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1 A bill to be entitled
2 An act relating to the Agency for Enterprise Information
3 Technology; amending s. 14.204, F.S.; revising duties and
4 responsibilities of the agency; removing provisions for
5 the Office of Information Security and the Agency Chief
6 Information Officers Council; amending s. 20.315, F.S.,
7 relating to the Department of Corrections; providing for
8 the department's data system to be managed through the
9 department's Office of Information Technology; removing
10 reference to the Justice Data Center; amending s.
11 282.0041, F.S.; removing the definitions of the terms
12 "agency chief information officer" and "Agency Chief
13 Information Officers Council"; revising the definition of
14 the term "primary data center"; amending s. 282.0056,
15 F.S.; revising requirements for development of an annual
16 work plan by the agency; amending s. 282.201, F.S.;
17 revising duties of the agency; providing for submission of
18 certain recommendations to the Executive Office of the
19 Governor, the Legislature, and primary data centers;
20 removing a provision for an overall consolidation plan;
21 revising provisions for adoption of rules by the agency;
22 requiring publication of notice; revising duties of state
23 agencies; providing a schedule for state agency data
24 center consolidation; providing conditions for
25 consolidations; requiring the agency to make certain
26 reports; requiring development of transition plans;
27 amending s. 282.203, F.S.; revising duties of primary data
28 centers; revising provisions for service-level agreements;

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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29 | revising provisions for membership of boards of trustees
 30 | of primary data centers; creating s. 282.206, F.S.;
 31 | designating the Northwest Regional Data Center as a
 32 | primary data center; repealing s. 282.3055, F.S., relating
 33 | to agency chief information officers; repealing s.
 34 | 282.315, F.S., relating to the Agency Chief Information
 35 | Officers Council; amending s. 282.318, F.S., relating to
 36 | enterprise security of data and information technology;
 37 | conforming to changes made by the act; deleting an
 38 | obsolete provision; amending ss. 282.34 and 287.042, F.S.,
 39 | relating to statewide e-mail service and powers, duties,
 40 | and functions of the Department of Management Services,
 41 | respectively; conforming provisions to changes made by the
 42 | act; providing an effective date.

43 |
 44 | Be It Enacted by the Legislature of the State of Florida:

45 |
 46 | Section 1. Paragraphs (a), (g), (h), (i), (j), and (k) of
 47 | subsection (4) and subsections (5) and (6) of section 14.204,
 48 | Florida Statutes, are amended to read:

49 | 14.204 Agency for Enterprise Information Technology.—The
 50 | Agency for Enterprise Information Technology is created within
 51 | the Executive Office of the Governor.

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

54 | (a) Develop strategies for the planning, design, delivery,
 55 | implementation, and management of ~~the~~ enterprise information
 56 | technology services established in law, including the state data

57 center system services established pursuant to s. 282.201, the
 58 information technology security service established in s.
 59 282.318, and the statewide e-mail service established in s.
 60 282.34.

61 (g) Coordinate technology resource acquisition planning
 62 and assist the Division of Purchasing of the Department of
 63 Management Services in procurement negotiations for technology
 64 hardware and software products and services in order to improve
 65 the efficiency and reduce the cost of enterprise information
 66 technology services.

67 ~~(h) In consultation with the Division of Purchasing in the~~
 68 ~~Department of Management Services, coordinate procurement~~
 69 ~~negotiations for information technology products as defined in~~
 70 ~~s. 282.0041 which will be used by multiple agencies.~~

71 (h)(i) In coordination with, and through the services of,
 72 the Division of Purchasing in the Department of Management
 73 Services, establish best practices for the procurement of
 74 information technology products as defined in s. 282.0041 in
 75 order to achieve savings for the state.

76 (i)(j) Develop information technology standards for
 77 enterprise information technology services as defined in s.
 78 282.0041.

79 (j)(k) Provide annually, by December 31, recommendations
 80 to the Legislature relating to techniques for consolidating the
 81 purchase of information technology commodities and services,
 82 which result in savings for the state, and for establishing a
 83 process to achieve savings through consolidated purchases.

84 ~~(5) The Office of Information Security shall be created~~

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85 ~~within the agency.~~ The agency shall designate a state Chief
 86 Information Security Officer who shall ~~oversee the office and~~
 87 report directly to the executive director.

88 (6) The agency shall operate in a manner that ensures the
 89 participation and representation of state agencies ~~and the~~
 90 ~~Agency Chief Information Officers Council established in s.~~
 91 ~~282.315.~~

92 Section 2. Subsection (10) of section 20.315, Florida
 93 Statutes, is amended to read:

94 20.315 Department of Corrections.—There is created a
 95 Department of Corrections.

96 (10) SINGLE INFORMATION AND RECORDS SYSTEM.—There shall be
 97 only one offender-based information and records computer system
 98 maintained by the Department of Corrections for the joint use of
 99 the department and the Parole Commission. This data system shall
 100 be managed through the department's Office of Information
 101 Technology ~~Justice Data Center~~. The department shall develop and
 102 maintain, in consultation with the Criminal and Juvenile Justice
 103 Information Systems Council under s. 943.08, such offender-based
 104 information, including clemency administration information and
 105 other computer services to serve the needs of both the
 106 department and the Parole Commission. The department shall
 107 notify the commission of all violations of parole and the
 108 circumstances thereof.

109 Section 3. Subsections (4) through (30) of section
 110 282.0041, Florida Statutes, are renumbered as subsections (2)
 111 through (28), respectively, and present subsections (2), (3),
 112 and (19) of that section are amended to read:

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113 282.0041 Definitions.—As used in this chapter, the term:
114 ~~(2) "Agency chief information officer" means the person~~
115 ~~employed by the agency head to coordinate and manage the~~
116 ~~information technology functions and responsibilities applicable~~
117 ~~to that agency, to participate and represent the agency in~~
118 ~~developing strategies for implementing enterprise information~~
119 ~~technology services established pursuant to this part, and to~~
120 ~~develop recommendations for enterprise information technology~~
121 ~~policy.~~

122 ~~(3) "Agency Chief Information Officers Council" means the~~
123 ~~council created in s. 282.315.~~

124 ~~(17)~~~~(19)~~ (17) "Primary data center" means a ~~state or nonstate~~
125 ~~agency~~ data center that is a recipient entity for consolidation
126 of nonprimary data centers and computing facilities and is
127 established. ~~A primary data center may be authorized in law or~~
128 ~~designated by the Agency for Enterprise Information Technology~~
129 ~~pursuant to s. 282.201.~~

130 Section 4. Subsection (1) of section 282.0056, Florida
131 Statutes, is amended to read:

132 282.0056 Development of work plan; development of
133 implementation plans; and policy recommendations.—

134 (1) For the purposes of carrying out its responsibilities
135 under s. 282.0055, the Agency for Enterprise Information
136 Technology shall develop an annual work plan within 60 days
137 after the beginning of the fiscal year describing the activities
138 that the agency intends to undertake for that year, including
139 proposed outcomes and completion timeframes for the planning and
140 implementation of all enterprise information technology

141 services. The work plan must be presented at a public hearing
 142 and that includes the Agency Chief Information Officers Council,
 143 ~~which may review and comment on the plan. The work plan must~~
 144 thereafter be approved by the Governor and Cabinet and submitted
 145 to the President of the Senate and the Speaker of the House of
 146 Representatives. The work plan may be amended as needed, subject
 147 to approval by the Governor and Cabinet.

148 Section 5. Subsections (2) through (5) of section 282.201,
 149 Florida Statutes, are amended to read:

150 282.201 State data center system; agency duties and
 151 limitations.—A state data center system that includes all
 152 primary data centers, other nonprimary data centers, and
 153 computing facilities, and that provides an enterprise
 154 information technology service as defined in s. 282.0041, is
 155 established.

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

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

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

164 (c) By September ~~December~~ 31 of each year, submit to the
 165 Legislature, the Executive Office of the Governor, and the
 166 primary data centers recommendations to improve the efficiency
 167 and cost-effectiveness ~~effectiveness~~ of computing services
 168 provided by state data center system facilities. Such

169 recommendations may include, but need not be limited to:

170 1. Policies for improving the cost-effectiveness and

171 efficiency of the state data center system and the projected

172 cost savings resulting from their implementation.

173 2. Infrastructure improvements supporting the

174 consolidation of facilities or preempting the need to create

175 additional data centers or computing facilities.

176 3. Standards for an objective, credible energy performance

177 rating system that data center boards of trustees can use to

178 measure state data center energy consumption and efficiency ~~on a~~

179 ~~biannual basis.~~

180 4. Uniform disaster recovery standards.

181 5. Standards for primary data centers to provide cost-

182 effective services and ~~providing~~ transparent financial data to

183 user agencies.

184 6. Consolidation of contract practices or coordination of

185 software, hardware, or other technology-related procurements and

186 the projected cost savings.

187 7. Improvements to data center governance structures.

188 (d) By October 1 of each year beginning in 2011 ~~2009~~,

189 provide recommendations ~~recommend~~ to the Governor and

190 Legislature regarding changes to the schedule for agency data

191 center consolidation established in subsection (4) ~~at least two~~

192 ~~nonprimary data centers for consolidation into a primary data~~

193 ~~center or nonprimary data center facility.~~

194 ~~1. The consolidation proposal must provide a transition~~

195 ~~plan that includes:~~

196 ~~a. Estimated transition costs for each data center or~~

197 ~~computing facility recommended for consolidation;~~
 198 ~~b. Detailed timeframes for the complete transition of each~~
 199 ~~data center or computing facility recommended for consolidation;~~
 200 ~~e. Proposed recurring and nonrecurring fiscal impacts,~~
 201 ~~including increased or decreased costs and associated budget~~
 202 ~~impacts for affected budget entities;~~
 203 ~~d. Substantive legislative changes necessary to implement~~
 204 ~~the transition; and~~
 205 ~~e. Identification of computing resources to be transferred~~
 206 ~~and those that will remain in the agency. The transfer of~~
 207 ~~resources must include all hardware, software, staff, contracted~~
 208 ~~services, and facility resources performing data center~~
 209 ~~management and operations, security, backup and recovery,~~
 210 ~~disaster recovery, system administration, database~~
 211 ~~administration, system programming, job control, production~~
 212 ~~control, print, storage, technical support, help desk, and~~
 213 ~~managed services but excluding application development.~~
 214 ~~1.2.~~ Recommendations shall be based on the goal of
 215 maximizing current and future cost savings by. The agency shall
 216 consider the following criteria in selecting consolidations that
 217 maximize efficiencies by providing the ability to:
 218 a. Consolidating ~~Consolidate~~ purchase decisions;
 219 b. Leveraging ~~Leverage~~ expertise and other resources to
 220 gain economies of scale;
 221 c. Implementing ~~Implement~~ state information technology
 222 policies more effectively; and
 223 d. Maintaining ~~Maintain~~ or improving ~~improve~~ the level of
 224 service provision to customer entities; ~~and~~

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

227 2.3. The agency shall establish workgroups as necessary to
228 ensure participation by affected agencies in the development of
229 recommendations related to consolidations.

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

236 (e) (f) Develop and establish rules relating to the
237 operation of the state data center system which comply with
238 applicable federal regulations, including 2 C.F.R. part 225 and
239 45 C.F.R. The agency shall provide notice of the development of
240 its proposed rules by publication of a notice of development in
241 the Florida Administrative Weekly no later than October 1, 2011.

242 The rules shall ~~may~~ address:

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

245 2. Implementing standards for hardware, operations
246 software, including security, and network infrastructure for the
247 primary data centers ~~Requiring the establishment of service-~~
248 ~~level agreements executed between a data center and its customer~~
249 ~~entities for services provided.~~

250 3. Requiring annual full cost recovery on an equitable
251 rational basis. The cost-recovery methodology must ensure that
252 no service is subsidizing another service and may include

253 adjusting the subsequent year's rates as a means to recover
 254 deficits or refund surpluses from a prior year.

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

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

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

268 ~~7. Designating any nonstate data center as a primary data
 269 center if the center:~~

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

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

277 ~~c. Has sufficient raised floor space, cooling, and
 278 redundant power capacity, including uninterruptible power supply
 279 and backup power generation, to accommodate the computer
 280 processing platforms and support necessary to host the computing~~

281 ~~requirements of additional customer entities.~~

282 ~~8. Removing a nonstate data center from primary data~~
 283 ~~center designation if the nonstate data center fails to meet~~
 284 ~~standards necessary to ensure that the state's data is~~
 285 ~~maintained pursuant to subparagraph 7.~~

286 (3) STATE AGENCY DUTIES.—

287 (a) For the purpose of completing its work activities as
 288 described in subsection (1), each state agency shall provide to
 289 the Agency for Enterprise Information Technology all requested
 290 information and any other information relevant to the agency's
 291 ability to effectively transition its computer services into a
 292 primary data center. The agency shall also participate as
 293 required in workgroups relating to specific consolidation
 294 planning and implementation tasks as assigned by the Agency for
 295 Enterprise Information Technology and determined necessary to
 296 accomplish consolidation goals.

297 (b) Each state agency shall submit to the Agency for
 298 Enterprise Information Technology information relating to its
 299 data centers and computing facilities as required in
 300 instructions issued by July 1 of each year by the Agency for
 301 Enterprise Information Technology. The information required may
 302 include:

- 303 1. Amount of floor space used and available.
- 304 2. Numbers and capacities of mainframes and servers.
- 305 3. Storage and network capacity.
- 306 4. Amount of power used and the available capacity.
- 307 5. Estimated expenditures by service area, including
- 308 hardware and software, numbers of full-time equivalent

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309 positions, personnel turnover, and position reclassifications.

310 6. A list of contracts in effect for the fiscal year,
311 including, but not limited to, contracts for hardware, software
312 and maintenance, including the expiration date, the contract
313 parties, and the cost of the contract.

314 7. Service-level agreements by customer entity.

315 ~~(c) The chief information officer of each state agency~~
316 ~~shall assist the Agency for Enterprise Information Technology at~~
317 ~~the request of the Agency for Enterprise Information Technology.~~

318 (c)(d) Each state agency customer of a primary data center
319 shall notify the data center, by May 31 and November 30 of each
320 year, of any significant changes in anticipated utilization of
321 data center services pursuant to requirements established by the
322 boards of trustees of each primary data center.

323 (4) SCHEDULE FOR AGENCY DATA CENTER CONSOLIDATION.—

324 (a) State agency data center consolidations shall be made
325 in accordance with budget adjustments contained in the General
326 Appropriations Act no later than the date provided and to the
327 specified primary data center as provided in this subsection.

328 (b) For consolidation during fiscal year 2011-2012 into
329 the Northwest Regional Data Center:

330 1. College Center for Library Automation (CCLA) no later
331 than December 31, 2011.

332 2. Florida Center for Library Automation (FCLA) no later
333 than December 31, 2011.

334 3. Department of Education no later than December 31,
335 2011, including the computing services and resources of:

336 a. The Knott Data Center located in the Turlington

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337 Building.

338 b. The Division of Blind Services.

339 c. The Division of Vocational Rehabilitation.

340 d. FCAT Explorer.

341 e. FACTS.org.

342

343 Such consolidations are contingent upon the Agency for
344 Enterprise Information Technology's completion of a cost-benefit
345 analysis to determine whether additional savings can be
346 achieved. The cost-benefit analysis shall compare the costs and
347 savings estimates provided by the Northwest Regional Data
348 Center, the Northwood Shared Resource Center, and the Southwood
349 Shared Resource Center for the consolidation of the College
350 Center for Library Automation, the Florida Center for Library
351 Automation, and the Department of Education to their respective
352 data centers. The cost-benefit analysis shall be submitted no
353 later than August 1, 2011, to the Executive Office of the
354 Governor and the chairs of the House Appropriations Committee
355 and the Senate Budget Committee. Any actions recommended as a
356 result of the cost-benefit analysis are subject to the notice,
357 review, and objection requirements of s. 216.177.

358 (c) For consolidation during fiscal year 2011-2012 into
359 the Southwood Shared Resource Center:

360 1. The Department of Corrections no later than September
361 30, 2011.

362 2. The Department of Transportation Survey and Mapping
363 Office no later than March 31, 2012.

364 3. The Department of Transportation Burns Office Building

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365 no later than March 31, 2012.

366 (d) For consolidation during fiscal year 2011-2012 into
367 the Northwood Shared Resource Center:

368 1. The Department of Transportation Motor Carrier
369 Compliance Office no later than July 1, 2011.

370 2. The Department of Highway Safety and Motor Vehicles no
371 later than March 31, 2012.

372 (e) For consolidation during fiscal year 2012-2013 into
373 the Southwood Shared Resource Center:

374 1. The Department of Community Affairs, including the
375 Division of Emergency Management, no later than September 30,
376 2012.

377 2. The Department of Revenue Carlton Building and Taxworld
378 Building L locations no later than September 30, 2012.

379 3. The Department of Health Test and Development Lab and
380 all remaining data center resources no later than December 31,
381 2012.

382 (f) For consolidation during fiscal year 2012-2013 into
383 the Northwood Shared Resource Center:

384 1. The Agency for Health Care Administration no later than
385 July 1, 2012.

386 2. The Department of Environmental Protection no later
387 than December 31, 2012.

388 3. The Department of Law Enforcement no later than March
389 30, 2013.

390 (g) The following agencies shall work with the Agency for
391 Enterprise Information Technology to begin preliminary planning
392 for consolidation of their data centers into a primary data

- 393 | center during fiscal year 2013-2014:
- 394 | 1. The Department of the Lottery.
- 395 | 2. The Department of Legal Affairs.
- 396 | 3. The Fish and Wildlife Conservation Commission.
- 397 | 4. The Executive Office of the Governor, excluding all
- 398 | resources, equipment, and applications supported within the
- 399 | Legislative Appropriations System/Planning and Budget Subsystem.
- 400 | 5. The Department of Veterans' Affairs.
- 401 | 6. The Department of Elderly Affairs.
- 402 | 7. The Department of Financial Services Hartman, Larson,
- 403 | and Fletcher Buildings data centers.
- 404 | 8. The Department of Agriculture and Consumer Services
- 405 | Agriculture Management Information Center in the Mayo Building
- 406 | and the Division of Licensing.
- 407 | (h) The following agencies shall work with the Agency for
- 408 | Enterprise Information Technology to begin preliminary planning
- 409 | for consolidation of their data centers into a primary data
- 410 | center during fiscal year 2014-2015:
- 411 | 1. The Department of Health Jacksonville Lab Data Center.
- 412 | 2. The Department of Transportation District, Toll,
- 413 | Materials Office.
- 414 | 3. The Department of Military Affairs Camp Blanding Joint
- 415 | Training Center, Starke.
- 416 | 4. The Department of Community Affairs Camp Blanding
- 417 | Emergency Operations Center, Starke.
- 418 | 5. The Department of Education Division of Blind Services,
- 419 | Disaster Recovery site, Daytona Beach.
- 420 | 6. The Department of Education Disaster Recovery site,

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421 Sante Fe College.

422 7. The Department of the Lottery Disaster Recovery Backup
423 Data Center, Orlando.

424 8. The Fish and Wildlife Conservation Commission Research
425 Institute, St. Petersburg.

426 9. The Department of Children and Family Services Suncoast
427 Data Center, Tampa.

428 10. The Department of Children and Family Services Florida
429 State Hospital, Chattahoochee.

430 (i) All computing facilities as defined in s. 282.0041 or
431 groups of servers remaining in an agency shall be transferred to
432 a primary data center for consolidation during fiscal year 2015-
433 2016 unless required to remain in the agency for specific
434 business reasons.

435 (j) All agencies consolidating data centers into a primary
436 data center shall execute a new or update an existing service-
437 level agreement no later than 60 days after the identified
438 consolidation date, as required by s. 282.203, that specifies
439 the services and levels of services the agency is to receive
440 from the primary data center as a result of the consolidation.
441 Any agency that is unable to execute the service-level agreement
442 by the required date must submit a report to the Executive
443 Office of the Governor and to the chairs of the House
444 Appropriations Committee and the Senate Budget Committee within
445 5 working days after such date that explains the specific issues
446 preventing execution and describing the agency's plan and
447 schedule for resolving the issues.

448 (k) Beginning September 1, 2011, and every 6 months

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449 thereafter, until all data center consolidations are complete,
450 the Agency for Enterprise Information Technology shall provide a
451 status report on the implementation of consolidation required to
452 be completed during the fiscal year. The report shall be
453 submitted to the Executive Office of the Governor and the chairs
454 of the House Appropriations Committee and the Senate Budget
455 Committee. The status report shall describe:

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

460 2. Risks that may affect the progress or outcomes of the
461 consolidation and how such risks are being addressed, mitigated,
462 or managed.

463 (1) Each agency identified in this subsection for
464 consolidation into a primary data center must submit a
465 transition plan to the Agency for Enterprise Information
466 Technology not later than September 1 of the fiscal year prior
467 to its scheduled consolidation. Transition plans shall be
468 developed in consultation with the appropriate primary data
469 center and the Agency for Enterprise Information Technology and
470 must include:

471 1. An inventory of all resources of the agency data center
472 being consolidated, including all hardware, software, staff,
473 contracted services, and facility resources performing data
474 center management and operations, security, backup and recovery,
475 disaster recovery, system administration, database
476 administration, system programming, job control, production

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477 control, print, storage, technical support, help desk, and
478 managed services, excluding application development.

479 2. A description of the level of services needed to meet
480 the technical and operational requirements of the platforms
481 being consolidated and a cost estimate for the primary data
482 center's provision of such services.

483 3. A description of resources for computing services
484 proposed to remain in the department.

485 4. A timetable with significant milestones for the
486 completion of the consolidation.

487 5. The fiscal year adjustments to budget categories
488 currently supporting agency costs to accomplish the transfer of
489 sufficient budget resources into the appropriate data processing
490 category pursuant to the legislative budget request instructions
491 provided in s. 216.023.

492 (m) Each primary data center shall develop a transition
493 plan for absorbing the transfer of agency data center resources
494 based upon the timetables for transition as provided in this
495 subsection. The plan shall be submitted to the Agency for
496 Enterprise Information Technology no later than September 30 of
497 the fiscal year prior to the scheduled consolidation. Each plan
498 shall include:

499 1. An estimate of the cost of providing data center
500 services for each agency scheduled for consolidation.

501 2. A staffing plan that identifies the projected staffing
502 needs and requirements based on the estimated workload
503 identified in the agency transition plans.

504 3. An analysis of the cost impacts to existing agency

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505 customers resulting from the planned consolidations.

506 4. The fiscal year adjustments to budget categories to
507 absorb the transfer of agency data center resources pursuant to
508 the legislative budget request instructions provided in s.
509 216.023.

510 5. A description of any issues that must be resolved to
511 accomplish all consolidations required during the fiscal year as
512 efficiently and effectively as possible.

513 (n) The Agency for Enterprise Information Technology shall
514 develop a comprehensive transition plan, which shall be
515 submitted no later than October 15 of the fiscal year prior to
516 the scheduled consolidations to the Executive Office of the
517 Governor and the chairs of the House Appropriations Committee
518 and the Senate Budget Committee. The comprehensive transition
519 plan shall be developed in consultation with the agencies
520 submitting their agency transition plans and the affected
521 primary data center. The comprehensive transition plan shall
522 include:

523 1. Recommendations for accomplishing the proposed
524 consolidations as efficiently and effectively as possible with
525 minimal disruption to the agency's business processes.

526 2. Strategies to minimize risks associated with any of the
527 proposed consolidations.

528 3. A compilation of the agency transition plans scheduled
529 for consolidation in the following fiscal year.

530 4. Revisions to any budget adjustments provided in the
531 agency or primary data center transition plans pursuant to the
532 legislative budget request instructions provided in s. 216.023.

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533 (5)~~(4)~~ AGENCY LIMITATIONS.—

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

536 1. Create a new computing facility or data center, ~~or~~
537 expand the capability to support additional computer equipment
538 in an existing computing facility or nonprimary data center, or
539 purchase equipment or other resources necessary to expand the
540 capabilities of the agency data center;

541 2. Expend funds prior to the agency's scheduled
542 consolidation into a primary data center for the purchase or
543 modification of hardware or operations software that do not
544 comply with the standards established for efficient
545 consolidation and without consultation with the primary data
546 center;

547 3.2. Transfer existing computer services to a nonprimary
548 data center or computing facility, including outsourced computer
549 service providers;

550 4.3. Terminate services with a primary data center or
551 transfer services between primary data centers without giving
552 written notice of intent to terminate or transfer services 180
553 days before such termination or transfer and completing a cost-
554 benefit analysis that documents that the requested transfer will
555 not increase the agency's data center costs; or

556 5.4. Initiate a new computer service ~~if it does not~~
557 ~~currently have an internal data center~~ except with a primary
558 data center.

559 (b) Exceptions to the limitations in subparagraphs (a)1.,
560 2., 3., and 5. ~~4.~~ may be granted by the Agency for Enterprise

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561 Information Technology if there is insufficient capacity in a
562 primary data center to absorb the workload associated with
563 agency computing services.

564 1. A request for an exception must be submitted in writing
565 to the Agency for Enterprise Information Technology. The agency
566 must accept, accept with conditions, or deny the request within
567 60 days after receipt of the written request. The agency's
568 decision is not subject to chapter 120.

569 2. At a minimum, the agency may not approve a request
570 unless it includes:

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

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

577 c. Documentation from the agency demonstrating why it is
578 critical to the agency's mission that the expansion or transfer
579 must be completed within the fiscal year rather than when
580 capacity is established at a primary data center.

581 (c) Exceptions to subparagraph (a) ~~4.3~~ may be granted by
582 the board of trustees of the primary data center if the
583 termination or transfer of services can be absorbed within the
584 current cost-allocation plan.

585 (d) Upon the termination of or transfer of agency
586 computing services from the primary data center, the primary
587 data center shall require information sufficient to determine
588 compliance with this section. If a primary data center

589 determines that an agency is in violation of this section, it
 590 shall report the violation to the Agency for Enterprise
 591 Information Technology.

592 (6)~~(5)~~ RULES.—The Agency for Enterprise Information
 593 Technology is authorized to adopt rules pursuant to ss.
 594 120.536(1) and 120.54 to administer the provisions of this part
 595 relating to the state data center system including the primary
 596 data centers.

597 Section 6. Subsection (1) and paragraph (a) of subsection
 598 (2) of section 282.203, Florida Statutes, are amended to read:

599 282.203 Primary data centers.—

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

601 (a) Serve customer entities as an information-system
 602 utility.

603 (b) Cooperate with customer entities to offer, develop,
 604 and support the services and applications as defined and
 605 provided by the center's board of trustees and customer
 606 entities.

607 (c) Comply with standards and rules adopted by the Agency
 608 for Enterprise Information Technology, pursuant to this section,
 609 and coordinate with the agency in the consolidation of data
 610 centers.

611 (d) Provide transparent financial statements to customer
 612 entities, the center's board of trustees, and the Agency for
 613 Enterprise Information Technology. The financial statements
 614 shall be provided as follows:

615 1. Annually, by July 30 for the current fiscal year and by
 616 December 1 for the subsequent fiscal year, the data center must

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617 provide the total annual budgeted costs by major expenditure
618 category, including, but not limited to, salaries, expense,
619 operating capital outlay, contracted services, or other
620 personnel services, which directly relate to the provision of
621 each service and which separately indicate the administrative
622 overhead allocated to each service.

623 2. Annually, by July 30 for the current fiscal year and by
624 December 1 for the subsequent fiscal year, the data center must
625 provide total projected billings for each customer entity which
626 are required to recover the costs of the data center.

627 3. Annually, by January 31, the data center must provide
628 updates of the financial statements required under subparagraphs
629 1. and 2. for the current fiscal year.

630 4. By February 15, for proposed legislative budget
631 increases, the data center must provide updates of the financial
632 statements required under subparagraphs 1. and 2. for the
633 subsequent fiscal year.

634
635 The financial information required under subparagraphs 1., 2.,
636 and 3. must be based on current law and current appropriations.

637 (e) Annually, by October 1, submit to the board of
638 trustees cost-reduction proposals, including strategies and
639 timetables for lowering customer entities' costs without
640 reducing the level of services.

641 ~~(f) By December 31, 2010, submit organizational plans that~~
642 ~~minimize the annual recurring cost of center operations and~~
643 ~~eliminate the need for state agency customers to maintain data~~
644 ~~center skills and staff within their agency. The plans shall:~~

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645 ~~1. Establish an efficient organizational structure~~
646 ~~describing the roles and responsibilities of all positions and~~
647 ~~business units in the centers;~~

648 ~~2. Define a human resources planning and management~~
649 ~~process that shall be used to make required center staffing~~
650 ~~decisions; and~~

651 ~~3. Develop a process for projecting staffing requirements~~
652 ~~based on estimated workload identified in customer agency~~
653 ~~service level agreements.~~

654 (f)~~(g)~~ Maintain the performance of the facility, which
655 includes ensuring proper data backup, data backup recovery, an
656 effective disaster recovery plan, and appropriate security,
657 power, cooling and fire suppression, and capacity.

658 (g)~~(h)~~ Develop a business continuity plan and conduct a
659 live exercise of the plan at least annually. The plan must be
660 approved by the board and the Agency for Enterprise Information
661 Technology.

662 (h)~~(i)~~ Enter into a service-level agreement with each
663 customer entity to provide services as defined and approved by
664 the board in compliance with rules of the Agency for Enterprise
665 Information Technology. A service-level agreement may not have a
666 term exceeding 3 years but may include an option to renew for up
667 to 3 years contingent on approval by the board.

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

669 a. Identify the parties and their roles, duties, and
670 responsibilities under the agreement;

671 b. Identify the legal authority under which the service-
672 level agreement was negotiated and entered into by the parties;

- 673 c. State the duration of the contractual term and specify
- 674 the conditions for contract renewal;
- 675 d. Prohibit the transfer of computing services between
- 676 primary data center facilities without at least 180 days' notice
- 677 of service cancellation;
- 678 e. Identify the scope of work;
- 679 f. Identify the products or services to be delivered with
- 680 sufficient specificity to permit an external financial or
- 681 performance audit;
- 682 g. Establish the services to be provided, the business
- 683 standards that must be met for each service, the cost of each
- 684 service, and the process by which the business standards for
- 685 each service are to be objectively measured and reported;
- 686 h. Identify applicable funds and funding streams for the
- 687 services or products under contract;
- 688 i. Provide a timely billing methodology for recovering the
- 689 cost of services provided to the customer entity;
- 690 j. Provide a procedure for modifying the service-level
- 691 agreement to address changes in projected costs of service;
- 692 k. Provide that a service-level agreement may be
- 693 terminated by either party for cause only after giving the other
- 694 party and the Agency for Enterprise Information Technology
- 695 notice in writing of the cause for termination and an
- 696 opportunity for the other party to resolve the identified cause
- 697 within a reasonable period; and
- 698 1. Provide for mediation of disputes by the Division of
- 699 Administrative Hearings pursuant to s. 120.573.
- 700 2. A service-level agreement may include:

701 a. A dispute resolution mechanism, including alternatives
 702 to administrative or judicial proceedings; or

703 ~~b. The setting of a surety or performance bond for~~
 704 ~~service-level agreements entered into with nonstate agency~~
 705 ~~primary data centers, which may be designated by the Agency for~~
 706 ~~Enterprise Information Technology; or~~

707 b.e. Additional terms and conditions as determined
 708 advisable by the parties if such additional terms and conditions
 709 do not conflict with the requirements of this section or rules
 710 adopted by the Agency for Enterprise Information Technology.

711 3. The failure to execute a service-level agreement within
 712 60 days after service commencement shall, in the case of an
 713 existing customer entity, result in a continuation of the terms
 714 of the service-level agreement from the prior fiscal year,
 715 including any amendments that were formally proposed to the
 716 customer entity by the primary data center within the 3 months
 717 before service commencement, and a revised cost-of-service
 718 estimate. If a new customer entity fails to execute an agreement
 719 within 60 days after service commencement, the data center may
 720 cease services.

721 ~~(i)-(j)~~ Plan, design, establish pilot projects for, and
 722 conduct experiments with information technology resources, and
 723 implement enhancements in services if such implementation is
 724 cost-effective and approved by the board.

725 ~~(j)-(k)~~ Enter into a memorandum of understanding with the
 726 agency where the primary data center is administratively located
 727 which establishes the services to be provided by that agency to
 728 the primary data center and the cost of such services.

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729 (k)~~(l)~~ Be the custodian of resources and equipment that
730 are located, operated, supported, and managed by the center for
731 the purposes of chapter 273, except resources and equipment
732 located, operated, supported, and managed by Northwest Regional
733 Data Center.

734 (1) Assume administrative access rights to the resources
735 and equipment, such as servers, network components, and other
736 devices, that are consolidated into the primary data center.
737 Upon the date of each consolidation specified in s. 282.201 or
738 as provided in the General Appropriations Act, each agency shall
739 relinquish all administrative access rights. Each primary data
740 center shall provide its customer agencies with the appropriate
741 level of access to applications, servers, network components,
742 and other devices necessary for the agency to perform core
743 business activities and functions.

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

746 (a) The members of the board shall be appointed by the
747 agency head or chief executive officer of the representative
748 customer entities of the primary data center and shall serve at
749 the pleasure of the appointing customer entity.

750 1. During the fiscal year prior to its consolidation into
751 a primary data center and for the following full fiscal year, an
752 agency shall have a single trustee having one vote on the board
753 of the primary data center into which it is to consolidate,
754 unless in the second year it is entitled to a greater number of
755 votes as provided in subparagraphs 3. and 4. For each of the
756 first 2 fiscal years that a center is in operation, membership

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757 ~~shall be as provided in subparagraph 3. based on projected~~
758 ~~customer entity usage rates for the fiscal operating year of the~~
759 ~~primary data center. However, at a minimum:~~

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

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

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

777 3. Each customer entity that has a projected usage rate of
778 4 percent or greater during the fiscal operating year of the
779 primary data center shall have one trustee on the board.

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

782 a. Customer entities of a primary data center whose usage
783 rate represents 4 but less than 15 percent of total usage shall
784 have one vote.

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785 b. Customer entities of a primary data center whose usage
786 rate represents 15 but less than 30 percent of total usage shall
787 have two votes.

788 c. Customer entities of a primary data center whose usage
789 rate represents 30 but less than 50 percent of total usage shall
790 have three votes.

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

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

798 Section 7. Section 282.206, Florida Statutes, is created
799 to read:

800 282.206 Northwest Regional Data Center.—Northwest Regional
801 Data Center is designated as a primary data center as defined in
802 s. 282.0041. The center shall be managed by a board of trustees
803 as provided in s. 282.203, who shall comply with all
804 requirements of that section related to the operation of the
805 center and with the rules of the Agency for Enterprise
806 Information Technology relating to primary data centers.

807 Section 8. Sections 282.3055 and 282.315, Florida
808 Statutes, are repealed.

809 Section 9. Subsections (3) through (7) of section 282.318,
810 Florida Statutes, are amended to read:

811 282.318 Enterprise security of data and information
812 technology.—

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813 (3) ~~The Office of Information Security within the~~ Agency
814 for Enterprise Information Technology is responsible for
815 establishing rules and publishing guidelines for ensuring an
816 appropriate level of security for all data and information
817 technology resources for executive branch agencies. The Agency
818 for Enterprise Information Technology ~~office~~ shall also perform
819 the following duties and responsibilities:

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

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

827 1. Comprehensive risk analyses and information security
828 audits conducted by state agencies.

829 2. Responding to suspected or confirmed information
830 security incidents, including suspected or confirmed breaches of
831 personal information or exempt data.

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

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

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

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

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

843 (e) Provide training for agency information security
844 managers.

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

847 (4) To assist the Agency for Enterprise Information
848 Technology ~~Office of Information Security~~ in carrying out its
849 responsibilities, each agency head shall, at a minimum:

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

855 (b) Submit to the Agency for Enterprise Information
856 Technology, ~~office~~ annually by July 31, the agency's strategic
857 and operational information security plans developed pursuant to
858 the rules and guidelines established by the Agency for
859 Enterprise Information Technology ~~office~~.

860 1. The agency strategic information security plan must
861 cover a 3-year period and define security goals, intermediate
862 objectives, and projected agency costs for the strategic issues
863 of agency information security policy, risk management, security
864 training, security incident response, and survivability. The
865 plan must be based on the enterprise strategic information
866 security plan created by the Agency for Enterprise Information
867 Technology ~~office~~. Additional issues may be included.

868 2. The agency operational information security plan must

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

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

884 (d) Develop, and periodically update, written internal
 885 policies and procedures, which include procedures for notifying
 886 the Agency for Enterprise Information Technology ~~office~~ when a
 887 suspected or confirmed breach, or an information security
 888 incident, occurs. Such policies and procedures must be
 889 consistent with the rules and guidelines established by the
 890 Agency for Enterprise Information Technology ~~office~~ to ensure
 891 the security of the data, information, and information
 892 technology resources of the agency. The internal policies and
 893 procedures that, if disclosed, could facilitate the unauthorized
 894 modification, disclosure, or destruction of data or information
 895 technology resources are confidential information and exempt
 896 from s. 119.07(1), except that such information shall be

897 available to the Auditor General and the Agency for Enterprise
 898 Information Technology for performing postauditing duties.

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

902 (f) Ensure that periodic internal audits and evaluations
 903 of the agency's security program for the data, information, and
 904 information technology resources of the agency are conducted.
 905 The results of such audits and evaluations are confidential
 906 information and exempt from s. 119.07(1), except that such
 907 information shall be available to the Auditor General and the
 908 Agency for Enterprise Information Technology for performing
 909 postauditing duties.

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

915 (h) Provide security awareness training to employees and
 916 users of the agency's communication and information resources
 917 concerning information security risks and the responsibility of
 918 employees and users to comply with policies, standards,
 919 guidelines, and operating procedures adopted by the agency to
 920 reduce those risks.

921 (i) Develop a process for detecting, reporting, and
 922 responding to suspected or confirmed security incidents,
 923 including suspected or confirmed breaches consistent with the
 924 security rules and guidelines established by the Agency for

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925 Enterprise Information Technology office.

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

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

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

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

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

951 Section 10. Subsection (5) of section 282.34, Florida
 952 Statutes, is amended to read:

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953 282.34 Statewide e-mail service.—A state e-mail system
954 that includes the delivery and support of e-mail, messaging, and
955 calendaring capabilities is established as an enterprise
956 information technology service as defined in s. 282.0041. The
957 service shall be designed to meet the needs of all executive
958 branch agencies. The primary goals of the service are to
959 minimize the state investment required to establish, operate,
960 and support the statewide service; reduce the cost of current e-
961 mail operations and the number of duplicative e-mail systems;
962 and eliminate the need for each state agency to maintain its own
963 e-mail staff.

964 (5) In order to develop the implementation plan for the
965 statewide e-mail service, the Agency for Enterprise Information
966 Technology shall establish and coordinate a statewide e-mail
967 project team. The agency shall also consult with and, as
968 necessary, form workgroups consisting of agency e-mail
969 management staff, ~~agency chief information officers,~~ agency
970 budget directors, and other administrative staff. The statewide
971 e-mail implementation plan must be submitted to the Governor,
972 the President of the Senate, and the Speaker of the House of
973 Representatives by July 1, 2011.

974 Section 11. Paragraph (h) of subsection (3) and paragraph
975 (b) of subsection (4) of section 287.042, Florida Statutes, are
976 amended to read:

977 287.042 Powers, duties, and functions.—The department
978 shall have the following powers, duties, and functions:

979 (3) To establish a system of coordinated, uniform
980 procurement policies, procedures, and practices to be used by

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981 agencies in acquiring commodities and contractual services,
982 which shall include, but not be limited to:

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

988 (4)

989 (b) To prescribe, ~~in consultation with the Agency Chief~~
990 ~~Information Officers Council,~~ procedures for procuring
991 information technology and information technology consultant
992 services which provide for public announcement and
993 qualification, competitive solicitations, contract award, and
994 prohibition against contingent fees. Such procedures shall be
995 limited to information technology consultant contracts for which
996 the total project costs, or planning or study activities, are
997 estimated to exceed the threshold amount provided for in s.
998 287.017, for CATEGORY TWO.

999 Section 12. This act shall take effect July 1, 2011.