

1 A bill to be entitled  
2 An act relating to information technology governance;  
3 transferring the Agency for Enterprise Information  
4 Technology, the Northwood Shared Resource Center, and  
5 the Southwood Shared Resource Center to the Agency for  
6 State Technology; nullifying rules and proceedings of  
7 the Agency for Enterprise Information Technology;  
8 repealing s. 14.204, F.S., relating to the Agency for  
9 Enterprise Information Technology; creating s. 14.206,  
10 F.S.; creating the Agency for State Technology;  
11 providing that the agency executive director is the  
12 state's Chief Information Officer; providing duties  
13 and responsibilities of the agency; authorizing the  
14 agency to adopt rules; amending s. 282.0041, F.S.;  
15 defining the term "state data center"; revising  
16 definitions relating to communications and data  
17 processing; repealing ss. 17.0315, 282.0055, and  
18 282.0056, F.S., relating to a financial and cash  
19 management system task force, responsibilities of the  
20 Agency for Enterprise Information Technology, and work  
21 plans, respectively; amending s. 282.201, F.S.;  
22 establishing a state data center; providing duties of  
23 the Agency for State Technology; revising duties of  
24 state agencies relating to consolidation of data  
25 centers; providing exceptions; revising duties of the  
26 data centers; revising restrictions on state agencies;  
27 amending s. 282.203, F.S.; providing duties of the  
28 state data center and its director; authorizing the

29 | state data center to cease services to a customer  
 30 | entity under certain circumstances; deleting  
 31 | provisions relating to primary data centers and boards  
 32 | of trustees; repealing ss. 282.204 and 282.205, F.S.,  
 33 | relating to the Northwood Shared Resource Center and  
 34 | the Southwood Shared Resource Center, respectively;  
 35 | amending s. 282.318, F.S.; revising provisions of the  
 36 | Enterprise Security of Data and Information Technology  
 37 | Act; providing responsibilities of the agency;  
 38 | revising and providing duties and responsibilities of  
 39 | state agencies; requiring certain employee training;  
 40 | authorizing the agency to adopt rules; defining the  
 41 | term "agency" for purposes of such act; repealing ss.  
 42 | 282.33 and 282.34, F.S., relating to energy efficiency  
 43 | standards and statewide e-mail service, respectively;  
 44 | amending s. 943.0415, F.S.; authorizing the Cybercrime  
 45 | Office of the Department of Law Enforcement to perform  
 46 | certain functions relating to information security;  
 47 | amending ss. 110.205, 215.322, 287.057, 445.011,  
 48 | 445.045, 668.50, and 1004.649, F.S.; conforming  
 49 | provisions to changes made by the act; providing  
 50 | effective dates.

51 |

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

53 |

54 | Section 1. All of the records and property; funds, trust  
 55 | funds, and unexpended balances of appropriations, allocations,  
 56 | and other funds; administrative authority; pending issues; and

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57 existing contracts of the Agency for Enterprise Information  
58 Technology are transferred by a type two transfer, pursuant to  
59 s. 20.06(2), Florida Statutes, to the Agency for State  
60 Technology. All equipment and assets purchased by the Agency for  
61 Enterprise Information Technology with state or federal funds  
62 and transferred to the Department of Highway Safety and Motor  
63 Vehicles must be transferred to the Department of Law  
64 Enforcement no later than July 31, 2013.

65 Section 2. All rules adopted by the Agency for Enterprise  
66 Information Technology and all proceedings pursuant to s.  
67 120.54, Florida Statutes, of the Agency for Enterprise  
68 Information Technology that are pending on the effective date of  
69 this act are nullified and of no further force or effect.

70 Section 3. The Northwood Shared Resource Center is  
71 transferred by a type two transfer, pursuant to s. 20.06(2),  
72 Florida Statutes, from the Department of Management Services to  
73 the Agency for State Technology. Any binding contract or  
74 interagency agreement entered into between the Northwood Shared  
75 Resource Center or an entity or agent of the center and any  
76 other agency, entity, or person shall continue as a binding  
77 contract or agreement on the Agency for State Technology for the  
78 remainder of the term of such contract or agreement.

79 Section 4. The Southwood Shared Resource Center is  
80 transferred by a type two transfer, pursuant to s. 20.06(2),  
81 Florida Statutes, from the Department of Management Services to  
82 the Agency for State Technology. Any binding contract or  
83 interagency agreement entered into between the Southwood Shared  
84 Resource Center or an entity or agent of the center and any

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85 other agency, entity, or person shall continue as a binding  
86 contract or agreement on the Agency for State Technology .

87 Section 5. Section 14.204, Florida Statutes, is repealed.

88 Section 6. Section 14.206, Florida Statutes, is created to  
89 read:

90 14.206 Agency for State Technology.—The Agency for State  
91 Technology is created within the Executive Office of the  
92 Governor.

93 (1) The head of the agency is the Governor and Cabinet.

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

99 (3) The agency shall have an executive director who is the  
100 state's Chief Information Officer and who must:

101 (a) Have a degree in computer science, information  
102 technology, information systems, or a related field from an  
103 accredited postsecondary educational institution.

104 (b) Have at least 10 years of executive-level experience  
105 in a combination of both the public and private sectors in the  
106 development and implementation of information technology  
107 strategic planning; management of enterprise information  
108 technology projects, particularly management experience with  
109 large-scale consolidation projects; and development and  
110 implementation of fiscal and substantive information technology  
111 policy.

112 (c) Be appointed by the Governor, subject to confirmation

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113 by the Cabinet and the Senate, and serve at the pleasure of the  
114 Governor and Cabinet.

115 (4) The Agency for State Technology shall:

116 (a) Beginning October 1, 2014, and biennially thereafter,  
117 develop and administer a comprehensive long-range plan for the  
118 state's information technology resources that ensures the proper  
119 management of such resources and includes opportunities for  
120 coordinating with other public-sector entities. The plan shall  
121 include, but not be limited to:

122 1. Identification of business functions and operations  
123 that are common across agencies within and among major program  
124 areas and recommendations for standardizing and consolidating  
125 the information technology services that support these common  
126 business functions and operations.

127 2. Identification of opportunities and strategies for  
128 consolidating the purchase of information technology commodities  
129 and contractual services that result in cost savings for the  
130 state.

131 3. Recommendations of other information technology  
132 services that should be designed, delivered, and managed as  
133 enterprise information technology services as defined in s.  
134 282.0041. For each information technology service recommended,  
135 the plan must include the specific business and functional  
136 requirements of the service, the projected costs and cost  
137 savings, and a proposed schedule for statewide implementation.

138 (b) By September 1, 2014, and annually thereafter,  
139 complete an analysis that collects, categorizes, and analyzes  
140 information technology expenditure data for the previous fiscal

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141 year for executive branch agencies. A report summarizing the  
142 results of the analysis must be submitted to the legislative  
143 appropriations committee chairs by September 15 of each year.

144 (c) Develop and maintain an inventory of major information  
145 technology projects currently in progress within executive  
146 branch agencies. For purposes of this inventory, "major  
147 information technology project" means a project that exceeds \$10  
148 million in total costs but does not include projects that  
149 involve renewing existing software licensing agreements or  
150 replacing computers with technology that is similar to the  
151 technology currently in use. For each project, the inventory  
152 must include, but is not limited to:

153 1. The total projected costs versus actual costs to date  
154 reported by the following categories: hardware, software,  
155 staffing, and contracted services.

156 2. The original project schedule, any changes made to the  
157 schedule, and the reasons for each change.

158 3. The original scope of the project, any changes made to  
159 the original scope, and any fiscal impact resulting from such  
160 changes.

161 (d) Develop and implement information technology  
162 architecture standards that allow for the efficient design,  
163 planning, acquisition, implementation, and delivery of  
164 information technology services and conduct periodic assessments  
165 of agencies to determine their compliance with such standards.

166 (e) Develop and implement project management standards and  
167 assist agencies in their use of such standards.

168 (f) Provide project management oversight on all executive

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169 branch agencies' information technology projects with total  
170 project costs of \$10 million or more.

171 (g) Coordinate information technology resource acquisition  
172 planning and assist the Division of Purchasing in the Department  
173 of Management Services in using aggregate buying methodologies  
174 whenever possible and with procurement negotiations for hardware  
175 and software products and services in order to reduce the cost  
176 of such products and services.

177 (h) Recommend to the Division of Purchasing in the  
178 Department of Management Services strategies and best practices  
179 for the procurement of information technology products and  
180 services in order to achieve cost savings for the state.

181 (i) With the exception of the Northwest Regional Data  
182 Center, provide operational management and oversight of the  
183 state data center established pursuant to s. 282.201, which  
184 shall include:

185 1. Appointing a director for the state data center.  
186 2. Approving cost-recovery mechanisms and cost structures  
187 that recover all direct and indirect costs through charges to  
188 customer entities.

189 3. Establishing appropriate operating policies necessary  
190 for the state data center to perform its duties pursuant to s.  
191 282.203. Such policies shall include a process for creating and  
192 implementing appropriate advisory committees comprised of  
193 customer entities for the purpose of reviewing and analyzing  
194 specific issues or activities and providing recommendations to  
195 the director of the state data center for addressing the issue  
196 or activity.

197 4. Monitoring the operation of the state data center to  
 198 ensure compliance with all appropriate laws, rules, and  
 199 policies.

200 5. Recommending to the Legislature a schedule that  
 201 identifies for each agency data center and computing facility  
 202 not yet consolidated into the state data center the recommended  
 203 date and facility location for its consolidation.

204 (j) Develop and submit a strategic business plan to the  
 205 Governor and Cabinet for implementing a successor financial and  
 206 cash management system. The plan should include a recommendation  
 207 of:

208 1. The financial business functions that should be  
 209 standardized and proposed as enterprise financial business  
 210 functions.

211 2. An enterprise financial governance structure that  
 212 describes the process for making strategic financial business  
 213 decisions and the procedures necessary to implement the  
 214 enterprise financial business functions.

215 (k) Operate in a manner that ensures the participation and  
 216 representation of state agencies.

217 (5) The Agency for State Technology may adopt rules to  
 218 implement this section.

219 Section 7. Section 282.0041, Florida Statutes, is amended  
 220 to read:

221 282.0041 Definitions.—As used in this chapter, the term:

222 (1) "Agency" has the same meaning as provided in s.  
 223 216.011(1)(qq), except that for purposes of this chapter,  
 224 "agency" does not include university boards of trustees or state



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225 | universities. For purposes of part I, the term "agency" does not  
226 | include the judicial branch, the Department of Legal Affairs,  
227 | the Department of Financial Services, the Department of  
228 | Agriculture and Consumer Services, state attorneys, public  
229 | defenders, criminal conflict and civil regional counsel, capital  
230 | collateral regional counsel, the Florida Clerks of Court  
231 | Operations Corporation, or the Florida Housing Finance  
232 | Corporation.

233 | ~~(2) "Agency for Enterprise Information Technology" means~~  
234 | ~~the agency created in s. 14.204.~~

235 | ~~(3) "Agency information technology service" means a~~  
236 | ~~service that directly helps an agency fulfill its statutory or~~  
237 | ~~constitutional responsibilities and policy objectives and is~~  
238 | ~~usually associated with the agency's primary or core business~~  
239 | ~~functions.~~

240 | ~~(4) "Annual budget meeting" means a meeting of the board~~  
241 | ~~of trustees of a primary data center to review data center usage~~  
242 | ~~to determine the apportionment of board members for the~~  
243 | ~~following fiscal year, review rates for each service provided,~~  
244 | ~~and determine any other required changes.~~

245 | ~~(2)-(5)~~ "Breach" has the same meaning as provided in s.  
246 | 817.5681(4).

247 | ~~(3)-(6)~~ "Business continuity plan" means a plan for  
248 | disaster recovery which provides for the continued functioning  
249 | of a primary data center during and after a disaster.

250 | ~~(4)-(7)~~ "Computing facility" means agency space containing  
251 | fewer than a total of 10 physical or logical servers, any of  
252 | which supports a strategic or nonstrategic information

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253 technology service, as described in budget instructions  
254 developed pursuant to s. 216.023, but excluding single, logical-  
255 server installations that exclusively perform a utility function  
256 such as file and print servers.

257 (5)~~(8)~~ "Customer entity" means an entity that obtains  
258 services from a primary data center.

259 (6)~~(9)~~ "Data center" means agency space containing 10 or  
260 more physical or logical servers any of which supports a  
261 strategic or nonstrategic information technology service, as  
262 described in budget instructions developed pursuant to s.  
263 216.023.

264 (7)~~(10)~~ "Department" means the Department of Management  
265 Services.

266 (8)~~(11)~~ "Enterprise information technology service" means  
267 an information technology service that is used in all agencies  
268 or a subset of agencies and is established in law to be  
269 designed, delivered, and managed at the enterprise level.

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

279 ~~(13) "Information system utility" means a full-service~~  
280 ~~information processing facility offering hardware, software,~~

281 ~~operations, integration, networking, and consulting services.~~

282 (9)~~(14)~~ "Information technology" means equipment,  
 283 hardware, software, firmware, programs, systems, networks,  
 284 infrastructure, media, and related material used to  
 285 automatically, electronically, and wirelessly collect, receive,  
 286 access, transmit, display, store, record, retrieve, analyze,  
 287 evaluate, process, classify, manipulate, manage, assimilate,  
 288 control, communicate, exchange, convert, converge, interface,  
 289 switch, or disseminate information of any kind or form.

290 ~~(15) "Information technology policy" means statements that~~  
 291 ~~describe clear choices for how information technology will~~  
 292 ~~deliver effective and efficient government services to residents~~  
 293 ~~and improve state agency operations. A policy may relate to~~  
 294 ~~investments, business applications, architecture, or~~  
 295 ~~infrastructure. A policy describes its rationale, implications~~  
 296 ~~of compliance or noncompliance, the timeline for implementation,~~  
 297 ~~metrics for determining compliance, and the accountable~~  
 298 ~~structure responsible for its implementation.~~

299 (10)~~(16)~~ "Performance metrics" means the measures of an  
 300 organization's activities and performance.

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

304 (11)~~(18)~~ "Project" means an endeavor that has a defined  
 305 start and end point; is undertaken to create or modify a unique  
 306 product, service, or result; and has specific objectives that,  
 307 when attained, signify completion.

308 (12)~~(19)~~ "Risk analysis" means the process of identifying

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309 security risks, determining their magnitude, and identifying  
310 areas needing safeguards.

311 ~~(13)-(20)~~ "Service level" means the key performance  
312 indicators (KPI) of an organization or service which must be  
313 regularly performed, monitored, and achieved.

314 ~~(14)-(21)~~ "Service-level agreement" means a written  
315 contract between a data center and a customer entity which  
316 specifies the scope of services provided, service level, the  
317 duration of the agreement, the responsible parties, and service  
318 costs. A service-level agreement is not a rule pursuant to  
319 chapter 120.

320 ~~(15)-(22)~~ "Standards" means required practices, controls,  
321 components, or configurations established by an authority.

322 (16) "State data center" means a data center that is a  
323 recipient entity for consolidation of agency data centers and  
324 computing facilities and may have more than one facility  
325 location.

326 ~~(17)-(23)~~ "SUNCOM Network" means the state enterprise  
327 telecommunications system that provides all methods of  
328 electronic or optical telecommunications beyond a single  
329 building or contiguous building complex and used by entities  
330 authorized as network users under this part.

331 ~~(18)-(24)~~ "Telecommunications" means the science and  
332 technology of communication at a distance, including electronic  
333 systems used in the transmission or reception of information.

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

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337 ~~(19)-(26)~~ "Total cost" means all costs associated with  
338 information technology projects or initiatives, including, but  
339 not limited to, value of hardware, software, service,  
340 maintenance, incremental personnel, and facilities. Total cost  
341 of a loan or gift of information technology resources to an  
342 agency includes the fair market value of the resources.

343 ~~(20)-(27)~~ "Usage" means the billing amount charged by the  
344 state primary data center, less any pass-through charges, to the  
345 customer entity.

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

348 Section 8. Section 17.0315, Florida Statutes, is repealed.

349 Section 9. Section 282.0055, Florida Statutes, is  
350 repealed.

351 Section 10. Section 282.0056, Florida Statutes, is  
352 repealed.

353 Section 11. Section 282.201, Florida Statutes, is amended  
354 to read:

355 282.201 State data center ~~system~~; creation; agency duties  
356 and limitations.—A state data center ~~system that includes all~~  
357 ~~primary data centers, other nonprimary data centers, and~~  
358 ~~computing facilities, and~~ that provides an enterprise  
359 information technology service as defined in s. 282.0041, is  
360 established. For the 2013-2014 fiscal year, the state data  
361 center shall be comprised of the Northwood Shared Resource  
362 Center, the Southwood Shared Resource Center, and, for purposes  
363 of its state agency customers, the Northwest Regional Data  
364 Center.

365 (1) INTENT.—The Legislature finds that the most efficient  
 366 and effective means of providing quality utility data processing  
 367 services to state agencies requires that computing resources be  
 368 concentrated in quality facilities that provide the proper  
 369 security, infrastructure, and staff resources to ensure that the  
 370 state's data is maintained reliably and safely, and is  
 371 recoverable in the event of a disaster. ~~Efficiencies resulting~~  
 372 ~~from such consolidation include the increased ability to~~  
 373 ~~leverage technological expertise and hardware and software~~  
 374 ~~capabilities; increased savings through consolidated purchasing~~  
 375 ~~decisions; and the enhanced ability to deploy technology~~  
 376 ~~improvements and implement new policies consistently throughout~~  
 377 ~~the consolidated organization.~~ Unless otherwise exempt by law,  
 378 it is the intent of the Legislature that all agency data centers  
 379 and computing facilities be consolidated into the state a  
 380 primary data center by 2019.

381 (2) AGENCY FOR STATE ~~ENTERPRISE INFORMATION~~ TECHNOLOGY  
 382 DUTIES.—The Agency for State ~~Enterprise Information~~ Technology  
 383 shall:

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

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

390 ~~(a)(e)~~ By January ~~September~~ 30, 2014, and annually  
 391 thereafter ~~of each year~~, submit to the Legislature, ~~the~~  
 392 ~~Executive Office of the Governor, and the primary data centers~~

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393 recommendations to improve the efficiency and cost-effectiveness  
394 of computing services provided by the state data center ~~system~~  
395 ~~facilities~~. Such recommendations must include, but need not be  
396 limited to:

397 1. Policies for improving the cost-effectiveness and  
398 efficiency of the state data center ~~system, which includes the~~  
399 ~~primary data centers being transferred to a shared, virtualized~~  
400 ~~server environment,~~ and the associated cost savings resulting  
401 from the implementation of such policies.

402 2. Infrastructure improvements necessary to support  
403 ~~supporting~~ the consolidation of agency facilities ~~or preempting~~  
404 ~~the need to create additional~~ data centers or computing  
405 facilities.

406 3. Uniform disaster recovery standards.

407 4. ~~Standards for primary data centers which provide cost-~~  
408 ~~effective services and transparent financial data to user~~  
409 ~~agencies.~~

410 ~~4.5.~~ Consolidation of contract practices or coordination  
411 of software, hardware, or other technology-related procurements  
412 and the associated cost savings.

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

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

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

420 a. ~~Consolidating purchase decisions.~~

421 ~~b. Leveraging expertise and other resources to gain~~  
 422 ~~economies of scale.~~

423 ~~e. Implementing state information technology policies more~~  
 424 ~~effectively.~~

425 ~~d. Maintaining or improving the level of service provision~~  
 426 ~~to customer entities.~~

427 ~~2. The agency shall establish workgroups as necessary to~~  
 428 ~~ensure participation by affected agencies in the development of~~  
 429 ~~recommendations related to consolidations.~~

430 (b)(e) Develop and establish rules relating to the  
 431 operation of the state data center ~~system~~ which comply with  
 432 applicable federal regulations, including 2 C.F.R. part 225 and  
 433 45 C.F.R. The rules must identify standards for a shared,  
 434 virtualized or cloud-based environment, including operations  
 435 system software, other operational software, security and  
 436 network infrastructure, and other infrastructure components as  
 437 required; describe a process for complying with such standards;  
 438 and provide an exemption process from compliance with such  
 439 standards, which must be consistent with paragraph (5)(b).  
 440 ~~address.~~

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

443 ~~2. Identifying standards for hardware, including standards~~  
 444 ~~for a shared, virtualized server environment, and operations~~  
 445 ~~system software and other operational software, including~~  
 446 ~~security and network infrastructure, for the primary data~~  
 447 ~~centers; requiring compliance with such standards in order to~~  
 448 ~~enable the efficient consolidation of the agency data centers or~~



449 ~~computing facilities; and providing an exemption process from~~  
450 ~~compliance with such standards, which must be consistent with~~  
451 ~~paragraph (5) (b).~~

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

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

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

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

470 (3) STATE AGENCY DUTIES.—

471 (a) For the purpose of completing the work activities  
472 described in subsections (1) and (2), each state agency shall  
473 provide to the Agency for State Enterprise Information  
474 Technology all requested information relating to its data  
475 centers and computing facilities and any other information  
476 relevant to the agency's ability to effectively transition its

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477 computer services into the state a ~~primary~~ data center. The  
478 agency shall also participate as required in workgroups relating  
479 to specific consolidation planning and implementation tasks as  
480 assigned by the Agency for State Enterprise Information  
481 Technology and determined necessary to accomplish consolidation  
482 goals.

483 (b) Each ~~state agency~~ customer entity of the state a  
484 ~~primary~~ data center shall notify the data center, by May 31 and  
485 November 30 of each year, of any significant changes in  
486 anticipated utilization of data center services pursuant to  
487 requirements established by the Agency for State Technology  
488 ~~boards of trustees of each primary data center.~~

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

490 (a) Consolidations of agency data centers shall be made by  
491 the date and to the specified state primary data center facility  
492 as provided in this section and in accordance with budget  
493 adjustments contained in the General Appropriations Act.

494 (b) By December 31, 2011, the following shall be  
495 consolidated into the Northwest Regional Data Center:

496 1. The Department of Education's Knott Data Center in the  
497 Turlington Building.

498 2. The Department of Education's Division of Vocational  
499 Rehabilitation.

500 3. The Department of Education's Division of Blind  
501 Services, except for the division's disaster recovery site in  
502 Daytona Beach.

503 4. The FCAT Explorer.

504 (c) During the 2011-2012 fiscal year, the following shall

505 | be consolidated into the Southwood Shared Resource Center:

506 |       1. By September 30, 2011, the Department of Corrections.

507 |       2. By March 31, 2012, the Department of Transportation's  
508 | Burns Building.

509 |       3. By March 31, 2012, the Department of Transportation's  
510 | Survey & Mapping Office.

511 |       (d) By July 1, 2012, the Department of Highway Safety and  
512 | Motor Vehicles' Office of Motor Carrier Compliance shall be  
513 | consolidated into the Northwood Shared Resource Center.

514 |       (e) By September 30, 2012, the Department of Revenue's  
515 | Carlton Building and Imaging Center locations shall be  
516 | consolidated into the Northwest Regional Data Center.

517 |       (f) During the 2012-2013 fiscal year, the following shall  
518 | be consolidated into the Northwood Shared Resource Center:

519 |           1. By July 1, 2012, the Agency for Health Care  
520 | Administration.

521 |           2. By August 31, 2012, the Department of Highway Safety  
522 | and Motor Vehicles.

523 |           3. By December 31, 2012, the Department of Environmental  
524 | Protection's Palmetto Commons.

525 |           4. By December 31, 2012, the Department of Health's Test  
526 | and Development Lab and all remaining data center resources  
527 | located at the Capital Circle Office Complex.

528 |       (g) During the 2013-2014 fiscal year, the following shall  
529 | be consolidated into the Southwood Shared Resource Center:

530 |       ~~1. By July 1, 2013, the Fish and Wildlife Conservation~~  
531 | ~~Commission, except for the commission's Fish and Wildlife~~  
532 | ~~Research Institute in St. Petersburg.~~

533 | ~~1.2.~~ By October 31, 2013, the Department of Economic  
 534 | Opportunity.

535 | ~~2.3.~~ By December 31, 2013, the Executive Office of the  
 536 | Governor, to include the Division of Emergency Management except  
 537 | for the Emergency Operation Center's management system in  
 538 | Tallahassee and the Camp Blanding Emergency Operations Center in  
 539 | Starke.

540 | ~~3.4.~~ By March 31, 2014, the Department of Elderly Affairs.

541 | (h) By July 1, 2013 ~~During the 2013-2014 fiscal year,~~ the  
 542 | Fish and Wildlife Conservation Commission, except for the  
 543 | commission's Fish and Wildlife Research Institute in St.  
 544 | Petersburg, following shall be consolidated into the Northwood  
 545 | Shared Resource Center.~~+~~

546 | ~~1. By July 1, 2013, the Department of Veterans' Affairs.~~

547 | ~~2. By December 31, 2013, the Department of Legal Affairs.~~

548 | ~~3. By March 31, 2014, the Department of Agriculture and~~  
 549 | ~~Consumer Services' Agriculture Management Information Center in~~  
 550 | ~~the Mayo Building and the Division of Licensing.~~

551 | ~~(i) During the 2014-2015 fiscal year, the following~~  
 552 | ~~agencies shall work with the Agency for Enterprise Information~~  
 553 | ~~Technology to begin preliminary planning for consolidation into~~  
 554 | ~~a primary data center:~~

555 | ~~1. The Department of Health's Jacksonville Lab Data~~  
 556 | ~~Center.~~

557 | ~~2. The Department of Transportation's district offices,~~  
 558 | ~~toll offices, and the District Materials Office.~~

559 | ~~3. The Department of Military Affairs' Camp Blanding Joint~~  
 560 | ~~Training Center in Starke.~~

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561           4. ~~The Camp Blanding Emergency Operations Center in~~  
562 ~~Starke.~~

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

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

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

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

571           9. ~~The Department of Children and Family Services' Florida~~  
572 ~~State Hospital in Chattahoochee.~~

573           (j) ~~During the 2015-2016 fiscal year, all computing~~  
574 ~~resources remaining within an agency data center or computing~~  
575 ~~facility, to include the Department of Financial Services'~~  
576 ~~Hartman, Larson, and Fletcher Buildings data centers, shall be~~  
577 ~~transferred to a primary data center for consolidation unless~~  
578 ~~otherwise required to remain in the agency for specified~~  
579 ~~financial, technical, or business reasons that must be justified~~  
580 ~~in writing and approved by the Agency for Enterprise Information~~  
581 ~~Technology. Such data centers, computing facilities, and~~  
582 ~~resources must be identified by the Agency for Enterprise~~  
583 ~~Information Technology by October 1, 2014.~~

584           (i) ~~(k)~~ The Department of Law Enforcement, the Department  
585 of the Lottery's Gaming System, Systems Design and Development  
586 in the Office of Policy and Budget, and the regional traffic  
587 management centers and the office of toll operations of the  
588 Department of Transportation, the State Board of Administration,

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589 state attorneys, public defenders, criminal conflict and civil  
590 regional counsel, capital collateral regional counsel, the  
591 Florida Clerks of Court Operations Corporation, and the Florida  
592 Housing Finance Corporation are exempt from data center  
593 consolidation under this section.

594 (j)~~(1)~~ Any agency that is consolidating agency data  
595 centers into the state ~~a primary~~ data center must execute a new  
596 or update an existing service-level agreement within 60 days  
597 after the specified consolidation date, as required by s.  
598 282.203, in order to specify the services and levels of service  
599 it is to receive from the state ~~primary~~ data center as a result  
600 of the consolidation. If an agency and state ~~primary~~ data center  
601 are unable to execute a service-level agreement by that date,  
602 the agency and the state ~~primary~~ data center shall submit a  
603 report to the Executive Office of the Governor and to the chairs  
604 of the legislative appropriations committees within 5 working  
605 days after that date which explains the specific issues  
606 preventing execution and describing the plan and schedule for  
607 resolving those issues.

608 ~~(m) Beginning September 1, 2011, and every 6 months~~  
609 ~~thereafter until data center consolidations are complete, the~~  
610 ~~Agency for Enterprise Information Technology shall provide a~~  
611 ~~status report on the implementation of the consolidations that~~  
612 ~~must be completed during the fiscal year. The report shall be~~  
613 ~~submitted to the Executive Office of the Governor and the chairs~~  
614 ~~of the legislative appropriations committees. The report must,~~  
615 ~~at a minimum, describe:~~

616 ~~1. Whether the consolidation is on schedule, including~~

617 ~~progress on achieving the milestones necessary for successful~~  
618 ~~and timely consolidation of scheduled agency data centers and~~  
619 ~~computing facilities.~~

620 ~~2. The risks that may affect the progress or outcome of~~  
621 ~~the consolidation and how these risks are being addressed,~~  
622 ~~mitigated, or managed.~~

623 ~~(k) (n)~~ Each agency identified in this subsection for  
624 consolidation into the state ~~a primary~~ data center shall submit  
625 a transition plan to the state ~~appropriate primary~~ data center  
626 by July 1 of the fiscal year before the fiscal year in which the  
627 scheduled consolidation will occur. Transition plans shall be  
628 developed in consultation with the state ~~appropriate primary~~  
629 data center ~~centers~~ and the Agency for State Enterprise  
630 ~~Information Technology~~, and must include:

631 1. An inventory of the agency data center's resources  
632 being consolidated, including all hardware and its associated  
633 life cycle replacement schedule, software, staff, contracted  
634 services, and facility resources performing data center  
635 management and operations, security, backup and recovery,  
636 disaster recovery, system administration, database  
637 administration, system programming, job control, production  
638 control, print, storage, technical support, help desk, and  
639 managed services, but excluding application development, and the  
640 agency's costs supporting these resources.

641 2. A list of contracts in effect, including, but not  
642 limited to, contracts for hardware, software, and maintenance,  
643 which identifies the expiration date, the contract parties, and  
644 the cost of each contract.

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645 3. A detailed description of the level of services needed  
646 to meet the technical and operational requirements of the  
647 platforms being consolidated.

648 4. A description of resources for computing services  
649 proposed to remain in the department.

650 5. A timetable with significant milestones for the  
651 completion of the consolidation.

652 (1) ~~(e)~~ The state ~~Each primary~~ data center shall develop a  
653 transition plan for absorbing the transfer of agency data center  
654 resources based upon the timetables for transition as provided  
655 in this subsection. The plan shall be submitted to the Agency  
656 for State Enterprise Information Technology, the Executive  
657 Office of the Governor, and the chairs of the legislative  
658 appropriations committees by September 1 of the fiscal year  
659 before the fiscal year in which the scheduled consolidations  
660 will occur. Each plan must include:

661 1. The projected cost to provide data center services for  
662 each agency scheduled for consolidation.

663 2. A staffing plan that identifies the projected staffing  
664 needs and requirements based on the estimated workload  
665 identified in the agency transition plan.

666 3. The fiscal year adjustments to budget categories in  
667 order to absorb the transfer of agency data center resources  
668 pursuant to the legislative budget request instructions provided  
669 in s. 216.023.

670 4. An analysis of the cost effects resulting from the  
671 planned consolidations on existing agency customers.

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



673 order to accomplish as efficiently and effectively as possible  
674 all consolidations required during the fiscal year.

675 ~~(m)-(p)~~ Each agency identified in this subsection for  
676 consolidation into the state ~~a primary~~ data center shall submit  
677 with its respective legislative budget request the specific  
678 recurring and nonrecurring budget adjustments of resources by  
679 appropriation category into the appropriate data processing  
680 category pursuant to the legislative budget request instructions  
681 in s. 216.023.

682 (5) AGENCY LIMITATIONS.—

683 (a) Unless exempt from data center consolidation pursuant  
684 to this section or authorized by the Legislature or as provided  
685 in paragraphs (b) and (c), a state agency may not:

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

690 2. Spend funds before the agency's scheduled consolidation  
691 into the state ~~a primary~~ data center to purchase or modify  
692 hardware or operations software that does not comply with  
693 hardware and software standards established by the Agency for  
694 State Enterprise Information Technology pursuant to paragraph  
695 (2) ~~(b)-(e)~~ for the efficient consolidation of the agency data  
696 centers or computing facilities;

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

699 4. Terminate services with the state ~~a primary~~ data center  
700 or transfer services between state ~~primary~~ data center

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701 facilities centers without giving written notice of intent to  
702 terminate or transfer services 180 days before such termination  
703 or transfer; or

704 5. Initiate a new computer service except with the state a  
705 ~~primary~~ data center.

706 (b) Exceptions to the limitations in subparagraphs (a)1.,  
707 2., 3., and 5. may be granted by the Agency for State Enterprise  
708 ~~Information~~ Technology if there is insufficient capacity in a  
709 state primary data center facility to absorb the workload  
710 associated with agency computing services, if expenditures are  
711 compatible with the scheduled consolidation and the standards  
712 established pursuant to paragraph (2) (b)(e), or if the equipment  
713 or resources are needed to meet a critical agency business need  
714 that cannot be satisfied by ~~from surplus equipment or resources~~  
715 ~~of~~ the state primary data center facility until the agency data  
716 center is consolidated.

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

722 2. At a minimum, the Agency for State Technology may not  
723 approve a request unless it includes documentation:

724 a. ~~Documentation~~ Approved by the state primary data center  
725 that center's board of trustees which confirms that the center  
726 cannot meet the capacity requirements of the agency requesting  
727 the exception within the current fiscal year.

728 b. Approved by the state data center that confirms the

729 proposed expenditures are compatible with the standards  
 730 established pursuant to paragraph (2) (b) ~~A description of the~~  
 731 ~~capacity requirements of the agency requesting the exception.~~

732 c. Submitted by ~~Documentation from~~ the agency requesting  
 733 the exception that demonstrates ~~demonstrating~~ why it is critical  
 734 to the agency's mission that the expansion or transfer ~~must~~ be  
 735 completed within the fiscal year rather than when capacity or  
 736 resources are available ~~is established~~ at a state primary data  
 737 center facility.

738 ~~(c) Exceptions to subparagraph (a)4. may be granted by the~~  
 739 ~~board of trustees of the primary data center if the termination~~  
 740 ~~or transfer of services can be absorbed within the current cost-~~  
 741 ~~allocation plan.~~

742 ~~(c) (d)~~ Upon the termination of or transfer of agency  
 743 computing services from the state primary data center, the state  
 744 ~~primary~~ data center shall require information sufficient to  
 745 determine compliance with this section. If the state ~~a primary~~  
 746 data center determines that an agency is in violation of this  
 747 section, it shall report the violation to the Agency for State  
 748 ~~Enterprise Information~~ Technology.

749 ~~(6) RULES. The Agency for Enterprise Information~~  
 750 ~~Technology may adopt rules to administer this part relating to~~  
 751 ~~the state data center system including the primary data centers.~~

752 Section 12. Section 282.203, Florida Statutes, is amended  
 753 to read:

754 282.203 State Primary data center ~~centers~~.-

755 (1) STATE DATA CENTER DIRECTOR.-The state data center  
 756 director shall:

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757 (a) Establish procedures for the state data center and its  
758 facilities to ensure that budgeting and accounting procedures,  
759 cost-recovery methodologies, and operational procedures are in  
760 compliance with laws governing the state data center, rules  
761 adopted by the Agency for State Technology, and applicable  
762 federal regulations, including 2 C.F.R. part 225 and 45 C.F.R.  
763 Such procedures must address:

764 1. Establishing a consolidated administrative support  
765 structure that is responsible for the provision of financial  
766 management, procurement, transactions involving real or personal  
767 property, human resources, and operational support for the state  
768 data center.

769 2. Requiring cost recovery for the full direct and  
770 indirect cost of services and ensuring that no service is  
771 subsidizing another service.

772 3. Advance invoicing customer entities no later than April  
773 15 of each year an amount that equals each customer entity's  
774 last quarter projected billings to ensure the state data center  
775 has sufficient revenue to operate during the last quarter of the  
776 fiscal year.

777 4. Projecting costs and revenues at the beginning of the  
778 third quarter of each fiscal year through the end of the fiscal  
779 year. If in any given fiscal year the state data center is  
780 projected to earn revenues that are less than the center's costs  
781 for the fiscal year, the Agency for State Technology must submit  
782 a plan for consideration by the Legislative Budget Commission  
783 that:

784 a. Identifies the cause or causes for the revenue

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785 shortfall.

786 b. Recommends options for addressing the shortfall,  
787 including reducing the state data center's operating costs where  
788 possible. If an option includes increasing a customer entity's  
789 amount in the appropriate data processing appropriation  
790 category, the plan must identify the fund source or sources that  
791 the customer entity will use to pay for the increase.

792 5. Implementing a reconciliation process to ensure that  
793 each customer entity is paying for the full cost of each service  
794 as determined by its use and cost structure.

795 6. Providing rebates to customer entities when revenues  
796 exceed costs. Rebates may be credited against future billings.

797 7. Providing a plan for consideration by the Legislative  
798 Budget Commission if a cost-recovery methodology is used after  
799 the start of a fiscal year that increases the customer entity's  
800 costs for that fiscal year.

801 8. Requiring a customer entity to document that sufficient  
802 funds are in the appropriate data processing appropriation  
803 category before implementing a customer entity's request for a  
804 change in the type or level of service provided if such change  
805 results in an increase to the customer entity's costs for that  
806 fiscal year.

807 (b) Provide each customer entity with full disclosure  
808 concerning plans for new, additional, or reduced service  
809 requirements, including expected achievable service levels and  
810 performance metrics.

811 (c) Approve the catalog of services offered by the state  
812 data center.

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813 (d) By July 1 of each year, submit to the Agency for State  
814 Technology a proposed cost-recovery methodology and cost  
815 structure for all services offered in the service catalog.

816 (e) Provide to each customer entity's agency head by  
817 September 1 of each year the projected costs to provide data  
818 center services for the following fiscal year. Each agency head  
819 shall use the projected costs for inclusion in his or her  
820 respective legislative budget request for budget adjustments  
821 necessary to fund the agency's data center services.

822 (f) Provide to the Agency for State Technology cost-  
823 reduction proposals, including strategies and timetables for  
824 lowering customer entities' costs without reducing the level of  
825 service.

826 (2)(1) STATE DATA CENTER DUTIES.—The state ~~Each primary~~  
827 ~~data center shall:~~

828 ~~(a) Serve customer entities as an information system~~  
829 ~~utility.~~

830 ~~(a)(b)~~ Cooperate with customer entities to offer, develop,  
831 and support the services and applications as defined within the  
832 service level agreement executed pursuant to this section and  
833 ~~provided by the center's board of trustees and customer~~  
834 ~~entities.~~

835 ~~(b)(c)~~ Comply with rules adopted by the Agency for State  
836 Enterprise Information Technology for the operation of the state  
837 data center, pursuant to this section, and coordinate with the  
838 agency in the consolidation of agency data centers and computing  
839 facilities pursuant to s. 282.201.

840 ~~(d) Provide to each agency head by September 1 of the~~

841 ~~fiscal year before the fiscal year in which the agency's~~  
842 ~~consolidation is scheduled to occur the projected costs to~~  
843 ~~provide data center services. Each agency head shall use the~~  
844 ~~projected cost for inclusion in his or her respective~~  
845 ~~legislative budget request for budget adjustments necessary to~~  
846 ~~fund the agency's data center services.~~

847 ~~(c) Provide transparent financial statements to customer~~  
848 ~~entities and the Agency for Enterprise Information Technology.~~  
849 ~~The financial statements shall be provided as follows:~~

850 ~~1. Annually, by July 30 for the current fiscal year and by~~  
851 ~~December 1 for the subsequent fiscal year, the data center must~~  
852 ~~provide the total annual budgeted costs by major expenditure~~  
853 ~~category, including, but not limited to, salaries, expense,~~  
854 ~~operating capital outlay, contracted services, or other~~  
855 ~~personnel services, which directly relate to the provision of~~  
856 ~~each service and which separately indicate the administrative~~  
857 ~~overhead allocated to each service.~~

858 ~~2. Annually, by July 30 for the current fiscal year and by~~  
859 ~~December 1 for the subsequent fiscal year, the data center must~~  
860 ~~provide total projected billings for each customer entity which~~  
861 ~~are required to recover the costs of the data center.~~

862 ~~3. Annually, by January 31, the data center must provide~~  
863 ~~updates of the financial statements required under subparagraphs~~  
864 ~~1. and 2. for the current fiscal year.~~

865  
866 ~~The financial information required under subparagraphs 1., 2.,~~  
867 ~~and 3. must be based on current law and current appropriations.~~

868 ~~(f) Annually, by October 1, submit to the board of~~

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869 ~~trustees cost-reduction proposals, including strategies and~~  
870 ~~timetables for lowering customer entities' costs without~~  
871 ~~reducing the level of services.~~

872 (c) ~~(g)~~ Maintain the performance and the ongoing  
873 sustainability of the facilities of the state data center by  
874 ~~facility, which includes~~ ensuring proper data backup, data  
875 backup recovery, an effective disaster recovery plan, adequate  
876 conditioned floor space, and appropriate security, power,  
877 cooling and fire suppression, and capacity and replacing aging  
878 equipment when necessary.

879 (d) ~~(h)~~ Develop a business continuity plan and conduct a  
880 live exercise of the plan at least annually. The plan must be  
881 approved by the ~~board and the~~ Agency for State Enterprise  
882 ~~Information Technology~~.

883 (e) ~~(i)~~ Enter into a service-level agreement with each  
884 customer entity to provide services as defined and approved by  
885 the Agency for State Technology board. A service-level agreement  
886 may not have a term exceeding 3 years but may include an option  
887 to renew for up to 3 years ~~contingent on approval by the board~~.

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

889 a. Identify the parties and their roles, duties, and  
890 responsibilities under the agreement.

891 ~~b. Identify the legal authority under which the service-~~  
892 ~~level agreement was negotiated and entered into by the parties.~~

893 b.e. State the duration of the contractual term and  
894 specify the conditions for contract renewal.

895 c.d. Prohibit the transfer of computing services between  
896 state primary data center facilities or the termination of



897 computing services provided by a state data center facility  
 898 without at least 180 days' notice of service cancellation.

899 ~~d.e.~~ Identify the scope of work.

900 ~~e.f.~~ Identify the products or services to be delivered  
 901 with sufficient specificity to permit an external financial or  
 902 performance audit.

903 ~~f.g.~~ Establish the services to be provided, the business  
 904 standards that must be met for each service, the cost of each  
 905 service, and the process by which the business standards for  
 906 each service are to be objectively measured and reported.

907 ~~h.~~ ~~Identify applicable funds and funding streams for the~~  
 908 ~~services or products under contract.~~

909 ~~g.i.~~ Provide a timely billing methodology for recovering  
 910 the cost of services provided to the customer entity pursuant to  
 911 s. 215.422. If a customer entity fails to pay an invoice within  
 912 60 days after receipt, the state data center may cease services  
 913 to the customer entity.

914 ~~h.j.~~ Provide a procedure for modifying the service-level  
 915 agreement to address changes in projected costs of service.

916 ~~i.k.~~ Provide that a service-level agreement may be  
 917 terminated by either party for cause only after giving the other  
 918 party and the Agency for State Enterprise Information Technology  
 919 notice in writing of the cause for termination and an  
 920 opportunity for the other party to resolve the identified cause  
 921 within a reasonable period.

922 ~~j.l.~~ Provide for mediation of disputes by the Division of  
 923 Administrative Hearings pursuant to s. 120.573.

924 2. A service-level agreement may include:

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925 a. A dispute resolution mechanism, including alternatives  
926 to administrative or judicial proceedings;

927 b. The setting of a surety or performance bond for  
928 service-level agreements entered into with the state agency  
929 ~~primary data center centers~~ established by law; or

930 c. Additional terms and conditions as determined advisable  
931 by the parties if such additional terms and conditions do not  
932 conflict with the requirements of this section or rules adopted  
933 by the Agency for State Enterprise Information Technology.

934 3. The failure to execute a service-level agreement within  
935 60 days after service commencement shall, in the case of an  
936 existing customer entity, result in a continuation of the terms  
937 of the service-level agreement from the prior fiscal year,  
938 including any amendments that were formally proposed to the  
939 customer entity by the state primary data center within the 3  
940 months before service commencement, and a revised cost-of-  
941 service estimate. If a new customer entity fails to execute an  
942 agreement within 60 days after service commencement, the state  
943 data center may cease services.

944 (f) In collaboration with the Department of Law  
945 Enforcement, develop and implement a process for detecting,  
946 reporting, and responding to suspected or confirmed information  
947 technology security incidents.

948 ~~(j) Plan, design, establish pilot projects for, and~~  
949 ~~conduct experiments with information technology resources, and~~  
950 ~~implement enhancements in services if such implementation is~~  
951 ~~cost-effective and approved by the board.~~

952 ~~(k) Enter into a memorandum of understanding with the~~

953 | ~~agency where the data center is administratively located if the~~  
 954 | ~~data center requires the agency to provide any administrative~~  
 955 | ~~services to the data center and the cost of such services. Any~~  
 956 | ~~administrative overhead costs charged shall require a specific~~  
 957 | ~~appropriation in the General Appropriation Act.~~

958 |        (g)~~(l)~~ Be the custodian of resources and equipment that  
 959 | are located, operated, supported, and managed by the state data  
 960 | center for the purposes of chapter 273.

961 |        (h)~~(m)~~ Assume administrative access rights to the  
 962 | resources and equipment, such as servers, network components,  
 963 | and other devices, that are consolidated into the state primary  
 964 | data center facility.

965 |        1. Upon the date of each consolidation specified in s.  
 966 | 282.201, the General Appropriations Act, or the Laws of Florida,  
 967 | each agency shall relinquish all administrative access rights to  
 968 | such resources and equipment. Agencies required to comply with  
 969 | federal and state criminal justice information security rules  
 970 | and policies shall retain administrative access rights  
 971 | sufficient to comply with the management control provisions of  
 972 | those rules and policies; however, the state data center  
 973 | facility shall have the appropriate type and level of rights to  
 974 | allow the center to comply with its duties pursuant to this  
 975 | section. The Department of Law Enforcement shall serve as the  
 976 | arbiter of any disputes that may arise regarding the appropriate  
 977 | type and level of administrative access rights pertaining to the  
 978 | provision of management control in accordance with federal  
 979 | criminal justice information guidelines.

980 |        2. The state ~~Each primary~~ data center shall provide its

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981 customer entities ~~agencies~~ with the appropriate level of access  
982 to applications, servers, network components, and other devices  
983 necessary for agencies to perform their core business activities  
984 and functions.

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

987 ~~(a) The members of the board shall be appointed by the~~  
988 ~~agency head or chief executive officer of the representative~~  
989 ~~customer entities of the primary data center and serve at the~~  
990 ~~pleasure of the appointing customer entity. Each agency head or~~  
991 ~~chief executive officer may appoint an alternate member for each~~  
992 ~~board member appointed pursuant to this subsection.~~

993 ~~1. During the first fiscal year that a state agency is to~~  
994 ~~consolidate its data center operations to a primary data center~~  
995 ~~and for the following full fiscal year, the agency shall have a~~  
996 ~~single trustee having one vote on the board of the state primary~~  
997 ~~data center where it is to consolidate, unless it is entitled in~~  
998 ~~the second year to a greater number of votes as provided in~~  
999 ~~subparagraph 3.~~

1000 ~~2. Board membership shall be as provided in subparagraph~~  
1001 ~~3. based on the most recent estimate of customer entity usage~~  
1002 ~~rates for the prior year and a projection of usage rates for the~~  
1003 ~~first 9 months of the next fiscal year. Such calculation must be~~  
1004 ~~completed before the annual budget meeting held before the~~  
1005 ~~beginning of the next fiscal year so that any decision to add or~~  
1006 ~~remove board members can be voted on at the budget meeting and~~  
1007 ~~become effective on July 1 of the subsequent fiscal year.~~

1008 ~~3. Each customer entity that has a projected usage rate of~~

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1009 | ~~4 percent or greater during the fiscal operating year of the~~  
1010 | ~~primary data center shall have one trustee on the board.~~

1011 | ~~4. The total number of votes for each trustee shall be~~  
1012 | ~~apportioned as follows:~~

1013 | ~~a. Customer entities of a primary data center whose usage~~  
1014 | ~~rate represents 4 but less than 15 percent of total usage shall~~  
1015 | ~~have one vote.~~

1016 | ~~b. Customer entities of a primary data center whose usage~~  
1017 | ~~rate represents 15 but less than 30 percent of total usage shall~~  
1018 | ~~have two votes.~~

1019 | ~~e. Customer entities of a primary data center whose usage~~  
1020 | ~~rate represents 30 but less than 50 percent of total usage shall~~  
1021 | ~~have three votes.~~

1022 | ~~d. A customer entity of a primary data center whose usage~~  
1023 | ~~rate represents 50 percent or more of total usage shall have~~  
1024 | ~~four votes.~~

1025 | ~~e. A single trustee having one vote shall represent those~~  
1026 | ~~customer entities that represent less than 4 percent of the~~  
1027 | ~~total usage. The trustee shall be selected by a process~~  
1028 | ~~determined by the board.~~

1029 | ~~(b) Before July 1 of each year, each board of trustees of~~  
1030 | ~~a primary data center shall elect a chair and a vice chair to a~~  
1031 | ~~term of 1 year or until a successor is elected. The vice chair~~  
1032 | ~~shall serve in the absence of the chair. The chair may be~~  
1033 | ~~elected to serve one additional successive term.~~

1034 | ~~(c) Members of the board representing customer entities~~  
1035 | ~~who fail to timely pay for data center services do not have~~  
1036 | ~~voting rights.~~

1037 ~~(d) A majority of the members constitutes a quorum. The~~  
 1038 ~~board shall take action by a majority vote of the members if a~~  
 1039 ~~quorum is present. If there is a tie, the chair shall be on the~~  
 1040 ~~prevailing side.~~

1041 ~~(e) The executive director of the Agency for Enterprise~~  
 1042 ~~Information Technology shall be the advisor to the board.~~

1043 ~~(f) To facilitate planned data center consolidations,~~  
 1044 ~~board membership may be adjusted as provided in the General~~  
 1045 ~~Appropriations Act.~~

1046 ~~(3) BOARD DUTIES. Each board of trustees of a primary data~~  
 1047 ~~center shall:~~

1048 ~~(a) Employ an executive director, pursuant to s. 20.05,~~  
 1049 ~~who serves at the pleasure of the board. The executive director~~  
 1050 ~~is responsible for the daily operation of the primary data~~  
 1051 ~~center, ensuring compliance with all laws and rules regulating~~  
 1052 ~~the primary data center, managing primary data center employees,~~  
 1053 ~~and the performance of the primary data center. The board shall~~  
 1054 ~~establish an annual performance evaluation process for the~~  
 1055 ~~executive director. The appointment of the executive director~~  
 1056 ~~must be reconfirmed by the board biennially.~~

1057 ~~(b) Establish procedures for the primary data center to~~  
 1058 ~~ensure that budgeting and accounting procedures, cost-recovery~~  
 1059 ~~methodologies, and operating procedures are in compliance with~~  
 1060 ~~laws governing the state data center system, rules adopted by~~  
 1061 ~~the Agency for Enterprise Information Technology, and applicable~~  
 1062 ~~federal regulations, including 2 C.F.R. part 225 and 45 C.F.R.~~

1063 ~~(c) Monitor the operation of the primary data center to~~  
 1064 ~~ensure compliance by the executive director and employees with~~

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1065 ~~laws and rules governing the primary data center, and ensure~~  
1066 ~~that staff members are accountable for the performance of the~~  
1067 ~~primary data center.~~

1068 ~~(d) Provide each customer entity with full disclosure~~  
1069 ~~concerning plans for new, additional, or reduced service~~  
1070 ~~requirements, including expected achievable service levels and~~  
1071 ~~performance metrics.~~

1072 ~~(e) Ensure the sufficiency and transparency of the primary~~  
1073 ~~data center financial information by:~~

1074 ~~1. Establishing policies that ensure that cost-recovery~~  
1075 ~~methodologies, billings, receivables, expenditure, budgeting,~~  
1076 ~~and accounting data are captured and reported timely,~~  
1077 ~~consistently, accurately, and transparently and, upon adoption~~  
1078 ~~of rules by the Agency for Enterprise Information Technology,~~  
1079 ~~are in compliance with such rules.~~

1080 ~~2. Requiring execution of service level agreements by the~~  
1081 ~~data center and each customer entity for services provided by~~  
1082 ~~the data center to the customer entity.~~

1083 ~~3. Requiring cost recovery for the full cost of services,~~  
1084 ~~including direct and indirect costs. The cost-recovery~~  
1085 ~~methodology must ensure that no service is subsidizing another~~  
1086 ~~service without an affirmative vote of approval by the customer~~  
1087 ~~entity providing the subsidy.~~

1088 ~~4. Establishing special assessments to fund expansions~~  
1089 ~~based on a methodology that apports the assessment according~~  
1090 ~~to the proportional benefit to each customer entity.~~

1091 ~~5. Providing rebates to customer entities when revenues~~  
1092 ~~exceed costs and offsetting charges to those who have subsidized~~

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1093 ~~other customer entity costs based on actual prior year final~~  
1094 ~~expenditures. Rebates may be credited against future billings.~~

1095 ~~6. Approving all expenditures committing over \$50,000 in a~~  
1096 ~~fiscal year.~~

1097 ~~7. Projecting costs and revenues at the beginning of the~~  
1098 ~~third quarter of each fiscal year through the end of the fiscal~~  
1099 ~~year. If in any given fiscal year the primary data center is~~  
1100 ~~projected to earn revenues that are below costs for that fiscal~~  
1101 ~~year after first reducing operating costs where possible, the~~  
1102 ~~board shall implement any combination of the following remedies~~  
1103 ~~to cover the shortfall:~~

1104 ~~a. The board may direct the primary data center to adjust~~  
1105 ~~current year chargeback rates through the end of the fiscal year~~  
1106 ~~to cover the shortfall. The rate adjustments shall be~~  
1107 ~~implemented using actual usage rate and billing data from the~~  
1108 ~~first three quarters of the fiscal year and the same principles~~  
1109 ~~used to set rates for the fiscal year.~~

1110 ~~b. The board may direct the primary data center to levy~~  
1111 ~~one-time charges on all customer entities to cover the~~  
1112 ~~shortfall. The one-time charges shall be implemented using~~  
1113 ~~actual usage rate and billing data from the first three quarters~~  
1114 ~~of the fiscal year and the same principles used to set rates for~~  
1115 ~~the fiscal year.~~

1116 ~~e. The customer entities represented by each board member~~  
1117 ~~may provide payments to cover the shortfall in proportion to the~~  
1118 ~~amounts each entity paid in the prior fiscal year.~~

1119 ~~8. Providing a plan for consideration by the Legislative~~  
1120 ~~Budget Commission if a billing rate schedule is used after the~~



1121 ~~start of the fiscal year which increases any agency's costs for~~  
 1122 ~~that fiscal year.~~

1123 ~~(f) Meet as often as necessary, but not less than once per~~  
 1124 ~~quarter, and hold the annual budget meeting between April 1 and~~  
 1125 ~~June 30 of each year.~~

1126 ~~(g) Approve the portfolio of services offered by the data~~  
 1127 ~~center.~~

1128 ~~(h) By July 1 of each year, submit to the Agency for~~  
 1129 ~~Enterprise Information Technology proposed cost-recovery~~  
 1130 ~~mechanisms and rate structures for all customer entities for the~~  
 1131 ~~fiscal year including the cost-allocation methodology for~~  
 1132 ~~administrative expenditures and the calculation of~~  
 1133 ~~administrative expenditures as a percent of total costs.~~

1134 ~~(i) Consider energy-efficient products and their total~~  
 1135 ~~cost of ownership when replacing, upgrading, or expanding:~~

1136 ~~1. Data center facilities, including, but not limited to,~~  
 1137 ~~environmental, power, and control systems; and~~

1138 ~~2. Data center network, storage, and computer equipment.~~

1139 ~~If the total cost of ownership, including initial acquisition~~  
 1140 ~~cost, is estimated to be equal to or lower than existing~~  
 1141 ~~infrastructure, technical specifications for energy-efficient~~  
 1142 ~~products should be incorporated into the replacement, upgrade,~~  
 1143 ~~or expansion planning and acquisition process.~~

1144 ~~(j) Maintain the capabilities of the primary data center's~~  
 1145 ~~facilities. Maintenance responsibilities include, but are not~~  
 1146 ~~limited to, ensuring that adequate conditioned floor space, fire~~  
 1147 ~~suppression, cooling, and power is in place; replacing aging~~  
 1148 ~~equipment when necessary; and making decisions related to data~~

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1149 ~~center expansion and renovation, periodic upgrades, and~~  
1150 ~~improvements that are required to ensure the ongoing suitability~~  
1151 ~~of the facility as an enterprise data center consolidation site~~  
1152 ~~in the state data center system. To the extent possible, the~~  
1153 ~~board shall ensure that its approved annual cost-allocation plan~~  
1154 ~~recovers sufficient funds from its customers to provide for~~  
1155 ~~these needs.~~

1156 ~~(k) Coordinate with other primary data centers and the~~  
1157 ~~Agency for Enterprise Information Technology in order to~~  
1158 ~~consolidate purchases of goods and services and lower the cost~~  
1159 ~~of providing services to customer entities.~~

1160 ~~(l) Contract with other primary data centers for the~~  
1161 ~~provision of administrative services or with the agency within~~  
1162 ~~which the primary data center is housed, whichever is most cost-~~  
1163 ~~effective. Any administrative overhead costs require a specific~~  
1164 ~~appropriation in the General Appropriations Act.~~

1165 Section 13. Section 282.204, Florida Statutes, is  
1166 repealed.

1167 Section 14. Section 282.205, Florida Statutes, is  
1168 repealed.

1169 Section 15. Section 282.318, Florida Statutes, is amended  
1170 to read:

1171 282.318 Enterprise security of data and information  
1172 technology.—

1173 (1) This section may be cited as the "Enterprise Security  
1174 of Data and Information Technology Act."

1175 (2) Information technology security is established as an  
1176 enterprise information technology service as defined in s.

1177 282.0041.

1178 (3) The Agency for State ~~Enterprise Information~~ Technology  
 1179 is responsible for establishing rules and publishing guidelines  
 1180 for ensuring an appropriate level of security for all data and  
 1181 information technology resources for executive branch agencies.  
 1182 The agency shall also ~~perform the following duties and~~  
 1183 ~~responsibilities:~~

1184 (a) Develop, and annually update by February 1, an  
 1185 enterprise information security strategic plan that includes  
 1186 security goals and objectives for the strategic issues of  
 1187 information security policy, risk management, ~~training,~~ incident  
 1188 management, and survivability planning.

1189 (b) Develop enterprise security rules and published  
 1190 guidelines for:

1191 1. Comprehensive risk analyses and information security  
 1192 audits conducted by state agencies.

1193 2. Responding to suspected or confirmed information  
 1194 security incidents, including suspected or confirmed breaches of  
 1195 confidential ~~personal~~ information or exempt data.

1196 3. Agency security plans, including strategic security  
 1197 plans and security program plans.

1198 4. The recovery of information technology and data  
 1199 following a disaster.

1200 5. The managerial, operational, and technical safeguards  
 1201 for protecting state government data and information technology  
 1202 resources.

1203 (c) Assist agencies in complying with ~~the provisions of~~  
 1204 this section.

1205 ~~(d) Pursue appropriate funding for the purpose of~~  
 1206 ~~enhancing domestic security.~~

1207 ~~(e) Provide training for agency information security~~  
 1208 ~~managers.~~

1209 (d)(f) Annually review the strategic and operational  
 1210 information security plans of executive branch agencies.

1211 ~~(4) To assist the Agency for Enterprise Information~~  
 1212 ~~Technology in carrying out its responsibilities,~~ Each agency  
 1213 head shall, at a minimum:

1214 (a) Designate an information security manager to  
 1215 administer the security program of the agency for its data and  
 1216 information technology resources. This designation must be  
 1217 provided annually in writing to the Agency for State Enterprise  
 1218 ~~Information~~ Technology by January 1.

1219 (b) Submit to the Agency for State Enterprise ~~Information~~  
 1220 ~~Technology~~ annually by July 31, the agency's strategic and  
 1221 operational information security plans developed pursuant to the  
 1222 rules and guidelines established by the Agency for State  
 1223 ~~Enterprise Information~~ Technology.

1224 1. The agency strategic information security plan must  
 1225 cover a 3-year period and, at a minimum, define security goals,  
 1226 intermediate objectives, and projected agency costs for the  
 1227 strategic issues of agency information security policy, risk  
 1228 management, security training, security incident response, and  
 1229 survivability. The plan must be based on the enterprise  
 1230 strategic information security plan created by the Agency for  
 1231 State Enterprise ~~Information~~ Technology. ~~Additional issues may~~  
 1232 ~~be included.~~

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1233 2. The agency operational information security plan must  
1234 include a progress report for the prior operational information  
1235 security plan and a project plan that includes activities,  
1236 timelines, and deliverables for security objectives that,  
1237 subject to current resources, the agency will implement during  
1238 the current fiscal year. ~~The cost of implementing the portions~~  
1239 ~~of the plan which cannot be funded from current resources must~~  
1240 ~~be identified in the plan.~~

1241 (c) Conduct, and update every 3 years, a comprehensive  
1242 risk analysis to determine the security threats to the data,  
1243 information, and information technology resources of the agency.  
1244 The risk analysis information is confidential and exempt from  
1245 ~~the provisions of s. 119.07(1),~~ except that such information  
1246 shall be available to the Auditor General, and the Agency for  
1247 State Enterprise Information Technology, and the Department of  
1248 Law Enforcement for performing postauditing duties.

1249 (d) Develop, and periodically update, written internal  
1250 policies and procedures, which must include procedures for  
1251 notifying all suspected or confirmed information security  
1252 incidents to the Cybercrime Office in the Department of Law  
1253 Enforcement within 24 hours after discovery ~~the Agency for~~  
1254 ~~Enterprise Information Technology when a suspected or confirmed~~  
1255 ~~breach, or an information security incident, occurs.~~ Such  
1256 policies and procedures must be consistent with the rules and  
1257 guidelines established by the Agency for State Enterprise  
1258 ~~Information~~ Technology to ensure the security of the data,  
1259 information, and information technology resources of the agency.  
1260 The internal policies and procedures that, if disclosed, could

1261 facilitate the unauthorized modification, disclosure, or  
 1262 destruction of data or information technology resources are  
 1263 confidential information and exempt from s. 119.07(1), except  
 1264 that such information shall be available to the Auditor General,  
 1265 ~~and the Agency for State Enterprise Information Technology, and~~  
 1266 the Department of Law Enforcement for performing postauditing  
 1267 duties.

1268 (e) Implement appropriate cost-effective safeguards to  
 1269 address identified risks to the data, information, and  
 1270 information technology resources of the agency.

1271 (f) Ensure that periodic internal audits and evaluations  
 1272 of the agency's security program for the data, information, and  
 1273 information technology resources of the agency are conducted.  
 1274 The results of such audits and evaluations are confidential  
 1275 information and exempt from s. 119.07(1), except that such  
 1276 information shall be available to the Auditor General, ~~and the~~  
 1277 Agency for State Enterprise Information Technology, and the  
 1278 Department of Law Enforcement for performing postauditing  
 1279 duties.

1280 (g) Include appropriate security requirements in the  
 1281 written specifications for the solicitation of information  
 1282 technology and information technology resources and services  
 1283 that, ~~which~~ are consistent with the rules and guidelines  
 1284 established by the Agency for State Enterprise Information  
 1285 Technology.

1286 (h) Require that all agency employees complete the  
 1287 security awareness training offered by the Cybercrime Office in  
 1288 the Department of Law Enforcement. ~~Provide security awareness~~

1289 ~~training to employees and users of the agency's communication~~  
 1290 ~~and information resources concerning information security risks~~  
 1291 ~~and the responsibility of employees and users to comply with~~  
 1292 ~~policies, standards, guidelines, and operating procedures~~  
 1293 ~~adopted by the agency to reduce those risks.~~

1294 (i) Develop a process for detecting, reporting, and  
 1295 responding to suspected or confirmed security threats or  
 1296 incidents, including suspected or confirmed breaches, consistent  
 1297 with the security rules and guidelines established by the Agency  
 1298 for State Enterprise Information Technology.

1299 1. Suspected or confirmed information security threats,  
 1300 incidents, and breaches must be ~~immediately~~ reported to the  
 1301 Cybercrime Office in the Department of Law Enforcement within 24  
 1302 hours after discovery ~~Agency for Enterprise Information~~  
 1303 ~~Technology.~~

1304 2. For incidents involving breaches, agencies shall  
 1305 provide notice in accordance with s. 817.5681 and to the  
 1306 Cybercrime Office in the Department of Law Enforcement ~~Agency~~  
 1307 ~~for Enterprise Information Technology~~ in accordance with this  
 1308 subsection.

1309 (5) Each state agency shall include appropriate security  
 1310 requirements in the specifications for the solicitation of  
 1311 contracts for procuring information technology or information  
 1312 technology resources or services that ~~which~~ are consistent with  
 1313 the rules and guidelines established by the Agency for State  
 1314 ~~Enterprise Information~~ Technology.

1315 (6) The Agency for State Enterprise Information  
 1316 Technology, in consultation with the Cybercrime Office in the

1317 Department of Law Enforcement, may adopt rules relating to  
 1318 information security and to administer ~~the provisions of this~~  
 1319 section.

1320 (7) For purposes of this section, the term "agency" has  
 1321 the same meaning as provided in s. 216.011(1) (qq), except that  
 1322 the term "agency" does not include the judicial branch, state  
 1323 attorneys, public defenders, criminal conflict and civil  
 1324 regional counsel, capital collateral regional counsel, the  
 1325 Florida Clerks of Court Operations Corporation, or the Florida  
 1326 Housing Finance Corporation.

1327 Section 16. Section 282.33, Florida Statutes, is repealed.

1328 Section 17. Effective upon this act becoming a law,  
 1329 section 282.34, Florida Statutes, is repealed.

1330 Section 18. Section 943.0415, Florida Statutes, is amended  
 1331 to read:

1332 943.0415 Cybercrime Office.—

1333 (1) There is created within the Department of Law  
 1334 Enforcement the Cybercrime Office.

1335 (2) The office may:

1336 (a) Investigate violations of state law pertaining to the  
 1337 sexual exploitation of children which are facilitated by or  
 1338 connected to the use of any device capable of storing electronic  
 1339 data.

1340 (b) Monitor information technology resources and collect  
 1341 and analyze potential threats regarding potential cybersecurity  
 1342 incidents, including cyber attacks and breaches of personal  
 1343 information containing confidential or exempt data.

1344 (c) Investigate violations of state law pertaining to



1345 suspected or confirmed cybersecurity incidents and assist in  
 1346 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 security  
 1355 provisions of s. 282.318.

1356 Section 19. Paragraph (e) of subsection (2) of section  
 1357 110.205, Florida Statutes, is amended to read:

1358 110.205 Career service; exemptions.—

1359 (2) EXEMPT POSITIONS.—The exempt positions that are not  
 1360 covered by this part include the following:

1361 (e) The Chief Information Officer in the Agency for State  
 1362 ~~Enterprise Information~~ Technology. Unless otherwise fixed by  
 1363 law, the Agency for State ~~Enterprise Information~~ Technology  
 1364 shall set the salary and benefits of this position in accordance  
 1365 with the rules of the Senior Management Service.

1366 Section 20. Subsections (2) and (9) of section 215.322,  
 1367 Florida Statutes, are amended to read:

1368 215.322 Acceptance of credit cards, charge cards, debit  
 1369 cards, or electronic funds transfers by state agencies, units of  
 1370 local government, and the judicial branch.—

1371 (2) A state agency as defined in s. 216.011, or the  
 1372 judicial branch, may accept credit cards, charge cards, debit

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1373 cards, or electronic funds transfers in payment for goods and  
1374 services with the prior approval of the Chief Financial Officer.  
1375 If the Internet or other related electronic methods are to be  
1376 used as the collection medium, the Agency for State Enterprise  
1377 ~~Information~~ Technology shall review and recommend to the Chief  
1378 Financial Officer whether to approve the request with regard to  
1379 the process or procedure to be used.

1380 (9) For payment programs in which credit cards, charge  
1381 cards, or debit cards are accepted by state agencies, the  
1382 judicial branch, or units of local government, the Chief  
1383 Financial Officer, in consultation with the Agency for State  
1384 ~~Enterprise Information~~ Technology, may adopt rules to establish  
1385 uniform security safeguards for cardholder data and to ensure  
1386 compliance with the Payment Card Industry Data Security  
1387 Standards.

1388 Section 21. Subsection (22) of section 287.057, Florida  
1389 Statutes, is amended to read:

1390 287.057 Procurement of commodities or contractual  
1391 services.—

1392 (22) The department, in consultation with the Agency for  
1393 State Enterprise Information Technology and the Comptroller,  
1394 shall develop a program for online procurement of commodities  
1395 and contractual services. To enable the state to promote open  
1396 competition and to leverage its buying power, agencies shall  
1397 participate in the online procurement program, and eligible  
1398 users may participate in the program. Only vendors prequalified  
1399 as meeting mandatory requirements and qualifications criteria  
1400 may participate in online procurement.

1401 (a) The department, in consultation with the agency, may  
 1402 contract for equipment and services necessary to develop and  
 1403 implement online procurement.

1404 (b) The department, in consultation with the agency, shall  
 1405 adopt rules, pursuant to ss. 120.536(1) and 120.54, to  
 1406 administer the program for online procurement. The rules shall  
 1407 include, but not be limited to:

1408 1. Determining the requirements and qualification criteria  
 1409 for prequalifying vendors.

1410 2. Establishing the procedures for conducting online  
 1411 procurement.

1412 3. Establishing the criteria for eligible commodities and  
 1413 contractual services.

1414 4. Establishing the procedures for providing access to  
 1415 online procurement.

1416 5. Determining the criteria warranting any exceptions to  
 1417 participation in the online procurement program.

1418 (c) The department may impose and shall collect all fees  
 1419 for the use of the online procurement systems.

1420 1. The fees may be imposed on an individual transaction  
 1421 basis or as a fixed percentage of the cost savings generated. At  
 1422 a minimum, the fees must be set in an amount sufficient to cover  
 1423 the projected costs of the services, including administrative  
 1424 and project service costs in accordance with the policies of the  
 1425 department.

1426 2. If the department contracts with a provider for online  
 1427 procurement, the department, pursuant to appropriation, shall  
 1428 compensate the provider from the fees after the department has

1429 satisfied all ongoing costs. The provider shall report  
 1430 transaction data to the department each month so that the  
 1431 department may determine the amount due and payable to the  
 1432 department from each vendor.

1433 3. All fees that are due and payable to the state on a  
 1434 transactional basis or as a fixed percentage of the cost savings  
 1435 generated are subject to s. 215.31 and must be remitted within  
 1436 40 days after receipt of payment for which the fees are due. For  
 1437 fees that are not remitted within 40 days, the vendor shall pay  
 1438 interest at the rate established under s. 55.03(1) on the unpaid  
 1439 balance from the expiration of the 40-day period until the fees  
 1440 are remitted.

1441 4. All fees and surcharges collected under this paragraph  
 1442 shall be deposited in the Operating Trust Fund as provided by  
 1443 law.

1444 Section 22. Subsection (4) of section 445.011, Florida  
 1445 Statutes, is amended to read:

1446 445.011 Workforce information systems.—

1447 (4) Workforce Florida, Inc., shall coordinate development  
 1448 and implementation of workforce information systems with the  
 1449 executive director of the Agency for State Enterprise  
 1450 ~~Information~~ Technology to ensure compatibility with the state's  
 1451 information system strategy and enterprise architecture.

1452 Section 23. Subsections (2) and (4) of section 445.045,  
 1453 Florida Statutes, are amended to read:

1454 445.045 Development of an Internet-based system for  
 1455 information technology industry promotion and workforce  
 1456 recruitment.—

1457 (2) Workforce Florida, Inc., shall coordinate with the  
 1458 Agency for State ~~Enterprise Information~~ Technology and the  
 1459 Department of Economic Opportunity to ensure links, where  
 1460 feasible and appropriate, to existing job information websites  
 1461 maintained by the state and state agencies and to ensure that  
 1462 information technology positions offered by the state and state  
 1463 agencies are posted on the information technology website.

1464 (4) (a) Workforce Florida, Inc., shall coordinate  
 1465 development and maintenance of the website under this section  
 1466 with the executive director of the Agency for State ~~Enterprise~~  
 1467 ~~Information~~ Technology to ensure compatibility with the state's  
 1468 information system strategy and enterprise architecture.

1469 (b) Workforce Florida, Inc., may enter into an agreement  
 1470 with the Agency for State ~~Enterprise Information~~ Technology, the  
 1471 Department of Economic Opportunity, or any other public agency  
 1472 with the requisite information technology expertise for the  
 1473 provision of design, operating, or other technological services  
 1474 necessary to develop and maintain the website.

1475 (c) Workforce Florida, Inc., may procure services  
 1476 necessary to implement ~~the provisions of~~ this section, if it  
 1477 employs competitive processes, including requests for proposals,  
 1478 competitive negotiation, and other competitive processes, to  
 1479 ensure that the procurement results in the most cost-effective  
 1480 investment of state funds.

1481 Section 24. Paragraph (b) of subsection (18) of section  
 1482 668.50, Florida Statutes, is amended to read:

1483 668.50 Uniform Electronic Transaction Act.—

1484 (18) ACCEPTANCE AND DISTRIBUTION OF ELECTRONIC RECORDS BY

1485 GOVERNMENTAL AGENCIES.—

1486 (b) To the extent that a governmental agency uses  
 1487 electronic records and electronic signatures under paragraph  
 1488 (a), the Agency for State ~~Enterprise Information~~ Technology, in  
 1489 consultation with the governmental agency, giving due  
 1490 consideration to security, may specify:

1491 1. The manner and format in which the electronic records  
 1492 must be created, generated, sent, communicated, received, and  
 1493 stored and the systems established for those purposes.

1494 2. If electronic records must be signed by electronic  
 1495 means, the type of electronic signature required, the manner and  
 1496 format in which the electronic signature must be affixed to the  
 1497 electronic record, and the identity of, or criteria that must be  
 1498 met by, any third party used by a person filing a document to  
 1499 facilitate the process.

1500 3. Control processes and procedures as appropriate to  
 1501 ensure adequate preservation, disposition, integrity, security,  
 1502 confidentiality, and auditability of electronic records.

1503 4. Any other required attributes for electronic records  
 1504 which are specified for corresponding nonelectronic records or  
 1505 reasonably necessary under the circumstances.

1506 Section 25. Subsections (1), (2), and (3) of section  
 1507 1004.649, Florida Statutes, are amended to read:

1508 1004.649 Northwest Regional Data Center.—

1509 (1) For the purpose of serving its state agency customers  
 1510 for the 2013-2014 fiscal year, the Northwest Regional Data  
 1511 Center at Florida State University is designated as a state  
 1512 ~~primary~~ data center facility and shall:

1513 (a) Operate under a governance structure that represents  
1514 its customers proportionally.

1515 (b) Maintain an appropriate cost-allocation methodology  
1516 that accurately bills state agency customers based solely on the  
1517 actual direct and indirect costs of the services provided to  
1518 state agency customers, and prohibits the subsidization of  
1519 nonstate agency customers' costs by state agency customers.

1520 (c) Enter into a service-level agreement with each state  
1521 agency customer to provide services as defined and approved by  
1522 the governing board of the center. At a minimum, such service-  
1523 level agreements must:

1524 1. Identify the parties and their roles, duties, and  
1525 responsibilities under the agreement;

1526 2. State the duration of the agreement term and specify  
1527 the conditions for renewal;

1528 3. Identify the scope of work;

1529 4. Establish the services to be provided, the business  
1530 standards that must be met for each service, the cost of each  
1531 service, and the process by which the business standards for  
1532 each service are to be objectively measured and reported;

1533 5. Provide a timely billing methodology for recovering the  
1534 cost of services provided; and

1535 6. Provide a procedure for modifying the service-level  
1536 agreement to address any changes in projected costs of service.

1537 (d) Provide to the Board of Governors the total annual  
1538 budget by major expenditure category, including, but not limited  
1539 to, salaries, expenses, operating capital outlay, contracted  
1540 services, or other personnel services by July 30 each fiscal

1541 year.

1542 (e) Provide to each state agency customer its projected  
 1543 annual cost for providing the agreed-upon data center services  
 1544 by September 1 each fiscal year.

1545 (f) Provide a plan for consideration by the Legislative  
 1546 Budget Commission if the governing body of the center approves  
 1547 the use of a billing rate schedule after the start of the fiscal  
 1548 year that increases any state agency customer's costs for that  
 1549 fiscal year.

1550 (2) The Northwest Regional Data Center's designation as a  
 1551 state primary data center facility for purposes of serving its  
 1552 state agency customers may be terminated if:

1553 (a) The center requests such termination to the Board of  
 1554 Governors, the Senate President, and the Speaker of the House of  
 1555 Representatives; or

1556 (b) The center fails to comply with the provisions of this  
 1557 section.

1558 (3) If such designation is terminated, the center shall  
 1559 have 1 year to provide for the transition of its state agency  
 1560 customers to the state data ~~Southwood Shared Resource Center or~~  
 1561 ~~the Northwood Shared Resource~~ center.

1562 Section 26. Except as otherwise expressly provided in this  
 1563 act and except for this section, which shall take effect upon  
 1564 this act becoming a law, this act shall take effect July 1,  
 1565 2013.