise information technology services submitted by the agency; deleting the requirement that the agency develop a migration plan; amending s. 282.201, F.S.; revising the duties of the agency; specifying the requirements for obtaining an exception to the limitations on agencies relating to computer services; amending s. 282.203, F.S.; providing an additional duty for a state primary data center; revising the date for appointing a board of trustees of a primary data center; revising the method for determining representation on the board of trustees; revising the role on the board of the executive director of the Agency for Enterprise Information Technology; allowing board membership resulting from consolidations to be adjusted in the appropriations act; providing an additional duty of the board; amending s. 282.204, F.S.; deleting obsolete provisions; providing that the Northwood Shared Resource Center is an agency established with the Department of Children and Family Services; authorizing the secretary of the department to appoint a temporary chair of the center's board of trustees; requiring the agency and the department to identify and transfer department resources by budget amendment; amending s. 282.205, F.S.; deleting obsolete provisions relating to the Southwood Shared Resource Center; amending s. 282.318, F.S.; renaming the Security of Data and Information Technology Infrastructure Act as the "Enterprise Security of Data and Information Technology Act"; providing that information technology security is an enterprise information technology service; substituting the Office of Information Security for the agency and revising the associated duties related to information technology security; requiring the agency to submit a plan for information technology security to the Legislature and Governor by a certain date; amending s. 282.33, F.S.; specifying that the Agency for Enterprise Information Technology shall make recommendations relating to the efficiency of state primary data centers; creating s. 282.34, F.S.; establishing a state e-mail system as an

enterprise information technology service; directing the Southwood Shared Resource Center to manage and operate the system; directing the agency to conduct an analysis of such service by a certain date and establish a workgroup to develop an implementation plan; prohibiting a state agency from terminating such service unless authorized by the Legislature; requesting the Division of Statutory Revision to create part IV of ch. 282, F.S.; creating s. 282.701, F.S.; providing a short title; transferring and renumbering s. 282.102, F.S., relating to the powers of the Department of Management Services with respect to a state communication system; transferring, renumbering, and amending ss. 282.103, 282.104, 282.105, 282.106, and 282.107, F.S., relating to the SUNCOM system; substituting the department for the State Technology Office; transferring and renumbering s. 282.109, F.S., relating to the emergency control of the state communications system; transferring, renumbering, and amending ss. 282.1095 and 282.111, F.S., relating to the communications system for law enforcement agencies; substituting the department for the State Technology Office; transferring, renumbering, and amending s. 282.21, F.S., relating to remote electronic access; substituting the department for the State Technology Office; repealing s. 282.22, F.S., relating to materials and products acquired or developed by the State Technology Office; amending s. 287.042, F.S.; revising the duties of the department to include the development of procedures that ensure certain records requirements; deleting the requirement that the department consult with the office on agreements for the joint purchase of information technology; deleting a requirement for the department and office to access certain contracts; amending s. 1004.52, F.S.; deleting the requirement that the Institute on Urban Policy and Commerce consult with the office and the Chief Information Officer on requirements for computers purchased for the community computer access grant program; repealing and transferring certain administrative rules relating to the State Technology Office; amending s. 17, chapter 2008-116, Laws of Florida; providing that a state primary data center is the custodian of resources and equipment located in the data center for the purposes of ch. 272, F.S.; amending ss. 318.18, 393.002, and 1001.26, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Subsection (7) of section 11.90, Florida Statutes, is amended to read:

11.90 Legislative Budget Commission.—

(7) The commission shall review ~~information resources management needs identified in agency long-range program plans for consistency with the State Annual Report on Enterprise Resource Planning and Management and statewide policies adopted by the State Technology Office. The commission shall also review~~ proposed budget amendments associated with information technology that involve more than one agency, that have an outcome

that impacts another agency, or that exceed \$500,000 in total cost over a 1-year period.

Section 2. Section 14.204, Florida Statutes, is amended to read:

14.204 Agency for Enterprise Information Technology.—The Agency for Enterprise Information Technology is created within the Executive Office of the Governor.

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

(2) The agency ~~is shall be~~ a separate budget entity ~~and that~~ is not subject to control, supervision, or direction by the Executive Office of the Governor ~~in any manner~~, 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:

(a) Have a degree from an accredited postsecondary institution;

(b) Have at least 7 years of executive-level experience in managing information technology organizations; and

(c) Be appointed by the Governor and confirmed by the Cabinet, subject to confirmation by the Senate, and serve at the pleasure of the Governor and Cabinet;~~;~~ ~~and~~

~~(d) Be the chief information officer of the state.~~

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

(a) Develop strategies for the design, delivery, and management of the enterprise information technology services established in law.

(b) Monitor the delivery and management of the enterprise information technology services as established in law.

(c) Make recommendations to the agency head and the Legislature concerning other information technology services that should be designed, delivered, and managed as enterprise information technology services as defined in s. 282.0041.

(d) Plan and establish policies for managing proposed statutorily authorized enterprise information technology services, which includes:

1. Developing business cases that, when applicable, include the components identified in s. 287.0574;

2. Establishing and coordinating project-management teams;

3. Establishing formal risk-assessment and mitigation processes; and

4. Providing for independent monitoring of projects for recommended corrective actions.

~~(e) Define the architecture standards for enterprise information technology services and develop implementation approaches for statewide migration to those standards.~~

~~(e)(f) Beginning October 1, 2010, develop, and publish, and biennially update a long-term strategic enterprise information technology plan that identifies and recommends strategies and opportunities to improve the delivery of cost-effective and efficient for how enterprise information technology services to be proposed for establishment pursuant to s. 282.0056 will deliver effective and efficient government services to state residents and improve the operations of state agencies.~~

~~(f)(g) Perform duties related to the state data center system as provided in s. 282.201.~~

~~(g)(h) Coordinate procurement negotiations for hardware and software acquisition necessary to consolidate data center or computer facilities infrastructure.~~

~~(h)(i) In consultation with the Division of Purchasing in the Department of Management Services, coordinate procurement negotiations for software that will be used by multiple agencies.~~

~~(i)(j) In coordination with, and through the services of, the Division of Purchasing in the Department of Management Services, develop best practices for technology procurements.~~

(5) The Office of Information Security shall be created within the agency. The agency shall designate a state Chief Information Security Officer who shall oversee the office and report directly to the executive director.

~~(6)(5) The agency shall operate in a manner that ensures the participation and representation of state agencies and the Agency Chief Information Officers Council established in s. 282.315.~~

~~(7)(6) The agency may adopt rules pursuant to ss. 120.536(1) and 120.54 to carry out its statutory duties.~~

Section 3. Subsection (10) of section 20.315, Florida Statutes, is amended to read:

20.315 Department of Corrections.—There is created a Department of Corrections.

(10) SINGLE INFORMATION AND RECORDS SYSTEM.—There shall be only one offender-based information and records ~~computer~~ system maintained by the Department of Corrections for the joint use of the department and the Parole Commission. This data system shall be ~~is~~ managed through the department's Justice Data Center, ~~which is hereby transferred to the department under this act pursuant to a type two transfer authorized under s. 20.06(2).~~ The department shall develop and maintain, in consultation with the Criminal and Juvenile Justice Information Systems Council under s. 943.08, such offender-based information, including clemency administration

~~information and other computer services system designed~~ to serve the needs of both the department and the Parole Commission. The department shall notify the commission of all violations of parole and the circumstances thereof.

Section 4. Paragraphs (e), (w), (x), and (y) of subsection (2) of section 110.205, Florida Statutes, are 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 Chief Information Officer in the Agency for Enterprise Information Technology, deputy chief information officers, chief technology officers, and deputy chief technology officers in the State Technology Office.~~ Unless otherwise fixed by law, the Agency for Enterprise Information Technology State Technology Office shall set the salary and benefits of this position ~~these positions~~ in accordance with the rules of the Senior Management Service.

~~(w) All managers, supervisors, and confidential employees of the State Technology Office. The State Technology Office shall set the salaries and benefits of these positions in accordance with the rules established for the Selected Exempt Service.~~

~~(w)~~(x) Managerial employees, as defined in s. 447.203(4), confidential employees, as defined in s. 447.203(5), and supervisory employees who spend the majority of their time communicating with, motivating, training, and evaluating employees, and planning and directing employees' work, and who have the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline subordinate employees or effectively recommend such action, including all employees serving as supervisors, administrators, and directors. Excluded are employees also designated as special risk or special risk administrative support and attorneys who serve as administrative law judges pursuant to s. 120.65 or for hearings conducted pursuant to s. 120.57(1)(a). Additionally, registered nurses licensed under chapter 464, dentists licensed under chapter 466, psychologists licensed under chapter 490 or chapter 491, nutritionists or dietitians licensed under part X of chapter 468, pharmacists licensed under chapter 465, psychological specialists licensed under chapter 491, physical therapists licensed under chapter 486, and speech therapists licensed under part I of chapter 468 are excluded, unless otherwise collectively bargained.

~~(x)~~(y) All officers and employees of the Justice Administrative Commission, Office of the State Attorney, Office of the Public Defender, regional offices of capital collateral counsel, offices of criminal conflict and civil regional counsel, and Statewide Guardian Ad Litem Office, including the circuit guardian ad litem programs.

Section 5. Section 282.003, Florida Statutes, is amended to read:

282.003 Short title.—This part may be cited as the "Enterprise Information Technology Services Resources Management Act."

Section 6. Section 282.0041, Florida Statutes, is amended to read:

282.0041 Definitions.—~~As used in this chapter~~ For the purposes of this part, the term:

(1) “Agency” has the same meaning as ~~means those entities described in s. 216.011(1)(qq).~~

(2) “Agency chief information officer” means the person employed ~~appointed~~ by the agency head to coordinate and manage the information technology functions and responsibilities applicable to that agency, ~~and to participate and represent the agency in developing strategies for implementing enterprise information technology services established pursuant to this part, identified in law and to develop~~ developing recommendations for enterprise information technology policy.

(3) “Agency Chief Information Officers Council” means the council created in s. 282.315.

(4) “Agency for Enterprise Information Technology” means the agency created in s. 14.204.

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

(6) “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.

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

~~(8)~~(7) “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.

~~(9)~~(8) “Computing facility” means agency 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 single, logical-server ~~single-server~~ installations that exclusively perform a utility function such as file and print servers.

~~(10)~~(9) “Customer entity” means an entity that obtains services from a primary data center.

~~(11)~~(10) “Data center” means agency 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.

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

~~(11) “Enterprise level” means all executive branch agencies created or authorized in statute to perform legislatively delegated functions.~~

~~(13)~~(12) “Enterprise information technology service” means an information technology service that is used in all agencies or a subset of agencies and is established in law to be designed, delivered, and managed at the enterprise level.

~~(14)~~(13) “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.

~~(15)~~(14) “Information-system utility” means a full-service information-processing facility offering hardware, software, operations, integration, networking, and consulting services.

~~(16)~~(15) “Information technology” 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.

~~(17)~~(16) “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.

~~(18)~~(17) “Performance metrics” means the measures of an organization’s activities and performance.

~~(19)~~(18) “Primary data center” means a state or nonstate agency data center that is a recipient entity for consolidation of nonprimary data centers and computing facilities. A primary data center may be authorized in law or designated by the Agency for Enterprise Information Technology pursuant to s. 282.201.

~~(20)~~(19) “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.

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

~~(22)~~(20) “Service level” means the key performance indicators (KPI) of an organization or service which must be regularly performed, monitored, and achieved.

(23)~~(21)~~ “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.

(24)~~(22)~~ “Standards” means required practices, controls, components, or configurations established by an authority ~~the use of current, open, nonproprietary, or non-vendor-specific technologies.~~

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

(26)~~(23)~~ “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 an agency includes the fair market value of the resources; however, the total cost of loans or gifts of information technology to state universities to be used in instruction or research does not include fair market value.

(27)~~(24)~~ “Usage” means the billing amount charged by the primary data center, less any pass-through charges, to the customer entity.

(28)~~(25)~~ “Usage rate” means a customer entity’s usage or billing amount as a percentage of total usage.

Section 7. Subsections (2) and (3) of section 282.0056, Florida Statutes, are amended to read:

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

(2) ~~By December 31, 2009, The agency~~ may shall develop, and submit to the President of the Senate, ~~and the Speaker of the House of Representatives, and the Governor by October 1 of each year~~ implementation plans for ~~at least one of the following~~ proposed enterprise information technology services to be established in law:

~~(a) A shared or consolidated enterprise information technology service delivery and support model for the e-mail, messaging, and calendaring service.~~

~~(b) Information security.~~

~~(c) Consideration of a planned replacement cycle for computer equipment.~~

(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. ~~For purposes of consolidating state-owned or state-operated computer rooms and data centers, the agency shall develop a migration plan for any consolidation effort.~~

Section 8. Subsection (2), paragraph (c) of subsection (3), and subsection (4) of section 282.201, Florida Statutes, are amended to read:

282.201 State data center system; agency duties and limitations.—A state data center system that includes all primary data centers, other non-primary data centers, and computing facilities, and that provides an enterprise information technology service as defined in s. 282.0041, is established.

(2) AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY DUTIES.—The Agency for Enterprise Information Technology shall:

(a) Collect and maintain information necessary for developing policies relating to the data center system, including, but not limited to, an inventory of facilities.

(b) Annually approve cost-recovery mechanisms and rate structures for primary data centers which recover costs through charges to customer entities.

(c) By December 31 of each year beginning in 2009, submit to the Legislature recommendations to improve the efficiency and effectiveness of computing services provided by state data center system facilities. Such recommendations may include, but need not be limited to:

1. Policies for improving the cost-effectiveness and efficiency of the state data center system.

2. Infrastructure improvements supporting the consolidation of facilities or preempting the need to create additional data centers ~~center facilities~~ or computing facilities.

3. Standards for an objective, credible energy performance rating system that data center boards of trustees can use to measure state data center energy consumption and efficiency on a biannual basis.

4. Uniform disaster recovery standards.

5. Standards for primary data centers providing transparent financial data to user agencies.

6. Consolidation of contract practices or coordination of software, hardware, or other technology-related procurements.

7. Improvements to data center governance structures.

(d) By October 1 ~~December 31~~ of each year beginning in 2009, recommend to the Governor and Legislature identify ~~identify~~ at least two nonprimary data centers ~~or computing facilities~~ for consolidation into a primary data center or nonprimary data center facility.

1. The consolidation proposal must provide a transition plan that includes; ~~including~~

a. Estimated transition costs for each data center or computing facility recommended for consolidation;

b. Detailed timeframes for the complete transition of each data center or computing facility recommended for consolidation;

c. Proposed recurring and nonrecurring fiscal impacts, including increased or decreased costs and associated budget impacts for affected budget entities; ~~budgetary savings,~~ and

d. Substantive legislative changes necessary to implement the transition.

e. Identification of computing resources to be transferred and those that will remain in the agency. The transfer of resources must include all hardware, software, staff, contracted services, and facility resources performing data center management and operations, security, backup and recovery, disaster recovery, system administration, database administration, system programming, job control, production control, print, storage, technical support, help desk, and managed services but excluding application development.

2.1. Recommendations shall be based on the goal of maximizing current and future cost savings. The agency shall consider the following criteria in selecting consolidations that maximize efficiencies by providing the ability to:

- a. Consolidate purchase decisions;
- b. Leverage expertise and other resources to gain economies of scale;
- c. Implement state information technology policies more effectively;
- d. Maintain or improve the level of service provision to customer entities; and

e. Make progress towards the state's goal of consolidating data centers and computing facilities into primary data centers.

3.2. The agency shall establish workgroups as necessary to ensure participation by affected agencies in the development of recommendations related to consolidations.

~~(e)3.~~ By December 31, 2010, the agency shall develop and submit to the Legislature an overall consolidation plan for state data centers ~~and computing facilities.~~ The plan shall indicate a timeframe for the consolidation of all remaining nonprimary data centers ~~facilities~~ into primary data centers, including existing and proposed primary data centers, by 2019.

~~4.~~ ~~This paragraph expires July 1, 2017.~~

(f)(e) Develop and establish rules policies by rule relating to the operation of the state data center system which ~~must~~ comply with applicable federal regulations, including 2 C.F.R. part 225 and 45 C.F.R. The rules policies may address:

1. Ensuring that financial information is captured and reported consistently and accurately.

2. Requiring the establishment of service-level agreements executed between a data center and its customer entities for services provided.

3. Requiring annual full cost recovery on an equitable rational basis. The cost-recovery methodology must ensure that no service is subsidizing another service and may include adjusting the subsequent year's rates as a means to recover deficits or refund surpluses from a prior year.

4. Requiring that any special assessment imposed to fund expansion is based on a methodology that apportions the assessment according to the proportional benefit to each customer entity.

5. Requiring that rebates be given when revenues have exceeded costs, that rebates be applied to offset charges to those customer entities that have subsidized the costs of other customer entities, and that such rebates may be in the form of credits against future billings.

6. Requiring that all service-level agreements have a contract term of up to 3 years, but may include an option to renew for up to 3 additional years contingent on approval by the board, and require at least a 180-day notice of termination.

7. Designating any nonstate data centers as primary data centers if the center:

a. Has an established governance structure that represents customer entities proportionally.

b. Maintains an appropriate cost-allocation methodology that accurately bills a customer entity based on the actual direct and indirect costs to the customer entity, and prohibits the subsidization of one customer entity's costs by another entity.

c. Has sufficient raised floor space, cooling, redundant power capacity, including uninterruptible power supply and backup power generation, to accommodate the computer processing platforms and support necessary to host the computing requirements of additional customer entities.

8. Removing nonstate data centers from primary data center designation if the nonstate data center fails to meet standards necessary to ensure that the state's data is maintained pursuant to subparagraph 7.

(3) STATE AGENCY DUTIES.—

(c) The chief information officer of each state agency shall assist the Agency for Enterprise Information Technology at the request of ~~as required by the Agency for Enterprise Information Technology agency.~~

(4) AGENCY LIMITATIONS.—

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

1. Create a new computing facility or data center, or expand the capability to support additional computer equipment in an existing computing facility or nonprimary data center;

2. Transfer existing computer services to a nonprimary data center or computing facility;

3. Terminate services with a primary data center or transfer services between primary data centers without giving written notice of intent to terminate or transfer services 180 days before such termination or transfer; or

4. Initiate a new computer service if it does not currently have an internal data center except with a primary data center.

(b) Exceptions to the limitations in subparagraphs (a)1., 2., and 4. paragraph (a) may be granted by ~~the agency head of the Agency for Enterprise Information Technology~~ if there is insufficient capacity in a primary data center to absorb the workload associated with agency computing services.

1. A request for an exception must be submitted in writing to the Agency for Enterprise Information 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. At a minimum, the agency may not approve a request unless it includes:

a. Documentation approved by the primary data center's board of trustees which confirms that the center cannot meet the capacity requirements of the agency requesting the exception within the current fiscal year.

b. A description of the capacity requirements of the agency requesting the exception.

c. Documentation from the agency demonstrating why it is critical to the 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.

(c) Exceptions to subparagraph (a)3. may be granted by the board of trustees of the primary data center if the termination or transfer of services can be absorbed within the current cost-allocation plan.

(d) Upon the termination of or transfer of agency computing services from the primary data center, the primary data center shall require information sufficient to determine compliance with this section. If a primary data center determines that an agency is in violation of this section, it shall report the violation to the Agency for Enterprise Information Technology.

Section 9. Paragraph (j) is added to subsection (1) of section 282.203, Florida Statutes, subsection (2) of that section is amended, and paragraph (j) is added to subsection (3) of that section, to read:

282.203 Primary data centers.—

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

(j) Be the custodian of resources and equipment that are located, operated, supported, and managed by the center for the purposes of chapter 273.

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

(a) The members of the board shall be appointed by the agency head or chief executive officer of the representative customer entities of the primary data center and shall serve at the pleasure of the appointing customer entity. ~~The initial appointments of members shall be made as soon as practicable, but not later than July 1, 2008.~~

1. For each of the first 2 fiscal years that a center is in operation, membership shall be ~~apportioned~~ as provided in subparagraph 3. based on projected customer entity usage rates for the fiscal operating year of the primary data center. However, at a minimum:

a. During the Southwood Shared Resource Center's first 2 operating years, the Department of Transportation, the Department of Highway Safety and Motor Vehicles, the Department of Health, and the Department of Revenue must each have at least one trustee.

b. During the Northwood Shared Resource Center's first operating year, the Department of State and the Department of Education must each have at least one trustee.

2. After the second full year of operation, membership shall be ~~apportioned~~ as provided in subparagraph 3. based on the most recent estimate of customer entity usage rates for the prior year and a projection of usage rates for the first 9 months of the next fiscal year. Such calculation must be completed before the annual budget meeting held before the beginning of the next fiscal year so that any decision to add or remove board members can be voted on at the budget meeting and become effective on July 1 of the subsequent fiscal year.

3. Each customer entity that has a projected usage rate of 4 percent or greater during the fiscal operating year of the primary data center shall have one trustee on the board. Membership shall be apportioned using the following criteria:

4. The total number of votes for each trustee shall be apportioned as follows:

a. Customer entities of a primary data center whose usage rate represents 4 but less than 15 ~~to 14~~ percent of total usage shall have one vote trustee.

b. Customer entities of a primary data center whose usage rate represents 15 but less than 30 ~~to 29~~ percent of total usage shall have two votes ~~trustees~~.

c. Customer entities of a primary data center whose usage rate represents 30 but less than 50 ~~to 49~~ percent of total usage shall have three votes ~~trustees~~.

d. A customer entity of a primary data center whose usage rate represents 50 percent or more of total usage shall have four votes ~~trustees~~.

e. A single trustee having one vote shall represent those customer entities that represent less than 4 percent of the total usage. The trustee shall be selected by a process determined by the board.

~~f. The executive director of the Agency for Enterprise Information Technology shall serve as a voting member of the board.~~

(b) Before July 1 of each year, each board of trustees of a primary data center shall elect a chair and a vice chair to a term of 1 year or until a successor is elected. The vice chair shall serve in the absence of the chair. ~~The vice chair may not be from the same customer entity as the chair.~~ The chair may be elected to serve one additional successive term.

(c) Members of the board representing customer entities who fail to timely pay for data center services do not have voting rights.

(d) The board shall take action by majority vote. If there is a tie, the chair shall be on the prevailing side.

(e) The executive director of the Agency for Enterprise Information Technology shall be the advisor to the board.

(f) To facilitate planned data center consolidations, board membership may be adjusted as provided in the General Appropriations Act.

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

(j) Maintain the capabilities of the primary data center's facilities. Maintenance responsibilities include, but are not limited to, ensuring that adequate conditioned floor space, fire suppression, cooling, and power is in place; replacing aging equipment when necessary; and making decisions related to data center expansion and renovation, periodic upgrades, and improvements that are required to ensure the ongoing suitability of the facility as an enterprise data center consolidation site in the state data center system. To the extent possible, the board shall ensure that its approved annual cost-allocation plan recovers sufficient funds from its customers to provide for these needs pursuant to s. 282.201(2)(e).

Section 10. Section 282.204, Florida Statutes, is amended to read:

282.204 Northwood Shared Resource Center.—

(1) ~~Beginning July 1, 2008,~~ A workgroup shall be established within the Department of Children and Family Services for the purpose of developing a plan for converting its data center to a primary data center.

(a) The workgroup shall be chaired by a member appointed by the secretary of the department. Workgroup members may include other state agencies who will be customers of the data center during the 2009-2010 fiscal year. The workgroup shall include staff members who have appropriate financial and technical skills as determined by the chair of the workgroup.

(b) The conversion plan shall address organizational changes, personnel changes, cost-allocation plan changes, and any other changes necessary to effectively convert to a primary state data center capable of providing computer services as required by s. 282.201.

(c) The workgroup shall submit recommendations for facilitating the conversion to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2008.

(2) Effective July 1, 2009, The Northwood Shared Resource Center is an agency established within the Department of Children and Family Services for administrative purposes only.

(a) The center is ~~designated as~~ a primary data center and shall be a separate budget entity that is not subject to control, supervision, or direction of the department in any manner, including, but not limited to, purchasing, transactions involving real or personal property, personnel, or budgetary matters.

(b)(3) The center shall be headed by a board of trustees as provided in s. 282.203, who shall comply with all requirements of that section related to the operation of the center and with the rules policies of the Agency for Enterprise Information Technology related to the design and delivery of enterprise information technology services. The secretary of the department may appoint a temporary board chair for the purpose of convening the board of trustees, selecting a chair, and determining board membership.

(3) The Department of Children and Family Services and the center shall identify resources associated with information technology functions which are not related to the support, management, and operation of the data center but which currently exist within the same budget entity as the data center. By October 1, 2009, the center shall submit a budget amendment to transfer resources associated with these functions to the department.

Section 11. Section 282.205, Florida Statutes, is amended to read:

282.205 Southwood Shared Resource Center.—

(1) ~~Effective July 1, 2008,~~ The Southwood Shared Resource Center is an agency established within the department of ~~Management Services~~ for administrative purposes only.

(1) The center is designated as a primary data center and shall be a separate budget entity that is not subject to control, supervision, or direction

of the department in any manner, including, but not limited to, purchasing, transactions involving real or personal property, personnel, or budgetary matters.

~~(2) The Department of Management Services and the center shall identify resources associated with information technology functions which are not related to the support, management, and operation of the data center but which currently exist within the same budget entity as the data center. By October 1, 2008, the center shall submit a budget amendment to transfer resources associated with these functions to the Department of Management Services.~~

~~(2)(3)~~ The center shall be headed by a board of trustees as provided in s. 282.203, who shall comply with all requirements of that section related to the operation of the center and with the rules policies of the Agency for Enterprise Information Technology related to the design and delivery of enterprise information technology services.

Section 12. Section 282.318, Florida Statutes, is amended to read:

282.318 Security of data and information technology resources.—

(1) This section may be cited as the “Enterprise Security of Data and Information Technology Infrastructure Act.”

(2) Information technology security is established as an enterprise information technology service as defined in s. 287.0041.

~~(3)(2)(a) The Office of Information Security within the Agency for Enterprise Information Technology, in consultation with each agency head, is responsible for establishing rules and publishing guidelines assessing and recommending minimum operating procedures for ensuring an appropriate adequate level of security for all data and information technology resources for executive branch agencies created or authorized in statute to perform legislatively delegated functions. The office 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 s. 282.318.

(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 Office of Information Security agency in carrying out its responsibilities ~~this responsibility~~, each agency head shall, at a minimum:

(a)1. Designate an information security manager to ~~who shall~~ administer the security program of the agency for its data and information technology resources. This designation must be provided annually in writing to the office by January 1.

(b) Submit to the office annually by July 31, the agency's strategic and operational information security plans developed pursuant to the rules and guidelines established by the office.

1. The agency 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 office. Additional issues may be included.

2. The 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 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)2. 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 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 Enterprise Information Technology for ~~in~~ performing postauditing duties.

(d)3. Develop, and periodically update, written internal policies and procedures, which ~~shall~~ include procedures for notifying the office ~~Agency for Enterprise Information Technology~~ when a suspected or confirmed breach, or an information security incident, occurs ~~or data is compromised~~. Such policies and procedures must be consistent with the rules and guidelines

~~established standard operating procedures adopted by the office Agency for Enterprise Information Technology in order to ensure the security of the data, information, and information technology resources of the 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 the provisions of s. 119.07(1), except that such information shall be available to the Auditor General and the Agency for Enterprise Information Technology for~~ in performing postauditing duties.

(e)4. Implement appropriate cost-effective safeguards to address reduce, eliminate, or recover from the identified risks to the data, information, and information technology resources of the agency.

(f)5. Ensure that periodic internal audits and evaluations of the agency's security program for the data, information, and information technology resources of the agency are conducted. The results of such ~~internal~~ audits and evaluations are confidential information 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 Enterprise Information Technology for ~~in~~ performing postauditing duties.

(g)6. 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 standard security operating procedures adopted by the office Agency for Enterprise Information Technology.

(h) Provide security awareness training to employees and users of the 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 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 office.

1. Suspected or confirmed information security incidents and breaches must be immediately reported to the office.

2. For incidents involving breaches, agencies shall provide notice in accordance with s. 817.5681 and to the office in accordance with this subsection.

(5)(b) ~~Each In those instances under this subsection in which the state agency or department develops state contracts, the state agency or department shall include appropriate security requirements in the specifications for the solicitation of for state contracts for procuring information technology or information technology resources or services which are consistent with the rules and guidelines established by the Office of Information Security.~~

(3) ~~The Agency for Enterprise Information Technology shall designate a chief information security officer.~~

~~(4) The Agency for Enterprise Information Technology shall develop standards and templates for conducting comprehensive risk analyses and information security audits by state agencies, assist agencies in their compliance with the provisions of this section, pursue appropriate funding provided for the purpose of enhancing domestic security, establish minimum guidelines and procedures for the recovery of information technology following a disaster, and provide training for agency information security managers. Standards, templates, guidelines, and procedures shall be published annually, no later than September 30 each year, to enable agencies to incorporate them in their planning for the following fiscal year.~~

(6)(5) The Agency for Enterprise Information Technology may adopt rules pursuant to ss. 120.536(1) and 120.54 relating to information security and to administer the provisions of this section.

(7) By December 31, 2010, the Agency for Enterprise Information Technology shall develop, and submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a proposed implementation plan for information technology security. The agency shall describe the scope of operation, conduct costs and requirements analyses, conduct an inventory of all existing security information technology resources, and develop strategies, timeframes, and resources necessary for statewide migration.

Section 13. Paragraph (b) of subsection (2) of section 282.33, Florida Statutes, is amended to read:

282.33 Objective standards for data center energy efficiency.—

(2) State shared resource data centers and other data centers that the Agency for Enterprise Information Technology has determined will be recipients for consolidating data centers, which are designated by the Agency for Enterprise Information Technology, shall evaluate their data center facilities for energy efficiency using the standards established in this section.

(b) By December 31, 2010, and biennially ~~biannually~~ thereafter, the Agency for Enterprise Information Technology shall submit to the Legislature recommendations for reducing energy consumption and improving the energy efficiency of state primary data centers.

Section 14. Section 282.34, Florida Statutes, is created to read:

282.34 Statewide e-mail system.—A state e-mail system that includes the service delivery and support for a statewide e-mail, messaging, and calendaring service is established as an enterprise information technology service as defined in s. 282.0041. The service shall be designed to meet the needs of all executive branch agencies and reduce the current cost of operation and support.

(1) The Southwood Shared Resource Center, a primary data center, shall be the provider of the statewide e-mail system. The center shall centrally host, manage, and operate the e-mail system.

(2) By December 31, 2009, the Agency for Enterprise Information Technology shall submit a proposed plan for the establishment of the e-mail system to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The plan shall be developed to reduce costs to the state and include, at a minimum:

(a) An analysis of the in-house and external sourcing options that should be considered for delivery and support of the service. The analysis shall include an internally hosted system option, an externally sourced system option, and, if necessary, a combined in-house and externally sourced option.

(b) A cost-benefit analysis that estimates all major cost elements associated with each sourcing option, including the nonrecurring and recurring costs of each option. The analysis must also include a comparison of the total cost of each enterprise e-mail sourcing option and the total cost of existing e-mail services in order to determine the level of savings that can be expected.

(c) Estimated expenditures for each state agency associated with e-mail costs for the 2009-2010 fiscal year.

(d) The plan must identify any existing e-mail infrastructure that should be considered for reuse.

(e) A concise analysis of the ability of each sourcing option to meet major system requirements, including federal and state requirements for confidentiality, privacy, security, and records retention.

(f) A complete description of the scope of functionality, operations, and required resources associated with each sourcing option.

(g) Recommendations for standardizing the format of state e-mail addresses.

(h) A reliable schedule for the decommissioning of all state agency e-mail systems and the migration of all agencies to the new system beginning by July 1, 2010, and completing by June 30, 2013.

(3) In order to develop the recommended plan for the new system, the Agency for Enterprise Information Technology shall consult with and, as necessary, form workgroups consisting of agency e-mail management staff, agency chief information officers, and agency budget directors. State agencies must cooperate with the Agency for Enterprise Technology in its development of the plan.

(4) Unless authorized by the Legislature or as provided in subsection (5), a state agency shall not:

(a) Initiate a new e-mail service with any entity other than the provider of the statewide e-mail system service;

(b) Terminate a statewide e-mail system service without giving written notice of termination 180 days in advance; or

(c) Transfer e-mail system services from the provider of the statewide e-mail system service.

(5) Exceptions to paragraphs (4)(a), (b), and (c) may be granted by the Agency for Enterprise Information Technology only if the Southwood Shared Resource Center is unable to meet agency e-mail service requirements. Requests for exceptions must be submitted in writing to the Agency for Enterprise Information Technology and include confirmation by the Southwood Shared Resource Center board of trustees that it cannot meet the requesting agency's e-mail service requirements.

Section 15. The Division of Statutory Revision is requested to create part IV of chapter 282, consisting of sections 282.701 through 282.711, Florida Statutes.

Section 16. Section 282.701, Florida Statutes, is created to read:

282.701 Short title.—This part may be cited as the “Communication Information Technology Services Act.”

Section 17. Section 282.102, Florida Statutes, is transferred and renumbered as section 282.702, Florida Statutes.

Section 18. Section 282.103, Florida Statutes, is transferred, renumbered as section 282.703, Florida Statutes, and amended to read:

282.703~~282.103~~ SUNCOM Network; exemptions from the required use.—

(1) There is created within the department of ~~Management Services~~ the SUNCOM Network, which shall be developed to serve as the state communications system for providing local and long-distance communications services to state agencies, political subdivisions of the state, municipalities, state universities, and nonprofit corporations pursuant to this part ss. 282.102-282.111. The SUNCOM Network shall be developed to transmit all types of communications 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 communications systems and services.

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

(3) All state agencies and state universities shall ~~are required to~~ use the SUNCOM Network for agency and state university communications services as the services become available; however, no agency or university is relieved of responsibility for maintaining communications services necessary for effective management of its programs and functions. If a SUNCOM Network service does not meet the communications requirements of an agency or university, the agency or university shall notify the ~~department State Technology Office~~ in writing and detail the requirements for that

communications service. If the department office is unable to meet an agency's or university's requirements by enhancing SUNCOM Network service, the department office may grant the agency or university an exemption from the required use of specified SUNCOM Network services.

Section 19. Section 282.104, Florida Statutes, is transferred, renumbered as section 282.704, Florida Statutes, and amended to read:

~~282.704~~282.104 Use of state SUNCOM Network by municipalities.—Any municipality may request the department State Technology Office to provide any or all of the SUNCOM Network's portfolio of communications services upon such terms and ~~under such~~ conditions as the department office 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 department office. Such municipality shall also pay for any requested modifications to existing SUNCOM Network services, if any charges apply.

Section 20. Section 282.105, Florida Statutes, is transferred, renumbered as section 282.705, Florida Statutes, and amended to read:

~~282.705~~282.105 Use of state SUNCOM Network by nonprofit corporations.—

(1) The department State Technology Office 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 of ~~the state~~; 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 of ~~the state~~ during the ~~period of~~ time SUNCOM Network services are requested.

(2) Each nonprofit corporation seeking authorization to use the state SUNCOM Network ~~pursuant to this section~~ shall provide to the department office, 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 ~~shall be~~ eligible to use the state SUNCOM Network, subject to the terms and conditions of the department office.

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

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

Section 21. Section 282.106, Florida Statutes, is transferred, renumbered as section 282.706, Florida Statutes, and amended to read:

~~282.706~~282.106 Use of SUNCOM Network by libraries.—The ~~department State Technology Office~~ department State Technology Office 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.

Section 22. Section 282.107, Florida Statutes, is transferred and renumbered as section 282.707, Florida Statutes, and amended to read:

~~282.707~~282.107 SUNCOM Network; criteria for usage.—

(1) The department of ~~Management Services~~ shall periodically review the qualifications of subscribers using the state SUNCOM Network and shall terminate services provided to any facility not qualified under this part pursuant to ss. 282.102-282.111 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 department of ~~Management Services~~ shall adopt rules for implementing and operating the state SUNCOM Network, which ~~shall include its~~ procedures for withdrawing and restoring authorization to use the state SUNCOM Network. Such rules shall provide a minimum of 30 days' notice to affected parties before terminating prior to termination of voice communications service.

(3) ~~Nothing in~~ This section does not ~~shall be construed~~ to limit or restrict the ability of the Florida Public Service Commission to set jurisdictional tariffs of telecommunications companies.

Section 23. Section 282.109, Florida Statutes, is transferred and renumbered as section 282.708, Florida Statutes.

Section 24. Section 282.1095, Florida Statutes, is transferred, renumbered as section 282.709, Florida Statutes, and amended to read:

~~282.709~~282.1095 State agency law enforcement radio system and interoperability network.—

(1) The ~~department State Technology Office~~ department State Technology Office may acquire and administer ~~implement~~ a statewide radio communications system to serve law enforcement units of state agencies, and to serve local law enforcement agencies through mutual aid channels. ~~The Joint Task Force on State Agency Law Enforcement Communications is established in the State Technology Office~~

to advise the office of member-agency needs for the planning, designing, and establishment of the joint system. The State Agency Law Enforcement Radio System Trust Fund is established in the State Technology Office. The trust fund shall be funded from surcharges collected under ss. 320.0802 and 328.72.

(a) The department shall, in conjunction with the Department of Law Enforcement and the Division of Emergency Management of the Department of Community Affairs, 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 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 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 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 department for each site if it is determined to be practicable and feasible to make space available.

3. The department may rent, lease, or sublease ground space on lands acquired by the department for the construction of privately owned or publicly owned towers. The 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 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 department to construct, maintain, or support the system.

5. The positions necessary for the 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 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 department shall consult and act in conjunction with the Department of Law Enforcement and the Division of Emergency Management of the Department of Community Affairs, 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 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 department may allow other state agencies to use the statewide radio communications system under terms and conditions established by the department.

(2) The Joint Task Force on State Agency Law Enforcement Communications is created adjunct to the department to advise the 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 ~~Any~~ joint task force member may, upon notification to the chair before ~~prior to~~ 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 department shall provide technical support to the joint task force.

~~(f) The State Technology Office is hereby authorized to rent or lease space on any tower under its control. The office may also rent, lease, or sublease ground space as necessary to locate equipment to support antennae on the towers. The costs for use of such space shall be established by the office for each site, when it is determined to be practicable and feasible to make space available. The office may refuse to lease space on any tower at any site. All moneys collected by the office for such rents, leases, and subleases shall be deposited directly into the Law Enforcement Radio Operating Trust Fund and may be used by the office to construct, maintain, or support the system.~~

~~(g) The State Technology Office is hereby authorized to rent, lease, or sublease ground space on lands acquired by the office for the construction of privately owned or publicly owned towers. The office may, as a part of such rental, lease, or sublease agreement, require space on said tower or towers for antennae as may be necessary for the construction and operation of the state agency law enforcement radio system or any other state need. The positions necessary for the office to accomplish its duties under this paragraph and paragraph (f) shall be established in the General Appropriations Act and shall be funded by the Law Enforcement Radio Operating Trust Fund or other revenue sources.~~

~~(h) The State Technology Office may make the mutual aid channels in the statewide radio communications system available to federal agencies, state agencies, and agencies of the political subdivisions of the state for the purpose of public safety and domestic security. The office shall exercise its powers and duties, as specified in this chapter, to plan, manage, and administer the mutual aid channels. The office shall, in implementing such powers and duties, act in consultation and conjunction with the Department of Law Enforcement and the Division of Emergency Management of the Department of Community Affairs, 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.~~

(3) The State Agency Law Enforcement Radio System Trust Fund is established in the 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 department office to acquire by competitive procurement the equipment,; software,; and engineering, administrative, and

maintenance services it needs to construct, operate, and maintain the state-wide radio system. Moneys in the trust fund collected as a result of the surcharges set forth in ss. ~~318.18~~, 320.0802, and 328.72 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 department office ~~to provide~~ for payment of the recurring maintenance costs of the system.

~~(4)(a) The office shall, in conjunction with the Department of Law Enforcement and the Division of Emergency Management of the Department of Community Affairs, establish policies, procedures, and standards which shall be incorporated into a comprehensive management plan for the use and operation of the statewide radio communications system.~~

~~(b) The joint task force, in consultation with the office, shall have the authority to permit other state agencies to use the communications system, under terms and conditions established by the joint task force.~~

~~(5) The office shall provide technical support to the joint task force and 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 system common equipment.~~

~~(4)(6)(a) The department State Technology Office may create and administer ~~implement~~ 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 department office shall, in conjunction with the Department of Law Enforcement and the Division of Emergency Management of the Department of Community Affairs, exercise its powers and duties pursuant to this chapter to plan, manage, and administer the interoperability network. The 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 department State Technology Office 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 of the Department of Community Affairs, amend and enhance the statewide radio communications system as necessary to implement the interoperability network.~~

~~(b) The department State Technology Office, 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 of the Department of Community Affairs, shall establish policies, procedures, and standards to incorporate into a comprehensive management plan for the use and operation of the interoperability network.

Section 25. Section 282.111, Florida Statutes, is transferred, renumbered as section 282.710, Florida Statutes, and amended to read:

282.710~~282.111~~ 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 ~~generally~~. To this end, all law enforcement agencies within the state are directed to provide the ~~department~~ State Technology Office with any information the ~~department~~ office requests for the purpose of implementing the provisions of subsection (2).

(2) The ~~department~~ State Technology Office is hereby authorized and directed to develop and maintain a statewide system of regional law enforcement communications. In formulating such a system, the ~~department~~ office shall divide the state into appropriate regions and shall develop a program ~~that includes which shall include~~, but is not be limited to, ~~the following provisions~~:

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

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

(c) 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, or half-duplex, on each channel.

(3) The ~~department~~ office shall adopt any necessary rules and regulations for ~~administering~~ implementing and coordinating the statewide system of regional law enforcement communications.

(4) The ~~secretary of the department~~ Chief Information Officer of the ~~State Technology Office~~ 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 is authorized to~~ coordinate the activities of the system with other interested state agencies and local law enforcement agencies.

(5) A ~~No~~ law enforcement communications system ~~may not shall~~ be established or ~~present system~~ expanded without the prior approval of the ~~department~~ State Technology Office.

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

Section 26. Section 282.21, Florida Statutes, is transferred, renumbered as section 282.711, Florida Statutes, and amended to read:

~~282.711~~282.21—~~The State Technology Office's Remote~~ electronic access services.—~~The department State Technology Office~~ 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 27. ~~Section 282.22, Florida Statutes, is repealed.~~

Section 28. Paragraph (h) is added to subsection (3) of section 287.042, Florida Statutes, and paragraph (b) of subsection (4) and subsections (15) and (16) of that section are amended, to read:

287.042 Powers, duties, and functions.—The department shall have the following powers, duties, and functions:

(3) To establish a system of coordinated, uniform procurement policies, procedures, and practices to be used by agencies in acquiring commodities and contractual services, which shall include, but not be limited to:

(h) Development, in consultation with the Agency Chief Information Officers Council, of procedures to be used by state agencies when procuring information technology commodities and contractual services to ensure compliance with public-records requirements and records-retention and archiving requirements.

(4)

(b) To prescribe, in consultation with the Agency Chief Information Officers Council State Technology Office, procedures for procuring information technology and information technology consultant services which provide for public announcement and qualification, competitive solicitations, contract award, and prohibition against contingent fees. Such procedures shall be limited to information technology consultant contracts for which the total project costs, or planning or study activities, are estimated to exceed the threshold amount provided for in s. 287.017, for CATEGORY TWO.

~~(15)(a) To enter into joint agreements with governmental agencies, as defined in s. 163.3164(10), for the purpose of pooling funds for the purchase of commodities or information technology that can be used by multiple agencies. However, the department shall consult with the State Technology Office on joint agreements that involve the purchase of information technology. Agencies entering into joint purchasing agreements with the department or the State Technology Office shall authorize the department or the State Technology Office to contract for such purchases on their behalf.~~

~~(a)(b)~~ Each agency that has been appropriated or has existing funds for ~~such purchase~~ ~~the purchases~~, shall, upon contract award by the department, transfer their portion of the funds into the department's Operating Trust Fund for payment by the department. The ~~These~~ funds shall be transferred by the Executive Office of the Governor pursuant to the agency budget amendment request provisions in chapter 216.

~~(b)(c)~~ Agencies that sign the joint agreements are financially obligated for their portion of the agreed-upon funds. If an ~~any~~ agency becomes more than 90 days delinquent in paying the funds, the department shall certify to the Chief Financial Officer the amount due, and the Chief Financial Officer shall transfer the amount due to the Operating Trust Fund of the department from any of the agency's available funds. The Chief Financial Officer shall report ~~all of~~ these transfers and the reasons for the transfers to the Executive Office of the Governor and the legislative appropriations committees.

~~(16)(a)~~ To evaluate contracts let by the Federal Government, another state, or a political subdivision for the provision of commodities and contract services, and, ~~if when~~ it is determined in writing to be cost-effective and in the best interest of the state, to enter into a written agreement authorizing an agency to make purchases under ~~such a contract approved by the department and let by the Federal Government, another state, or a political subdivision.~~

~~(b)~~ ~~For contracts pertaining to the provision of information technology, the State Technology Office, in consultation with the department, shall assess the technological needs of a particular agency, evaluate the contracts, and determine whether to enter into a written agreement with the letting federal, state, or political subdivision body to provide information technology for a particular agency.~~

Section 29. Subsection (9) of section 1004.52, Florida Statutes, is amended to read:

1004.52 Community computer access grant program.—

~~(9)~~ ~~The institute, based upon guidance from the State Technology Office and the state's Chief Information Officer, shall establish minimum requirements governing the specifications and capabilities of any computers purchased with funds awarded under this grant program.~~

Section 30. Rules 60DD-1, 60DD-4, 60DD-5, 60DD-6, 60DD-7, and 60DD-8, Florida Administrative Code, are repealed, and the Department of State is directed to remove these rules from the Florida Administrative Code. Rule 60DD-2, Florida Administrative Code, is transferred to the Agency for Enterprise Information Technology.

Section 31. Section 17 of chapter 2008-116, 2008 Laws of Florida, is amended to read:

Section 17. All data center functions performed, managed, operated, or supported by state agencies with resources and equipment currently located

in a state primary data center created by this act, excluding application development, shall be transferred to the primary data center and that agency shall become a full-service customer entity by July 1, 2010. All resources and equipment located in the primary data center shall be operated, managed, and controlled by the primary data center. The primary data center in which such resources and equipment are located shall be the custodian of such resources and equipment for purposes of chapter 273, Florida Statutes. Data center functions include, but are not limited to, responsibility for all data center hardware, software, staff, contracted services, and facility resources performing data center management and operations, security, ~~production control~~, backup and recovery, disaster recovery, system administration, database administration, system programming, job control, production control, print, storage, technical support, help desk, and managed services.

(1) To accomplish the transition, each state agency that is a customer entity of a primary data center shall:

(a) By October 1, 2009, submit a plan to the board of trustees of the appropriate primary data center describing costs and resources currently used to manage and maintain hardware and operating and support software housed at the primary data center, and a plan for transferring all resources allocated to data center functions to the primary data center. The plan shall:

1. Include the itemized expenditures for all of the related equipment and software in the previous 5 fiscal years.

2. Propose averages or weighted averages for transferring spending authority related to equipment and software based upon spending in the previous 5 fiscal years and projected needs for the upcoming 2 fiscal years.

(b) Submit with its 2010-2011 legislative budget request budget adjustments necessary to accomplish the transfers. These adjustments shall include budget requests to replace existing spending authority in the appropriations categories used to manage, maintain, and upgrade hardware, operating software, and support software with an amount in a single appropriation category to pay for the services of the primary data center.

(2) The board of trustees of each primary data center shall:

(a) Be responsible for the efficient transfer of resources in user agencies relating to the provision of full services and shall coordinate the legislative budget requests of the affected agencies.

(b) Include in its 2010-2011 legislative budget request additional budget authority to accommodate the transferred functions.

(c) Develop proposed cost-recovery plans for its customer entities at its annual budget meeting held before July 1, 2010, using the principles established in s. 282.203, Florida Statutes.

Section 32. 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 Department of Management Services for the state agency law enforcement radio system, as described in s. 282.709 ~~s. 282.1095~~, 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. 282.710 ~~s. 282.111~~. This subsection expires July 1, 2012. The Department of Management Services may retain funds sufficient to recover the costs and expenses incurred for ~~the purposes of~~ 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 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 33. Subsection (4) of section 393.002, Florida Statutes, is amended to read:

393.002 Transfer of Florida Developmental Disabilities Council as formerly created in this chapter to private nonprofit corporation.—

(4) ~~The~~ This designated nonprofit corporation ~~is~~ shall be eligible to use the state communications system in accordance with s. 282.705(3) ~~s. 282.105(3)~~.

Section 34. Paragraph (a) of subsection (2) of section 1001.26, Florida Statutes, is amended to read:

1001.26 Public broadcasting program system.—

(2)(a) The Department of Education is responsible for implementing the provisions of this section pursuant to s. 282.702 ~~s. 282.102~~ and may employ personnel, acquire equipment and facilities, and perform all duties necessary for carrying out the purposes and objectives of this section.

Section 35. This act shall take effect upon becoming a law.

Approved by the Governor May 27, 2009.

Filed in Office Secretary of State May 27, 2009.