



Appropriations Committee

Wednesday, February 19, 2014
3:30 PM – 6:00 PM
212 Knott Building

Meeting Packet

Will Weatherford
Speaker

Seth McKeel
Chair



The Florida House of Representatives

Appropriations Committee

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AGENDA

Wednesday, February 19, 2014

212 Knott Building

3:30 PM – 6:00 PM

- I. Call to Order/Roll Call
- II. Opening Remarks by Chair McKeel
- III. **Consideration of the following proposed committee bill:**

PCB APC 14-02 -- Information Technology Governance
- IV. **Consideration of the following bills:**

CS/HB 113 Discretionary Sales Surtaxes by Education Committee, Fresen

CS/HB 173 Juvenile Justice Education Programs by Choice & Innovation Subcommittee, Adkins
- V. Closing Remarks and Adjournment

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB APC 14-02 Information Technology Governance

SPONSOR(S): Appropriations Committee

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Appropriations Committee		Potvin <i>dp</i>	Leznoff <i>JL</i>

SUMMARY ANALYSIS

The bill establishes an enterprise information technology (IT) governance structure within the executive branch. Specifically the bill:

- Creates the Agency for State Technology (AST) within the Department of Management Services (DMS) and establishes an executive director of the agency who serves as the state's chief information officer and is appointed by the Governor and confirmed by the Senate.
- Establishes eleven other positions within the AST to include a deputy executive director, a chief planning officer, six strategic planning coordinators, a chief operations officer, a chief information security officer, and a chief technology officer.
- Authorizes a type two transfer of all records, property, unexpended balances of appropriations, administrative authority, administrative rules in chapters 71A-1 and 71A-2, Florida Administrative Code, pending issues, and existing contracts of the Agency for Enterprise Information Technology to the AST.
- Authorizes a type two transfer of the Northwood and Southwood Shared Resource Centers from the DMS to the AST and creates the state data center.
- Defines the duties and responsibilities of the AST to include:
 - developing and implementing IT architecture standards,
 - establishing project management and oversight standards,
 - performing project oversight on IT projects with total costs of \$10 million or more,
 - providing operational management and oversight of the state data center,
 - identifying opportunities for standardization and consolidation of IT services that support common business functions,
 - recommending additional consolidations of agency data centers or computing facilities, and
 - performing project oversight on any cabinet agency IT project that has a total project cost of \$50 million or more and impacts another agency or agencies.
- Establishes the Technology Advisory Council within the AST for purposes of making recommendations to the executive director and defines the council's membership.
- Clarifies the IT security duties of the AST, individual agencies and the Florida Department of Law Enforcement's Cybercrime Office.
- Requires the AST to conduct a feasibility study and to provide recommendations managing state government data.
- Repeals sections of law relating to the AEIT, the NSRC and the SSRC; energy efficient standards for data centers; and statewide e-mail service.
- Appropriates a total of \$3.2 million and 27 full-time equivalent positions for Fiscal Year 2014-2015.

The bill is effective July 1, 2014, except as otherwise provided.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Agency for Enterprise Information Technology

Current Situation

In 2007, the Legislature created the Agency for Enterprise Information Technology (AEIT) to oversee policies for the design, planning, project management, and implementation of enterprise information technology (IT) services, to include IT security.¹ The AEIT is administratively housed within the Executive Office of the Governor, with the Governor and Cabinet as the head of the agency.

The AEIT is required to:²

- Submit an annual work plan for approval by the Governor and Cabinet.
- Monitor the implementation, delivery, and management of the enterprise IT services established in law.
- Make recommendations to the agency head and Legislature concerning other IT services that should be designed, delivered, and managed as enterprise IT services.
- Plan and establish policies for managing proposed statutorily authorized enterprise IT services.
- Biennially publish a long-term strategic enterprise IT plan.
- Perform duties related to enterprise IT services including the state data center system and IT security.
- Coordinate with the Division of Purchasing in the Department of Management Services (DMS) on the planning and acquisition of IT products and work with the division in the establishment of best practices for procuring such products.
- Develop IT standards.
- Submit a comprehensive transition plan for the consolidation of agency data centers into a primary data center.
- Annually provide the Legislature with recommendations for consolidating the purchase of IT commodities and contractual services.

In 2008, specific duties and responsibilities pertaining to IT security were assigned to the AEIT;³ but the Office of Information Security was still housed within the DMS. In 2009, the Office of Information Security was created within the AEIT,⁴ and 8.00 full-time equivalents were transferred from the DMS budget to the AEIT in the Fiscal Year 2009-2010 General Appropriations Act.

In 2012, the Legislature passed House Bill 5011 which abolished the AEIT, created a successor agency, and amended several provisions of law relating to the AEIT. The Governor vetoed House Bill 5011 on April 20, 2012; the effect of the veto was that AEIT remains in statute but is without funding and staff.

Effect of Changes

The bill repeals the section of law establishing the AEIT and creates a new section of statute that establishes the Agency for State Technology (AST). The bill:

¹ 2007-105, Laws of Florida.

² Section 14.204, Florida Statutes.

³ 2008-116, Laws of Florida.

⁴ 2009-80, Laws of Florida.

- Authorizes a type two transfer of all records, property, unexpended balances of appropriations, administrative authority, administrative rules in chapters 71A-1 and 71A-2, Florida Administrative Code (FAC), pending issues, and existing contracts of the AEIT to the AST.
- Except for those rules in chapters 71A-1 and 71A-2, FAC, nullifies all pending proceedings and rules adopted by the AEIT on the effective date of the bill.
- Authorizes the AST to have an executive director who is the state's chief information officer, appointed by the Governor and confirmed by the Senate.
- Establishes eleven other positions within the AST to include a deputy executive director, a chief planning officer, six strategic planning coordinators, a chief operations officer, a chief information security officer, and a chief technology officer.
- Establishes the Technology Advisory Council within the AST for purposes of making recommendations to the executive director and defines the council's membership.
- Authorizes a type two transfer of the Northwood Shared Resource Center (NSRC) and the Southwood Shared Resource Center (SSRC) from the DMS to the AST.
- Establishes the state data center which is comprised of the data center facilities located at the NSRC and the SSRC.

The bill provides duties and responsibilities for the AST that include:

- Developing and publishing IT policy for management of the state's IT resources.
- Developing and implementing IT architecture standards.
- Establishing project management and oversight standards for use by state agencies.
- Performing project oversight on IT projects with total costs of \$10 million or more.
- Providing operational management and oversight of the state data center to include:
 - Implementing industry standards and best practices for data center facilities, operations, maintenance and management processes.
 - Developing and implementing cost-recovery mechanisms that must comply with all applicable state and federal regulations.
 - Developing and implementing operating guidelines and procedures.
 - Annually conducting a market analysis to determine whether the state's approach to the provision of data center services is still in the best interest of the state.
- Identifying opportunities for standardization and consolidation of IT services that support common business functions.
- Recommending additional consolidations of agency data centers or computing facilities into the state data center.
- Performing project oversight on any cabinet agency IT project that has a total project cost of \$50 million or more and impacts another agency or agencies.
- Conducting annual assessments of state agencies to determine their compliance with all IT standards and guidelines developed by the AST.

The AST is also tasked with conducting a feasibility study that analyzes, evaluates, and provides recommendations for managing state government data. The study must be completed and submitted to the Governor, the President of the Senate and the Speaker of the House of Representatives by January 1, 2015.

The bill establishes the Technology Advisory Council within the AST pursuant to s. 20.052, F.S. The council is comprised of seven members; four members are appointed by the Governor, two of whom must be from the private sector; and one member each is appointed by the President of the Senate, the Speaker of the House of Representatives, and the Cabinet. All appointments are 4-year terms. The council may make recommendations to the executive director of the AST on matters pertaining to enterprise IT policies, standards, services and architecture. The executive director of the AST must consult with the council with regard to executing AST's duties that relate to statewide IT strategic planning and policy.

Agency Data Center Consolidations

Current Situation

In 2008, the Legislature established the state data center system that includes all primary data centers, and that provides an enterprise IT service as defined in s. 282.0041, F.S.⁵ As stated in statute, the intent is for all agency data centers and computing facilities to be consolidated into a primary data center by 2019.⁶ Beginning December 1, 2009, and annually thereafter, the AEIT was directed to identify at least two agency data centers or computing facilities for consolidation into a primary data center.⁷

The Legislature initiated the first phase of data center consolidations in 2009 with proviso included in the Fiscal Year 2009-2010 General Appropriations Act. The AEIT submitted its *Recommendation of Non-primary Data Centers for Consolidation into Primary Data Centers by 2019* report on December 23, 2010, which provided recommendations for the consolidation of all remaining agency data centers.

In 2011, the Legislature codified in statute the consolidation recommendations included in AEIT's December 23, 2010 report and directed the AEIT to provide to the Governor and the Legislature by October 1st of each year any recommended changes relating to the schedule.⁸

In 2012, the Legislature amended the agency data center consolidation schedule and provided an exemption from data center consolidation to certain agencies.⁹ Additionally, the Implementing Bill for the Fiscal Year 2013-2014 General Appropriations Act¹⁰ modifies the data center consolidation schedule in s. 282.201(4), F.S.

Agencies scheduled for consolidation are required to submit a transition plan to the appropriate primary data center and the AEIT by July 1st of the fiscal year before the fiscal year the scheduled consolidation will occur. Additionally, each primary data center must submit a transition plan to the AEIT, Executive Office of the Governor, and the chairs of the legislative appropriations committees for absorbing the transfer of agency data center resources into their data center. State agencies are required to execute a new or update an existing service-level agreement within 60 days after the specified consolidation date.

Effect of Changes

The bill amends the agency data center consolidation schedule by:

- Deleting obsolete consolidation dates.
- Deleting consolidations scheduled in Fiscal Years 2014-2015 and 2015-2016.
- Exempting the Department of Transportation's regional traffic management centers and the office of toll operations from data center consolidation.

The bill also deletes the requirement for primary data centers to submit transition plans and clarifies that state agencies must execute a new or update an existing service-level agreement within 60 days after the commencement of the services at the state data center.

⁵ 2008-116, Laws of Florida.

⁶ *Id.*

⁷ *Id.*

⁸ 2011-50, Laws of Florida.

⁹ 2012-142, Laws of Florida.

¹⁰ 2013-41, Laws of Florida.

Governance Structure of the Northwood and Southwood Shared Resource Centers

Current Situation

In 2008, the Legislature statutorily created the NSRC and the SSRC and required each center to be headed by a board of trustees as defined in s. 20.03, F.S.¹¹ The board members are appointed by the agency head or chief executive officer of the centers' representative customer entities and serve at the pleasure of the appointing customer entity. The executive director of the AEIT is an advisor to the boards.

Both boards of trustees are authorized to employ an executive director for the NSRC and for the SSRC, pursuant to s. 20.05, F.S., with the executive directors serving at the pleasure of the boards. The executive directors are responsible for the daily operations of the NSRC and the SSRC and for ensuring that the NSRC and the SSRC comply with all laws and rules governing their operations. The boards are responsible for establishing an annual performance evaluation process for the executive directors that includes each director being reconfirmed by the board biennially.

The duties and additional responsibilities of the boards of trustees pertaining to the management oversight of the centers are established in statute.¹²

In 2009, the Legislature clarified the appointment process for board members to be based on when an agency is scheduled to consolidate its agency data center or computing facility into either the NSRC or the SSRC.¹³ The revised process is based on the projected usage rate of the customer entity for the upcoming fiscal year. Agencies with a projected usage rate of 4 percent or greater during the fiscal year shall have one trustee on the board with the total number of votes for each trustee apportioned based upon the agency's share of the total usage.

The NSRC and the SSRC are authorized to enter into memoranda of understanding with the agency where they are administratively located;¹⁴ the Fiscal Year 2013-2014 General Appropriations Act appropriates \$125,000 to both the NSRC and the SSRC for the provision of the administrative services provided by the DMS. Additionally, both the NSRC and the SSRC combined have approximately 61.25 administrative support staff positions¹⁵.

Effect of Changes

The bill repeals the sections of law that establish the NSRC and the SSRC and authorizes a type two transfer of both the NSRC and the SSRC from the DMS to the AST. The bill establishes the state data center within the AST to provide data center services that are either hosted on premises or externally through a third-party provider. The state data center must comply with all applicable state and federal laws, regulations and policies. The state data center's duties include:

- Entering into service level agreements with each customer entity.
- Developing and implementing a business continuity plan and a disaster recovery plan and annually conducting a live exercise of each plan.
- Maintaining the performance of the state data center.
- For purposes of chapter 273, being the custodian of resources and equipment consolidated and located within the state data center.
- Assuming administrative access rights to resources and equipment consolidated into the state data center.

¹¹ 2008-116, Laws of Florida.

¹² Sections 282.203(2) and (3), Florida Statutes.

¹³ 2009-80, Laws of Florida.

¹⁴ Section 282.203(1)(k), Florida Statutes.

¹⁵ Spreadsheets provided by the NSRC and the SSRC that identify total number of administrative overhead positions.

The section of statute authorizing the establishment of the boards of trustees is repealed.

The bill also requires the director of the state data center to establish a consolidated administrative support structure that is responsible for the provision of financial management, procurement, transactions involving real or personal property, human resources, and operational support for the state data center.

Information Technology Security

Current Situation

Section 282.318, F.S., establishes IT security as an enterprise IT service as defined in s. 282.0041, F.S., and authorizes the AEIT to establish rules and guidelines for ensuring an appropriate level of security for all data and IT resources for executive branch agencies. Additionally, to assist the AEIT in carrying out its IT security responsibilities, each agency head must designate an information security manager to administer the security program of the agency. As part of this program, each state agency must (1) annually submit to the AEIT its strategic and operational information security plans that must be developed pursuant to the guidelines established by the AEIT and (2) conduct and update every three years a comprehensive risk analysis to determine the security threats to the data, information and IT resources of the state agency.

One specific duty performed by the AEIT was to receive notification and potentially address suspected or confirmed IT security threats or incidents identified at the SSRC and the NSRC.

In 2012, the Legislature passed House Bill 5011 which abolished AEIT, created a successor agency, and funded the successor agency in the bill. The Governor vetoed House Bill 5011 on April 20, 2012, which resulted in the AEIT remaining in statute but without funding or staff.

In the absence of the AEIT, there was a need to address the issue of how suspected or confirmed IT security threats or incidents at the NSRC and the SSRC would be handled. In September 2012, members of the Florida Department of Law Enforcement's (FDLE) Computer Crime Center teamed with other agencies to create the Cyber Intelligence Group (CIG) for the purpose of receiving cyber information, researching and analyzing such information, and forwarding it to the affected and interested parties. The FDLE has an agreement with the Multi-State Information Sharing and Analysis Center (MS-ISAC) to monitor and review state Internet traffic. The MS-ISAC analyzes information from that traffic, combined with intelligence from several other sources, and provides this information to the FDLE's Cybercrime Office when an issue requires action or investigation. The MS-ISAC monitors the NSRC and the SSRC and reports any suspected or confirmed IT security threats or incidents to the FDLE for handling by the CIG.

Effect of Changes

The bill codifies in statute the procedures and protocol established by the CIG regarding the handling of suspected or confirmed IT security threats or incidents at the state data center and specifically clarifies the duties and responsibilities of the FDLE Cybercrime Office to include:

- Monitoring IT resources and collecting and analyzing potential threats regarding potential cyber-security incidents.
- Investigating violations of state law pertaining to suspected or confirmed cyber-security incidents and assisting in their response and recovery.
- Providing security awareness training and information to state agency employees.

The bill generally replaces the AEIT with the AST in regards to existing IT security duties. The bill supplements existing duties to require the AST to publish, for use by state agencies, an IT security framework that includes a risk assessment methodology, protection procedures, threat detection, data

recovery, procedures for limiting unauthorized access to IT resources, and establishing asset management procedures.

Additionally, the bill requires the agency head-designated information security manager to report directly to the agency head for purposes of carrying out his/her IT security duties and clarifies the eligible recipients of IT security audits, policies and procedures, and risk assessments.

Information Technology Procurement

Current Situation

Current statute¹⁶ authorizes the AEIT to assist the DMS with using aggregate buying methodologies whenever possible and with procurement negotiations for hardware and software products and services in order to improve the efficiency and reduce the cost of IT services.

Section 287.056, F.S., requires state agencies to purchase commodities and contractual services from purchasing agreements established and state term contracts procured, pursuant to s. 287.057, F.S., by the DMS. State agencies are authorized to use a request for a quote to obtain written pricing or services information from a state term contract vendor for commodities and contractual services available on state term contract from that vendor.

Current the DMS has executed seven different state term contracts in the "IT Hardware and Software" category¹⁷ as follows:

Number	Name	Start Date	End Date
250-000-09-1	Network Infrastructure-Equipment and Services	09/07/2008	09/07/2014
252-001-09-1	Microsoft License, Maintenance and Services	03/31/2009	03/30/2015
252-500-09-1	Mainframe and Other Software	05/13/2009	05/12/2017
600-000-11-1	Multifunction Products, Printers, Facsimile Equipment, Scanners, Related Software, Supplies and Services	08/03/2010	08/020/2014
680-370-07-1	Live Capture Electronic Fingerprinting Equipment	11/28/2007	05/28/2014
880-000-09-1	Audio & Video Equipment and Accessories	02/18/2009	02/17/2015
991-268-11-1	IT Disaster Recovery Services	08/09/2010	08/08/2015

Each of the seven different state term contracts listed above have multiple contractors, i.e., the Network Infrastructure-Equipment and Services state term contract has 27 contractors.

The DMS also has executed the following state term contract in the "IT consultant" category¹⁸ that has over 275 contractors.

Number	Name	Start Date	End Date
973-561-10-1	Information Technology (IT) Consulting Services	09/14/2009	08/31/2014

¹⁶ Section 14.024(3)(g), Florida Statutes.

¹⁷ http://www.dms.myflorida.com/contract_search?postBack=true

¹⁸ http://www.dms.myflorida.com/business_operations/state_purchasing/vendor_information/state_contracts_and_agreements/state_term_contracts/information_technology_it_consulting_services

Effect of Changes

The bill requires the AST to advise and collaborate with the DMS in conducting competitive solicitations for state term contracts for IT commodities, consultant services or staff augmentation contractual services.

The bill establishes a new section of law that requires all state term contracts for IT commodities executed after July 1, 2014, to have a term that does not exceed 36 months; the DMS may execute a state term contract for IT commodities that exceeds the 36-month requirement if the secretary for the DMS and the executive director of the AST certify to the Executive Office of the Governor that a longer contract term is in the best interest of the state. The bill also requires all state term contracts for IT consultant services or staff augmentation contractual services executed after September 1, 2015, to have a term that does not exceed 36 months.

Repealed Sections of Law

Current Situation

Section 14.204, F.S., establishes the AEIT and defines the agency's duties and responsibilities.

Section 282.0055, F.S., relates to the assignment of IT and assigns the responsibility for the design, planning, project management, and implementation of enterprise IT services for executive branch agencies to the AEIT. The supervision, design, delivery, and management of agency information technology remain the responsibility and control of the individual state agencies.

Section 282.0056, F.S., requires the AEIT to develop an annual work plan within 60 days after the start of a fiscal year that describes the activities that AEIT intends to undertake that fiscal year. The work plan must be presented at a public meeting and approved by the Governor and Cabinet and then submitted to the Speaker of the House of Representatives and the President of the Senate. The AEIT is allowed to amend the work plan as needed, subject to approval by the Governor and Cabinet.

Section 282.203, F.S., establishes the duties of the primary data centers and authorizes that each center shall be headed by a board of trustees as defined in s. 20.03, F.S.; also defines the membership of each board of trustees and its duties.

Section 282.204, F.S., establishes the NSRC as a primary data center.

Section 282.205, F.S., establishes the SSRC as a primary data center.

Section 282.33, F.S., requires the AEIT by July 1, 2009, to define objective standards for measuring data center energy consumption and efficiency and calculating total cost of ownership of energy-efficient information technology products. Additionally, it requires AEIT beginning December 31, 2010, and every 3 years thereafter, to submit to the Legislature recommendations for reducing energy consumption and improving the energy efficiency of the primary data centers.

Section 282.34, F.S., establishes a statewide e-mail service that must be designed to meet the needs of all executive branch agencies.

Effect of Changes

Repeals the following sections of law:

- s. 14.204, F.S., relating to the establishment of the AEIT;
- s. 282.0055, F.S., relating to the assignment of information technology;
- s. 282.0056, F.S., relating to the development of work and implementation plans and policy recommendations;

- s. 282.203, F.S., relating to the establishment of the primary data centers;
- s. 282.204, F.S., relating to the establishment of the NSRC;
- s. 282.205, F.S., relating to the establishment of the SSRC;
- s. 282.33, F.S., relating to energy efficiency standards for data centers; and
- s. 282.34, F.S., relating to statewide e-mail service.

B. SECTION DIRECTORY:

Section 1. Authorizes a type two transfer of the records, property, pending issues and existing contracts, administrative authority, administrative rules in chapters 71A-1 and 71A02, Florida Administrative Code (FAC), in effect as of November 15, 2010, trust funds, and unexpended balances of appropriations, allocations, and other funds of the Agency of Enterprise Information (AEIT) to the new Agency for State Technology (AST). Except for those rules in chapters 71A-1 and 71A-2, FAC, nullifies any other rules adopted by the AEIT.

Section 2. Authorizes a type two transfer of the Northwood Shared Resource Center (NSRC) from the Department of Management Services (DMS) to the AST and requires all binding contracts or interagency agreements entered into by the NSRC or an entity or agent of the NSRC and any other agency, entity, or person to continue as binding contracts or agreement with the AST.

Section 3. Authorizes a type two transfer of the Southwood Shared Resource Center (SSRC) from the DMS to the AST and requires all binding contracts or interagency agreements entered into by the SSRC or an entity or agent of the SSRC and any other agency, entity, or person to continue as binding contracts or agreement with the AST.

Section 4. Repeals s. 14.204, F.S., relating to the AEIT.

Section 5. Amends s. 20.055, F.S., by adding the AST in the definition of "state agency" for purposes of creating an office of inspector general within the AST.

Section 6. Creates s. 20.61, F.S., by creating the AST within the DMS, establishing the executive director as the state's chief information officer and eleven other positions within the AST, and assigning the duties and responsibilities of the AST.

Section 7. Amends s. 215.96, F.S., by adding the executive director of the AST as a member of the coordinating council within the Financial Management Information Board.

Section 8. Amends s. 216.023, F.S., by requiring the project governance structure for information technology (IT) projects to incorporate the applicable project management and oversight standards established in s. 282.0051, F.S.

Section 9. Amends s. 282.0041, F.S., by deleting obsolete definitions, amending existing definitions, and creating definitions for "agency data center", "disaster recovery", "event", "incident", "information technology resources", "information technology security", "project oversight", "stakeholder", and "variance".

Section 10. Creates s. 282.0051, F.S., by defining the powers, duties, and functions of the AST.

Section 11. Repeals s. 282.0055, F.S., relating to the assignment of IT; and s. 282.0056, F.S., relating to the development of work and implementation plans.

Section 12. Amends s. 282.201, F.S., by establishing the state data center within the AST; defining the state data center's duties and responsibilities; modifying the agency data center consolidation schedule; exempting the Department of Transportation's regional traffic management centers and the Office of Toll Operations from data center consolidation; and aligning terminology with changes made in s. 282.0051, F.S.

Section 13. Repeals s. 282.203, F.S., relating to the primary data centers and their governance structure and duties; s. 282.204, F.S., relating to the establishment of the NSRC as a primary data center; and s. 282.205, F.S., relating to the establishment of the SSRC as a primary data center.

Section 14. Amends s. 282.318, F.S., by defining the IT security duties and responsibilities of the AST, clarifying the responsibilities of agency heads in the administration of their agency's security program, requiring the agency information security manager to report directly to the agency head for purposes of carrying out his/her IT security duties, and aligning terminology with changes made in s. 282.0051, F.S.

Section 15. Repeals s. 282.33, F.S., relating to energy efficiency standards for data centers.

Section 16. Repeals s. 282.34, F.S., relating to the statewide e-mail service.

Section 17. Creates s. 287.0591, F.S., relating to state term contracts for IT commodities, consultant services, or staff augmentation contractual services and requiring the DMS to consult with the AST in the solicitation of these state term contracts.

Section 18. Amends s. 943.0415, F.S., by defining the duties and responsibilities of the Florida Department of Law Enforcement's Cybercrime Office pertaining to cyber-security to include IT security.

Section 19. Amends s. 1004.649, F.S., relating to the duties of the Northwest Regional Data Center for purposes of the center's state agency customers.

Section 20. Amends s. 17.0315, F.S., aligning terminology with changes made in s. 282.0051, F.S.

Section 21. Amends s. 110.25, F.S., aligning terminology with changes made in s. 282.0051, F.S.

Section 22. Amends s. 215.322, F.S., aligning terminology with changes made in s. 282.0051, F.S.

Section 23. Amends s. 287.057, F.S., aligning terminology with changes made in s. 282.0051, F.S.

Section 24. Amends s. 327.301, F.S., by correcting a cross reference.

Section 25. Amends s. 445.011, F.S., aligning terminology with changes made in s. 282.0051, F.S.

Section 26. Amends s. 445.045, F.S., aligning terminology with changes made in s. 282.0051, F.S.

Section 27. Amends s. 668.50, F.S., aligning terminology with changes made in s. 282.0051, F.S.

Section 28. Authorizes the AST to conduct a feasibility study and to provide recommendations for managing state government data and requires the AST to submit a report on the feasibility study by January 1, 2015, to the Governor, the President of the Senate and the Speaker of the House of Representatives.

Section 29. Creates the state data center task force effective June 30, 2014, to assist with the transfer of the NSRC and the SSRC to the AST and the transition to the state data center. Task force is abolished June 30, 2015.

Section 30. For Fiscal Year 2014-2015, \$2,944,539 in recurring funds and \$103,045 in nonrecurring funds are appropriated from the General Revenue Fund to the AST and 25 full-time equivalent positions and associated salary rate of 1,808,373 are authorized for purposes of implementing this act.

Section 31. Establishes a Data Center Administration budget entity within the AST with appropriations to this budget entity reflecting the indirect data center costs allocated to customer agencies.

Section 32. For Fiscal Year 2014-2015, the NSRC budget entity is created within the AST and effective July 1, 2014, the appropriations provided for the NSRC in the Fiscal Year 2014-2015 General Appropriations Act is transferred to the NSRC budget entity within the AST.

Section 33. For Fiscal Year 2014-2015, the SSRC budget entity is created within the AST and effective July 1, 2014, the appropriations provided for the SSRC in the Fiscal Year 2014-2015 General Appropriations Act is transferred to the SSRC budget entity within the AST.

Section 34. For Fiscal Year 2014-2015, \$144,870 in recurring funds and \$7,546 in nonrecurring funds are appropriated from the General Revenue Fund to the Department of Law Enforcement, and 2 full-time equivalent positions and associated salary rate of 93,120 are authorized for purposes of implementing the sections of this act related to cybercrime.

Section 35. Beginning with Fiscal Year 2015-2016, the State Data Center budget entity is created within the AST with appropriations made to this budget entity reflecting the direct data center costs allocated to customer agencies.

Section 36. Provides effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments

2. Expenditures:

See Fiscal Comments

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill limits the term of state term contracts for information technology commodities, consultant services, or staff augmentation contractual services.

D. FISCAL COMMENTS:

The bill appropriates \$3.2 million and 27 full-time equivalent positions for Fiscal Year 2014-2015. This total appropriation includes:

- \$2,944,539 in recurring general revenue funds and \$103,045 in nonrecurring general revenue funds and 25 full-time equivalent positions and associated salary rate of 1,808,373 to the AST for purposes of implementing its assigned duties, responsibilities, and functions.
- \$144,870 in recurring general revenue funds and \$7,546 in nonrecurring general revenue funds and 2 full-time equivalent positions and associated salary rate of 93,120 to the Florida Department of Law Enforcement for purposes of implementing additional IT security duties of its Cybercrime Office.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision: None

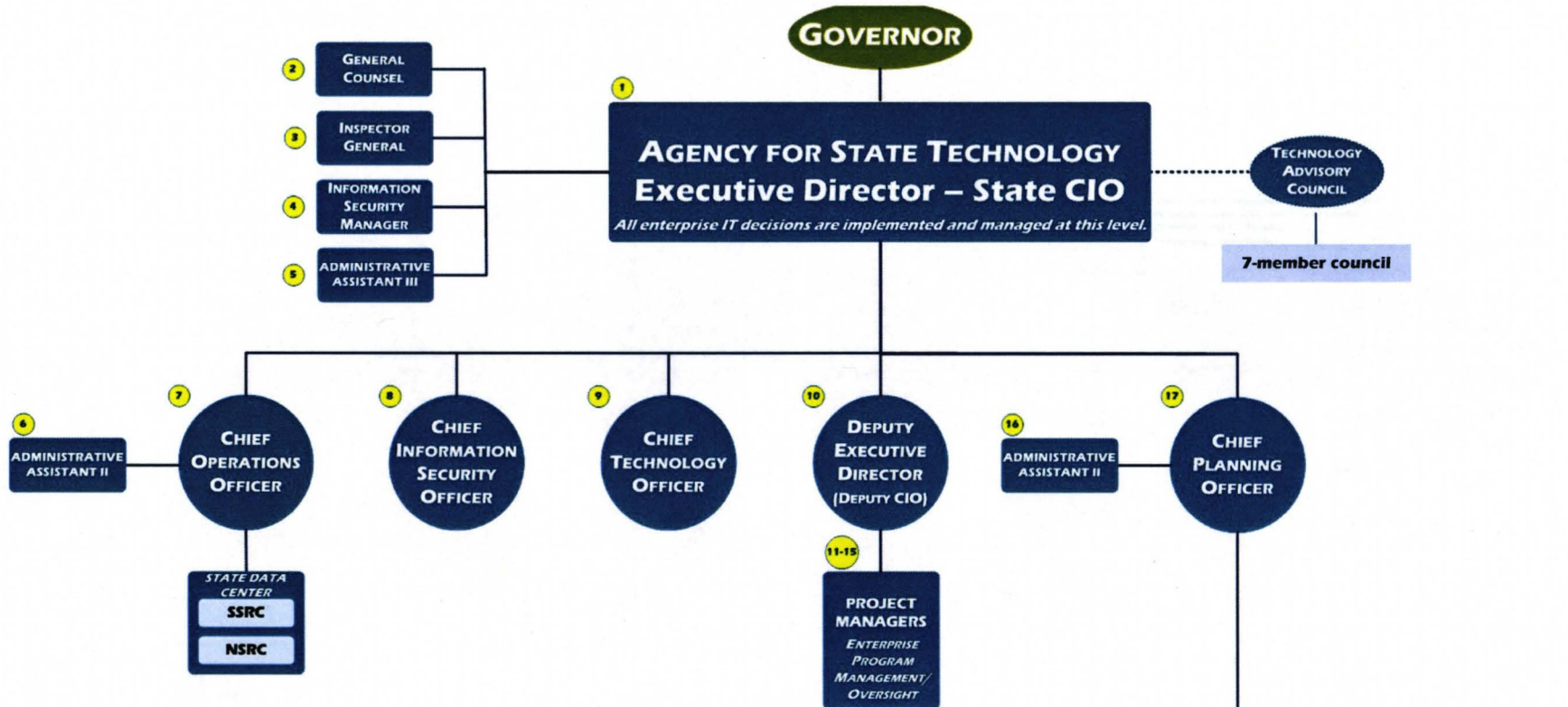
2. Other: None

B. RULE-MAKING AUTHORITY: The bill authorizes the AST to adopt rules to implement its duties as defined in s. 282.0051, F.S. Additionally, the AST is provided specific rule-making authority:

- Relating to the operation of the state data center, including, but not limited to, budgeting and accounting procedures, cost-recovery methodologies, and operating procedures.
- Relating to IT security that safeguard an agency's data, information, and information technology resources.

C. DRAFTING ISSUES OR OTHER COMMENTS: None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

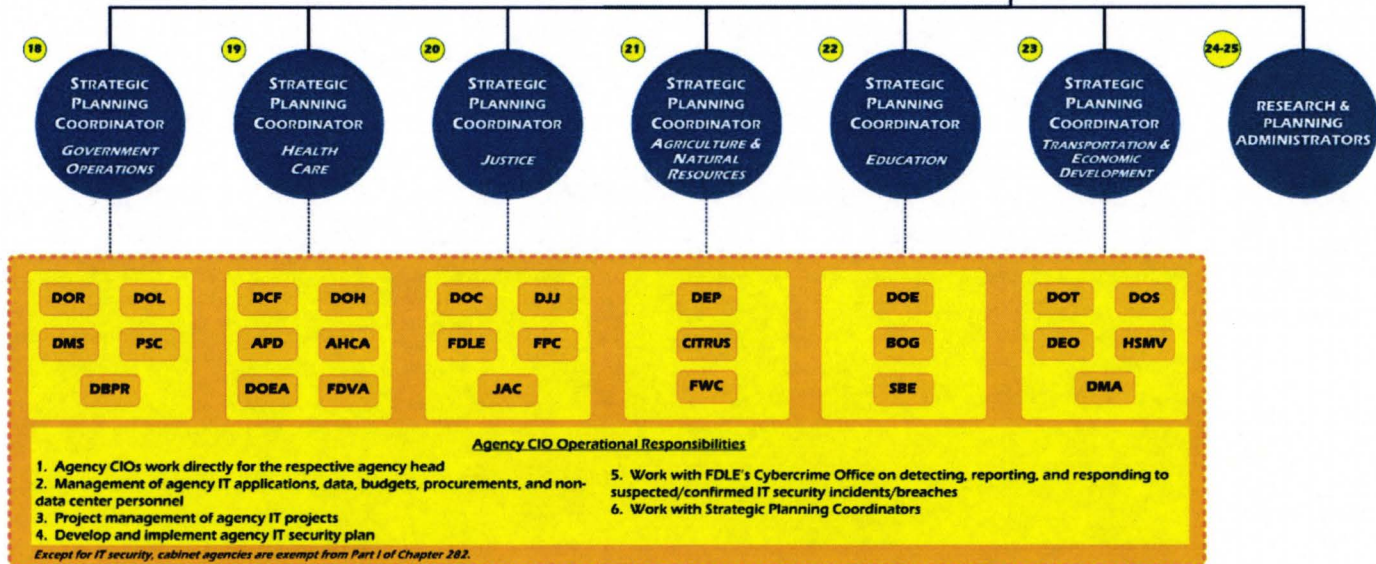


AST Strategic Responsibilities

1. Identify IT policy for management of state's IT resources
2. Publish IT architecture standards
3. Establish project management & oversight standards
4. Establish best practices for IT procurement
5. Identify IT services that support common business functions

AST Operational Responsibilities

1. Perform project oversight on certain IT projects
2. Provide operational management & oversight for state data center
3. Assess state agencies' compliance with IT standards & policies



1 A bill to be entitled
 2 An act relating to information technology governance;
 3 transferring the Agency for Enterprise Information
 4 Technology to the Agency for State Technology; voiding
 5 certain rules of the Agency for Enterprise Information
 6 Technology; transferring the Northwood Shared Resource
 7 Center and Southwood Shared Resource Center to the
 8 Agency for State Technology; repealing s. 14.204,
 9 F.S., relating to creation of the Agency for
 10 Enterprise Information Technology; amending s. 20.055,
 11 F.S.; revising the term "state agency" to include the
 12 Agency for State Technology for purposes of provisions
 13 relating to agency inspectors general; creating s.
 14 20.61, F.S.; creating the Agency for State Technology;
 15 providing that executive director shall serve as the
 16 state's chief information officer; establishing
 17 certain agency positions; establishing the Technology
 18 Advisory Council; providing for membership and duties
 19 of the council; amending s. 215.96, F.S.; requiring
 20 the executive director of the Agency for State
 21 Technology to serve on an information subsystem
 22 coordinating council established by the Chief
 23 Financial Officer; amending s. 216.023, F.S.;
 24 requiring certain legislative budget requests to
 25 include certain project management and oversight
 26 standards; amending s. 282.0041, F.S.; revising,

27 creating, and deleting definitions used in the
 28 Enterprise Information Technology Services Management
 29 Act; creating s. 282.0051, F.S.; providing powers,
 30 duties, and functions of the Agency for State
 31 Technology; authorizing the agency to adopt rules;
 32 repealing ss. 282.0055 and 282.0056, F.S., relating to
 33 various duties of the Agency for Enterprise
 34 Information Technology; amending s. 282.201, F.S.,
 35 relating to the state data center system; establishing
 36 a state data center within the Agency for State
 37 Technology; requiring the agency to provide data
 38 center services; requiring state agencies to provide
 39 certain information; revising schedules for
 40 consolidation of state agency data centers and
 41 computing facilities into the state data center;
 42 revising exemptions from consolidation; revising
 43 limitations on state agency computing facilities and
 44 data centers; repealing ss. 282.203, 282.204, and
 45 282.205, F.S., relating to primary data centers, the
 46 Northwood Shared Resource Center, and the Southwood
 47 Shared Resource Center, respectively; amending s.
 48 282.318, F.S.; changing the name of the Enterprise
 49 Security of Data and Information Technology Act;
 50 defining the term "agency" as used in the act;
 51 requiring the Agency for State Technology to establish
 52 and publish certain security standards and processes;

53 requiring state agencies to perform certain security-
 54 related duties; requiring the agency to adopt rules;
 55 conforming provisions; repealing s. 282.33, F.S.,
 56 relating to standards for data center energy
 57 efficiency; repealing s. 282.34, F.S., relating to the
 58 planning and provision of a statewide e-mail service;
 59 creating s. 287.0591, F.S.; limiting the terms of
 60 certain competitive solicitations for information
 61 technology commodities; providing an exception;
 62 amending s. 943.0415, F.S.; providing additional
 63 duties of the Cybercrime Office of the Department of
 64 Law Enforcement; requiring the office to coordinate
 65 with the Agency for State Technology in the adoption
 66 of specified rules; amending s. 1004.649, F.S.;
 67 revising provisions regarding service-level agreements
 68 entered into by the Northwest Regional Data Center;
 69 conforming provisions; amending ss. 17.0315, 110.205,
 70 215.322, 287.057, 327.301, 445.011, 445.045, and
 71 668.50, F.S.; conforming provisions to changes made by
 72 the act; requiring the Agency for State Technology to
 73 conduct a study and submit a report to the Governor
 74 and Legislature; creating a state data center task
 75 force; providing for membership, duties, and
 76 abolishment of the task force; providing
 77 appropriations and authorizing positions; providing
 78 effective dates.

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

Section 1. (1) All records, property, pending issues and existing contracts, administrative authority, administrative rules in chapters 71A-1 and 71A-2, Florida Administrative Code, in effect as of November 15, 2010, trust funds, and unexpended balances of appropriations, allocations, and other funds of the Agency for Enterprise Information Technology are transferred by a type two transfer pursuant to s. 20.06(2), Florida Statutes, to the Agency for State Technology established pursuant to s. 20.61, Florida Statutes, as created by this act.

(2) Except for those rules in chapters 71A-1 and 71A-2, Florida Administrative Code, transferred pursuant to subsection (1), any other rules adopted by the Agency for Enterprise Information Technology, if any, are void.

Section 2. The Northwood Shared Resource Center is transferred by a type two transfer, pursuant to s. 20.06(2), Florida Statutes, from the Department of Management Services to the Agency for State Technology. Any binding contract or interagency agreement entered into and between the Northwood Shared Resource Center or an entity or agent of the center and any other agency, entity, or person shall continue as a binding contract or agreement of the Agency for State Technology for the remainder of the term of such contract or agreement.

Section 3. The Southwood Shared Resource Center is

105 transferred by a type two transfer, pursuant to s. 20.06(2),
 106 Florida Statutes, from the Department of Management Services to
 107 the Agency for State Technology. Any binding contract or
 108 interagency agreement entered into and between the Southwood
 109 Shared Resource Center or an entity or agent of the center and
 110 any other agency, entity, or person shall continue as a binding
 111 contract or agreement of the Agency for State Technology for the
 112 remainder of the term of such contract or agreement.

113 Section 4. Section 14.204, Florida Statutes, is repealed.

114 Section 5. Paragraph (a) of subsection (1) of section
 115 20.055, Florida Statutes, is amended to read:

116 20.055 Agency inspectors general.—

117 (1) For the purposes of this section:

118 (a) "State agency" means each department created pursuant
 119 to this chapter, and also includes the Executive Office of the
 120 Governor, the Department of Military Affairs, the Fish and
 121 Wildlife Conservation Commission, the Office of Insurance
 122 Regulation of the Financial Services Commission, the Office of
 123 Financial Regulation of the Financial Services Commission, the
 124 Public Service Commission, the Board of Governors of the State
 125 University System, the Florida Housing Finance Corporation, the
 126 Agency for State Technology, and the state courts system.

127 Section 6. Section 20.61, Florida Statutes, is created to
 128 read:

129 20.61 Agency for State Technology.—There is created the
 130 Agency for State Technology within the Department of Management

131 Services. The agency is a separate budget program and shall not
 132 be subject to control, supervision, or direction by the
 133 Department of Management Services, including, but not limited
 134 to, purchasing, transactions involving real or personal
 135 property, personnel, or budgetary matters.

136 (1) (a) The executive director of the agency shall serve as
 137 the state's chief information officer and shall be appointed by
 138 the Governor, subject to confirmation by the Senate.

139 (b) The executive director must be a proven, effective
 140 administrator who preferably has executive-level experience in
 141 both the public and private sectors in development and
 142 implementation of information technology strategic planning;
 143 management of enterprise information technology projects,
 144 particularly management of large-scale consolidation projects;
 145 and development and implementation of fiscal and substantive
 146 information technology policy.

147 (2) The Agency for State Technology shall include the
 148 following positions, all of whom shall be appointed by the
 149 executive director:

150 (a) Deputy executive director, who shall serve as the
 151 deputy chief information officer.

152 (b) Chief planning officer and six strategic planning
 153 coordinators. One coordinator shall be assigned to each of the
 154 following major program areas: health and human services,
 155 education, government operations, criminal and civil justice,
 156 agriculture and natural resources, and transportation and

157 economic development.

158 (c) Chief operations officer.

159 (d) Chief information security officer.

160 (e) Chief technology officer.

161 (3) The Technology Advisory Council is established within
 162 the Agency for State Technology pursuant to s. 20.052 and shall
 163 consist of seven members. Four members of the council shall be
 164 appointed by the Governor, two of whom must be from the private
 165 sector, and the Cabinet, the President of the Senate, and the
 166 Speaker of the House of Representatives shall each appoint one
 167 member of the council. Upon initial establishment of the
 168 council, two of the Governor's appointments shall be for 2-year
 169 terms. Thereafter, all appointments shall be for 4-year terms.

170 (a) The Technology Advisory Council shall consider and
 171 make recommendations to the executive director on such matters
 172 as enterprise information technology policies, standards,
 173 services, and architecture.

174 (b) The executive director shall consult with the council
 175 with regard to executing the duties and responsibilities of the
 176 agency related to statewide information technology strategic
 177 planning and policy.

178 Section 7. Subsection (2) of section 215.96, Florida
 179 Statutes, is amended to read:

180 215.96 Coordinating council and design and coordination
 181 staff.—

182 (2) The coordinating council shall consist of the Chief

183 Financial Officer; the Commissioner of Agriculture; the
 184 Secretary of ~~the Department of~~ Management Services; the Attorney
 185 General; the executive director of the Agency for State
 186 Technology; and the Director of Planning and Budgeting,
 187 Executive Office of the Governor, or their designees. The Chief
 188 Financial Officer, or his or her designee, shall be chair of the
 189 coordinating council, and the design and coordination staff
 190 shall provide administrative and clerical support to the council
 191 and the board. The design and coordination staff shall maintain
 192 the minutes of each meeting and shall make such minutes
 193 available to any interested person. The Auditor General, the
 194 State Courts Administrator, an executive officer of the Florida
 195 Association of State Agency Administrative Services Directors,
 196 and an executive officer of the Florida Association of State
 197 Budget Officers, or their designees, shall serve without voting
 198 rights as ex officio members on the coordinating council. The
 199 chair may call meetings of the coordinating council as often as
 200 necessary to transact business; however, the coordinating
 201 council shall meet at least once a year. Action of the
 202 coordinating council shall be by motion, duly made, seconded and
 203 passed by a majority of the coordinating council voting in the
 204 affirmative for approval of items that are to be recommended for
 205 approval to the Financial Management Information Board.

206 Section 8. Paragraph (a) of subsection (4) of section
 207 216.023, Florida Statutes, is amended to read:

208 216.023 Legislative budget requests to be furnished to

209 Legislature by agencies.—

210 (4) (a) The legislative budget request must contain for
211 each program:

212 1. The constitutional or statutory authority for a
213 program, a brief purpose statement, and approved program
214 components.

215 2. Information on expenditures for 3 fiscal years (actual
216 prior-year expenditures, current-year estimated expenditures,
217 and agency budget requested expenditures for the next fiscal
218 year) by appropriation category.

219 3. Details on trust funds and fees.

220 4. The total number of positions (authorized, fixed, and
221 requested).

222 5. An issue narrative describing and justifying changes in
223 amounts and positions requested for current and proposed
224 programs for the next fiscal year.

225 6. Information resource requests.

226 7. Supporting information, including applicable cost-
227 benefit analyses, business case analyses, performance
228 contracting procedures, service comparisons, and impacts on
229 performance standards for any request to outsource or privatize
230 agency functions. The cost-benefit and business case analyses
231 must include an assessment of the impact on each affected
232 activity from those identified in accordance with paragraph (b).
233 Performance standards must include standards for each affected
234 activity and be expressed in terms of the associated unit of

235 activity.

236 8. An evaluation of any major outsourcing and
 237 privatization initiatives undertaken during the last 5 fiscal
 238 years having aggregate expenditures exceeding \$10 million during
 239 the term of the contract. The evaluation shall include an
 240 assessment of contractor performance, a comparison of
 241 anticipated service levels to actual service levels, and a
 242 comparison of estimated savings to actual savings achieved.
 243 Consolidated reports issued by the Department of Management
 244 Services may be used to satisfy this requirement.

245 9. Supporting information for any proposed consolidated
 246 financing of deferred-payment commodity contracts including
 247 guaranteed energy performance savings contracts. Supporting
 248 information must also include narrative describing and
 249 justifying the need, baseline for current costs, estimated cost
 250 savings, projected equipment purchases, estimated contract
 251 costs, and return on investment calculation.

252 10. For projects that exceed \$10 million in total cost,
 253 the statutory reference of the existing policy or the proposed
 254 substantive policy that establishes and defines the project's
 255 governance structure, with the governance structure for
 256 information technology-related projects incorporating the
 257 applicable project management and oversight standards
 258 established pursuant to s. 282.0051; planned scope;; main
 259 business objectives that must be achieved;; and estimated
 260 completion timeframes. Information technology budget requests

261 for the continuance of existing hardware and software
 262 maintenance agreements, renewal of existing software licensing
 263 agreements, or the replacement of desktop units with new
 264 technology that is similar to the technology currently in use
 265 are exempt from this requirement.

266 Section 9. Section 282.0041, Florida Statutes, is amended
 267 to read:

268 282.0041 Definitions.—As used in this chapter, the term:

269 (1) "Agency" or "state agency" means any official,
 270 officer, commission, board, authority, council, committee, or
 271 department of the executive branch of state government, and the
 272 Justice Administrative Commission and the Public Service
 273 Commission. The term has the same meaning as in s.
 274 ~~216.011(1)(qq), except that For purposes of this chapter,~~
 275 "agency" does not include university boards of trustees or state
 276 universities. As used in part I of this chapter, except as
 277 otherwise specifically provided, the term does not include the
 278 Department of Legal Affairs, the Department of Agriculture and
 279 Consumer Services, or the Department of Financial Services.

280 (2) "Agency data center" means agency space containing 10
 281 or more physical or logical servers.

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

284 ~~(3) "Agency information technology service" means a~~
 285 ~~service that directly helps an agency fulfill its statutory or~~
 286 ~~constitutional responsibilities and policy objectives and is~~

287 ~~usually associated with the agency's primary or core business~~
 288 ~~functions.~~

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

294 (3)(5) "Breach" means a confirmed event that compromises
 295 the confidentiality, integrity, or availability of information
 296 or data has the same meaning as in s. 817.5681(4).

297 (4)(6) "Business continuity plan" means a collection of
 298 procedures and information designed to keep an agency's critical
 299 operations running during a period of displacement or
 300 interruption of normal operations plan for disaster recovery
 301 ~~which provides for the continued functioning of a primary data~~
 302 ~~center during and after a disaster.~~

303 (5)(7) "Computing facility" or "agency computing facility"
 304 ~~means agency space containing fewer than a total of 10 physical~~
 305 ~~or logical servers, any of which supports a strategic or~~
 306 ~~nonstrategic information technology service, as described in~~
 307 ~~budget instructions developed pursuant to s. 216.023, but~~
 308 ~~excluding single, logical-server installations that exclusively~~
 309 ~~perform a utility function such as file and print servers.~~

310 (6)(8) "Customer entity" means an entity that obtains
 311 ~~services from the state a primary data center.~~

312 ~~(9) "Data center" means agency space containing 10 or more~~

313 ~~physical or logical servers any of which supports a strategic or~~
 314 ~~nonstrategic information technology service, as described in~~
 315 ~~budget instructions developed pursuant to s. 216.023.~~

316 (7) ~~(10)~~ "Department" means the Department of Management
 317 Services.

318 (8) "Disaster recovery" means the process, policies,
 319 procedures, and infrastructure related to preparing for and
 320 implementing recovery or continuation of an agency's vital
 321 technology infrastructure after a natural or human-induced
 322 disaster.

323 (9) ~~(11)~~ "Enterprise information technology service" means
 324 an information technology service that is used in all agencies
 325 or a subset of agencies and is established in law to be
 326 designed, delivered, and managed at the enterprise level.

327 (10) "Event" means any observable occurrence in a system
 328 or network.

329 (11) "Incident" means a violation or imminent threat of
 330 violation, whether such violation is accidental or deliberate,
 331 of information technology security policies, acceptable use
 332 policies, or standard security practices. An imminent threat of
 333 violation refers to a situation in which the agency has a
 334 factual basis for believing that a specific incident is about to
 335 occur.

336 ~~(12)~~ ~~"E mail, messaging, and calendaring service" means~~
 337 ~~the enterprise information technology service that enables users~~
 338 ~~to send, receive, file, store, manage, and retrieve electronic~~

339 ~~messages, attachments, appointments, and addresses. The e-mail,~~
 340 ~~messaging, and calendaring service must include e-mail account~~
 341 ~~management; help desk; technical support and user provisioning~~
 342 ~~services; disaster recovery and backup and restore capabilities;~~
 343 ~~antispam and antivirus capabilities; archiving and e-discovery;~~
 344 ~~and remote access and mobile messaging capabilities.~~

345 ~~(13)~~ "Information system utility" means a full service
 346 information processing facility offering hardware, software,
 347 operations, integration, networking, and consulting services.

348 ~~(12)~~~~(14)~~ "Information technology" means equipment,
 349 hardware, software, firmware, programs, systems, networks,
 350 infrastructure, media, and related material used to
 351 automatically, electronically, and wirelessly collect, receive,
 352 access, transmit, display, store, record, retrieve, analyze,
 353 evaluate, process, classify, manipulate, manage, assimilate,
 354 control, communicate, exchange, convert, converge, interface,
 355 switch, or disseminate information of any kind or form.

356 ~~(13)~~~~(15)~~ "Information technology policy" means a definite
 357 course or method of action selected from among one or more
 358 alternatives that guide and determine present and future
 359 decisions ~~statements that describe clear choices for how~~
 360 ~~information technology will deliver effective and efficient~~
 361 ~~government services to residents and improve state agency~~
 362 ~~operations. A policy may relate to investments, business~~
 363 ~~applications, architecture, or infrastructure. A policy~~
 364 ~~describes its rationale, implications of compliance or~~

365 ~~noncompliance, the timeline for implementation, metrics for~~
 366 ~~determining compliance, and the accountable structure~~
 367 ~~responsible for its implementation.~~

368 (14) "Information technology resources" has the same
 369 meaning as provided in s. 119.011(9).

370 (15) "Information technology security" means the
 371 protection afforded to an automated information system in order
 372 to attain the applicable objectives of preserving the integrity,
 373 availability, and confidentiality of data, information, and
 374 information technology resources.

375 (16) "Performance metrics" means the measures of an
 376 organization's activities and performance.

377 ~~(17) "Primary data center" means a data center that is a~~
 378 ~~recipient entity for consolidation of nonprimary data centers~~
 379 ~~and computing facilities and that is established by law.~~

380 (17)~~(18)~~ "Project" means an endeavor that has a defined
 381 start and end point; is undertaken to create or modify a unique
 382 product, service, or result; and has specific objectives that,
 383 when attained, signify completion.

384 (18) "Project oversight" means an independent review and
 385 analysis of an information technology project that provides
 386 information on the project's scope, completion timeframes, and
 387 budget and that identifies and quantifies issues or risks
 388 affecting the successful and timely completion of the project.

389 (19) "Risk assessment analysis" means the process of
 390 identifying security risks, determining their magnitude, and

391 identifying areas needing safeguards.

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

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

401 (22) "Stakeholder" means a person, group, organization, or
 402 state agency involved in or affected by a course of action.

403 ~~(23)~~-(22) "Standards" means required practices, controls,
 404 components, or configurations established by an authority.

405 ~~(24)~~-(23) "SUNCOM Network" means the state enterprise
 406 telecommunications system that provides all methods of
 407 electronic or optical telecommunications beyond a single
 408 building or contiguous building complex and used by entities
 409 authorized as network users under this part.

410 ~~(25)~~-(24) "Telecommunications" means the science and
 411 technology of communication at a distance, including electronic
 412 systems used in the transmission or reception of information.

413 ~~(26)~~-(25) "Threat" means any circumstance or event with the
 414 potential to adversely impact a state agency's operations or
 415 assets through an information system via unauthorized access,
 416 destruction, disclosure, or modification of information or

417 ~~denial of service any circumstance or event that may cause harm~~
 418 ~~to the integrity, availability, or confidentiality of~~
 419 ~~information technology resources.~~

420 (27) "Variance" means a calculated value that illustrates
 421 how far positive or negative a projection has deviated when
 422 measured against documented estimates within a project plan.

423 ~~(26) "Total cost" means all costs associated with~~
 424 ~~information technology projects or initiatives, including, but~~
 425 ~~not limited to, value of hardware, software, service,~~
 426 ~~maintenance, incremental personnel, and facilities. Total cost~~
 427 ~~of a loan or gift of information technology resources to an~~
 428 ~~agency includes the fair market value of the resources.~~

429 ~~(27) "Usage" means the billing amount charged by the~~
 430 ~~primary data center, less any pass through charges, to the~~
 431 ~~customer entity.~~

432 ~~(28) "Usage rate" means a customer entity's usage or~~
 433 ~~billing amount as a percentage of total usage.~~

434 Section 10. Section 282.0051, Florida Statutes, is created
 435 to read:

436 282.0051 Agency for State Technology; powers, duties, and
 437 functions.—The Agency for State Technology shall have the
 438 following powers, duties, and functions:

439 (1) Develop and publish information technology policy for
 440 the management of the state's information technology resources.

441 (2) Establish and publish information technology
 442 architecture standards to provide for the most efficient use of

443 the state's information technology resources and to ensure
 444 compatibility and alignment with the needs of state agencies.
 445 The Agency for State Technology shall assist agencies in
 446 complying with the standards.

447 (3) By June 30, 2015, establish project management and
 448 oversight standards with which state agencies must comply for
 449 purposes of implementing information technology projects
 450 specifically funded in the General Appropriations Act or any
 451 other law. To support data-driven decisionmaking, the standards
 452 shall include, but are not limited to:

453 (a) Performance measurements and metrics that objectively
 454 reflect the status of an information technology project based on
 455 a defined and documented project scope, cost, and schedule.

456 (b) Methodologies for calculating acceptable variances in
 457 the projected versus actual scope, schedule, or cost of an
 458 information technology project.

459 (c) Reporting requirements, including requirements
 460 designed to alert all defined stakeholders that an information
 461 technology project has exceeded acceptable variances defined and
 462 documented in a project plan.

463 (d) Content, format, and frequency of project updates.

464
 465 The Agency for State Technology shall provide training
 466 opportunities to state agencies to assist in the adoption of
 467 project management and oversight standards.

468 (4) (a) Beginning January 1, 2015, perform project

469 oversight on all information technology projects that have total
 470 project costs of \$10 million or more and that are funded in the
 471 General Appropriations Act or any other law. The Agency for
 472 State Technology shall report at least quarterly to the
 473 Executive Office of the Governor, the President of the Senate,
 474 and the Speaker of the House of Representatives on any
 475 information technology project that the Agency for State
 476 Technology identifies as high-risk due to the project exceeding
 477 acceptable variance ranges defined and documented in a project
 478 plan. The report shall include a risk assessment, including
 479 fiscal risks, associated with proceeding to the next stage of
 480 the project, and a recommendation for corrective actions
 481 required, including suspension or termination of the project.

482 (b) If the information technology project that the Agency
 483 for State Technology is performing project oversight on must be
 484 connected to or otherwise accommodated by an information
 485 technology system administered by the Department of Financial
 486 Services, the Department of Legal Affairs or the Department of
 487 Agriculture and Consumer Services, the agency must consult with
 488 these departments regarding the risks and other effects of such
 489 projects on their information technology systems and must work
 490 cooperatively with these departments regarding the connections,
 491 interfaces, timing or accommodations required to implement such
 492 projects.

493 (5) Beginning October 15, 2016, and biennially thereafter,
 494 identify opportunities for standardization and consolidation of

495 information technology services that support business functions
 496 and operations, including administrative functions such as
 497 purchasing, accounting and reporting, cash management, and
 498 personnel, and that are common across state agencies. The Agency
 499 for State Technology shall provide recommendations for
 500 standardization and consolidation to the Executive Office of the
 501 Governor, the President of the Senate, and the Speaker of the
 502 House of Representatives.

503 (6) In collaboration with the Department of Management
 504 Services, establish best practices for the procurement of
 505 information technology products in order to reduce costs,
 506 increase productivity, or improve services. Such practices must
 507 include a provision requiring the Agency for State Technology to
 508 review all information technology purchases made by state
 509 agencies that have a total cost of \$250,000 or more, unless a
 510 purchase is specifically mandated by the Legislature, for
 511 compliance with the standards established pursuant to this
 512 section.

513 (7) (a) Advise and collaborate with the Department of
 514 Management Services in conducting competitive solicitations for
 515 state term contracts for information technology commodities,
 516 consultant services, or staff augmentation contractual services
 517 pursuant to s. 287.0591.

518 (b) Collaborate with the Department of Management Services
 519 in information technology resource acquisition planning.

520 (8) Develop standards for information technology reports

521 and updates, including, but not limited to, operational work
 522 plans, project spend plans, and project status reports, for use
 523 by state agencies.

524 (9) Upon request, assist state agencies in the development
 525 of information technology-related legislative budget requests.

526 (10) Beginning July 1, 2016, and annually thereafter,
 527 conduct annual assessments of state agencies to determine
 528 compliance with all information technology standards and
 529 guidelines developed and published by the Agency for State
 530 Technology, and beginning December 1, 2016, and annually
 531 thereafter, provide results of the assessments to the Executive
 532 Office of the Governor, the President of the Senate, and the
 533 Speaker of the House of Representatives.

534 (11) Provide operational management and oversight of the
 535 state data center established pursuant to s. 282.201, which
 536 shall include:

537 (a) Implementing industry standards and best practices for
 538 the state data center's facilities, operations, maintenance,
 539 planning, and management processes.

540 (b) Developing and implementing cost-recovery mechanisms
 541 that recover the full direct and indirect cost of services
 542 through charges to applicable customer entities. Such cost-
 543 recovery mechanisms must comply with applicable state and
 544 federal regulations concerning distribution and use of funds and
 545 must ensure that, for any fiscal year, no service or customer
 546 entity subsidizes another service or customer entity.

547 (c) Developing and implementing appropriate operating
 548 guidelines and procedures necessary for the state data center to
 549 perform its duties pursuant to s. 282.201. The guidelines and
 550 procedures shall comply with applicable state and federal laws,
 551 regulations, and policies and shall conform to generally
 552 accepted governmental accounting and auditing standards. The
 553 guidelines and procedures shall include, but not be limited to:

554 1. Implementing a consolidated administrative support
 555 structure responsible for providing financial management,
 556 procurement, transactions involving real or personal property,
 557 human resources, and operational support.

558 2. Implementing an annual reconciliation process to ensure
 559 that each customer entity is paying for the full direct and
 560 indirect cost of each service as determined by the customer
 561 entity's utilization of each service.

562 3. Providing rebates that may be credited against future
 563 billings to customer entities when revenues exceed costs.

564 4. Requiring customer entities to validate that sufficient
 565 funds exist in the appropriate data processing appropriation
 566 category or will be transferred into the appropriate data
 567 processing appropriation category before implementation of a
 568 customer entity's request for a change in the type or level of
 569 service provided, if such change results in a net increase to
 570 the customer entity's costs for that fiscal year.

571 5. By September 1 of each year, providing to each customer
 572 entity's agency head the projected costs of providing data

573 center services for the following fiscal year.

574 6. Providing a plan for consideration by the Legislative
575 Budget Commission if the cost of a service is increased for a
576 reason other than a customer entity's request made pursuant to
577 subparagraph 4. Such a plan is required only if the service cost
578 increase results in a net increase to a customer entity for that
579 fiscal year.

580 7. Standardizing and consolidating procurement and
581 contracting practices.

582 (d) In collaboration with the Department of Law
583 Enforcement, developing and implementing a process for
584 detecting, reporting, and responding to information technology
585 security incidents, breaches, and threats.

586 (e) Adopting rules relating to the operation of the state
587 data center, including, but not limited to, budgeting and
588 accounting procedures, cost-recovery methodologies, and
589 operating procedures.

590 (f) Beginning May 1, 2016, and annually thereafter,
591 conducting a market analysis to determine whether the state's
592 approach to the provision of data center services is the most
593 effective and efficient manner by which its customer entities
594 can acquire such services, based on federal, state, and local
595 government trends; best practices in service provision; and the
596 acquisition of new and emerging technologies. The results of the
597 market analysis shall assist the state data center in making
598 adjustments to its data center service offerings.

599 (12) Recommend other information technology services that
600 should be designed, delivered, and managed as enterprise
601 information technology services, as defined in s. 282.0041.
602 Recommendations shall include the identification of existing
603 information technology resources associated with the services,
604 if existing services must be transferred as a result of being
605 delivered and managed as enterprise information technology
606 services.

607 (13) Recommend additional consolidations of agency
608 computing facilities or data centers into the state data center
609 established pursuant to s. 282.201. Such recommendations shall
610 include a proposed timeline for consolidation.

611 (14) In consultation with state agencies, propose a
612 methodology and approach for identifying and collecting both
613 current and planned information technology expenditure data at
614 the state agency level.

615 (15) Beginning January 1, 2015, and notwithstanding any
616 other provision of law, provide project oversight on any
617 information technology project of the Department of Financial
618 Services, the Department of Legal Affairs, and the Department of
619 Agriculture and Consumer Services that has a total project cost
620 of \$50 million or more and that impacts one or more other
621 agencies. When performing this project oversight function, the
622 Agency for State Technology shall report at least quarterly to
623 the Executive Office of the Governor, the President of the
624 Senate, and the Speaker of the House of Representatives on any

625 information technology project that the Agency for State
 626 Technology identifies as high-risk due to the project exceeding
 627 acceptable variance ranges defined and documented in the
 628 project plan. The report shall include a risk assessment,
 629 including fiscal risks, associated with proceeding to the next
 630 stage of the project and a recommendation for corrective actions
 631 required, including suspension or termination of the project.

632 (16) Adopt rules to implement this section.

633 Section 11. Sections 282.0055 and 282.0056, Florida
 634 Statutes, are repealed.

635 Section 12. Section 282.201, Florida Statutes, is amended
 636 to read:

637 282.201 State data center ~~system~~; creation; consolidation
 638 schedule; agency duties and limitations.—~~The A state data center~~
 639 ~~system that includes all primary data centers, other nonprimary~~
 640 ~~data centers, and computing facilities, and that provides an~~
 641 ~~enterprise information technology service as defined in s.~~
 642 ~~282.0041~~, is established within the Agency for State Technology
 643 and shall provide data center services that are hosted on
 644 premises or externally through a third-party provider as an
 645 enterprise information technology service as defined in s.
 646 282.0041. The provision of services must comply with applicable
 647 state and federal laws, regulations, and policies, including all
 648 applicable security, privacy, and auditing requirements.

649 (1) INTENT. ~~The Legislature finds that the most efficient~~
 650 ~~and effective means of providing quality utility data processing~~

651 ~~services to state agencies requires that computing resources be~~
 652 ~~concentrated in quality facilities that provide the proper~~
 653 ~~security, infrastructure, and staff resources to ensure that the~~
 654 ~~state's data is maintained reliably and safely, and is~~
 655 ~~recoverable in the event of a disaster. Efficiencies resulting~~
 656 ~~from such consolidation include the increased ability to~~
 657 ~~leverage technological expertise and hardware and software~~
 658 ~~capabilities; increased savings through consolidated purchasing~~
 659 ~~decisions; and the enhanced ability to deploy technology~~
 660 ~~improvements and implement new policies consistently throughout~~
 661 ~~the consolidated organization. Unless otherwise exempt by law,~~
 662 ~~it is the intent of the Legislature that all agency data centers~~
 663 ~~and computing facilities shall be consolidated into the state a~~
 664 ~~primary data center by 2019.~~

665 (2) STATE DATA CENTER DUTIES.-The state data center shall:

666 (a) Offer, develop, and support the services and
 667 applications defined in service-level agreements executed with
 668 its customer entities.

669 (b) Maintain performance of the state data center by
 670 ensuring proper data backup, data backup recovery, disaster
 671 recovery, and appropriate security, power, cooling, fire
 672 suppression, and capacity.

673 (c) Develop and implement a business continuity plan and a
 674 disaster recovery plan, and beginning July 1, 2015, and annually
 675 thereafter, conduct a live exercise of each plan.

676 (d) Enter into a service-level agreement with each

677 customer entity to provide the required type and level of
678 service or services. If a customer entity fails to execute an
679 agreement within 60 days after commencement of a service, the
680 state data center may cease service. A service-level agreement
681 must not have a term exceeding 3 years and at a minimum must:
682 1. Identify the parties and their roles, duties, and
683 responsibilities under the agreement.
684 2. State the duration of the contract term and specify the
685 conditions for renewal.
686 3. Identify the scope of work.
687 4. Identify the products or services to be delivered with
688 sufficient specificity to permit an external financial or
689 performance audit.
690 5. Establish the services to be provided, the business
691 standards that must be met for each service, the cost of each
692 service, and the metrics and processes by which the business
693 standards for each service are to be objectively measured and
694 reported.
695 6. Provide a timely billing methodology to recover the
696 cost of services provided to the customer entity pursuant to s.
697 215.422.
698 7. Provide a procedure for modifying the service-level
699 agreement based on changes in the type, level, and cost of a
700 service.
701 8. Include a right-to-audit clause to ensure that the
702 parties to the agreement have access to records for audit

703 purposes during the term of the service-level agreement.

704 9. Provide that a service-level agreement may be
 705 terminated by either party for cause only after giving the other
 706 party and the Agency for State Technology notice in writing of
 707 the cause for termination and an opportunity for the other party
 708 to resolve the identified cause within a reasonable period.

709 10. Provide for mediation of disputes by the Division of
 710 Administrative Hearings pursuant to s. 120.573.

711 (e) For purposes of chapter 273, be the custodian of
 712 resources and equipment located in and operated, supported, and
 713 managed by the state data center.

714 (f) Assume administrative access rights to resources and
 715 equipment, including servers, network components, and other
 716 devices, consolidated into the state data center.

717 1. Upon the date of each consolidation specified in this
 718 section, the General Appropriations Act, or any other law, an
 719 agency shall relinquish administrative rights to consolidated
 720 resources and equipment. Agencies required to comply with
 721 federal and state criminal justice information security rules
 722 and policies shall retain administrative access rights
 723 sufficient to comply with the management control provisions of
 724 those rules and policies; however, the state data center shall
 725 have the appropriate type or level of rights to allow the center
 726 to comply with its duties pursuant to this section. The
 727 Department of Law Enforcement shall serve as the arbiter of
 728 disputes pertaining to the appropriate type and level of

729 administrative access rights pertaining to the provision of
 730 management control in accordance with the federal criminal
 731 justice information guidelines.

732 2. The state data center shall provide customer entities
 733 with access to applications, servers, network components, and
 734 other devices necessary for entities to perform business
 735 activities and functions, and as defined and documented in a
 736 service-level agreement.

737 ~~(2) AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY DUTIES.~~

738 ~~The Agency for Enterprise Information Technology shall:~~

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

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

745 ~~(c) By September 30 of each year, submit to the~~
 746 ~~Legislature, the Executive Office of the Governor, and the~~
 747 ~~primary data centers recommendations to improve the efficiency~~
 748 ~~and cost effectiveness of computing services provided by state~~
 749 ~~data center system facilities. Such recommendations must~~
 750 ~~include, but need not be limited to:~~

751 ~~1. Policies for improving the cost effectiveness and~~
 752 ~~efficiency of the state data center system, which includes the~~
 753 ~~primary data centers being transferred to a shared, virtualized~~
 754 ~~server environment, and the associated cost savings resulting~~

755 ~~from the implementation of such policies.~~

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

759 ~~3. Uniform disaster recovery standards.~~

760 ~~4. Standards for primary data centers which provide cost-~~
 761 ~~effective services and transparent financial data to user~~
 762 ~~agencies.~~

763 ~~5. Consolidation of contract practices or coordination of~~
 764 ~~software, hardware, or other technology related procurements and~~
 765 ~~the associated cost savings.~~

766 ~~6. Improvements to data center governance structures.~~

767 ~~(d) By October 1 of each year, provide recommendations to~~
 768 ~~the Governor and Legislature relating to changes to the schedule~~
 769 ~~for the consolidations of state agency data centers as provided~~
 770 ~~in subsection (4).~~

771 ~~1. The recommendations must be based on the goal of~~
 772 ~~maximizing current and future cost savings by:~~

773 ~~a. Consolidating purchase decisions.~~

774 ~~b. Leveraging expertise and other resources to gain~~
 775 ~~economies of scale.~~

776 ~~e. Implementing state information technology policies more~~
 777 ~~effectively.~~

778 ~~d. Maintaining or improving the level of service provision~~
 779 ~~to customer entities.~~

780 ~~2. The agency shall establish workgroups as necessary to~~

781 ~~ensure participation by affected agencies in the development of~~
 782 ~~recommendations related to consolidations.~~

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

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

789 ~~2. Identifying standards for hardware, including standards~~
 790 ~~for a shared, virtualized server environment, and operations~~
 791 ~~system software and other operational software, including~~
 792 ~~security and network infrastructure, for the primary data~~
 793 ~~centers; requiring compliance with such standards in order to~~
 794 ~~enable the efficient consolidation of the agency data centers or~~
 795 ~~computing facilities; and providing an exemption process from~~
 796 ~~compliance with such standards, which must be consistent with~~
 797 ~~paragraph (5) (b).~~

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

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

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

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

816 | (3) STATE AGENCY DUTIES.—

817 | (a) ~~For the purpose of completing the work activities~~
 818 | ~~described in subsections (1) and (2), Each state agency shall~~
 819 | ~~provide to the Agency for State Enterprise Information~~
 820 | ~~Technology all requested information relating to its data~~
 821 | ~~centers and computing facilities and any other information~~
 822 | ~~relevant to the effective agency's ability to effectively~~
 823 | ~~transition of an agency data center or computing facility its~~
 824 | ~~computer services into the state a primary data center. The~~
 825 | ~~agency shall also participate as required in workgroups relating~~
 826 | ~~to specific consolidation planning and implementation tasks as~~
 827 | ~~assigned by the Agency for Enterprise Information Technology and~~
 828 | ~~determined necessary to accomplish consolidation goals.~~

829 | (b) Each state agency customer of the state a primary data
 830 | center shall notify the state data center, by May 31 and
 831 | November 30 of each year, of any significant changes in
 832 | anticipated utilization of state data center services pursuant

833 to requirements established by the state boards of trustees of
 834 each primary data center.

835 (4) SCHEDULE FOR CONSOLIDATIONS OF AGENCY DATA CENTERS.—

836 (a) Consolidations of agency data centers and computing
 837 facilities into the state data center shall be made by the dates
 838 date and to the specified primary data center as provided in
 839 this section and in accordance with budget adjustments contained
 840 in the General Appropriations Act.

841 ~~(b) By December 31, 2011, the following shall be~~
 842 ~~consolidated into the Northwest Regional Data Center:~~

843 1. ~~The Department of Education's Knott Data Center in the~~
 844 ~~Furlington Building.~~

845 2. ~~The Department of Education's Division of Vocational~~
 846 ~~Rehabilitation.~~

847 3. ~~The Department of Education's Division of Blind~~
 848 ~~Services, except for the division's disaster recovery site in~~
 849 ~~Daytona Beach.~~

850 4. ~~The FCAT Explorer.~~

851 ~~(c) During the 2011-2012 fiscal year, the following shall~~
 852 ~~be consolidated into the Southwood Shared Resource Center:~~

853 1. ~~By September 30, 2011, the Department of Corrections.~~

854 2. ~~By March 31, 2012, the Department of Transportation's~~
 855 ~~Burns Building.~~

856 3. ~~By March 31, 2012, the Department of Transportation's~~
 857 ~~Survey & Mapping Office.~~

858 ~~(d) By July 1, 2012, the Department of Highway Safety and~~

859 ~~Motor Vehicles' Office of Commercial Vehicle Enforcement shall~~
 860 ~~be consolidated into the Northwood Shared Resource Center.~~

861 ~~(e) By September 30, 2012, the Department of Revenue's~~
 862 ~~Carlton Building and Imaging Center locations shall be~~
 863 ~~consolidated into the Northwest Regional Data Center.~~

864 ~~(f) During the 2012-2013 fiscal year, the following shall~~
 865 ~~be consolidated into the Northwood Shared Resource Center:~~

866 ~~1. By July 1, 2012, the Agency for Health Care~~
 867 ~~Administration.~~

868 ~~2. By August 31, 2012, the Department of Highway Safety~~
 869 ~~and Motor Vehicles.~~

870 ~~3. By December 31, 2012, the Department of Environmental~~
 871 ~~Protection's Palmetto Commons.~~

872 ~~4. By December 31, 2012, the Department of Health's Test~~
 873 ~~and Development Lab and all remaining data center resources~~
 874 ~~located at the Capital Circle Office Complex.~~

875 ~~(b)(g) During the 2013-2014 fiscal year, the following~~
 876 ~~agencies shall be consolidated by the specified date into the~~
 877 ~~Southwood Shared Resource Center:~~

878 ~~1. By October 31, 2013, the Department of Economic~~
 879 ~~Opportunity.~~

880 ~~2. By December 31, 2013, the Executive Office of the~~
 881 ~~Governor, to include the Division of Emergency Management except~~
 882 ~~for the Emergency Operation Center's management system in~~
 883 ~~Tallahassee and the Camp Blanding Emergency Operations Center in~~
 884 ~~Starke.~~

885 3. By March 31, 2014, the Department of Elderly Affairs.

886 ~~4.(h)~~ By October 30, 2013, the Fish and Wildlife
 887 Conservation Commission, except for the commission's Fish and
 888 Wildlife Research Institute in St. Petersburg, ~~shall be~~
 889 ~~consolidated into the Northwood Shared Resource Center.~~

890 ~~(i) During the 2014-2015 fiscal year, the following~~
 891 ~~agencies shall work with the Agency for Enterprise Information~~
 892 ~~Technology to begin preliminary planning for consolidation into~~
 893 ~~a primary data center.~~

894 1. ~~The Department of Health's Jacksonville Lab Data~~
 895 ~~Center.~~

896 2. ~~The Department of Transportation's district offices,~~
 897 ~~toll offices, and the District Materials Office.~~

898 3. ~~The Department of Military Affairs' Camp Blanding Joint~~
 899 ~~Training Center in Starke.~~

900 4. ~~The Camp Blanding Emergency Operations Center in~~
 901 ~~Starke.~~

902 5. ~~The Department of Education's Division of Blind~~
 903 ~~Services disaster recovery site in Daytona Beach.~~

904 6. ~~The Department of Education's disaster recovery site at~~
 905 ~~Santa Fe College.~~

906 7. ~~The Fish and Wildlife Conservation Commission's Fish~~
 907 ~~and Wildlife Research Institute in St. Petersburg.~~

908 8. ~~The Department of Children and Family Services'~~
 909 ~~Suncoast Data Center in Tampa.~~

910 9. ~~The Department of Children and Family Services' Florida~~

911 ~~State Hospital in Chattahoochee.~~

912 ~~(j) During the 2015-2016 fiscal year, all computing~~
 913 ~~resources remaining within an agency data center or computing~~
 914 ~~facility, to include the Department of Financial Services,~~
 915 ~~Hartman, Larson, and Fletcher Buildings data centers, shall be~~
 916 ~~transferred to a primary data center for consolidation unless~~
 917 ~~otherwise required to remain in the agency for specified~~
 918 ~~financial, technical, or business reasons that must be justified~~
 919 ~~in writing and approved by the Agency for Enterprise Information~~
 920 ~~Technology. Such data centers, computing facilities, and~~
 921 ~~resources must be identified by the Agency for Enterprise~~
 922 ~~Information Technology by October 1, 2014.~~

923 (c) (k) The following are exempt from state data center
 924 consolidation under this section: the Department of Law
 925 Enforcement, the Department of the Lottery's Gaming System,
 926 Systems Design and Development in the Office of Policy and
 927 Budget, the regional traffic management centers as described in
 928 s. 335.14(2) and the Office of Toll Operations of the Department
 929 of Transportation, and the State Board of Administration, state
 930 attorneys, public defenders, criminal conflict and civil
 931 regional counsel, capital collateral regional counsel, the
 932 ~~Florida Clerks of Court Operations Corporation, and the Florida~~
 933 ~~Housing Finance Corporation are exempt from data center~~
 934 ~~consolidation under this section.~~

935 (d) (l) Any agency that is consolidating its agency data
 936 center or computing facility centers into the state a primary

937 data center must execute a new or update an existing service-
 938 level agreement within 60 days after the commencement of the
 939 service specified consolidation date, ~~as required by s. 282.203,~~
 940 ~~in order to specify the services and levels of service it is to~~
 941 ~~receive from the primary data center as a result of the~~
 942 ~~consolidation.~~ If an agency and the state primary data center
 943 are unable to execute a service-level agreement by that date,
 944 the agency and ~~the primary data center~~ shall submit a report to
 945 the Executive Office of the Governor and ~~to the chairs of the~~
 946 ~~legislative appropriations committees~~ within 5 working days
 947 after that date which explains the specific issues preventing
 948 execution and describing the plan and schedule for resolving
 949 those issues.

950 ~~(m) Beginning September 1, 2011, and every 6 months~~
 951 ~~thereafter until data center consolidations are complete, the~~
 952 ~~Agency for Enterprise Information Technology shall provide a~~
 953 ~~status report on the implementation of the consolidations that~~
 954 ~~must be completed during the fiscal year. The report shall be~~
 955 ~~submitted to the Executive Office of the Governor and the chairs~~
 956 ~~of the legislative appropriations committees. The report must,~~
 957 ~~at a minimum, describe:~~

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

962 2. ~~The risks that may affect the progress or outcome of~~

963 ~~the consolidation and how these risks are being addressed,~~
 964 ~~mitigated, or managed.~~

965 (e) ~~(n)~~ Each agency scheduled ~~identified in this subsection~~
 966 for consolidation into the state ~~a primary~~ data center shall
 967 submit a transition plan to the Agency for State Technology
 968 ~~appropriate primary data center~~ by July 1 of the fiscal year
 969 before the fiscal year in which the scheduled consolidation will
 970 occur. Transition plans shall be developed in consultation with
 971 the state data center ~~appropriate primary data centers and the~~
 972 ~~Agency for Enterprise Information Technology,~~ and must include:

973 1. An inventory of the agency data center's resources
 974 being consolidated, including all hardware and its associated
 975 life cycle replacement schedule, software, staff, contracted
 976 services, and facility resources performing data center
 977 management and operations, security, backup and recovery,
 978 disaster recovery, system administration, database
 979 administration, system programming, job control, production
 980 control, print, storage, technical support, help desk, and
 981 managed services, but excluding application development, and the
 982 agency's costs supporting these resources.

983 2. A list of contracts in effect, including, but not
 984 limited to, contracts for hardware, software, and maintenance,
 985 which identifies the expiration date, the contract parties, and
 986 the cost of each contract.

987 3. A detailed description of the level of services needed
 988 to meet the technical and operational requirements of the

989 platforms being consolidated.

990 ~~4. A description of resources for computing services~~
 991 ~~proposed to remain in the department.~~

992 4.5. A timetable with significant milestones for the
 993 completion of the consolidation.

994 ~~(o) Each primary data center shall develop a transition~~
 995 ~~plan for absorbing the transfer of agency data center resources~~
 996 ~~based upon the timetables for transition as provided in this~~
 997 ~~subsection. The plan shall be submitted to the Agency for~~
 998 ~~Enterprise Information Technology, the Executive Office of the~~
 999 ~~Governor, and the chairs of the legislative appropriations~~
 1000 ~~committees by September 1 of the fiscal year before the fiscal~~
 1001 ~~year in which the scheduled consolidations will occur. Each plan~~
 1002 ~~must include:~~

1003 ~~1. The projected cost to provide data center services for~~
 1004 ~~each agency scheduled for consolidation.~~

1005 ~~2. A staffing plan that identifies the projected staffing~~
 1006 ~~needs and requirements based on the estimated workload~~
 1007 ~~identified in the agency transition plan.~~

1008 ~~3. The fiscal year adjustments to budget categories in~~
 1009 ~~order to absorb the transfer of agency data center resources~~
 1010 ~~pursuant to the legislative budget request instructions provided~~
 1011 ~~in s. 216.023.~~

1012 ~~4. An analysis of the cost effects resulting from the~~
 1013 ~~planned consolidations on existing agency customers.~~

1014 ~~5. A description of any issues that must be resolved in~~

1015 ~~order to accomplish as efficiently and effectively as possible~~
 1016 ~~all consolidations required during the fiscal year.~~

1017 (f)~~(p)~~ Each agency scheduled ~~identified in this subsection~~
 1018 for consolidation into the state ~~a primary~~ data center shall
 1019 submit with its respective legislative budget request the
 1020 specific recurring and nonrecurring budget adjustments of
 1021 resources by appropriation category into the appropriate data
 1022 processing category pursuant to the legislative budget request
 1023 instructions in s. 216.023.

1024 (5) AGENCY LIMITATIONS.—

1025 (a) Unless exempt from data center consolidation pursuant
 1026 to this section or authorized by the Legislature or as provided
 1027 in paragraph ~~paragraphs~~ (b) and ~~(e)~~, a state agency may not:

1028 1. Create a new agency computing facility or data center,
 1029 or expand the capability to support additional computer
 1030 equipment in an existing agency computing facility or ~~nonprimary~~
 1031 data center;

1032 2. Spend funds before the agency's scheduled consolidation
 1033 into the state ~~a primary~~ data center to purchase or modify
 1034 hardware or operations software that does not comply with
 1035 ~~hardware and software~~ standards established by the Agency for
 1036 State Enterprise Information Technology pursuant to s. 282.0051
 1037 ~~paragraph (2) (e) for the efficient consolidation of the agency~~
 1038 ~~data centers or computing facilities;~~

1039 3. Transfer existing computer services to any data center
 1040 other than the state ~~a primary~~ data center;

1041 4. Terminate services with the state ~~a primary~~ data center
 1042 ~~or transfer services between primary data centers~~ without giving
 1043 written notice of intent to terminate ~~or transfer~~ services 180
 1044 days before such termination ~~or transfer~~; or

1045 5. Initiate a new computer service except with the state a
 1046 ~~primary~~ data center.

1047 (b) Exceptions to the limitations in subparagraphs (a)1.,
 1048 2., 3., and 5. may be granted by the Agency for State Enterprise
 1049 ~~Information~~ Technology if there is insufficient capacity in the
 1050 ~~state~~ ~~a primary~~ data center to absorb the workload associated
 1051 with agency computing services, if expenditures are compatible
 1052 with ~~the scheduled consolidation and~~ the standards established
 1053 pursuant to s. 282.0051 ~~paragraph (2)(e)~~, or if the equipment or
 1054 resources are needed to meet a critical agency business need
 1055 that cannot be satisfied by ~~from surplus equipment or resources~~
 1056 ~~of the state primary data center until the agency data center is~~
 1057 ~~consolidated.~~ The Agency for State Technology shall establish
 1058 requirements that a state agency must follow when submitting and
 1059 documenting a request for an exception. The Agency for State
 1060 Technology shall also publish guidelines for its consideration
 1061 of exception requests. However, the decision of the Agency for
 1062 State Technology regarding an exception request is not subject
 1063 to chapter 120.

1064 ~~1. A request for an exception must be submitted in writing~~
 1065 ~~to the Agency for Enterprise Information Technology. The agency~~
 1066 ~~must accept, accept with conditions, or deny the request within~~

1067 ~~60 days after receipt of the written request. The agency's~~
 1068 ~~decision is not subject to chapter 120.~~

1069 ~~2. At a minimum, the agency may not approve a request~~
 1070 ~~unless it includes:~~

1071 ~~a. Documentation approved by the primary data center's~~
 1072 ~~board of trustees which confirms that the center cannot meet the~~
 1073 ~~capacity requirements of the agency requesting the exception~~
 1074 ~~within the current fiscal year.~~

1075 ~~b. A description of the capacity requirements of the~~
 1076 ~~agency requesting the exception.~~

1077 ~~c. Documentation from the agency demonstrating why it is~~
 1078 ~~critical to the agency's mission that the expansion or transfer~~
 1079 ~~must be completed within the fiscal year rather than when~~
 1080 ~~capacity is established at a primary data center.~~

1081 ~~(e) Exceptions to subparagraph (a)4. may be granted by the~~
 1082 ~~board of trustees of the primary data center if the termination~~
 1083 ~~or transfer of services can be absorbed within the current cost~~
 1084 ~~allocation plan.~~

1085 ~~(d) Upon the termination of or transfer of agency~~
 1086 ~~computing services from the primary data center, the primary~~
 1087 ~~data center shall require information sufficient to determine~~
 1088 ~~compliance with this section. If a primary data center~~
 1089 ~~determines that an agency is in violation of this section, it~~
 1090 ~~shall report the violation to the Agency for Enterprise~~
 1091 ~~Information Technology.~~

1092 ~~(6) RULES. The Agency for Enterprise Information~~

1093 ~~Technology may adopt rules to administer this part relating to~~
 1094 ~~the state data center system including the primary data centers.~~

1095 Section 13. Sections 282.203, 282.204, and 282.205,
 1096 Florida Statutes, are repealed.

1097 Section 14. Section 282.318, Florida Statutes, is amended
 1098 to read:

1099 282.318 Enterprise Security of data and information
 1100 technology.-

1101 (1) This section may be cited as the "Enterprise Security
 1102 of Data and Information Technology Security Act."

1103 (2) As used in this section, the term "agency" has the
 1104 same meaning as provided in s. 282.0041, except that for
 1105 purposes of this section, the term includes the Department of
 1106 Legal Affairs, the Department of Agriculture and Consumer
 1107 Services, and the Department of Financial Services.

1108 ~~(2) Information technology security is established as an~~
 1109 ~~enterprise information technology service as defined in s.~~
 1110 ~~282.0041.~~

1111 (3) The Agency for State Enterprise Information Technology
 1112 is responsible for establishing standards and processes
 1113 consistent with generally accepted best practices for
 1114 information technology security and adopting rules that
 1115 safeguard an agency's data, information, and information
 1116 technology resources to ensure availability, confidentiality,
 1117 and integrity of data and publishing guidelines for ensuring an
 1118 appropriate level of security for all data and information

1119 ~~technology resources for executive branch agencies.~~ The agency
 1120 shall also ~~perform the following duties and responsibilities:~~

1121 (a) Develop, and annually update by February 1, a
 1122 statewide an enterprise information technology security
 1123 strategic plan that includes security goals and objectives for
 1124 the strategic issues of information technology security policy,
 1125 risk management, training, incident management, and disaster
 1126 recovery survivability planning.

1127 (b) Develop and publish for use by state agencies an
 1128 information technology security framework that, at a minimum,
 1129 includes enterprise security rules and published guidelines and
 1130 processes for:

1131 1. Establishing asset management procedures to ensure that
 1132 an agency's information technology resources are identified and
 1133 managed consistent with their relative importance to the
 1134 agency's business objectives.

1135 2. Using a standard risk assessment methodology that
 1136 includes the identification of an agency's priorities,
 1137 constraints, risk tolerances, and assumptions necessary to
 1138 support operational risk decisions.

1139 3.1. Completing comprehensive risk assessments analyses
 1140 and information technology security audits and submitting
 1141 completed assessments and audits to the Agency for State
 1142 Technology conducted by state agencies.

1143 4. Identifying protection procedures to manage the
 1144 protection of an agency's information, data, and information

1145 technology resources.

1146 5. Establishing procedures for accessing information and
 1147 data to ensure the confidentiality, integrity, and availability
 1148 of such information and data.

1149 6. Detecting threats through proactive monitoring of
 1150 events, continuous security monitoring, and defined detection
 1151 processes.

1152 7.2. Responding to information technology suspected or
 1153 confirmed information security incidents, including suspected or
 1154 confirmed breaches of personal information containing
 1155 confidential or exempt data.

1156 8. Recovering information and data in response to an
 1157 information technology security incident. The recovery may
 1158 include recommended improvements to the agency processes,
 1159 policies, or guidelines.

1160 9.3. Developing agency strategic and operational
 1161 information technology security plans required pursuant to this
 1162 section, including strategic security plans and security program
 1163 plans.

1164 ~~4. The recovery of information technology and data~~
 1165 ~~following a disaster.~~

1166 10.5. Establishing the managerial, operational, and
 1167 technical safeguards for protecting state government data and
 1168 information technology resources that align with the state
 1169 agency risk management strategy and that protect the
 1170 confidentiality, integrity, and availability of information and

1171 data.

1172 (c) Assist agencies in complying with ~~the provisions of~~
1173 this section.

1174 ~~(d) Pursue appropriate funding for the purpose of~~
1175 ~~enhancing domestic security.~~

1176 (d)(e) In collaboration with the Cybercrime Office of the
1177 Department of Law Enforcement, provide training for agency
1178 information security managers.

1179 (e)(f) Annually review agency the strategic and
1180 operational information technology security plans of executive
1181 branch agencies.

1182 (4) ~~To assist the Agency for Enterprise Information~~
1183 ~~Technology in carrying out its responsibilities,~~ Each agency
1184 head shall, at a minimum:

1185 (a) Designate an information security manager to
1186 administer the information technology security program of the
1187 agency ~~for its data and information technology resources.~~ This
1188 designation must be provided annually in writing to the Agency
1189 for State Enterprise Information Technology by January 1. An
1190 agency's information security manager, for purposes of these
1191 information security duties, shall report directly to the agency
1192 head.

1193 (b) Submit to the Agency for State Enterprise Information
1194 Technology annually by July 31, the agency's strategic and
1195 operational information technology security plans developed
1196 pursuant to the rules and guidelines established by the Agency

1197 for State Enterprise Information Technology.

1198 1. The agency strategic information technology security
 1199 plan must cover a 3-year period and, at a minimum, define
 1200 security goals, intermediate objectives, and projected agency
 1201 costs for the strategic issues of agency information security
 1202 policy, risk management, security training, security incident
 1203 response, and disaster recovery survivability. The plan must be
 1204 based on the statewide enterprise strategic information
 1205 technology security strategic plan created by the Agency for
 1206 State Enterprise Information Technology and include performance
 1207 metrics that can be objectively measured to reflect the status
 1208 of the agency's progress in meeting security goals and
 1209 objectives identified in the agency's strategic information
 1210 security plan. Additional issues may be included.

1211 2. The agency operational information technology security
 1212 plan must include a progress report that objectively measures
 1213 progress made towards ~~for~~ the prior operational information
 1214 technology security plan and a project plan that includes
 1215 activities, timelines, and deliverables for security objectives
 1216 that, ~~subject to current resources~~, the agency will implement
 1217 during the current fiscal year. ~~The cost of implementing the~~
 1218 ~~portions of the plan which cannot be funded from current~~
 1219 ~~resources must be identified in the plan.~~

1220 (c) Conduct, and update every 3 years, a comprehensive
 1221 risk assessment ~~analysis~~ to determine the security threats to
 1222 the data, information, and information technology resources of

1223 the agency. The risk assessment must comply with the risk
 1224 assessment methodology developed by the Agency for State
 1225 Technology and analysis information is confidential and exempt
 1226 from ~~the provisions of~~ s. 119.07(1), except that such
 1227 information shall be available to the Auditor General, and the
 1228 Agency for State Enterprise Information Technology, the
 1229 Cybercrime Office of the Department of Law Enforcement, and, for
 1230 agencies under the jurisdiction of the Governor, the Chief
 1231 Inspector General for performing postauditing duties.

1232 (d) Develop, and periodically update, written internal
 1233 policies and procedures, which shall include procedures for
 1234 reporting information technology security incidents and breaches
 1235 to the Cybercrime Office of the Department of Law Enforcement
 1236 and notifying the Agency for State Enterprise Information
 1237 Technology when a suspected or confirmed breach, or an
 1238 information security incident, occurs. Such policies and
 1239 procedures must be consistent with the rules, and guidelines,
 1240 and processes established by the Agency for State Enterprise
 1241 Information Technology to ensure the security of the data,
 1242 information, and information technology resources of the agency.
 1243 The internal policies and procedures that, if disclosed, could
 1244 facilitate the unauthorized modification, disclosure, or
 1245 destruction of data or information technology resources are
 1246 confidential information and exempt from s. 119.07(1), except
 1247 that such information shall be available to the Auditor General,
 1248 the Cybercrime Office of the Department of Law Enforcement, and

1249 the Agency for State Enterprise Information Technology, and, for
 1250 agencies under the jurisdiction of the Governor, the Chief
 1251 Inspector General for performing postauditing duties.

1252 (e) Implement managerial, operational, and technical
 1253 appropriate cost-effective safeguards established by the Agency
 1254 for State Technology to address identified risks to the data,
 1255 information, and information technology resources of the agency.

1256 (f) Ensure that periodic internal audits and evaluations
 1257 of the agency's information technology security program for the
 1258 data, information, and information technology resources of the
 1259 agency are conducted. The results of such audits and evaluations
 1260 are confidential information and exempt from s. 119.07(1),
 1261 except that such information shall be available to the Auditor
 1262 General, the Cybercrime Office of the Department of Law
 1263 Enforcement, and the Agency for State Enterprise Information
 1264 Technology, and, for agencies under the jurisdiction of the
 1265 Governor, the Chief Inspector General for performing
 1266 postauditing duties.

1267 (g) Include appropriate information technology security
 1268 requirements in the written specifications for the solicitation
 1269 of information technology and information technology resources
 1270 and services, which are consistent with the rules and guidelines
 1271 established by the Agency for State Enterprise Information
 1272 Technology in collaboration with the Department of Management
 1273 Services.

1274 (h) Provide information technology security awareness

1275 training to all agency employees and ~~users of the agency's~~
 1276 ~~communication and information resources~~ concerning information
 1277 technology security risks and the responsibility of employees
 1278 ~~and users~~ to comply with policies, standards, guidelines, and
 1279 operating procedures adopted by the agency to reduce those
 1280 risks. The training may be provided in collaboration with the
 1281 Cybercrime Office of the Department of Law Enforcement.

1282 (i) Develop a process for detecting, reporting, and
 1283 responding to threats, breaches, or information technology
 1284 security suspected or confirmed security incidents that are,
 1285 ~~including suspected or confirmed breaches~~ consistent with the
 1286 security rules, and guidelines, and processes established by the
 1287 Agency for State Enterprise Information Technology.

1288 1. All information technology Suspected or confirmed
 1289 ~~information~~ security incidents and breaches must be ~~immediately~~
 1290 reported to the Agency for State Enterprise Information
 1291 Technology.

1292 2. For information technology security incidents involving
 1293 breaches, agencies shall provide notice in accordance with s.
 1294 817.5681 and ~~to the Agency for Enterprise Information Technology~~
 1295 ~~in accordance with this subsection.~~

1296 ~~(5) Each state agency shall include appropriate security~~
 1297 ~~requirements in the specifications for the solicitation of~~
 1298 ~~contracts for procuring information technology or information~~
 1299 ~~technology resources or services which are consistent with the~~
 1300 ~~rules and guidelines established by the Agency for Enterprise~~

1301 ~~Information Technology.~~

1302 (5)~~(6)~~ The Agency for State Enterprise Information
 1303 Technology shall may adopt rules relating to information
 1304 technology security and to administer the provisions of this
 1305 section.

1306 Section 15. Section 282.33, Florida Statutes, is repealed.

1307 Section 16. Effective upon this act becoming a law,
 1308 section 282.34, Florida Statutes, is repealed.

1309 Section 17. Section 287.0591, Florida Statutes, is created
 1310 to read:

1311 287.0591 Information technology.—

1312 (1) Beginning July 1, 2014, any competitive solicitation
 1313 issued by the department for a state term contract for
 1314 information technology commodities must include a term that does
 1315 not exceed 36 months. The department may execute a state term
 1316 contract for information technology commodities that exceeds the
 1317 36-month requirement if the Secretary of Management Services and
 1318 the executive director of the Agency for State Technology
 1319 certify to the Executive Office of the Governor that a longer
 1320 contract term is in the best interest of the state.

1321 (2) Beginning September 1, 2015, any competitive
 1322 solicitation issued by the department for a state term contract
 1323 for information technology consultant services or information
 1324 technology staff augmentation contractual services must include
 1325 a term that does not exceed 36 months.

1326 (3) If the department issues a competitive solicitation

1327 for information technology commodities, consultant services, or
 1328 staff augmentation contractual services, the department shall
 1329 complete such solicitations in consultation with the Agency for
 1330 State Technology.

1331 Section 18. Section 943.0415, Florida Statutes, is amended
 1332 to read:

1333 943.0415 Cybercrime Office.—

1334 (1) There is created within the Department of Law
 1335 Enforcement the Cybercrime Office.

1336 (2) The office may:

1337 (a) Investigate violations of state law pertaining to the
 1338 sexual exploitation of children which are facilitated by or
 1339 connected to the use of any device capable of storing electronic
 1340 data.

1341 (b) Monitor state information technology resources and
 1342 provide analysis on information technology security incidents,
 1343 threats, and breaches as defined in s. 282.0041.

1344 (c) Investigate violations of state law pertaining to
 1345 information technology security incidents pursuant to s.
 1346 282.0041 and assist in incident response and recovery.

1347 (d) Provide security awareness training and information to
 1348 state agency employees concerning cybersecurity, online sexual
 1349 exploitation of children, and security risks, and the
 1350 responsibility of employees to comply with policies, standards,
 1351 guidelines, and operating procedures adopted by the Agency for
 1352 State Technology.

1353 (e) Consult with the Agency for State Technology in the
 1354 adoption of rules relating to the information technology
 1355 security provisions in s. 282.318.

1356 Section 19. Section 1004.649, Florida Statutes, is amended
 1357 to read:

1358 1004.649 Northwest Regional Data Center.--

1359 (1) For the purpose of providing data center services to
 1360 servng its state agency customers, the Northwest Regional Data
 1361 Center at Florida State University is ~~designated as a primary~~
 1362 ~~data center and shall:~~

1363 (a) Operate under a governance structure that represents
 1364 its customers proportionally.

1365 (b) Maintain an appropriate cost-allocation methodology
 1366 that accurately bills state agency customers based solely on the
 1367 actual direct and indirect costs of the services provided to
 1368 state agency customers, and ensures that for any fiscal year,
 1369 state agency customers do not subsidize other customers of the
 1370 data center prohibits the subsidization of nonstate agency
 1371 customers' costs by state agency customers. Such cost-allocation
 1372 methodology must comply with applicable state and federal
 1373 regulations concerning the distribution and use of state and
 1374 federal funds.

1375 (c) Enter into a service-level agreement with each state
 1376 agency customer to provide services as defined and approved by
 1377 the governing board of the center. At a minimum, such service-
 1378 level agreements must:

- 1379 1. Identify the parties and their roles, duties, and
 1380 responsibilities under the agreement;
 1381 2. State the duration of the agreement term and specify
 1382 the conditions for renewal;
 1383 3. Identify the scope of work;
 1384 4. Establish the services to be provided, the business
 1385 standards that must be met for each service, the cost of each
 1386 service, and the process by which the business standards for
 1387 each service are to be objectively measured and reported;
 1388 5. Provide a timely billing methodology for recovering the
 1389 cost of services provided pursuant to s. 215.422; and
 1390 6. Provide a procedure for modifying the service-level
 1391 agreement to address any changes in projected costs of service;
 1392 7. Prohibit the transfer of computing services between the
 1393 Northwest Regional Data Center and the state data center
 1394 established pursuant to s. 282.201 without at least 180 days'
 1395 written notification of service cancellation;
 1396 8. Identify the products or services to be delivered with
 1397 sufficient specificity to permit an external financial or
 1398 performance audit; and
 1399 9. Provide that the service-level agreement may be
 1400 terminated by either party for cause only after giving the other
 1401 party notice in writing of the cause for termination and an
 1402 opportunity for the other party to resolve the identified cause
 1403 within a reasonable period.
 1404 (d) Provide to the Board of Governors the total annual

1405 budget by major expenditure category, including, but not limited
 1406 to, salaries, expenses, operating capital outlay, contracted
 1407 services, or other personnel services by July 30 each fiscal
 1408 year.

1409 (e) Provide to each state agency customer its projected
 1410 annual cost for providing the agreed-upon data center services
 1411 by September 1 each fiscal year.

1412 (f) Provide a plan for consideration by the Legislative
 1413 Budget Commission if the governing body of the center approves
 1414 the use of a billing rate schedule after the start of the fiscal
 1415 year that increases any state agency customer's costs for that
 1416 fiscal year.

1417 (2) The Northwest Regional Data Center's authority to
 1418 provide data center services to ~~designation as a primary data~~
 1419 ~~center for purposes of serving~~ its state agency customers may be
 1420 terminated if:

1421 (a) The center requests such termination to the Board of
 1422 Governors, the Senate President, and the Speaker of the House of
 1423 Representatives; or

1424 (b) The center fails to comply with the provisions of this
 1425 section.

1426 (3) If such authority ~~designation~~ is terminated, the
 1427 center shall have 1 year to provide for the transition of its
 1428 state agency customers to the state data center established
 1429 pursuant to s. 282.201 ~~Southwood Shared Resource Center or the~~
 1430 ~~Northwood Shared Resource Center.~~

1431 Section 20. Subsection (1) and paragraph (g) of subsection
 1432 (2) of section 17.0315, Florida Statutes, are amended to read:
 1433 17.0315 Financial and cash management system; task force.—

1434 (1) The Chief Financial Officer, as the constitutional
 1435 officer responsible for settling and approving accounts against
 1436 the state and keeping all state funds pursuant to s. 4, Art. IV
 1437 of the State Constitution, shall be the head of and appoint
 1438 members to a task force established to develop a strategic
 1439 business plan for a successor financial and cash management
 1440 system. The task force shall include the executive director of
 1441 the Agency for State Technology ~~executive director of the Agency~~
 1442 ~~for Enterprise Information Technology~~ and the director of the
 1443 Office of Policy and Budget in the Executive Office of the
 1444 Governor. Any member of the task force may appoint a designee.

1445 (2) The strategic business plan for a successor financial
 1446 and cash management system must:

1447 (g) Be coordinated with the information technology
 1448 strategy development efforts of the Agency for State ~~Enterprise~~
 1449 ~~Information~~ Technology;

1450 Section 21. Paragraph (e) of subsection (2) of section
 1451 110.205, Florida Statutes, is amended to read:

1452 110.205 Career service; exemptions.—

1453 (2) EXEMPT POSITIONS.—The exempt positions that are not
 1454 covered by this part include the following:

1455 (e) The executive director of the Agency for State
 1456 Technology ~~Chief Information Officer in the Agency for~~

1457 ~~Enterprise Information Technology~~. Unless otherwise fixed by
 1458 law, the Agency for State ~~Enterprise Information~~ Technology
 1459 shall set the salary and benefits of this position in accordance
 1460 with the rules of the Senior Management Service.

1461 Section 22. Subsections (2) and (9) of section 215.322,
 1462 Florida Statutes, are amended to read:

1463 215.322 Acceptance of credit cards, charge cards, debit
 1464 cards, or electronic funds transfers by state agencies, units of
 1465 local government, and the judicial branch.—

1466 (2) A state agency as defined in s. 216.011, or the
 1467 judicial branch, may accept credit cards, charge cards, debit
 1468 cards, or electronic funds transfers in payment for goods and
 1469 services with the prior approval of the Chief Financial Officer.
 1470 If the Internet or other related electronic methods are to be
 1471 used as the collection medium, the Agency for State ~~Enterprise~~
 1472 ~~Information~~ Technology shall review and recommend to the Chief
 1473 Financial Officer whether to approve the request with regard to
 1474 the process or procedure to be used.

1475 (9) For payment programs in which credit cards, charge
 1476 cards, or debit cards are accepted by state agencies, the
 1477 judicial branch, or units of local government, the Chief
 1478 Financial Officer, in consultation with the Agency for State
 1479 ~~Enterprise Information~~ Technology, may adopt rules to establish
 1480 uniform security safeguards for cardholder data and to ensure
 1481 compliance with the Payment Card Industry Data Security
 1482 Standards.

1483 Section 23. Subsection (22) of section 287.057, Florida
 1484 Statutes, is amended to read:

1485 287.057 Procurement of commodities or contractual
 1486 services.—

1487 (22) The department, in consultation with the Chief
 1488 Financial Officer and the Agency for State Technology, shall
 1489 maintain a program for online procurement of commodities and
 1490 contractual services. To enable the state to promote open
 1491 competition and leverage its buying power, agencies shall
 1492 participate in the online procurement program, and eligible
 1493 users may participate in the program. Only vendors prequalified
 1494 as meeting mandatory requirements and qualifications criteria
 1495 may participate in online procurement.

1496 (a) The department, in consultation with the Agency for
 1497 State Technology, may contract for equipment and services
 1498 necessary to develop and implement online procurement.

1499 (b) The department shall adopt rules to administer the
 1500 program for online procurement. The rules must include, but not
 1501 be limited to:

1502 1. Determining the requirements and qualification criteria
 1503 for prequalifying vendors.

1504 2. Establishing the procedures for conducting online
 1505 procurement.

1506 3. Establishing the criteria for eligible commodities and
 1507 contractual services.

1508 4. Establishing the procedures for providing access to

1509 online procurement.

1510 5. Determining the criteria warranting any exceptions to
1511 participation in the online procurement program.

1512 (c) The department may impose and shall collect all fees
1513 for the use of the online procurement systems.

1514 1. The fees may be imposed on an individual transaction
1515 basis or as a fixed percentage of the cost savings generated. At
1516 a minimum, the fees must be set in an amount sufficient to cover
1517 the projected costs of the services, including administrative
1518 and project service costs in accordance with the policies of the
1519 department.

1520 2. If the department contracts with a provider for online
1521 procurement, the department, pursuant to appropriation, shall
1522 compensate the provider from the fees after the department has
1523 satisfied all ongoing costs. The provider shall report
1524 transaction data to the department each month so that the
1525 department may determine the amount due and payable to the
1526 department from each vendor.

1527 3. All fees that are due and payable to the state on a
1528 transactional basis or as a fixed percentage of the cost savings
1529 generated are subject to s. 215.31 and must be remitted within
1530 40 days after receipt of payment for which the fees are due. For
1531 fees that are not remitted within 40 days, the vendor shall pay
1532 interest at the rate established under s. 55.03(1) on the unpaid
1533 balance from the expiration of the 40-day period until the fees
1534 are remitted.

1535 4. All fees and surcharges collected under this paragraph
 1536 shall be deposited in the Operating Trust Fund as provided by
 1537 law.

1538 Section 24. Subsection (5) of section 327.301, Florida
 1539 Statutes, is amended to read:

1540 327.301 Written reports of accidents.—

1541 (5) For the purposes of this section, a written report
 1542 includes a report generated through the use of information
 1543 technology resources as defined in s. 119.011 ~~282.0041~~.

1544 Section 25. Subsection (4) of section 445.011, Florida
 1545 Statutes, is amended to read:

1546 445.011 Workforce information systems.—

1547 (4) Workforce Florida, Inc., shall coordinate development
 1548 and implementation of workforce information systems with the
 1549 executive director of the Agency for State Technology ~~executive~~
 1550 ~~director of the Agency for Enterprise Information Technology~~ to
 1551 ensure compatibility with the state's information system
 1552 strategy and enterprise architecture.

1553 Section 26. Subsections (2) and (4) of section 445.045,
 1554 Florida Statutes, are amended to read:

1555 445.045 Development of an Internet-based system for
 1556 information technology industry promotion and workforce
 1557 recruitment.—

1558 (2) Workforce Florida, Inc., shall coordinate with the
 1559 Agency for State ~~Enterprise Information~~ Technology and the
 1560 Department of Economic Opportunity to ensure links, where

1561 feasible and appropriate, to existing job information websites
 1562 maintained by the state and state agencies and to ensure that
 1563 information technology positions offered by the state and state
 1564 agencies are posted on the information technology website.

1565 (4) (a) Workforce Florida, Inc., shall coordinate
 1566 development and maintenance of the website under this section
 1567 with the executive director of the Agency for State Technology
 1568 ~~executive director of the Agency for Enterprise Information~~
 1569 ~~Technology~~ to ensure compatibility with the state's information
 1570 system strategy and enterprise architecture.

1571 (b) Workforce Florida, Inc., may enter into an agreement
 1572 with the Agency for State ~~Enterprise Information~~ Technology, the
 1573 Department of Economic Opportunity, or any other public agency
 1574 with the requisite information technology expertise for the
 1575 provision of design, operating, or other technological services
 1576 necessary to develop and maintain the website.

1577 (c) Workforce Florida, Inc., may procure services
 1578 necessary to implement ~~the provisions of~~ this section, if it
 1579 employs competitive processes, including requests for proposals,
 1580 competitive negotiation, and other competitive processes to
 1581 ensure that the procurement results in the most cost-effective
 1582 investment of state funds.

1583 Section 27. Paragraph (b) of subsection (18) of section
 1584 668.50, Florida Statutes, is amended to read:

1585 668.50 Uniform Electronic Transaction Act.—

1586 (18) ACCEPTANCE AND DISTRIBUTION OF ELECTRONIC RECORDS BY

1587 GOVERNMENTAL AGENCIES.—

1588 (b) To the extent that a governmental agency uses
 1589 electronic records and electronic signatures under paragraph
 1590 (a), the Agency for State Enterprise Information Technology, in
 1591 consultation with the governmental agency, giving due
 1592 consideration to security, may specify:

1593 1. The manner and format in which the electronic records
 1594 must be created, generated, sent, communicated, received, and
 1595 stored and the systems established for those purposes.

1596 2. If electronic records must be signed by electronic
 1597 means, the type of electronic signature required, the manner and
 1598 format in which the electronic signature must be affixed to the
 1599 electronic record, and the identity of, or criteria that must be
 1600 met by, any third party used by a person filing a document to
 1601 facilitate the process.

1602 3. Control processes and procedures as appropriate to
 1603 ensure adequate preservation, disposition, integrity, security,
 1604 confidentiality, and auditability of electronic records.

1605 4. Any other required attributes for electronic records
 1606 which are specified for corresponding nonelectronic records or
 1607 reasonably necessary under the circumstances.

1608 Section 28. (1) The Agency for State Technology shall
 1609 conduct a feasibility study that analyzes, evaluates, and
 1610 provides recommendations for managing state government data in a
 1611 manner that promotes interoperability and openness; ensures
 1612 that, wherever legally permissible and not cost prohibitive,

1613 such data is available to the public in ways that make the data
 1614 easy to find and use; and complies with the provisions of
 1615 chapter 119, Florida Statutes.

1616 (2) By January 1, 2015, the Agency for State Technology
 1617 shall submit a report on the feasibility study to the Governor,
 1618 the President of the Senate, and the Speaker of the House of
 1619 Representatives. The report, at a minimum, shall include the
 1620 following components:

1621 (a) A clear description of what state government data is
 1622 public information. The guiding principle for this component is
 1623 a presumption of openness to the extent permitted by law and
 1624 subject to privacy, confidentiality, security, and other fiscal
 1625 and legal restrictions.

1626 (b) A fiscal analysis that identifies the impact to any
 1627 agency that is authorized to assess a fee for providing certain
 1628 state government data to the public if the description in
 1629 paragraph (a) includes that data.

1630 (c) Recommended standards to make uniform the format and
 1631 accessibility of public information and to ensure that the data
 1632 is published in a nonproprietary, searchable, sortable,
 1633 platform-independent, and machine-readable format. The report
 1634 shall include the projected cost to state agencies to implement
 1635 and maintain the standards.

1636 (d) A project plan for implementing a single Internet
 1637 website that contains the public information or links to the
 1638 public information. The plan shall include a timeline and

1639 benchmarks for making public information available online and
 1640 shall identify costs associated with the development and ongoing
 1641 maintenance of the website.

1642 (e) A recommended governance structure and a review and
 1643 compliance process to ensure accountability on the part of those
 1644 who create, maintain, manage, or store public information or
 1645 post it on the single Internet website. The report shall include
 1646 associated costs to implement and maintain the recommended
 1647 governance structure and the review and compliance process.

1648 Section 29. Effective June 30, 2014, there is created the
 1649 state data center task force comprised of all individuals who,
 1650 upon that date are members of the boards of trustees of the
 1651 Northwood Shared Resource Center or the Southwood Shared
 1652 Resource Center, and agree to serve on the task force. The
 1653 members of the task force shall elect a chair. The purpose of
 1654 the task force is to assist with the transfer of the Northwood
 1655 Shared Resource Center and Southwood Shared Resource Center to
 1656 the Agency for State Technology and the transition to the state
 1657 data center established pursuant to s. 282.201, Florida
 1658 Statutes. The task force shall identify any operational or
 1659 fiscal issues impacting the transition and provide
 1660 recommendations to the Agency for State Technology for
 1661 resolution of such issues. The task force does not have
 1662 authority to make decisions regarding the state data center or
 1663 the former Northwood Shared Resource Center or Southwood Shared
 1664 Resource Center. The task force is abolished June 30, 2015, or

1665 at an earlier date as provided by the task force.

1666 Section 30. (1) For the 2014-2015 fiscal year, the sums
1667 of \$2,944,539 in recurring funds and \$103,045 in nonrecurring
1668 funds are appropriated from the General Revenue Fund to the
1669 Agency for State Technology, and 25 full-time equivalent
1670 positions and associated salary rate of 1,808,373 are
1671 authorized, for the purpose of implementing this act.

1672 (2) (a) The recurring general revenue funds shall be
1673 allocated to an Executive Direction and Support Services budget
1674 entity in specific appropriation categories: \$2,382,181 in
1675 Salaries and Benefits, \$10,000 in Other Personal Services,
1676 \$168,197 in Expenses, \$9,000 in Operating Capital Outlay,
1677 \$358,561 in Contracted Services, \$3,000 in Risk Management,
1678 \$8,600 in Transfer to Department of Management
1679 Services/Statewide Human Resources Contract, and \$5,000 in Data
1680 Processing Services/Southwood Shared Resource Center.

1681 (b) The nonrecurring general revenue funds of \$103,045
1682 shall be allocated to an Executive Direction and Support
1683 Services budget entity in the Expenses appropriation category.

1684 Section 31. A Data Center Administration budget entity is
1685 created within the Agency for State Technology. Appropriations
1686 to the Data Center Administration budget entity shall reflect
1687 the indirect data center costs allocated to customer agencies.

1688 Section 32. For the 2014-2015 fiscal year, the Northwood
1689 Shared Resource Center budget entity is created within the
1690 Agency for State Technology. Effective July 1, 2014, the

1691 appropriations provided for the Northwood Shared Resource Center
 1692 in the General Appropriations Act for the 2014-2015 fiscal year
 1693 shall be transferred to the Northwood Shared Resource Center
 1694 budget entity within the Agency for State Technology.

1695 Section 33. For the 2014-2015 fiscal year, the Southwood
 1696 Shared Resource Center budget entity is created within the
 1697 Agency for State Technology. Effective July 1, 2014, the
 1698 appropriations provided for the Southwood Shared Resource Center
 1699 in the General Appropriations Act for the 2014-2015 fiscal year
 1700 shall be transferred to the Southwood Shared Resource Center
 1701 budget entity within the Agency for State Technology.

1702 Section 34. (1) For the 2014-2015 fiscal year, the sums
 1703 of \$144,870 in recurring funds and \$7,546 in nonrecurring funds
 1704 are appropriated from the General Revenue Fund to the Department
 1705 of Law Enforcement, and 2 full-time equivalent positions and
 1706 associated salary rate of 93,120 are authorized, for the purpose
 1707 of implementing the sections of this act related to cybercrime
 1708 capacity and capability.

1709 (2) (a) The recurring general revenue funds shall be
 1710 allocated to Provide Investigative Services, budget entity
 1711 #71600200, in specific appropriation categories: \$131,660 in
 1712 Salaries and Benefits, \$12,522 in Expenses, and \$688 in Transfer
 1713 to Department of Management Services/Statewide Human Resources
 1714 Contract.

1715 (b) The nonrecurring general revenue funds of \$7,546 shall
 1716 be allocated to Provide Investigative Services, budget entity


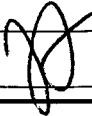
1717 #71600200, in the Expenses appropriation category.

1718 Section 35. Beginning with the 2015-2016 fiscal year, the
 1719 State Data Center budget entity is created within the Agency for
 1720 State Technology. Appropriations to the State Data Center budget
 1721 entity shall reflect the direct data center costs allocated to
 1722 customer agencies.

1723 Section 36. Except as otherwise expressly provided in this
 1724 act and except for this section, which shall take effect upon
 1725 this act becoming a law, this act shall take effect July 1,
 1726 2014.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 113 Discretionary Sales Surtaxes
SPONSOR(S): Education Committee, Fresen and others
TIED BILLS: IDEN./SIM. BILLS: SB 66

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Finance & Tax Subcommittee	13 Y, 4 N	Flieger	Langston
2) Education Committee	17 Y, 1 N, As CS	Thomas	Mizereck
3) Appropriations Committee		Heflin 	Leznoff 

SUMMARY ANALYSIS

The bill creates a ninth discretionary sales and use surtax in s. 212.055, F.S. This newly created "Higher Education Surtax" allows a county as defined in s. 125.011(1), F.S., to levy a surtax of up to 0.5 percent for the benefit of a Florida College System institution and a state university as defined by s. 1000.21, F.S., which is located within that county. To levy the surtax, a qualifying county must approve an ordinance via referendum subject to current law notification and ballot requirements.

Permissible uses of tax proceeds include, but are not limited to, expansion of academic and workforce training programs, teaching enhancements, and various types of fixed capital outlay.

The expense of holding the referendum, which may be held in a special election, may not be paid using student fees or state funding. The referendum must be paid only through funds received from private donors or with college auxiliary funds.

Should the referendum be successful, the surtax is authorized for 5 years. The funds raised by the surtax will be subject to oversight by a seven member board created by the bill.

The bill requires that 90 percent of the proceeds from the surtax be transferred to a Florida Prime account to be managed by the State Board of Administration (SBA) and used for the operation, maintenance, and administration of the Florida College System institution within that county and 10 percent of the proceeds from the surtax be transferred to a Florida Prime account to be managed by the SBA and used for the operation, maintenance, land acquisition, and administration of the state university within that county.

Currently, Miami-Dade is the only county in Florida whose charter satisfies the definition in s. 125.011(1), F.S. The only Florida College System institution and state university located within Miami-Dade County are Miami-Dade College and Florida International University, respectively. The bill prohibits any reduction in the annual apportionment of state funds allocated to support a Florida College System institution or a state university as a result of having received funds from a Higher Education Surtax.

The impact of the bill is indeterminate because it requires future county governing board action and voter approval. The bill has not been evaluated by the Revenue Estimating Conference. Finance and Tax subcommittee staff estimate that, should it be approved, a 0.5 percent surtax in Miami-Dade County could raise \$224M in annual revenue.

The bill takes effect upon becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Section 212.055, F.S., authorizes counties to impose eight local discretionary sales surtaxes on all transactions occurring in the county subject to the state tax imposed on sales, use, services, rental, admissions, and other transactions by ch. 212, F.S., and on communications services as defined in ch. 202, F.S.¹ The discretionary sales surtax is based on the rate in the county where the taxable goods or services are sold, or delivered into, and is levied in addition to the state sales and use tax of 6 percent. The surtax does not apply to sales price above \$5,000 on any item of tangible personal property. This \$5,000 cap does not apply to the sale of any service, rentals of real property, or transient rentals.

The eight discretionary sales surtaxes and their maximum rates are:

- Charter County and Regional Transportation System Surtax, 1 percent
- Emergency Fire Rescue Services and Facilities Surtax, 1 percent
- Local Government Infrastructure Surtax, 1 percent
- Small County Surtax, 1 percent
- Indigent Care and Trauma Center Surtax, 0.5 percent
- County Public Hospital Surtax, 0.5 percent
- School Capital Outlay Surtax, 0.5 percent
- Voter-Approved Indigent Care Surtax, 1 percent

Every county is eligible to levy the School Capital Outlay and Local Government Infrastructure Surtaxes, the others have varying requirements. Section 212.055, F.S., further provides caps on the combined rates. The maximum discretionary sales surtax that any county can levy depends upon the county's eligibility. Currently, the highest surtax imposed is 1.5 percent in several counties;² however, the theoretical maximum combined rate ranges between 2 percent and 3.5 percent, depending on the specifics of each individual county.³

Section 212.054, F.S., requires that any increase or decrease in a discretionary sales surtax must take effect on January 1.

Of the four discretionary sales surtaxes Miami-Dade may levy, the county currently levies a 0.5 percent Charter County and Regional Transportation Surtax and a 0.5 percent County Public Hospital Surtax.

Effect of the Proposed Changes

The bill creates a ninth discretionary surtax in s. 212.055, F.S. The "Higher Education Surtax" allows a county as defined in s. 125.011(1), F.S.,⁴ to levy a surtax of up to 0.5 percent for the benefit of a Florida College System institution and a state university as defined by s. 1000.21, F.S.,⁵ which is located within that county. Miami-Dade is the only county in Florida whose charter satisfies the definition in s.

¹ The tax rates, duration of the surtax, method of imposition, and proceed uses are individually specified in s. 212.055, F.S. General limitations, administration, and collection procedures are set forth in s. 212.054, F.S.

² See DOR Form DR-15 DSS, "Discretionary Sales Surtax Information", available at <http://dor.myflorida.com/dor/forms/2013/dr15dss.pdf> (last visited 1/31/2013).

³ See pg. 216-217 of the REC's 2013 Florida Tax Handbook, available at <http://edr.state.fl.us/Content/revenues/reports/tax-handbook/taxhandbook2013.pdf> (last visited 1/9/14)

⁴ A county "operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of the Constitution of 1885, as preserved by Art. VIII, s. 6(e) of the Constitution of 1968, which county, by resolution of its board of county commissioners, elects to exercise the powers herein conferred."

⁵ <http://data.fldoe.org/workforce/contacts/default.cfm?action=showList&ListID=52> (last accessed 1/9/14)

125.011(1), F.S., though Hillsborough and Monroe County are authorized to operate under such a charter. The qualifying institutions currently located within Miami-Dade are Miami-Dade College and Florida International University.

To levy the surtax, a qualifying county must approve an ordinance via referendum. The ordinance must set forth the permissible uses of the surtax proceeds, which may include, but are not limited to, expansion of academic and workforce training programs, teaching enhancements, and various types of fixed capital outlay. The expense of holding the referendum may not be paid using student fees or state funding; the referendum must be paid only through funds received from private donors or with college auxiliary funds. The surtax expires 5 years after enactment.

The bill provides that if the referendum is successful, a seven member oversight board (board) shall be established to meet at least quarterly to review and accept or amend expenditures of the proceeds of the surtax prepared by the board of trustees. Members will be appointed to 4 year terms and may be reappointed.

The board shall be composed of:

- One member appointed by the board of directors of the chamber of commerce of the county in which the institutions are located,
- One member of the board of directors of the chapter of the United Way in the county in which the institutions are located appointed by the board of directors of that chapter of the United Way,
- One member appointed by the board of trustees of the state university who may not be a member of the board of trustees of the state university,
- Two members appointed by the board of trustees of the Florida College System institution who may not be members of the board of trustees of the Florida College System institution, and
- Two members appointed by the chair of the county legislative delegation.

The board of trustees of each the Florida College System institution and state university must annually prepare plans that specify how each board of trustees intends to allocate and expend the funds for the institution's upcoming fiscal year and submit such plan to the oversight board for approval.

The bill requires that 90 percent of the proceeds from the surtax must be transferred to a Florida Prime account to be managed by the State Board of Administration (SBA) and used for the operation, maintenance, and administration of the Florida College System institution and 10 percent of the proceeds from the surtax must be transferred to a Florida Prime account to be managed by the SBA and used for the operation, maintenance, land acquisition for parcels that are contiguous with its main campus, and administration of the state university.

The bill prohibits any reduction in the annual apportionment of state funds allocated to support a Florida College System institution or a state university as a result of having received funds from a Higher Education Surtax.

B. SECTION DIRECTORY:

Section 1. Amends s. 212.055, F.S., creating a ninth discretionary surtax.

Section 2. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:
None.
2. Expenditures:
None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The impact of the bill is indeterminate because it requires future county governing board action and voter approval. The bill has not been evaluated by the Revenue Estimating Conference. Based on the estimated countywide distribution of a 1 percent surtax in the Office of Demographic Research 2013 Local Government Financial Information Handbook, Finance and Tax staff estimate that, should it be approved, a 0.5 percent surtax in Miami-Dade could raise \$224M in annual revenue.⁶

- #### 2. Expenditures:
- None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

If the surtax is approved, all individuals and businesses subject to sales and use tax in Miami-Dade County would experience an increase in taxes.

- ### D. FISCAL COMMENTS:
- None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require a city or county to expend funds or to take any action requiring the expenditure of funds.

The bill does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate.

This bill does not appear to reduce the percentage of state tax shared with counties or municipalities.

- #### 2. Other:
- None.

⁶ Office of Economic and Demographic Research, 2013 Local Government Financial Information Handbook, pg 163. Available at <http://edr.state.fl.us/Content/local-government/reports/lgfih13.pdf> (last accessed 1/9/14)

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 6, 2014, the Education Committee adopted one amendment and reported HB 113 favorably as a committee substitute. The amendment required the oversight board to meet at least quarterly, instead of annually.

This analysis is drafted to the committee substitute as passed by the Education Committee.

27 Section 1. Subsection (9) is added to section 212.055,
 28 Florida Statutes, to read:

29 212.055 Discretionary sales surtaxes; legislative intent;
 30 authorization and use of proceeds.—It is the legislative intent
 31 that any authorization for imposition of a discretionary sales
 32 surtax shall be published in the Florida Statutes as a
 33 subsection of this section, irrespective of the duration of the
 34 levy. Each enactment shall specify the types of counties
 35 authorized to levy; the rate or rates which may be imposed; the
 36 maximum length of time the surtax may be imposed, if any; the
 37 procedure which must be followed to secure voter approval, if
 38 required; the purpose for which the proceeds may be expended;
 39 and such other requirements as the Legislature may provide.
 40 Taxable transactions and administrative procedures shall be as
 41 provided in s. 212.054.

42 (9) HIGHER EDUCATION SURTAX.—A county as defined in s.
 43 125.011(1), pursuant to an ordinance that is conditioned to take
 44 effect only upon approval by a majority vote of the electors of
 45 the county voting in a referendum, may levy a surtax of up to
 46 0.5 percent for the benefit of a Florida College System
 47 institution and a state university as defined in s. 1000.21
 48 located in the county.

49 (a) The ordinance must set forth a plan for using the
 50 surtax proceeds for the benefit of the Florida College System
 51 institution and the state university by each of the
 52 institutions' boards of trustees. Such plans must provide for

53 the permissible uses of the surtax proceeds, including, but not
 54 limited to, the maintenance, improvement, and expansion of
 55 academic and workforce training programs; teaching enhancements;
 56 capital expenditures and infrastructure projects; fixed capital
 57 costs associated with the construction, reconstruction,
 58 renovation, maintenance, or improvement of facilities and
 59 campuses that have a useful life expectancy of at least 5 years;
 60 deferred maintenance; land improvement, design, and engineering
 61 costs related thereto; and the expansion and enhancement of
 62 facilities at all institution sites within the county. The
 63 proceeds from the surtax may be used by a state university for
 64 land acquisition for parcels that are contiguous with its
 65 existing main campus. The proceeds of the surtax must be set
 66 aside and invested as permitted by law, with the principal and
 67 income to be used for the purposes listed in this subsection as
 68 administered by the board of trustees.

69 (b) The expense of holding the referendum may not be paid
 70 with student fees or moneys that the institution receives from
 71 the state, but shall be paid only with funds received from
 72 private sources or with college auxiliary funds. The county must
 73 provide at least 30 days' notice of the election as provided
 74 under s. 100.342.

75 (c) The referendum providing for the imposition of the
 76 surtax shall include a statement that provides a brief and
 77 general description of the purposes for which the proceeds of
 78 the surtax may be used, conform to the requirements of s.

79 101.161, and be placed on the ballot by the governing body of
80 the county. The following question shall be placed on the
81 ballot:

82
83 FOR THE. . . .CENTS TAX
84 AGAINST THE. . . .CENTS TAX
85

86 (d) Upon approval of the referendum, 90 percent of the
87 proceeds from the surtax must be transferred by the department
88 into a Florida Prime account managed by the State Board of
89 Administration and used only for the operation, maintenance, and
90 administration of the Florida College System institution within
91 that county and 10 percent of the proceeds from the surtax must
92 be transferred by the Department of Revenue into a Florida Prime
93 account managed by the State Board of Administration and used
94 only for the operation, maintenance, land acquisition, and
95 administration of the state university.

96 (e) Upon approval of the referendum, an oversight board
97 shall be established to review and accept or amend expenditures
98 of the proceeds of the surtax and to review the plan prepared by
99 the boards of trustees pursuant to paragraph (f). The oversight
100 board shall meet at least quarterly.

101 1. The board shall be composed of seven members who are
102 residents of the county and appointed as follows:

103 a. One member appointed by the board of directors of the
104 chamber of commerce of the county in which the institutions are

105 located.

106 b. One member of the board of directors of the chapter of
 107 the United Way in the county in which the institutions are
 108 located appointed by the board of directors of that chapter of
 109 the United Way.

110 c. One member appointed by the board of trustees of the
 111 state university who may not be a member of the board of
 112 trustees of the state university.

113 d. Two members appointed by the board of trustees of the
 114 Florida College System institution who may not be members of the
 115 board of trustees of the Florida College System institution.

116 e. Two members appointed by the chair of the county
 117 legislative delegation.

118 2. Initial appointments to the oversight board shall be
 119 made by the respective entities within 60 days after the passage
 120 of the referendum. Each member shall be appointed for a 4-year
 121 term and may be reappointed. A vacancy on the board shall be
 122 filled for the unexpired portion of the term in the same manner
 123 as the original appointment.

124 (f) Consistent with the purposes set forth in the plan
 125 included in the ordinance under paragraph (a), the board of
 126 trustees of the Florida College System institution and the board
 127 of trustees of the state university shall annually prepare plans
 128 that specify how each board of trustees intends to allocate and
 129 expend the funds for the institutions' upcoming fiscal year and
 130 submit such plans to the oversight board for approval.

CS/HB 113

2014


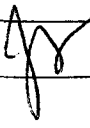
131 (g) The annual apportionment of state funds for the
132 support of a state university and a Florida College System
133 institution allocated under general law may not be reduced
134 because the institutions have received funds pursuant to a sales
135 surtax levied under this subsection.

136 (h) A surtax imposed under this subsection expires 5 years
137 after the effective date of the surtax.

138 Section 2. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 173 Juvenile Justice Education Programs
SPONSOR(S): Choice & Innovation Subcommittee and Adkins
TIED BILLS: IDEN./SIM. **BILLS:** SB 598

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee	11 Y, 0 N, As CS	Thomas	Fudge
2) Appropriations Committee		Lloyd 	Leznoff 
3) Education Committee			

SUMMARY ANALYSIS

The bill makes changes to the provisions of law that govern the accountability, deliverance, and review of juvenile justice education programs that provide educational services to students within the Department of Juvenile Justice (DJJ).

The bill revises the accountability of juvenile justice education programs by:

- Requiring cost and effectiveness information on programs and program activities be provided in order to compare, improve, or eliminate a program or program activity.
- Requiring program and program activity cost and effectiveness data be provided to the Legislature and the public.
- Implementing an accountability system to meet client needs.
- Requiring the Department of Education (DOE) in partnership with DJJ to develop a comprehensive accountability and school improvement process.
- Requiring DOE in collaboration with DJJ to monitor and report on the educational performance of students in commitment, day treatment, prevention, and detention programs.
- Requiring DOE in consultation with DJJ, district school boards, and providers to adopt rules for objective and measurable student performance measures and program performance ratings for the delivery of educational services by prevention, day treatment, and residential programs.
- Requiring DJJ in consultation with DOE to publish by March 1 of each year a report on program costs and effectiveness, educational performance of students, and recommendations for modification or elimination of programs or program activities.
- Requiring DOE in partnership with DJJ, the district school, and providers to:
 - Develop and implement requirements for contracts and cooperative agreements regarding the delivery of appropriate education services to students in DJJ programs.
 - Maintain standardized procedures for securing student records.

The bill revises provisions related to juvenile justice programs by:

- Requiring school districts and juvenile justice education providers, in collaboration with others to develop an individualized transition plan during a student's stay at a program.
- Requiring the State Board of Education to adopt rules for student assessment that determine the areas of academic need and strategies for appropriate intervention and instruction for students in detention facilities and requires a research-based assessment be administered that will assist students in determining educational and career options and goals.
- Requiring DOE and DJJ to provide oversight and guidance on how to implement effective educational transition planning and services.
- Requiring prevention and day treatment programs to provide career readiness and exploration opportunities as well as truancy and dropout prevention intervention services.
- Requiring the multiagency plan for career education to eliminate barriers to education and address virtual education.

The workload related to new or revised reporting requirements can be absorbed with existing resources. The bill codifies what is current practice for DJJ, DOE and school districts. The bill does not appear to have a fiscal impact. (See FISCAL COMMENTS).

The bill provides an effective date of July 1, 2014.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0173b.APC.DOCX

DATE: 2/11/2014

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Department of Juvenile Justice (DJJ)

The Department of Juvenile Justice's mission is to increase public safety by reducing juvenile delinquency through effective prevention, intervention, and treatment services that strengthen families and turn around the lives of troubled youth.¹ DJJ oversees at-risk and adjudicated youth in four service areas: prevention and victim services, probation and community intervention services, residential services, and detention services.² During the 2011-12 school year, juvenile justice education programs served more than 32,000 students.³

- Prevention and Victim Services - Prevention and Victim Services offers voluntary youth crime prevention programs throughout the state of Florida. The mission is to increase public safety by reducing juvenile delinquency through effective prevention, intervention, and treatment services that strengthen families and turn around the lives of troubled youth.⁴
- Probation and Community Intervention Services (Non-residential) - Non-residential services provide intervention and case management services to youth on diversion, probation, and post commitment supervision. These youth remain at home and participate in at least 5 days per week in a day treatment program.⁵
- Residential Services - Residential services ensure graduated sanctions for serious, violent and chronic offenders; address special mental health and substance abuse needs of offenders; and enhance their education in residential commitment programs. Juveniles who are adjudicated by the court can be committed to residential programs classified as low, moderate, high or maximum risk.⁶
- Detention Services - Detention is the custody status for youth who are held pursuant to a court order; or following arrest for a violation of the law. A youth may be detained only when specific statutory criteria, outlined in s. 985.215, F.S. are met. Criteria for detention include current offenses, prior history, legal status, and any aggravating or mitigating factors.⁷

Multiagency Plan for Career Education

Present Situation

Current law requires DJJ and DOE, in consultation with the statewide Workforce Development Youth Council, school districts, providers, and others, to develop a multiagency plan (plan) for vocational education in commitment facilities.⁸ The plan must include:

¹ Florida Department of Juvenile Justice, available at, <http://www.djj.state.fl.us/about-us/mission> (last visited Dec. 16, 2013).

² Office of Program Policy Analysis and Government Accountability, Government Program Summaries – Department of Juvenile Justice, available at http://www.oppaga.state.fl.us/government/s_agency.asp.

³ Florida Department of Juvenile Justice, Comprehensive Accountability Report 2011-2012, 2, available at <http://www.djj.state.fl.us/research/reports/car>.

⁴ Florida Department of Juvenile Justice, Prevention & Victim Services, available at <http://www.djj.state.fl.us/services/prevention> (last visited Dec. 16, 2013).

⁵ Florida Department of Juvenile Justice, <http://www.djj.state.fl.us/Residential/restrictiveness.html> (last visited Dec. 16, 2013).

⁶ Office of Program Policy Analysis and Government Accountability, Government Program Summaries – Department of Juvenile Justice Residential Services, available at <http://www.oppaga.state.fl.us/profiles/1001>.

⁷ Florida Department of Juvenile Justice, available at, <http://www.djj.state.fl.us/services/detention> (last visited Dec. 16, 2013).

⁸ Section 985.622(1), F.S.

- Provisions for maximizing appropriate state and federal funding sources, responsibilities of both departments and all other appropriate entities and detailed implementation schedules.⁹
- A definition of vocational programming that is appropriate based upon the age and assessed educational abilities and goals of the youth to be served and the typical length of stay and custody characteristics at the commitment program to which each youth is assigned.¹⁰
- A definition of vocational programming that includes the classifications of commitment facilities that will offer vocational programming by one of the following types:
 - Type A - Programs that teach personal accountability skills and behavior that is appropriate for youth in all age groups and ability levels and that lead to work habits that help maintain employment and living standards.
 - Type B - Programs that include Type A program content and an orientation to the broad scope of career choices, based upon personal abilities, aptitudes and interest.
 - Type C - Programs that include Type A program content and the vocational competencies or the prerequisites needed for entry into a specific occupation.¹¹

In October 2010, the Office of Program Policy Analysis and Government Accountability (OPPAGA) issued a report that identified several shortcomings of the plan. According to OPPAGA, the plan lacked goals and implementation strategies for increasing the percentage of youth receiving occupation-specific job training. Also, the plan did not address the barriers that juvenile justice students face in attaining a general educational development (GED) diploma.¹² OPPAGA found that many juvenile justice programs emphasized academic instruction rather than GED preparation and job training. OPPAGA recommended that the Legislature amend s. 985.622, F.S., to address the shortcomings found in the plan.

Effect of Proposed Changes

The bill expands the requirement of the plan to address all educational programs not just those in commitment facilities. The plan must be reviewed annually and revised as appropriate. The plan must also:

- Include provisions for eliminating barriers to increasing occupation-specific job training and high school equivalency examination preparation opportunities.
- Evaluate the effect that students' mobility between juvenile justice education programs and school districts has on the students' educational outcomes and whether the continuity of the students' education can be better addressed through virtual education.

The bill revises implementation dates for DOE and DJJ to align respective agency reporting documents to the revised plan for career education.

Educational Services in Department of Juvenile Justice Programs

Present Situation

Current law sets forth how educational services must be provided in DJJ programs and establishes the educational expectations for youth in such programs.¹³ DOE is the lead agency for juvenile justice education programs, curriculum, support services, and resources; however, district school boards are responsible for actually providing educational services to youth in juvenile justice programs.¹⁴

⁹ Section 985.622(1)(a)(c), F.S.

¹⁰ Section 985.622(2), F.S.

¹¹ Section 985.622(3), F.S.

¹² Office of Program Policy Analysis and Government Accountability, *Juvenile Justice Students Face Barriers to High School Graduation and Job Training*, Report No. 10-55, at 9 available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1055rpt.pdf>

¹³ Section 1003.52, F.S.

¹⁴ Sections 1003.52(1), (3), and (4), F.S.

Educational services consist of basic academic, career, or exceptional curricula that support treatment goals and reentry, and that may lead to the completion of a high school diploma or its equivalent.¹⁵ These services can be provided by the district school board itself or by a private provider through a contract with the district school board.¹⁶ However, school districts remain responsible for the quality of education provided in residential and day treatment juvenile justice facilities regardless of whether the school district provides those services directly or through a contractor.¹⁷

Annually, DJJ and DOE must develop a cooperative agreement and plan for juvenile justice education service enhancement, which must be submitted to the Secretary of the Department of Juvenile Justice and the Commissioner of Education.¹⁸

Each district school board must negotiate a cooperative agreement with DJJ regarding the delivery of educational programming to youth in the juvenile justice system. These agreements must include provisions that address certain issues, such as:

- Curriculum and delivery of instruction;
- Classroom management procedures and attendance policies;
- Procedures for provision of qualified instructional personnel;
- Improving skills in teaching and working with juvenile delinquents;
- Transition plans for students moving into and out of juvenile facilities; and
- Strategies for correcting any deficiencies found through the quality assurance process.¹⁹

DOE and DJJ must each designate a coordinator to resolve issues not addressed by the district school boards and to provide each department's participation in:

- Training, collaborating, and coordinating with DJJ, district school boards, educational contract providers, and juvenile justice providers, whether state-operated or contracted;
- Collecting and reporting information on the academic performance of students in juvenile justice programs;
- Developing academic and career protocols that provide guidance to district school boards and providers in educational programming; and
- Prescribing the roles of program personnel and school district or provider collaboration strategies.²⁰

Effect of Proposed Changes

The bill revises the responsibilities of DOE and DJJ designated coordinators to include:

- Training, collaboration, and coordinating with local workforce boards and youth councils.
- Collecting information on the career education and transition performance of students in juvenile justice programs and reporting the results.
- Implementing a joint accountability, program performance, and program improvement process.

¹⁵ Section 1003.52(5), F.S.

¹⁶ Section 1003.52(11), F.S.

¹⁷ Office of Program Policy Analysis and Government Accountability, *Youth Entering the State's Juvenile Justice Programs Have Substantial Educational Deficits; Available Data Is Insufficient to Assess Learning Gains of Students*, Report No. 10-07 (2010), available at, <http://www.oppaga.state.fl.us/Summary.aspx?reportNum=10-07> (last visited Dec. 16, 2013).

¹⁸ Section 1003.52 (1), F.S.

¹⁹ Section 1003.52(13), F.S.

²⁰ Section 1003.52(1), F.S.

The bill also:

- Requires prevention and day treatment juvenile justice education programs, at a minimum, to provide career readiness and exploration opportunities as well as truancy and dropout prevention intervention services.
- Requires residential juvenile justice education programs with a contracted minimum length of stay of 9 months to provide career education courses that lead to preapprentice certifications, industry certifications, occupational completion points, or work-related certifications.
- Allows residential programs with contract lengths of stay of less than 9 months to provide career education courses that lead to preapprentice certifications, industry certifications, and occupational completion points, or work related certifications.

The bill refines the educational component of programs with a duration of less than 40 days to include:

- tutorial remediation activities,
- career employability skills instruction,
- education counseling, and
- transition services that prepare students for a return to school, the community, and their home setting based on the students' needs.

The bill requires educational programs to provide instruction based on each student's individualized transition plan, assessed educational needs, and the educational programs available in the school district in which the student will return. Depending on the student's needs, educational programming may consist of remedial courses, academic courses required for grade advancement, career education courses, and high school equivalency examination preparation, or exceptional student education curricula and related services which support the transition goals and reentry and which may lead to completion of the requirements for receipt of a high school diploma or its equivalent.

The bill requires that the DJJ and DOE annual cooperative agreement and plan for juvenile justice education service enhancement include each agency's role regarding educational program accountability, technical assistance, training, and coordination of service.

Accountability and Reporting

Present Situation

The Department of Education and the Department of Juvenile Justice, after consulting with the district school boards and local providers, must report annually to the Legislature on the progress toward developing effective educational programs for youth in the juvenile justice system. This report must include the results of the quality assessment reviews, including recommendations for system improvement.²¹ In its annual report to the Legislature, *Developing Effective Education in Department of Juvenile Justice and other Dropout Prevention Programs*, DOE made several recommendations to address educational accountability and improvement such as:

- Continue to develop a juvenile justice education accountability system for programs and explore a process in which high-performing programs are recognized and low-performing programs receive assistance.
- Develop a customized school improvement plan template for programs.
- Continue to support improvement in transition services for youth in juvenile justice education through the maintenance of an accurate statewide transition contact list.

²¹ Section 1003.52(19), F.S.

- Provide additional training and support to programs to improve their efforts with the Basic Achievement Skills Inventory administration, data reporting, and data interpretation.
- Continue to identify effective program practices and resources for students in need of academic remediation and credit recovery.
- Continue to identify academic curriculum, resources, and instructional practices related to high academic achievement for all students while incarcerated.
- Continue to collaborate efforts among DOE, DJJ, school districts, and private providers to ensure appropriate and effective education for youth in juvenile justice programs.²²

In 2010, OPPAGA issued a report examining educational services provided to youth in DJJ residential and day treatment programs. OPPAGA found that most students entering juvenile justice programs were older, academically behind their peers, and were likely to have had attendance problems at school. OPPAGA found that DOE had not collected sufficient information to assess the learning gains (or lack thereof) of students in juvenile justice programs. Only 48 of the 141 programs (34%) reported complete information for at least half of their students. For those programs that did report data, the nature of the assessment instrument made it difficult to determine whether students were making appropriate educational progress. OPPAGA recommended that the Legislature amend s. 1003.52(3)(b), F.S., to require that DOE make annual status reports to the Legislature on the learning gains of students in juvenile justice facilities and the steps it has taken to ensure the completeness and reliability of juvenile justice student performance data.²³

The Department of Juvenile Justice is required to annually collect and report cost data for every program state-operated or contracted by the department. DJJ is responsible for accurate cost accounting for state-operated services including market-equivalent rent and other shared cost. The cost of the educational program provided to a residential facility must be reported and included in the cost of a program. The cost-benefit analysis for each educational program will be developed and implemented in collaboration with the Department of Education, local providers, and local school districts. Cost data for the report must include data collected by DOE for the purpose of preparing the annual report required pursuant to s. 1003.52(19), F.S., relating to developing effective educational progress for juvenile delinquents.²⁴

DOE in consultation with DJJ, district school boards and providers must establish objective and measurable quality assurance standards for the educational components of residential and nonresidential juvenile justice facilities.²⁵ The quality assurance standards and indicators are revised annually for juvenile justice education programs, based on new statutory and regulatory requirements, best practices research, and input from school districts and educational providers.²⁶ These standards must rate the district school boards' performance both as a provider and contractor.²⁷

Effect of Proposed Changes

The bill requires DOE to establish and operate, either directly or indirectly through a contract, a mechanism to provide accountability measures that annually assess and evaluate all juvenile justice education program using student performance data and program performance ratings by type of program.

²² Florida Department of Education, *Developing Effective Education in Department of Juvenile Justice and other Dropout Prevention Programs*, Annual Report 2009-2010, at 13 (2011), available at http://www.fldoe.org/ese/pdf/jj_annual.pdf

²³ Office of Program Policy Analysis and Government Accountability, *Youth Entering the State's Juvenile Justice Program Have Substantial Educational Deficits; Available Data is Insufficient to Assess Learning Gains of Students*, Report No. 10-07, at 8 (Jan. 2010), available at www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1007rpt.pdf.

²⁴ Section 985.632, F.S.

²⁵ Section 1003.52(15)(a), F.S.

²⁶ Florida Department of Education, *Developing Effective Education in Department of Juvenile Justice and other Dropout Prevention Programs*, Annual Report 2009-2010 (2011), available at www.fldoe.org/ese/pdf/jj_annual.pdf.

²⁷ Section 1003.52(15)(a), F.S.

DOE, in partnership with DJJ, must develop a comprehensive accountability and program improvement process. The accountability and program improvement process must be based on student performance measures by type of program and must rate education program performance. The accountability system must identify and recognize high-performing education programs.

DOE, in partnership with DJJ, must identify low-performing programs. Low-performing education programs must receive an onsite program evaluation from DJJ. Identification of education programs needing school improvement, technical assistance, or reassignment of the program must be based, in part on the results of the program evaluation. Through a corrective action process, low-performing programs must demonstrate improvement or the program must be reassigned to the district or another provider.

DJJ must:

- Provide cost and effectiveness information on programs and program activities in order to compare, improve, or eliminate a program or program activity if necessary.
- Provide program and program activity cost and effectiveness data to the Legislature in order for resources to be allocated for achieving desired performance outcomes.
- Provide information to the public concerning program and program activity cost and effectiveness.
- Implement a system of accountability in order to provide the best and most appropriate program and activities to meet client needs.
- Continue to improve service delivery.

DJJ, in consultation with DOE, must publish by March 1 of each year a report on program costs and effectiveness. The report must include uniform cost data for each program operated by DJJ and by providers under contract with DJJ. DOE is required to provide cost data on each education program operated by a school district or a provider under contract with a school district. The report must also include data on student learning gains, as provided by DOE, for all juvenile justice education programs; educational performance information, developing effective education programs, cost-effectiveness, and recommendations for modification or elimination of programs or program activities.

DOE, in consultation with DJJ, district school boards, and providers must establish by rule:

- Objective and measurable student performance measures to evaluate a student's educational progress while participating in a prevention, day treatment, or residential program. The student performance measures must be based on appropriate outcomes for all students in juvenile justice programs, taking into consideration the student's length of stay in the program. Performance measures must include outcomes that relate to student achievement of career education goals, acquisition of employability skills, receipt of a high school diploma, grade advancement, and learning gains.
- A performance rating system to be used by DOE to evaluate the delivery of educational services within each of the juvenile justice education programs. The performance rating system must be primarily based upon data regarding student performance as described above.
- The timeframes, procedures, and resources to be used to improve a low-rated educational program or to terminate or reassign the program.

The bill requires that education program performance results, including the identification of high and low-performing programs and aggregated student performance results be included in DOE and DJJ annual report on the progress toward developing effective educational programs.

DOE in collaboration with DJJ must monitor and report on the educational performance of students in commitment, day treatment, prevention, and detention programs. The report must include, at a minimum, the number and percentage of students:

- Returning to an alternative school, middle school, or high school upon release and the attendance rate of such students before and after participation in juvenile justice education programs.
- Receiving a standard high school diploma or high school equivalency diploma.
- Receiving industry certification.
- Receiving occupational completion points.
- Enrolling in a postsecondary educational institution
- Completing a juvenile justice education program without reoffending
- Reoffending within 1 year after completing a day treatment or residential commitment program.
- Remaining employed 1 year after completion of a day treatment or residential commitment program.

The results of the educational performance report must be included in the program costs and effectiveness report.

Transition Plan and Reentry Plan

Present Situation

Currently an individual transition plan is developed for each student entering a DJJ commitment, day treatment, early delinquency intervention, or detention program.²⁸ The transition plan is based on the student's post-placement goals that are developed cooperatively with the student, his/her parents, school district and or contracted provider personnel, and DJJ program staff. Re-entry counselors, probation officers, and personnel from the student's "home" school district shall be involved in the transition planning to the extent practicable. The transition plan also includes a student's academic record including each course completed by the student according to procedures in the State Course Code Directory, career re-entry goals maintained by the school district, and recommended educational placement. An exit plan is also conducted for each student. A copy of the academic records, student assessment, individual academic plan, work and project samples, and the transition plan is included in the discharge packet when the student exits a DJJ facility.²⁹

Effect of Proposed Changes

The bill requires a transition plan to include, at a minimum:

- Services and interventions that address the student's assessed educational needs and postrelease education plans.
- Services to be provided during the program stay and services to be implemented upon release, including but not limited to, continuing education in secondary, career and technical programs, postsecondary education, or employment, based on the student's needs.
- Specific monitoring responsibilities to determine whether the individualized transition plan is being implemented and the student is provided access to support services that will sustain the student's success, that must be coordinated by individuals who are responsible for reintegration and coordination of these activities.

DOE and DJJ must provide oversight and guidance to school districts, education providers, and reentry personnel on how to implement effective educational transition planning and services. The bill also requires upon a student's return from a program, school districts to consider the individual needs and circumstances of the student and the transition plan recommendations when reenrolling a student in a public school. A local school district may not maintain a standardized policy for all students returning from a juvenile justice program, but place students based on their needs and their performance in the program.

²⁸ Section 1003.52(13)(i), F.S.; rule 6A-6.05281, F.A.C.

²⁹ Email, Florida Department of Education, Governmental Relation Office (Dec. 17, 2013).

The bill requires that representatives from the school district and One Stop Center, where the student will return, participate as members of the local Department of Juvenile Justice reentry team.

Teachers in Juvenile Justice Programs

Present Situation

District school boards must recruit and train teachers who are interested, qualified, or experienced in educating students in juvenile justice programs. Students in juvenile justice programs must be provided a wide range of educational programs and opportunities including textbooks, technology, instructional support, and other resources available to students in public schools. Teachers assigned to educational programs in juvenile justice settings in which the district school board operates the educational program must be selected by the district school board in consultation with the director of the juvenile justice facility. Educational programs in juvenile justice facilities must have access to the substitute teacher pool utilized by the district school board.³⁰

Effect of Proposed Changes

State Board of Education (SBE) rules for qualification of instructional staff must include career education instructors, standardized across the state, and be based on state certification, local school district approval, and industry recognized credentials or industry training. The bill also requires the establishment of procedures for the use of noncertified instructional personnel who possess expert knowledge or experience in their fields of instruction.

The bill also allows the Secretary of the Department of Juvenile Justice or the director of a juvenile justice program to request that the performance of a teacher assigned by the district to a juvenile justice education program be reviewed by the district and that the teacher be reassigned based upon an evaluation conducted pursuant to s. 1012.34, F.S., or for inappropriate behavior.

Public Educational Services – District School Boards

The bill clarifies the responsibilities of district school boards to include:

- Notifying students in juvenile justice education program who attain the age of 16 years of the law regarding compulsory school attendance and make available the option of enrolling in a program to attain a high school diploma by taking the high school equivalency exam before release from the program.
- Responding to request for student education records received from another district school board or a juvenile justice education program within 5 working days after receiving the request.
- Providing access to courses offered through Florida Virtual School, virtual instruction programs, and school district virtual courses. School districts and providers may enter into cooperative agreements for the provision of curriculum associated with school district virtual courses to enable providers to offer such courses.
- Completing the assessment process.
- Monitoring compliance with contracts for education programs for students in juvenile justice prevention, day treatment, residential, and detention programs.

The bill requires DOE in partnership with DJJ, the district school, and providers to:

- Develop and implement requirements for contracts and cooperative agreements regarding the delivery of appropriate education services to students in DJJ programs.

³⁰ Section 1003.52(10), F.S.

- Maintain standardized procedures for securing the student's records. The records must include, but not be limited to the student's individualized progress monitoring plan and individualized transition plan.

The bill also requires DOE to assist juvenile justice programs with becoming high school equivalency examination centers.

Juvenile Justice Common Student Assessment

Present Situation

DOE with the assistance of school districts, must select a common student assessment instrument and protocol for measuring student learning gains and student progression while a student is in a juvenile justice education program.³¹ The test is administered as a pre-test within 10 school days after a student enters a juvenile justice program and again as a post-test when a student who was in the program for at least 45 school days leaves the program.³² In February, 2012, DOE awarded WIN Learning a contract to administer the Florida Ready to Work assessment as the common assessment for reading and math in DJJ education programs.³³ According to DOE, only students in residential and day treatment programs are administered the common assessment.³⁴

Effect of Proposed Changes

The bill requires SBE to adopt rules for student assessment that determine the areas of academic need and strategies for appropriate intervention and instruction for students in detention facilities within 5 school days after entry; and administer a research-based assessment that will assist students in determining educational and career options and goals within 22 school days of entry. The bill also requires SBE to adopt rules for assessment procedures for prevention programs.

B. SECTION DIRECTORY:

Section 1. Amends s. 985.622, F.S., revising requirements for the multiagency education plan for students in juvenile justice education programs including virtual education as an option.

Section 2. Amends s. 985.632, F.S., requiring the Department of Juvenile Justice to provide cost and effectiveness information for program and program activities to the Legislature and the public; deleting legislative intent language; requiring implementation of an accountability system to ensure client needs are met; requiring the Department of Juvenile Justice and Department of Education to submit an annual report including data on program costs and effectiveness and student achievement and recommendations for elimination or modification of programs.

Section 3. Amends s. 1001.31, F.S., authorizing instructional personnel at all juvenile justice facilities to access specific student records at the district.

Section 4. Amends s. 1003.51, F.S., revising terminology; revising requirements for rules to be maintained by the State Board of Education; providing expectations for effective education programs for students in Department of Juvenile Justice programs; revising requirements for contract and cooperative agreements for the delivery of appropriate education services to students in Department of Juvenile Justice programs; requiring the Department of Education to ensure that juvenile justice students who are eligible have access to high school equivalency testing and assist juvenile justice education programs with becoming high school equivalency testing centers; revising requirements for

³¹ Section 1003.52(3)(b), F.S.

³² Email, Florida Department of Education, Governmental Relation Office (Dec. 17, 2013).

³³ Email, Florida Department of Education, Bureau of Exceptional Education and Services (Feb. 10, 2012).

³⁴ Email, Florida Department of Education, Governmental Relation Office (Dec. 17, 2013).

an accountability system for all juvenile justice education programs; revising requirements of district school boards.

Section 5. Amends s. 1003.52, F.S., revising requirements for activities to be coordinated by the coordinators for juvenile justice education programs; authorizing contracting for educational assessments; revising requirements for assessments; authorizing access to local virtual education courses; requiring that an educational program be based on each student's transition plan and assessed educational needs; providing requirements for prevention and day treatment juvenile justice education programs; requiring progress monitoring plans for all students not classified as exceptional student education students; revising requirements for such plans; requiring that the Department of Education, in partnership the Department of Juvenile Justice, ensure that school districts and juvenile justice education providers develop individualized transition plans; providing requirements for such plans; providing that the Secretary of the Department of Juvenile Justice or the director of a juvenile justice program may request that a school district teacher's performance be reviewed by the district and that the teacher be reassigned in certain circumstances; requiring the Department of Education to establish by rule objective and measurable student performance measures and program performance rating; providing requirements for such ratings; requiring a comprehensive accountability and program improvement process; providing requirements for such a process; deleting provisions for minimum thresholds for the standards and key indicators for educational programs in juvenile justice facilities; deleting a requirement for an annual report; requiring data collection; deleting provisions concerning the Arthur Dozier School for boys; requiring rulemaking.

Section 6. Amends s. 1001.42, F.S., revising terminology; revising a cross-reference.

Section 7. Provides an effective date of July 1, 2014.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on state expenditures. The workload related to new or revised reporting requirements can be absorbed with existing resources. The bill codifies what is current practice for DJJ, DOE and school districts.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a fiscal impact on DJJ providers or any other private sector entity.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require a city or county to expend funds or to take any action requiring the expenditure of funds.

The bill does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate.

This bill does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires SBE to implement rules relating to educational services in DJJ programs.

The bill revises the rulemaking requirements of the Department of Education. The bill requires DOE to adopt rules for objective and measurable student performance measures and program performance ratings for the delivery of educational services by prevention, day treatment, and residential programs.

The bill requires that SBE rules relating to qualifications of instructional staff include career education instructors, standardized across the state, and based on state certification, local school district approval, and industry recognized credentials or industry training.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 9, 2014, the Choice & Innovation Subcommittee reported HB 173 favorably as a committee substitute. There were two amendments to the bill that:

- Required SBE to adopt rules for student assessment that determine the areas of academic need and strategies for appropriate intervention and instruction for students in detention facilities within 5 school days of entry and required a research-based assessment be administered that will assist students in determining educational and career options and goals within 22 school days of entry.
- Removed a directive to the Division of Law Revision and Information to request a reviser's bill for the 2014 Regular Session. This directive was completed during the 2013 Legislative Session.

This analysis is drafted to the committee substitute as passed by the Choice & Innovation Subcommittee.

27 services to students in Department of Juvenile Justice
 28 programs; requiring the Department of Education to
 29 ensure that juvenile justice students who are eligible
 30 have access to high school equivalency testing and
 31 assist juvenile justice education programs with
 32 becoming high school equivalency testing centers;
 33 revising requirements for an accountability system all
 34 juvenile justice education programs; revising
 35 requirements to district school boards; amending s.
 36 1003.52, F.S.; revising requirements for activities to
 37 be coordinated by the coordinators for juvenile
 38 justice education programs; authorizing contracting
 39 for educational assessments; revising requirements for
 40 assessments; authorizing access to local virtual
 41 education courses; requiring that an education program
 42 shall be based on each student's transition plan and
 43 assessed educational needs; providing requirements for
 44 prevention and day treatment juvenile justice
 45 education programs; requiring progress monitoring
 46 plans for all students not classified as exceptional
 47 student education students; revising requirements for
 48 such plans; requiring that the Department of
 49 Education, in partnership with the Department of
 50 Juvenile Justice, ensure that school districts and
 51 juvenile justice education providers develop
 52 individualized transition plans; providing

53 requirements for such plans; providing that the
 54 Secretary of Juvenile Justice or the director of a
 55 juvenile justice program may request that a school
 56 district teacher's performance be reviewed by the
 57 district and that the teacher be reassigned in certain
 58 circumstances; requiring the Department of Education
 59 to establish by rule objective and measurable student
 60 performance measures and program performance ratings;
 61 providing requirements for such ratings; requiring a
 62 comprehensive accountability and program improvement
 63 process; providing requirements for such a process;
 64 deleting provisions for minimum thresholds for the
 65 standards and key indicators for education programs in
 66 juvenile justice facilities; deleting a requirement
 67 for an annual report; requiring data collection;
 68 deleting provisions concerning the Arthur Dozier
 69 School for Boys; requiring rulemaking; amending s.
 70 1001.42, F.S.; revising terminology; revising a cross-
 71 reference; providing an effective date.

72

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

74

75 Section 1. Section 985.622, Florida Statutes, is amended
 76 to read:

77 985.622 Multiagency plan for career ~~vocational~~ education.-

78 (1) The Department of Juvenile Justice and the Department

79 of Education shall, in consultation with the statewide Workforce
 80 Development Youth Council, school districts, providers, and
 81 others, jointly develop a multiagency plan for career ~~vocational~~
 82 education that establishes the curriculum, goals, and outcome
 83 measures for career ~~vocational~~ programs in juvenile justice
 84 education programs ~~commitment facilities~~. The plan must be
 85 reviewed annually, revised as appropriate, and include:

86 (a) Provisions for maximizing appropriate state and
 87 federal funding sources, including funds under the Workforce
 88 Investment Act and the Perkins Act. ~~†~~

89 (b) Provisions for eliminating barriers to increasing
 90 occupation-specific job training and high school equivalency
 91 examination preparation opportunities.

92 (c) ~~(b)~~ The responsibilities of both departments and all
 93 other appropriate entities. ~~†~~ and

94 (d) ~~(e)~~ A detailed implementation schedule.

95 (2) The plan must define career ~~vocational~~ programming
 96 that is appropriate based upon:

97 (a) The age and assessed educational abilities and goals
 98 of the student ~~youth~~ to be served; and

99 (b) The typical length of stay and custody characteristics
 100 at the juvenile justice education ~~commitment~~ program to which
 101 each student ~~youth~~ is assigned.

102 (3) The plan must include a definition of career
 103 ~~vocational~~ programming that includes the following
 104 classifications of juvenile justice education programs

105 ~~commitment facilities~~ that will offer career ~~vocational~~
 106 programming by one of the following types:

107 (a) Type 1 A.—Programs that teach personal accountability
 108 skills and behaviors that are appropriate for students ~~youth~~ in
 109 all age groups and ability levels and that lead to work habits
 110 that help maintain employment and living standards.

111 (b) Type 2 B.—Programs that include Type 1 A program
 112 content and an orientation to the broad scope of career choices,
 113 based upon personal abilities, aptitudes, and interests.
 114 Exploring and gaining knowledge of occupation options and the
 115 level of effort required to achieve them are essential
 116 prerequisites to skill training.

117 (c) Type 3 C.—Programs that include Type 1 A program
 118 content and the career education ~~vocational~~ competencies or the
 119 prerequisites needed for entry into a specific occupation.

120 (4) The plan must also address strategies to facilitate
 121 involvement of business and industry in the design, delivery,
 122 and evaluation of career ~~vocational~~ programming in juvenile
 123 justice education ~~commitment facilities~~ and ~~conditional release~~
 124 programs, including apprenticeship and work experience programs,
 125 mentoring and job shadowing, and other strategies that lead to
 126 postrelease employment. Incentives for business involvement,
 127 such as tax breaks, bonding, and liability limits should be
 128 investigated, implemented where appropriate, or recommended to
 129 the Legislature for consideration.

130 (5) The plan must also evaluate the effect of students'

131 mobility between juvenile justice education programs and school
 132 districts on the students' educational outcomes and whether the
 133 continuity of the students' education can be better addressed
 134 through virtual education.

135 ~~(6)(5)~~ The Department of Juvenile Justice and the
 136 Department of Education shall each align its respective agency
 137 policies, practices, technical manuals, contracts, quality-
 138 assurance standards, performance-based-budgeting measures, and
 139 outcome measures with the plan in juvenile justice education
 140 programs ~~commitment facilities~~ by July 31, 2015 ~~2001~~. Each
 141 agency shall provide a report on the implementation of this
 142 section to the Governor, the President of the Senate, and the
 143 Speaker of the House of Representatives by August 31, 2015 ~~2001~~.

144 ~~(7)(6)~~ All provider contracts executed by the Department
 145 of Juvenile Justice or the school districts after January 1,
 146 2015 ~~2002~~, must be aligned with the plan.

147 ~~(8)(7)~~ The planning and execution of quality assurance
 148 reviews conducted by the Department of Education or the
 149 Department of Juvenile Justice after August 1, 2015 ~~2002~~, must
 150 be aligned with the plan.

151 ~~(9)(8)~~ Outcome measures reported by the Department of
 152 Juvenile Justice and the Department of Education for students
 153 ~~youth~~ released on or after January 1, 2016 ~~2002~~, should include
 154 outcome measures that conform to the plan.

155 Section 2. Subsections (1) and (3) of section 985.632,
 156 Florida Statutes, are amended to read:

157 | 985.632 Quality assurance and cost-effectiveness.—
 158 | (1) The department shall:
 159 | (a) Provide cost and effectiveness information on programs
 160 | and program activities in order to compare, improve, or
 161 | eliminate a program or program activity if necessary.
 162 | (b) Provide program and program activity cost and
 163 | effectiveness data to the Legislature in order for resources to
 164 | be allocated for achieving desired performance outcomes.
 165 | (c) Provide information to the public concerning program
 166 | and program activity cost and effectiveness.
 167 | (d) Implement a system of accountability in order to
 168 | provide the best and most appropriate programs and activities to
 169 | meet client needs.
 170 | (e) Continue to improve service delivery. ~~It is the intent~~
 171 | ~~of the Legislature that the department:~~
 172 | ~~(a) Ensure that information be provided to decisionmakers~~
 173 | ~~in a timely manner so that resources are allocated to programs~~
 174 | ~~of the department which achieve desired performance levels.~~
 175 | ~~(b) Provide information about the cost of such programs~~
 176 | ~~and their differential effectiveness so that the quality of such~~
 177 | ~~programs can be compared and improvements made continually.~~
 178 | ~~(c) Provide information to aid in developing related~~
 179 | ~~policy issues and concerns.~~
 180 | ~~(d) Provide information to the public about the~~
 181 | ~~effectiveness of such programs in meeting established goals and~~
 182 | ~~objectives.~~

183 ~~(e) Provide a basis for a system of accountability so that~~
 184 ~~each client is afforded the best programs to meet his or her~~
 185 ~~needs.~~

186 ~~(f) Improve service delivery to clients.~~

187 ~~(g) Modify or eliminate activities that are not effective.~~

188 (3) By March 1st of each year, the department, in
 189 consultation with the Department of Education, shall publish a
 190 report on program costs and effectiveness. The report shall
 191 include uniform cost data for each program operated by the
 192 department or by providers under contract with the department.
 193 The Department of Education shall provide the cost data on each
 194 education program operated by a school district or a provider
 195 under contract with a school district. Cost data shall be
 196 formatted and presented in a manner approved by the Legislature.
 197 The report shall also include data on student learning gains, as
 198 provided by the Department of Education, for all juvenile
 199 justice education programs as required under s. 1003.52(3)(b),
 200 information required under ss. 1003.52(17) and (21), the cost-
 201 effectiveness of each program offered, and recommendations for
 202 modification or elimination of programs or program activities
 203 ~~The department shall annually collect and report cost data for~~
 204 ~~every program operated or contracted by the department. The cost~~
 205 ~~data shall conform to a format approved by the department and~~
 206 ~~the Legislature. Uniform cost data shall be reported and~~
 207 ~~collected for state-operated and contracted programs so that~~
 208 ~~comparisons can be made among programs. The department shall~~

209 | ~~ensure that there is accurate cost accounting for state-operated~~
 210 | ~~services including market-equivalent rent and other shared cost.~~
 211 | ~~The cost of the educational program provided to a residential~~
 212 | ~~facility shall be reported and included in the cost of a~~
 213 | ~~program. The department shall submit an annual cost report to~~
 214 | ~~the President of the Senate, the Speaker of the House of~~
 215 | ~~Representatives, the Minority Leader of each house of the~~
 216 | ~~Legislature, the appropriate substantive and fiscal committees~~
 217 | ~~of each house of the Legislature, and the Governor, no later~~
 218 | ~~than December 1 of each year. Cost-benefit analysis for~~
 219 | ~~educational programs will be developed and implemented in~~
 220 | ~~collaboration with and in cooperation with the Department of~~
 221 | ~~Education, local providers, and local school districts. Cost~~
 222 | ~~data for the report shall include data collected by the~~
 223 | ~~Department of Education for the purposes of preparing the annual~~
 224 | ~~report required by s. 1003.52(19).~~

225 | Section 3. Section 1001.31, Florida Statutes, is amended
 226 | to read:

227 | 1001.31 Scope of district system.—A district school system
 228 | shall include all public schools, classes, and courses of
 229 | instruction and all services and activities directly related to
 230 | education in that district which are under the direction of the
 231 | district school officials. A district school system may also
 232 | include alternative site schools for disruptive or violent
 233 | students ~~youth~~. Such schools for disruptive or violent students
 234 | ~~youth~~ may be funded by each district or provided through

235 cooperative programs administered by a consortium of school
 236 districts, private providers, state and local law enforcement
 237 agencies, and the Department of Juvenile Justice. Pursuant to
 238 cooperative agreement, a district school system shall provide
 239 instructional personnel at juvenile justice facilities ~~of 50 or~~
 240 ~~more beds or slots~~ with access to the district school system
 241 database for the purpose of accessing student academic,
 242 immunization, and registration records for students assigned to
 243 the programs. Such access shall be in the same manner as
 244 provided to other schools in the district.

245 Section 4. Section 1003.51, Florida Statutes, is amended
 246 to read:

247 1003.51 Other public educational services.—

248 (1) The general control of other public educational
 249 services shall be vested in the State Board of Education except
 250 as provided in this section ~~herein~~. The State Board of Education
 251 shall, at the request of the Department of Children and Families
 252 ~~Family Services~~ and the Department of Juvenile Justice, advise
 253 as to standards and requirements relating to education to be met
 254 in all state schools or institutions under their control which
 255 provide educational programs. The Department of Education shall
 256 provide supervisory services for the educational programs of all
 257 such schools or institutions. The direct control of any of these
 258 services provided as part of the district program of education
 259 shall rest with the district school board. These services shall
 260 be supported out of state, district, federal, or other ~~lawful~~

261 funds, depending on the requirements of the services being
 262 supported.

263 (2) The State Board of Education shall adopt rules ~~and~~
 264 ~~maintain an administrative rule~~ articulating expectations for
 265 effective education programs for students ~~youth~~ in Department of
 266 Juvenile Justice programs, including, but not limited to,
 267 education programs in juvenile justice prevention, day
 268 treatment, residential, ~~commitment~~ and detention facilities. The
 269 rule shall establish ~~articulate~~ policies and standards for
 270 education programs for students ~~youth~~ in Department of Juvenile
 271 Justice programs and shall include the following:

272 (a) The interagency collaborative process needed to ensure
 273 effective programs with measurable results.

274 (b) The responsibilities of the Department of Education,
 275 the Department of Juvenile Justice, Workforce Florida, Inc.,
 276 district school boards, and providers of education services to
 277 students ~~youth~~ in Department of Juvenile Justice programs.

278 (c) Academic expectations.

279 (d) Career and technical expectations.

280 (e) Education transition planning and services.

281 (f) ~~(d)~~ Service delivery options available to district
 282 school boards, including direct service and contracting.

283 (g) ~~(e)~~ Assessment procedures, which:

284 1. For prevention, day treatment, and residential
 285 programs, include appropriate academic and career assessments
 286 administered at program entry and exit that are selected by the

287 Department of Education in partnership with representatives from
 288 the Department of Juvenile Justice, district school boards, and
 289 education providers. Assessments must be completed within the
 290 first 10 school days after a student's entry into the program.

291 2. Provide for determination of the areas of academic need
 292 and strategies for appropriate intervention and instruction for
 293 each student in a detention facility within 5 school days after
 294 the student's entry into the program and administer a research-
 295 based assessment that will assist the student in determining his
 296 or her educational and career options and goals within 22 school
 297 days after the student's entry into the program ~~Require district~~
 298 ~~school boards to be responsible for ensuring the completion of~~
 299 ~~the assessment process.~~

300 ~~3. Require assessments for students in detention who will~~
 301 ~~move on to commitment facilities, to be designed to create the~~
 302 ~~foundation for developing the student's education program in the~~
 303 ~~assigned commitment facility.~~

304 ~~4. Require assessments of students sent directly to~~
 305 ~~commitment facilities to be completed within the first 10 school~~
 306 ~~days of the student's commitment.~~

307
 308 The results of these assessments, together with a portfolio
 309 depicting the student's academic and career accomplishments,
 310 shall be included in the discharge packet ~~package~~ assembled for
 311 each student ~~youth~~.

312 (h) ~~(f)~~ Recommended instructional programs, including, but

313 not limited to, secondary education, high school equivalency
 314 examination preparation, postsecondary education, career
 315 training, and job preparation.

316 ~~(i)(g)~~ Funding requirements, which shall include the
 317 requirement that at least 90 percent of the FEFP funds generated
 318 by students in Department of Juvenile Justice programs or in an
 319 education program for juveniles under s. 985.19 be spent on
 320 instructional costs for those students. One hundred percent of
 321 the formula-based categorical funds generated by students in
 322 Department of Juvenile Justice programs must be spent on
 323 appropriate categoricals such as instructional materials and
 324 public school technology for those students.

325 ~~(j)(h)~~ Qualifications of instructional staff, procedures
 326 for the selection of instructional staff, and procedures for to
 327 ~~ensure~~ consistent instruction and qualified staff year round.
 328 Qualifications shall include those for career education
 329 instructors, standardized across the state, and shall be based
 330 on state certification, local school district approval, and
 331 industry-recognized credentials or industry training. Procedures
 332 for the use of noncertified instructional personnel who possess
 333 expert knowledge or experience in their fields of instruction
 334 shall be established.

335 ~~(k)(i)~~ Transition services, including the roles and
 336 responsibilities of appropriate personnel in the juvenile
 337 justice education program, the school district where the student
 338 will reenter districts, provider organizations, and the

339 Department of Juvenile Justice.

340 (l)~~(j)~~ Procedures and timeframe for transfer of education
 341 records when a student ~~youth~~ enters and leaves a Department of
 342 Juvenile Justice education program facility.

343 (m)~~(k)~~ The requirement that each district school board
 344 maintain an academic transcript for each student enrolled in a
 345 juvenile justice education program facility that delineates each
 346 course completed by the student as provided by the State Course
 347 Code Directory.

348 (n)~~(l)~~ The requirement that each district school board
 349 make available and transmit a copy of a student's transcript in
 350 the discharge packet when the student exits a juvenile justice
 351 education program facility.

352 (o)~~(m)~~ contract requirements.

353 (p)~~(n)~~ Performance expectations for providers and district
 354 school boards, including student performance measures by type of
 355 program, education program performance ratings, school
 356 improvement, and corrective action plans for low-performing
 357 programs ~~the provision of a progress monitoring plan as required~~
 358 ~~in s. 1008.25.~~

359 (q)~~(o)~~ The role and responsibility of the district school
 360 board in securing workforce development funds.

361 (r)~~(p)~~ A series of graduated sanctions for district school
 362 boards whose educational programs in Department of Juvenile
 363 Justice programs ~~facilities~~ are considered to be unsatisfactory
 364 and for instances in which district school boards fail to meet

365 standards prescribed by law, rule, or State Board of Education
 366 policy. These sanctions shall include the option of requiring a
 367 district school board to contract with a provider or another
 368 district school board if the educational program at the
 369 Department of Juvenile Justice program is performing below
 370 minimum standards ~~facility has failed a quality assurance review~~
 371 and, after 6 months, is still performing below minimum
 372 standards.

373 (s) Curriculum, guidance counseling, transition, and
 374 education services expectations, including curriculum
 375 flexibility for detention centers operated by the Department of
 376 Juvenile Justice.

377 ~~(t)(g)~~ Other aspects of program operations.

378 (3) The Department of Education in partnership with the
 379 Department of Juvenile Justice, the district school boards, and
 380 providers shall:

381 (a) Develop and implement requirements for contracts and
 382 cooperative agreements regarding ~~Maintain model contracts for~~
 383 the delivery of appropriate education services to students youth
 384 in Department of Juvenile Justice programs ~~to be used for the~~
 385 ~~development of future contracts.~~ The minimum contract
 386 requirements shall include, but are not limited to, payment
 387 structure and amounts; access to district services; contract
 388 management provisions; data reporting requirements, including
 389 reporting of full-time equivalent student membership;
 390 administration of federal programs such as Title I, exceptional

391 student education, and the Carl D. Perkins Career and Technical
 392 Education Act of 2006; and ~~model contracts shall reflect the~~
 393 policy and standards included in subsection (2). ~~The Department~~
 394 of Education shall ensure that appropriate district school board
 395 personnel are trained and held accountable for the management
 396 and monitoring of contracts for education programs for youth in
 397 juvenile justice residential and nonresidential facilities.

398 (b) Develop and implement ~~Maintain model~~ procedures for
 399 transitioning students ~~youth~~ into and out of Department of
 400 Juvenile Justice education programs. These procedures shall
 401 reflect the policy and standards adopted pursuant to subsection
 402 (2).

403 (c) Maintain standardized required content of education
 404 records to be included as part of a student's ~~youth's~~ commitment
 405 record and procedures for securing the student's records. The
 406 education records ~~These requirements shall reflect the policy~~
 407 ~~and standards adopted pursuant to subsection (2) and shall~~
 408 include, but not be limited to, the following:

409 1. A copy of the student's individual educational plan.

410 2. A copy of the student's individualized progress
 411 monitoring plan.

412 3. A copy of the student's individualized transition plan.

413 ~~4.2.~~ Data on student performance on assessments taken
 414 according to s. 1008.22.

415 ~~5.3.~~ A copy of the student's permanent cumulative record.

416 ~~6.4.~~ A copy of the student's academic transcript.

417 7.5. A portfolio reflecting the student's youth's academic
 418 and career and technical accomplishments, when age appropriate,
 419 while in the Department of Juvenile Justice program.

420 (d) ~~Establish Maintain model procedures for securing the~~
 421 ~~education record and~~ the roles and responsibilities of the
 422 juvenile probation officer and others involved in the withdrawal
 423 of the student from school and assignment to a juvenile justice
 424 education program ~~commitment or detention facility. District~~
 425 ~~school boards shall respond to requests for student education~~
 426 ~~records received from another district school board or a~~
 427 ~~juvenile justice facility within 5 working days after receiving~~
 428 ~~the request.~~

429 (4) ~~Each The Department of Education shall ensure that~~
 430 district school board shall: ~~boards~~

431 (a) Notify students in juvenile justice education programs
 432 ~~residential or nonresidential facilities~~ who attain the age of
 433 16 years of the ~~provisions of~~ law regarding compulsory school
 434 attendance and make available the option of enrolling in a
 435 program to attain a Florida high school diploma by taking the
 436 high school equivalency examination before ~~General Educational~~
 437 ~~Development test prior to release from the program facility. The~~
 438 Department of Education shall assist juvenile justice education
 439 programs with becoming high school equivalency examination
 440 centers ~~District school boards or Florida College System~~
 441 ~~institutions, or both, shall waive GED testing fees for youth in~~
 442 ~~Department of Juvenile Justice residential programs and shall,~~

443 ~~upon request, designate schools operating for the purpose of~~
 444 ~~providing educational services to youth in Department of~~
 445 ~~Juvenile Justice programs as GED testing centers, subject to GED~~
 446 ~~testing center requirements. The administrative fees for the~~
 447 ~~General Educational Development test required by the Department~~
 448 ~~of Education are the responsibility of district school boards~~
 449 ~~and may be required of providers by contractual agreement.~~

450 (b) Respond to requests for student education records
 451 received from another district school board or a juvenile
 452 justice education program within 5 working days after receiving
 453 the request.

454 (c) Provide access to courses offered pursuant to ss.
 455 1002.37, 1002.45, and 1003.498. School districts and providers
 456 may enter into cooperative agreements for the provision of
 457 curriculum associated with courses offered pursuant to s.
 458 1003.498 to enable providers to offer such courses.

459 (d) Complete the assessment process required by subsection
 460 (2).

461 (e) Monitor compliance with contracts for education
 462 programs for students in juvenile justice prevention, day
 463 treatment, residential, and detention programs.

464 (5) The Department of Education shall establish and
 465 operate, either directly or indirectly through a contract, a
 466 mechanism to provide accountability measures that annually
 467 assesses and evaluates all juvenile justice education programs
 468 using student performance data and program performance ratings

469 ~~by type of program quality assurance reviews of all juvenile~~
 470 ~~justice education programs~~ and shall provide technical
 471 assistance and related research to district school boards and
 472 juvenile justice education providers ~~on how to establish,~~
 473 ~~develop, and operate educational programs that exceed the~~
 474 ~~minimum quality assurance standards.~~ The Department of
 475 Education, with input from the Department of Juvenile Justice,
 476 school districts, and education providers shall develop annual
 477 recommendations for system and school improvement.

478 Section 5. Section 1003.52, Florida Statutes, is amended
 479 to read:

480 1003.52 Educational services in Department of Juvenile
 481 Justice programs.-

482 (1) ~~The Legislature finds that education is the single~~
 483 ~~most important factor in the rehabilitation of adjudicated~~
 484 ~~delinquent youth in the custody of Department of Juvenile~~
 485 ~~Justice programs. It is the goal of the Legislature that youth~~
 486 ~~in the juvenile justice system continue to be allowed the~~
 487 ~~opportunity to obtain a high quality education.~~ The Department
 488 of Education shall serve as the lead agency for juvenile justice
 489 education programs, curriculum, support services, and resources.
 490 To this end, the Department of Education and the Department of
 491 Juvenile Justice shall each designate a Coordinator for Juvenile
 492 Justice Education Programs to serve as the point of contact for
 493 resolving issues not addressed by district school boards and to
 494 provide each department's participation in the following

495 activities:

496 (a) Training, collaborating, and coordinating with ~~the~~
 497 ~~Department of Juvenile Justice,~~ district school boards, local
 498 workforce boards and youth councils, educational contract
 499 providers, and juvenile justice providers, whether state
 500 operated or contracted.

501 (b) Collecting information on the academic, career
 502 education, and transition performance of students in juvenile
 503 justice programs and reporting on the results.

504 (c) Developing academic and career education protocols
 505 that provide guidance to district school boards and juvenile
 506 justice education providers in all aspects of education
 507 programming, including records transfer and transition.

508 (d) Implementing a joint accountability, program
 509 performance, and program improvement process ~~Prescribing the~~
 510 ~~roles of program personnel and interdepartmental district school~~
 511 ~~board or provider collaboration strategies.~~

512
 513 Annually, a cooperative agreement and plan for juvenile justice
 514 education service enhancement shall be developed between the
 515 Department of Juvenile Justice and the Department of Education
 516 and submitted to the Secretary of Juvenile Justice and the
 517 Commissioner of Education by June 30. The plan shall include, at
 518 a minimum, each agency's role regarding educational program
 519 accountability, technical assistance, training, and coordination
 520 of services.

521 (2) Students participating in Department of Juvenile
 522 Justice programs pursuant to chapter 985 which are sponsored by
 523 a community-based agency or are operated or contracted for by
 524 the Department of Juvenile Justice shall receive education
 525 ~~educational~~ programs according to rules of the State Board of
 526 Education. These students shall be eligible for services
 527 afforded to students enrolled in programs pursuant to s. 1003.53
 528 and all corresponding State Board of Education rules.

529 (3) The district school board of the county in which the
 530 juvenile justice education prevention, day treatment,
 531 residential, or detention program ~~residential or nonresidential~~
 532 ~~care facility or juvenile assessment facility~~ is located shall
 533 provide or contract for appropriate educational assessments and
 534 an appropriate program of instruction and special education
 535 services.

536 (a) The district school board shall make provisions for
 537 each student to participate in basic, career education, and
 538 exceptional student programs as appropriate. Students served in
 539 Department of Juvenile Justice programs shall have access to the
 540 appropriate courses and instruction to prepare them for the high
 541 school equivalency examination ~~GED test~~. Students participating
 542 in high school equivalency examination ~~GED~~ preparation programs
 543 shall be funded at the basic program cost factor for Department
 544 of Juvenile Justice programs in the Florida Education Finance
 545 Program. Each program shall be conducted according to applicable
 546 law providing for the operation of public schools and rules of

547 the State Board of Education. School districts shall provide the
 548 high school equivalency examination ~~GED~~ exit option for all
 549 juvenile justice programs.

550 (b) ~~By October 1, 2004,~~ The Department of Education, with
 551 the assistance of the school districts and juvenile justice
 552 education providers, shall select a common student assessment
 553 instrument and protocol for measuring student learning gains and
 554 student progression while a student is in a juvenile justice
 555 education program. The Department of Education and Department of
 556 Juvenile Justice shall jointly review the effectiveness of this
 557 assessment and implement changes as necessary. ~~The assessment~~
 558 ~~instrument and protocol must be implemented in all juvenile~~
 559 ~~justice education programs in this state by January 1, 2005.~~

560 (4) Educational services shall be provided at times of the
 561 day most appropriate for the juvenile justice program. School
 562 programming in juvenile justice detention, prevention, day
 563 treatment, and residential ~~commitment, and rehabilitation~~
 564 programs shall be made available by the local school district
 565 during the juvenile justice school year, as provided ~~defined~~ in
 566 s. 1003.01(11). In addition, students in juvenile justice
 567 education programs shall have access to courses offered pursuant
 568 to ss. 1002.37, 1002.45, and 1003.498 ~~Florida Virtual School~~
 569 ~~courses~~. The Department of Education and the school districts
 570 shall adopt policies necessary to provide ~~ensure~~ such access.

571 (5) The educational program shall provide instruction
 572 based on each student's individualized transition plan, assessed

573 educational needs, and the education programs available in the
 574 school district in which the student will return. Depending on
 575 the student's needs, educational programming may consist of
 576 remedial courses, ~~consist of appropriate basic~~ academic courses
 577 required for grade advancement, career education courses, high
 578 school equivalency examination preparation, or exceptional
 579 student education curricula and related services which support
 580 the ~~transition~~ ~~treatment~~ goals and reentry and which may lead to
 581 completion of the requirements for receipt of a high school
 582 diploma or its equivalent. ~~Prevention and day treatment juvenile~~
 583 justice education programs, at a minimum, shall provide career
 584 readiness and exploration opportunities as well as truancy and
 585 dropout prevention intervention services. Residential juvenile
 586 justice education programs with a contracted minimum length of
 587 stay of 9 months shall provide career education courses that
 588 lead to preapprentice certifications, industry certifications,
 589 occupational completion points, or work-related certifications.
 590 Residential programs with contracted lengths of stay of less
 591 than 9 months may provide career education courses that lead to
 592 preapprentice certifications, industry certifications,
 593 occupational completion points, or work-related certifications.
 594 If the duration of a program is less than 40 days, the
 595 educational component may be limited to tutorial remediation
 596 activities, ~~and~~ career employability skills instruction,
 597 education counseling, and transition services that prepare
 598 students for a return to school, the community, and their home

599 settings based on the students' needs.

600 (6) Participation in the program by students of compulsory
 601 school-attendance age as provided for in s. 1003.21 shall be
 602 mandatory. All students of noncompulsory school-attendance age
 603 who have not received a high school diploma or its equivalent
 604 shall participate in the educational program, unless the student
 605 files a formal declaration of his or her intent to terminate
 606 school enrollment as described in s. 1003.21 and is afforded the
 607 opportunity to take the general educational development test and
 608 attain a Florida high school diploma before ~~prior to~~ release
 609 from a juvenile justice education program facility. A student
 610 ~~youth~~ who has received a high school diploma or its equivalent
 611 and is not employed shall participate in workforce development
 612 or other career ~~or technical~~ education or Florida College System
 613 institution or university courses while in the program, subject
 614 to available funding.

615 (7) An individualized ~~A~~ progress monitoring plan shall be
 616 developed for all students not classified as exceptional
 617 education students upon entry in a juvenile justice education
 618 program and upon reentry in the school district ~~who score below~~
 619 ~~the level specified in district school board policy in reading,~~
 620 ~~writing, and mathematics or below the level specified by the~~
 621 ~~Commissioner of Education on statewide assessments as required~~
 622 ~~by s. 1008.25.~~ These plans shall address academic, literacy, and
 623 career and technical ~~life~~ skills and shall include provisions
 624 for intensive remedial instruction in the areas of weakness.

625 (8) Each district school board shall maintain an academic
 626 record for each student enrolled in a juvenile justice program
 627 ~~facility~~ as prescribed by s. 1003.51. Such record shall
 628 delineate each course completed by the student according to
 629 procedures in the State Course Code Directory. The district
 630 school board shall include a copy of a student's academic record
 631 in the discharge packet when the student exits the program
 632 ~~facility~~.

633 (9) ~~Each The Department of Education shall ensure that all~~
 634 district school board shall boards make provisions for high
 635 school level students youth to earn credits toward high school
 636 graduation while in residential and nonresidential juvenile
 637 justice programs facilities. Provisions must be made for the
 638 transfer of credits and partial credits earned.

639 (10) School districts and juvenile justice education
 640 providers shall develop individualized transition plans during
 641 the course of a student's stay in a juvenile justice education
 642 program to coordinate academic, career and technical, and
 643 secondary and postsecondary services that assist the student in
 644 successful community reintegration upon release. Development of
 645 the transition plan shall be a collaboration of the personnel in
 646 the juvenile justice education program, reentry personnel,
 647 personnel from the school district where the student will
 648 return, the student, the student's family, and Department of
 649 Juvenile Justice personnel for committed students.

650 (a) Transition planning must begin upon a student's

651 placement in the program. The transition plan must include, at a
 652 minimum:

653 1. Services and interventions that address the student's
 654 assessed educational needs and postrelease education plans.

655 2. Services to be provided during the program stay and
 656 services to be implemented upon release, including, but not
 657 limited to, continuing education in secondary school, career and
 658 technical programs, postsecondary education, or employment,
 659 based on the student's needs.

660 3. Specific monitoring responsibilities to determine
 661 whether the individualized transition plan is being implemented
 662 and the student is provided access to support services that will
 663 sustain the student's success by individuals who are responsible
 664 for the reintegration and coordination of these activities.

665 (b) For the purpose of transition planning and reentry
 666 services, representatives from the school district and the one
 667 stop center where the student will return shall participate as
 668 members of the local Department of Juvenile Justice reentry
 669 teams. The school district, upon return of a student from a
 670 juvenile justice education program, must consider the individual
 671 needs and circumstances of the student and the transition plan
 672 recommendations when reenrolling a student in a public school. A
 673 local school district may not maintain a standardized policy for
 674 all students returning from a juvenile justice program but place
 675 students based on their needs and their performance in the
 676 program.

677 (c) The Department of Education and the Department of
 678 Juvenile Justice shall provide oversight and guidance to school
 679 districts, education providers, and reentry personnel on how to
 680 implement effective educational transition planning and
 681 services.

682 (11) ~~(10)~~ The district school board shall recruit and train
 683 teachers who are interested, qualified, or experienced in
 684 educating students in juvenile justice programs. Students in
 685 juvenile justice programs shall be provided a wide range of
 686 education ~~educational~~ programs and opportunities including
 687 textbooks, technology, instructional support, and ~~other~~
 688 resources commensurate with resources provided ~~available~~ to
 689 students in public schools, including textbooks and access to
 690 technology. If the district school board operates a juvenile
 691 justice education program at a juvenile justice facility, the
 692 district school board, in consultation with the director of the
 693 juvenile justice facility, shall select the instructional
 694 personnel assigned to that program. The Secretary of Juvenile
 695 Justice or the director of a juvenile justice program may
 696 request that the performance of a teacher assigned by the
 697 district to a juvenile justice education program be reviewed by
 698 the district and that the teacher be reassigned based upon an
 699 evaluation conducted pursuant to s. 1012.34 or for inappropriate
 700 behavior ~~Teachers assigned to educational programs in juvenile~~
 701 justice settings in which the district school board operates the
 702 educational program shall be selected by the district school

703 ~~board in consultation with the director of the juvenile justice~~
 704 ~~facility. Educational programs in Juvenile justice~~ education
 705 programs ~~facilities~~ shall have access to the substitute teacher
 706 pool used ~~utilized~~ by the district school board.

707 (12) ~~(11)~~ District school boards may contract with a
 708 private provider for the provision of education ~~educational~~
 709 programs to students ~~youths~~ placed with the Department of
 710 Juvenile Justice and shall generate local, state, and federal
 711 funding, including funding through the Florida Education Finance
 712 Program for such students. The district school board's planning
 713 and budgeting process shall include the needs of Department of
 714 Juvenile Justice programs in the district school board's plan
 715 for expenditures for state categorical and federal funds.

716 (13) ~~(12)~~ (a) Funding for eligible students enrolled in
 717 juvenile justice education programs shall be provided through
 718 the Florida Education Finance Program as provided in s. 1011.62
 719 and the General Appropriations Act. Funding shall include, at a
 720 minimum:

721 1. Weighted program funding or the basic amount for
 722 current operation multiplied by the district cost differential
 723 as provided in s. 1011.62(1)(s) and (2);

724 2. The supplemental allocation for juvenile justice
 725 education as provided in s. 1011.62(10);

726 3. A proportionate share of the district's exceptional
 727 student education guaranteed allocation, the supplemental
 728 academic instruction allocation, and the instructional materials

729 allocation;

730 4. An amount equivalent to the proportionate share of the
 731 state average potential discretionary local effort for
 732 operations, which shall be determined as follows:

733 a. If the district levies the maximum discretionary local
 734 effort and the district's discretionary local effort per FTE is
 735 less than the state average potential discretionary local effort
 736 per FTE, the proportionate share shall include both the
 737 discretionary local effort and the compression supplement per
 738 FTE. If the district's discretionary local effort per FTE is
 739 greater than the state average per FTE, the proportionate share
 740 shall be equal to the state average; or

741 b. If the district does not levy the maximum discretionary
 742 local effort and the district's actual discretionary local
 743 effort per FTE is less than the state average potential
 744 discretionary local effort per FTE, the proportionate share
 745 shall be equal to the district's actual discretionary local
 746 effort per FTE. If the district's actual discretionary local
 747 effort per FTE is greater than the state average per FTE, the
 748 proportionate share shall be equal to the state average
 749 potential local effort per FTE; and

750 5. A proportionate share of the district's proration to
 751 funds available, if necessary.

752 (b) Juvenile justice education ~~educational~~ programs to
 753 receive the appropriate FEFP funding for Department of Juvenile
 754 Justice programs shall include those operated through a contract

755 with the Department of Juvenile Justice ~~and which are under~~
 756 ~~purview of the Department of Juvenile Justice quality assurance~~
 757 ~~standards for education.~~

758 (c) Consistent with the rules of the State Board of
 759 Education, district school boards are required to request an
 760 alternative FTE survey for Department of Juvenile Justice
 761 programs experiencing fluctuations in student enrollment.

762 (d) FTE count periods shall be prescribed in rules of the
 763 State Board of Education and shall be the same for programs of
 764 the Department of Juvenile Justice as for other public school
 765 programs. The summer school period for students in Department of
 766 Juvenile Justice programs shall begin on the day immediately
 767 following the end of the regular school year and end on the day
 768 immediately preceding the subsequent regular school year.
 769 Students shall be funded for no more than 25 hours per week of
 770 direct instruction.

771 (e) Each juvenile justice education program must receive
 772 all federal funds for which the program is eligible.

773 (14)~~(13)~~ Each district school board shall negotiate a
 774 cooperative agreement with the Department of Juvenile Justice on
 775 the delivery of educational services to students ~~youths~~ under
 776 the jurisdiction of the Department of Juvenile Justice. Such
 777 agreement must include, but is not limited to:

778 (a) Roles and responsibilities of each agency, including
 779 the roles and responsibilities of contract providers.

780 (b) Administrative issues including procedures for sharing

781 information.

782 (c) Allocation of resources including maximization of
783 local, state, and federal funding.

784 (d) Procedures for educational evaluation for educational
785 exceptionalities and special needs.

786 (e) Curriculum and delivery of instruction.

787 (f) Classroom management procedures and attendance
788 policies.

789 (g) Procedures for provision of qualified instructional
790 personnel, whether supplied by the district school board or
791 provided under contract by the provider, and for performance of
792 duties while in a juvenile justice setting.

793 (h) Provisions for improving skills in teaching and
794 working with students referred to juvenile justice programs
795 ~~delinquents~~.

796 (i) Transition plans for students moving into and out of
797 juvenile programs facilities.

798 (j) Procedures and timelines for the timely documentation
799 of credits earned and transfer of student records.

800 (k) Methods and procedures for dispute resolution.

801 (l) Provisions for ensuring the safety of education
802 personnel and support for the agreed-upon education program.

803 (m) Strategies for correcting any deficiencies found
804 through the accountability and evaluation system and student
805 performance measures ~~quality assurance process~~.

806 (15)-(14) Nothing in this section or in a cooperative

807 | agreement requires ~~shall be construed to require~~ the district
 808 | school board to provide more services than can be supported by
 809 | the funds generated by students in the juvenile justice
 810 | programs.

811 | ~~(16)(15)(a)~~ The Department of Education, in consultation
 812 | with the Department of Juvenile Justice, district school boards,
 813 | and providers, shall adopt rules establishing: ~~establish~~

814 | (a) Objective and measurable student performance measures
 815 | to evaluate a student's educational progress while participating
 816 | in a prevention, day treatment, or residential program. The
 817 | student performance measures must be based on appropriate
 818 | outcomes for all students in juvenile justice education
 819 | programs, taking into consideration the student's length of stay
 820 | in the program. Performance measures shall include outcomes that
 821 | relate to student achievement of career education goals,
 822 | acquisition of employability skills, receipt of a high school
 823 | diploma, and grade advancement.

824 | (b) A performance rating system to be used by the
 825 | Department of Education to evaluate ~~quality assurance standards~~
 826 | ~~for~~ the delivery of educational services within each of the
 827 | juvenile justice programs. The performance rating shall be
 828 | primarily based on data regarding student performance as
 829 | described in paragraph (a) ~~component of residential and~~
 830 | ~~nonresidential juvenile justice facilities.~~

831 | (c) The timeframes, procedures, and resources to be used
 832 | to improve a low-rated educational program or to terminate or

833 ~~reassign the program These standards shall rate the district~~
 834 ~~school board's performance both as a provider and contractor.~~
 835 ~~The quality assurance rating for the educational component shall~~
 836 ~~be disaggregated from the overall quality assurance score and~~
 837 ~~reported separately.~~

838 (d) (b) The Department of Education, in partnership with
 839 the Department of Juvenile Justice, shall develop a
 840 comprehensive accountability and program improvement quality
 841 assurance review process. The accountability and program
 842 improvement process shall be based on student performance
 843 measures by type of program and shall rate education program
 844 performance. The accountability system shall identify and
 845 recognize high-performing education programs. The Department of
 846 Education, in partnership with the Department of Juvenile
 847 Justice, shall identify low-performing programs. Low-performing
 848 education programs shall receive an onsite program evaluation
 849 from the Department of Juvenile Justice. School improvement,
 850 technical assistance, or the reassignment of the program shall
 851 be based, in part, on the results of the program evaluation.
 852 Through a corrective action process, low-performing programs
 853 must demonstrate improvement or reassign the program and
 854 ~~schedule for the evaluation of the educational component in~~
 855 ~~juvenile justice programs. The Department of Juvenile Justice~~
 856 ~~quality assurance site visit and the education quality assurance~~
 857 ~~site visit shall be conducted during the same visit.~~

858 (c) The Department of Education, in consultation with

859 ~~district school boards and providers, shall establish minimum~~
 860 ~~thresholds for the standards and key indicators for educational~~
 861 ~~programs in juvenile justice facilities. If a district school~~
 862 ~~board fails to meet the established minimum standards, it will~~
 863 ~~be given 6 months to achieve compliance with the standards. If~~
 864 ~~after 6 months, the district school board's performance is still~~
 865 ~~below minimum standards, the Department of Education shall~~
 866 ~~exercise sanctions as prescribed by rules adopted by the State~~
 867 ~~Board of Education. If a provider, under contract with the~~
 868 ~~district school board, fails to meet minimum standards, such~~
 869 ~~failure shall cause the district school board to cancel the~~
 870 ~~provider's contract unless the provider achieves compliance~~
 871 ~~within 6 months or unless there are documented extenuating~~
 872 ~~circumstances.~~

873 ~~(d) The requirements in paragraphs (a), (b), and (c) shall~~
 874 ~~be implemented to the extent that funds are available.~~

875 (17) The department, in collaboration with the Department
 876 of Juvenile Justice, shall monitor and report on the educational
 877 performance of students in commitment, day treatment,
 878 prevention, and detention programs. The report by the Department
 879 of Education must include, at a minimum, the number and
 880 percentage of students who:

881 (a) Return to an alternative school, middle school, or
 882 high school upon release and the attendance rate of such
 883 students before and after participation in juvenile justice
 884 education programs.

- 885 (b) Receive a standard high school diploma or a high
- 886 school equivalency diploma.
- 887 (c) Receive industry certification.
- 888 (d) Receive occupational completion points.
- 889 (e) Enroll in a postsecondary educational institution.
- 890 (f) Complete a juvenile justice education program without
- 891 reoffending.
- 892 (g) Reoffend within 1 year after completion of a day
- 893 treatment or residential commitment program.
- 894 (h) Remain employed 1 year after completion of a day
- 895 treatment or residential commitment program.

896

897 The results of this report shall be included in the report

898 required by s. 985.632.

899 (18)~~(16)~~ The district school board shall not be charged

900 any rent, maintenance, utilities, or overhead on such

901 facilities. Maintenance, repairs, and remodeling of existing

902 facilities shall be provided by the Department of Juvenile

903 Justice.

904 (19)~~(17)~~ When additional facilities are required, the

905 district school board and the Department of Juvenile Justice

906 shall agree on the appropriate site based on the instructional

907 needs of the students. When the most appropriate site for

908 instruction is on district school board property, a special

909 capital outlay request shall be made by the commissioner in

910 accordance with s. 1013.60. When the most appropriate site is on

911 state property, state capital outlay funds shall be requested by
 912 the Department of Juvenile Justice provided by s. 216.043 and
 913 shall be submitted as specified by s. 216.023. Any instructional
 914 facility to be built on state property shall have educational
 915 specifications jointly developed by the district school board
 916 and the Department of Juvenile Justice and approved by the
 917 Department of Education. The size of space and occupant design
 918 capacity criteria as provided by State Board of Education rules
 919 shall be used for remodeling or new construction whether
 920 facilities are provided on state property or district school
 921 board property.

922 (20)~~(18)~~ The parent of an exceptional student shall have
 923 the due process rights provided for in this chapter.

924 (21)~~(19)~~ The Department of Education and the Department of
 925 Juvenile Justice, after consultation with and assistance from
 926 local providers and district school boards, shall collect data
 927 ~~report annually to the Legislature by February 1~~ on the progress
 928 toward developing effective education ~~educational~~ programs for
 929 juvenile delinquents, including the amount of funding provided
 930 by district school boards to juvenile justice programs;; the
 931 amount retained for administration, including documenting the
 932 purposes for such expenses;; the status of the development of
 933 cooperative agreements;; education program performance the
 934 results, including the identification of high and low-performing
 935 programs and aggregate student performance results; ~~of the~~
 936 ~~quality assurance reviews including~~ recommendations for system

937 | improvement;7 and information on the identification of, and
 938 | services provided to, exceptional students in juvenile justice
 939 | programs ~~commitment facilities~~ to determine whether these
 940 | students are properly reported for funding and are appropriately
 941 | served.

942 | (22) ~~(20)~~ The education ~~educational~~ programs at ~~the Arthur~~
 943 | ~~Dozier School for Boys in Jackson County~~ and the Florida School
 944 | for Boys in Okeechobee shall be operated by the Department of
 945 | Education, either directly or through grants or contractual
 946 | agreements with other public or duly accredited education
 947 | agencies approved by the Department of Education.

948 | (23) ~~(21)~~ The State Board of Education shall ~~may~~ adopt ~~any~~
 949 | rules necessary to implement ~~the provisions of~~ this section,
 950 | ~~including uniform curriculum, funding, and second chance~~
 951 | ~~schools~~. Such rules must require the minimum amount of paperwork
 952 | and reporting.

953 | (24) ~~(22)~~ The Department of Juvenile Justice and the
 954 | Department of Education, in consultation with Workforce Florida,
 955 | Inc., the statewide Workforce Development Youth Council,
 956 | district school boards, Florida College System institutions,
 957 | providers, and others, shall jointly develop a multiagency plan
 958 | for career education which describes the funding, curriculum,
 959 | transfer of credits, goals, and outcome measures for career
 960 | education programming in juvenile commitment facilities,
 961 | pursuant to s. 985.622. The plan must be reviewed annually.

962 | Section 6. Paragraph (b) of subsection (18) of section

963 1001.42, Florida Statutes, is amended to read:

964 1001.42 Powers and duties of district school board.—The
 965 district school board, acting as a board, shall exercise all
 966 powers and perform all duties listed below:

967 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
 968 Maintain a state system of school improvement and education
 969 accountability as provided by statute and State Board of
 970 Education rule. This system of school improvement and education
 971 accountability shall be consistent with, and implemented
 972 through, the district's continuing system of planning and
 973 budgeting required by this section and ss. 1008.385, 1010.01,
 974 and 1011.01. This system of school improvement and education
 975 accountability shall comply with the provisions of ss. 1008.33,
 976 1008.34, 1008.345, and 1008.385 and include the following:

977 (b) Public disclosure.—The district school board shall
 978 provide information regarding the performance of students and
 979 educational programs as required pursuant to ss. 1008.22 and
 980 1008.385 and implement a system of school reports as required by
 981 statute and State Board of Education rule which shall include
 982 schools operating for the purpose of providing educational
 983 services to students ~~youth~~ in Department of Juvenile Justice
 984 programs, and for those schools, report on the elements
 985 specified in s. 1003.52(16) ~~1003.52(19)~~. Annual public
 986 disclosure reports shall be in an easy-to-read report card
 987 format and shall include the school's grade, high school
 988 graduation rate calculated without high school equivalency

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989 | examinations ~~GED tests~~, disaggregated by student ethnicity, and
990 | performance data as specified in state board rule.

991 | Section 7. This act shall take effect July 1, 2014.

