

1 A bill to be entitled
2 An act relating to state information technology;
3 transferring records, property, funds, trust funds,
4 administrative authority and rules, pending issues,
5 and existing contracts of the Agency for Enterprise
6 Information Technology to the Agency for State
7 Technology; nullifying certain notices and proceedings
8 of the Agency for Enterprise Information Technology;
9 repealing s. 14.204, F.S., relating to the Agency for
10 Enterprise Information Technology, to abolish the
11 agency; creating s. 14.206, F.S.; creating the Agency
12 for State Technology; providing for the head of the
13 agency; providing that the agency is a separate budget
14 entity; providing for the appointment of an executive
15 director who shall be the state's Chief Information
16 Officer; providing for the appointment of a state
17 Chief Information Security Officer; providing duties
18 and responsibilities of the agency; providing for an
19 Information Technology Strategic Plan; defining the
20 term "major information technology project" for
21 purposes of a provision of the plan; authorizing the
22 agency to adopt rules; amending s. 282.0041, F.S.;
23 revising definitions for purposes of provisions
24 relating to information technology services and
25 accessibility of information and technology; repealing
26 ss. 282.0055 and 282.0056, F.S., relating to
27 assignment of information technology and development
28 of work and implementation plans, respectively, to

29 | remove provisions that assign certain responsibilities
30 | and duties to the Agency for Enterprise Information
31 | Technology; amending s. 282.201, F.S., relating to the
32 | state data center system; providing duties of the
33 | Agency for State Technology; directing the agency to
34 | develop and establish rules for certain purposes;
35 | revising certain duties of state agencies; revising
36 | provisions for consolidation of computing facilities
37 | into primary data centers; revising provisions for
38 | transition plans; requiring resources required to
39 | remain in an agency center or computing facility be
40 | justified in writing and approved by the Legislature;
41 | revising agency limitations with respect to changing
42 | or adding computer services; revising procedures for
43 | exceptions to the limitations; removing a provision
44 | relating to rulemaking; amending s. 282.203, F.S.,
45 | relating to primary data centers; revising duties of
46 | the centers; revising provisions for data center
47 | services provided to agencies; directing each agency
48 | head to include certain projected costs of data center
49 | services in his or her legislative budget request;
50 | providing for access rights for agencies required to
51 | comply with federal and state criminal justice
52 | information security rules and policies; removing
53 | provisions for each primary data center to be headed
54 | by a board of trustees; providing that each center
55 | shall be headed by a director; providing duties of the
56 | director; providing that certain administrative costs

57 | charged to an agency or other center by a primary data
58 | center require a specific appropriation; amending s.
59 | 282.204, F.S.; providing for the Northwood Shared
60 | Resource Center to be headed by a director appointed
61 | by the executive director of the Agency for State
62 | Technology; removing provisions for that center to be
63 | headed by a board of trustees; amending s. 282.205,
64 | F.S.; providing for the Southwood Shared Resource
65 | Center to be headed by a director appointed by the
66 | executive director of the Agency for State Technology;
67 | removing provisions for that center to be headed by a
68 | board of trustees; repealing s. 282.33, F.S., relating
69 | to standards for data center energy efficiency;
70 | repealing s. 282.34, F.S., relating to a statewide e-
71 | mail service; amending ss. 17.0315, 110.205, 215.322,
72 | 282.318, 287.057, 445.011, 445.045, and 668.50, F.S.,
73 | relating to a task force established to develop a
74 | strategic business plan, career service exemptions,
75 | acceptance of electronic payments, enterprise security
76 | of data and information technology, procurement of
77 | commodities or contractual services, workforce
78 | information systems, information technology industry
79 | promotion and workforce recruitment, and acceptance
80 | and distribution of electronic records by governmental
81 | agencies; conforming provisions to changes made by the
82 | act; providing an appropriation; providing effective
83 | dates.
84 |

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

86

87 Section 1. All of the records and property; funds, trust
88 funds, and unexpended balances of appropriations, allocations,
89 and other funds; administrative authority; the administrative
90 rules in effect as of November 15, 2010, comprised only of
91 Chapters 71-1, 71A-1, and 71A-2, Florida Administrative Code;
92 pending issues; and existing contracts of the Agency for
93 Enterprise Information Technology are transferred by a type two
94 transfer, pursuant to s. 20.06(2), Florida Statutes, to the
95 Agency for State Technology.

96 Section 2. (1) All notices published after November 15,
97 2010, by the Agency for Enterprise Information Technology
98 pursuant to s. 120.54, Florida Statutes, are nullified and of no
99 further force or effect.

100 (2) All proceedings pursuant to s. 120.54, Florida
101 Statutes, of the Agency for Enterprise Information Technology
102 that are pending on the effective date of this act or were
103 initiated after November 15, 2010, are nullified and of no
104 further force or effect.

105 Section 3. Section 14.204, Florida Statutes, is repealed.

106 Section 4. Section 14.206, Florida Statutes, is created to
107 read:

108 14.206 Agency for State Technology.—The Agency for State
109 Technology is created within the Executive Office of the
110 Governor.

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

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

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

120 (a) Have a degree in computer science or information
121 technology, or a related field, from an accredited postsecondary
122 institution.

123 (b) Have at least 10 years of executive-level experience
124 in strategic information technology planning and project
125 management in both the public and private sectors.

126 (c) Be appointed by the Governor, subject to confirmation
127 by the Cabinet and the Senate, and serve at the pleasure of the
128 Governor and Cabinet.

129 (d) Designate a state Chief Information Security Officer
130 who shall report directly to the executive director.

131 (4) The Agency for State Technology shall have the
132 following duties and responsibilities:

133 (a) Provide project management oversight of the agency
134 data center consolidations authorized pursuant to s. 282.201.
135 Such project management oversight shall include, but is not
136 limited to:

137 1. Monitoring the activities of an agency in meeting the
138 timetable and milestones included in the agency's consolidation
139 transition plan required pursuant to s. 282.201(4).

140 2. Monitoring the activities of a primary data center in
141 implementing the staffing plan and resolving any issues included
142 in the primary data center's consolidation transition plan
143 required pursuant to s. 282.201(4).

144 3. Reporting to the Governor and Cabinet, the President of
145 the Senate, and the Speaker of the House of Representatives any
146 recommended corrective actions necessary to resolve policy or
147 fiscal issues identified as a result of the agency's project
148 monitoring.

149 (b) Beginning October 1, 2013, and biennially thereafter,
150 develop and submit to the President of the Senate and the
151 Speaker of the House of Representatives an Information
152 Technology Strategic Plan that establishes a statewide mission,
153 goals, and objectives for the use of information technology in
154 the provision of state government information and services. The
155 plan shall include, but is not limited to:

156 1. An inventory of the information technology systems that
157 are operated and maintained by executive branch agencies. At a
158 minimum the inventory must include:

159 a. The name of each system, the number of users who must
160 use the system to perform their job functions, the associated
161 business processes, and a description of the system
162 functionality that supports the system.

163 b. The total cost of operating and maintaining each system
164 on a fiscal-year basis. The total cost must include staffing,
165 hardware, software, contracted services, and external service
166 provider costs.

167 2. Identification of strategies and opportunities to
168 improve the delivery of each system identified in the inventory
169 that would result in cost efficiencies or service level
170 improvements.

171 3. An inventory of major information technology projects
172 currently in progress within the executive branch agencies. For
173 purposes of this inventory, "major information technology
174 project" means a project that exceeds \$1 million in total costs
175 but the term does not include projects that involve renewing
176 existing software licensing agreements or replacing desktop
177 units with technology that is similar to the technology
178 currently in use. For each project the inventory must include,
179 but is not limited to:

180 a. The total projected costs versus actual costs to-date
181 reported by the following cost categories: hardware, software,
182 staffing, and contracted services.

183 b. The original project schedule and any changes made to
184 the schedule including the reasons cited for each change.

185 c. The original scope of the project, any changes made to
186 the original scope, and any fiscal impact resulting from such
187 changes.

188 4. Identification of strategies and techniques for
189 consolidating the purchase of information technology commodities
190 and contractual services which result in cost savings for the
191 state.

192 5. Recommendations of other information technology
193 services that should be designed, delivered, and managed as
194 enterprise information technology services as defined in s.

195 282.0041. For each information technology service recommended,
 196 the plan must include the specific business and functional
 197 requirements of the service, the projected costs and cost
 198 savings, and a proposed schedule for statewide implementation.

199 6. Recommendations for reducing energy consumption and
 200 improving the energy efficiency of the primary data centers.

201 (c) Assist the Division of Purchasing in the Department of
 202 Management Services in establishing best practices for the
 203 procurement of information technology products that include the
 204 use of aggregate buying methodologies whenever possible, and
 205 negotiating the procurement of information technology products
 206 in order to achieve cost reductions.

207 (d) Develop information technology standards for the
 208 efficient design, planning, acquisition, implementation, and
 209 delivery of information technology services and conduct periodic
 210 assessments of agencies for compliance with such standards.

211 (e) Perform duties related to enterprise information
 212 technology services as required pursuant to part I of chapter
 213 282.

214 (f) Provide management oversight of the Northwood Shared
 215 Resource Center and the Southwood Shared Resource Center which
 216 shall include:

217 1. Establishing appropriate operating policies necessary
 218 for the centers to perform their duties pursuant to s. 282.203.
 219 Such policies shall include a process for creating workgroups
 220 within the centers for the purpose of reviewing and analyzing
 221 specific issues or activities and providing recommendations for
 222 addressing the issue or activity.

223 2. Monitoring the operation of the centers to ensure
 224 compliance by the director of each center with the laws and
 225 rules governing the centers and ensure that staff members are
 226 accountable for the performance of the centers.

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

229 (6) The agency may adopt rules necessary to implement
 230 provisions of law conferring duties upon it.

231 Section 5. Section 282.0041, Florida Statutes, is amended
 232 to read:

233 282.0041 Definitions.—As used in this chapter, the term:

234 (1) "Agency" has the same meaning as in s. 216.011(1)(qq),
 235 except that for purposes of this chapter, "agency" does not
 236 include university boards of trustees or state universities and,
 237 for purposes of part I, the term "agency" does not include state
 238 attorneys, public defenders, criminal conflict and civil
 239 regional counsel, capital collateral regional counsel, the
 240 Florida Clerks of Court Operations Corporation, or the Florida
 241 Housing Finance Corporation.

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

244 ~~(3) "Agency information technology service" means a~~
 245 ~~service that directly helps an agency fulfill its statutory or~~
 246 ~~constitutional responsibilities and policy objectives and is~~
 247 ~~usually associated with the agency's primary or core business~~
 248 ~~functions.~~

249 ~~(4) "Annual budget meeting" means a meeting of the board~~
 250 ~~of trustees of a primary data center to review data center usage~~

251 ~~to determine the apportionment of board members for the~~
 252 ~~following fiscal year, review rates for each service provided,~~
 253 ~~and determine any other required changes.~~

254 (2)~~(5)~~ "Breach" has the same meaning as in s. 817.5681(4).

255 (3)~~(6)~~ "Business continuity plan" means a plan for
 256 disaster recovery which provides for the continued functioning
 257 of a primary data center during and after a disaster.

258 (4)~~(7)~~ "Computing facility" means agency space containing
 259 fewer than a total of 10 physical or logical servers, any of
 260 which supports a strategic or nonstrategic information
 261 technology service, as described in budget instructions
 262 developed pursuant to s. 216.023, but excluding single, logical-
 263 server installations that exclusively perform a utility function
 264 such as file and print servers.

265 (5)~~(8)~~ "Customer entity" means an entity that obtains
 266 services from a primary data center.

267 (6)~~(9)~~ "Data center" means agency space containing 10 or
 268 more physical or logical servers any of which supports a
 269 strategic or nonstrategic information technology service, as
 270 described in budget instructions developed pursuant to s.
 271 216.023.

272 (7)~~(10)~~ "Department" means the Department of Management
 273 Services.

274 (8)~~(11)~~ "Enterprise information technology service" means
 275 an information technology service that is used in all agencies
 276 or a subset of agencies and is established in law to be
 277 designed, delivered, and managed at the enterprise level.

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

287 (9)~~(13)~~ "Information-system utility" means a full-service
 288 information-processing facility offering hardware, software,
 289 operations, integration, networking, and consulting services.

290 (10)~~(14)~~ "Information technology" means equipment,
 291 hardware, software, firmware, programs, systems, networks,
 292 infrastructure, media, and related material used to
 293 automatically, electronically, and wirelessly collect, receive,
 294 access, transmit, display, store, record, retrieve, analyze,
 295 evaluate, process, classify, manipulate, manage, assimilate,
 296 control, communicate, exchange, convert, converge, interface,
 297 switch, or disseminate information of any kind or form.

298 ~~(15) "Information technology policy" means statements that~~
 299 ~~describe clear choices for how information technology will~~
 300 ~~deliver effective and efficient government services to residents~~
 301 ~~and improve state agency operations. A policy may relate to~~
 302 ~~investments, business applications, architecture, or~~
 303 ~~infrastructure. A policy describes its rationale, implications~~
 304 ~~of compliance or noncompliance, the timeline for implementation,~~

305 ~~metrics for determining compliance, and the accountable~~
306 ~~structure responsible for its implementation.~~

307 (11)~~(16)~~ "Performance metrics" means the measures of an
308 organization's activities and performance.

309 (12)~~(17)~~ "Primary data center" means a data center that is
310 a recipient entity for consolidation of agency ~~nonprimary~~ data
311 centers and computing facilities and that is established by law.

312 (13)~~(18)~~ "Project" means an endeavor that has a defined
313 start and end point; is undertaken to create or modify a unique
314 product, service, or result; and has specific objectives that,
315 when attained, signify completion.

316 (14)~~(19)~~ "Risk analysis" means the process of identifying
317 security risks, determining their magnitude, and identifying
318 areas needing safeguards.

319 (15)~~(20)~~ "Service level" means the key performance
320 indicators (KPI) of an organization or service which must be
321 regularly performed, monitored, and achieved.

322 (16)~~(21)~~ "Service-level agreement" means a written
323 contract between a data center and a customer entity which
324 specifies the scope of services provided, service level, the
325 duration of the agreement, the responsible parties, and service
326 costs. A service-level agreement is not a rule pursuant to
327 chapter 120.

328 (17)~~(22)~~ "Standards" means required practices, controls,
329 components, or configurations established by an authority.

330 (18)~~(23)~~ "SUNCOM Network" means the state enterprise
331 telecommunications system that provides all methods of
332 electronic or optical telecommunications beyond a single

333 building or contiguous building complex and used by entities
 334 authorized as network users under this part.

335 (19)~~(24)~~ "Telecommunications" means the science and
 336 technology of communication at a distance, including electronic
 337 systems used in the transmission or reception of information.

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

341 (20)~~(26)~~ "Total cost" means all costs associated with
 342 information technology projects or initiatives, including, but
 343 not limited to, value of hardware, software, service,
 344 maintenance, incremental personnel, and facilities. Total cost
 345 of a loan or gift of information technology resources to an
 346 agency includes the fair market value of the resources.

347 (21)~~(27)~~ "Usage" means the billing amount charged by the
 348 primary data center, less any pass-through charges, to the
 349 customer entity.

350 (22)~~(28)~~ "Usage rate" means a customer entity's usage or
 351 billing amount as a percentage of total usage.

352 Section 6. Section 282.0055, Florida Statutes, is
 353 repealed.

354 Section 7. Section 282.0056, Florida Statutes, is
 355 repealed.

356 Section 8. Subsections (2) and (3), paragraphs (f) through
 357 (o) of subsection (4), and subsections (5) and (6) of section
 358 282.201, Florida Statutes, are amended to read:

359 282.201 State data center system; agency duties and
 360 limitations.—A state data center system that includes all

361 primary data centers, ~~other nonprimary data centers,~~ and
 362 ~~computing facilities,~~ and that provides an enterprise
 363 information technology service as defined in s. 282.0041, is
 364 established.

365 (2) AGENCY FOR STATE ~~ENTERPRISE INFORMATION~~ TECHNOLOGY
 366 DUTIES.— The Agency for State ~~Enterprise Information~~ Technology
 367 shall:

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

371 ~~(a) (b)~~ Annually approve the cost-recovery methodologies
 372 ~~mechanisms~~ and rate structures for the primary data centers
 373 ~~which recover costs through charges to customer entities.~~

374 ~~(b) (e)~~ By September 30, 2012, and ~~of~~ each year thereafter,
 375 submit to the Legislature, the Executive Office of the Governor,
 376 and the primary data centers recommendations to improve the
 377 efficiency and cost-effectiveness of computing services provided
 378 by the primary data centers ~~state data center system~~ facilities.
 379 Such recommendations must include, but are ~~need not be~~ limited
 380 to:

381 1. A plan, to include projected cost savings, for reducing
 382 the number of discrete servers, storage systems, network
 383 devices, and other data center components within each primary
 384 data center while maintaining or reducing the workload performed
 385 by the primary data center ~~Policies for improving the cost-~~
 386 ~~effectiveness and efficiency of the state data center system,~~
 387 ~~which includes the primary data centers being transferred to a~~

388 ~~shared, virtualized server environment, and the associated cost~~
 389 ~~savings resulting from the implementation of such policies.~~

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

393 ~~2.3. Uniform disaster recovery standards.~~

394 ~~3.4. Standards for primary data centers which provide~~
 395 ~~cost-effective services and transparent financial data to user~~
 396 ~~agencies.~~

397 ~~4.5. Consolidation of contract practices or coordination~~
 398 ~~of software, hardware, or other technology-related procurements~~
 399 ~~and the associated cost savings.~~

400 ~~5.6. Changes to the Improvements to data center governance~~
 401 ~~structure of the primary data centers structures.~~

402 ~~(d) By October 1 of each year beginning in 2011, provide~~
 403 ~~recommendations to the Governor and Legislature relating to~~
 404 ~~changes to the schedule for the consolidations of state agency~~
 405 ~~data centers as provided in subsection (4).~~

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

408 ~~a. Consolidating purchase decisions;~~

409 ~~b. Leveraging expertise and other resources to gain~~
 410 ~~economies of scale;~~

411 ~~c. Implementing state information technology policies more~~
 412 ~~effectively; and~~

413 ~~d. Maintaining or improving the level of service provision~~
 414 ~~to customer entities.~~

415 ~~2. The agency shall establish workgroups as necessary to~~
416 ~~ensure participation by affected agencies in the development of~~
417 ~~recommendations related to consolidations.~~

418 (c)~~(e)~~ Develop and establish rules relating to the
419 operation of the primary data centers ~~state data center system~~
420 which comply with applicable federal regulations, including 2
421 C.F.R. part 225 and 45 C.F.R. ~~The agency shall publish notice of~~
422 ~~rule development in the Florida Administrative Weekly by October~~
423 ~~1, 2011.~~ The rules must address:

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

426 2. Identifying standards for hardware, including standards
427 for a shared, virtualized server environment, and operations
428 system software and other operational software, including
429 security and network infrastructure, for the primary data
430 centers; requiring compliance with such standards in order to
431 enable the efficient consolidation of the agency data centers or
432 computing facilities; and providing an exemption process from
433 compliance with such standards, which must be consistent with
434 paragraph (5) (b).

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

440 ~~4. Requiring that any special assessment imposed to fund~~
441 ~~expansion is based on a methodology that apportions the~~

442 ~~assessment according to the proportional benefit to each~~
 443 ~~customer entity.~~

444 4.5. Requiring that rebates be given when revenues have
 445 exceeded costs, that rebates be applied to offset charges to
 446 those customer entities that have subsidized the costs of other
 447 customer entities, and that such rebates may be in the form of
 448 credits against future billings.

449 ~~5.6.~~ Requiring that all service-level agreements have a
 450 contract term of up to 3 years, but may include an option to
 451 renew for up to 3 additional years ~~contingent on approval by the~~
 452 ~~board,~~ and require at least a 180-day notice of termination.

453 (d) By October 1, 2012, and each year thereafter, provide
 454 recommendations to the Governor and Legislature relating to
 455 changes to the schedule for the consolidations of state agency
 456 data centers as provided in subsection (4).

457 (3) STATE AGENCY DUTIES.—

458 (a) For the purpose of completing the ~~its~~ work activities
 459 as described in subsections ~~subsection~~ (1) and (2), each state
 460 agency shall provide to the Agency for State Enterprise
 461 ~~Information~~ Technology all requested information relating to its
 462 data centers and computing facilities and any other information
 463 relevant to the agency's ability to effectively transition its
 464 computer services into a primary data center. The agency shall
 465 also participate as required in workgroups relating to specific
 466 consolidation planning and implementation tasks as assigned by
 467 the Agency for State Enterprise ~~Information~~ Technology and
 468 determined necessary to accomplish consolidation goals.

469 ~~(b) Each state agency shall submit to the Agency for~~
470 ~~Enterprise Information Technology information relating to its~~
471 ~~data centers and computing facilities as required in~~
472 ~~instructions issued by July 1 of each year by the Agency for~~
473 ~~Enterprise Information Technology. The information required may~~
474 ~~include:~~

- 475 1. ~~Amount of floor space used and available.~~
476 2. ~~Numbers and capacities of mainframes and servers.~~
477 3. ~~Storage and network capacity.~~
478 4. ~~Amount of power used and the available capacity.~~
479 5. ~~Estimated expenditures by service area, including~~
480 ~~hardware and software, numbers of full-time equivalent~~
481 ~~positions, personnel turnover, and position reclassifications.~~
482 6. ~~A list of contracts in effect for the fiscal year,~~
483 ~~including, but not limited to, contracts for hardware, software~~
484 ~~and maintenance, including the expiration date, the contract~~
485 ~~parties, and the cost of the contract.~~
486 7. ~~Service-level agreements by customer entity.~~

487 (b)(e) Each state agency customer of a primary data center
488 shall notify the data center and the Agency for State
489 Technology, by May 31 and November 30 of each year, of any
490 significant changes in anticipated use ~~utilization~~ of data
491 center services pursuant to requirements established by the
492 Agency for State Technology ~~boards of trustees of each primary~~
493 ~~data center.~~

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

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

497 1. By July 1, 2012, the Agency for Health Care
 498 Administration.

499 2. By August 31, 2012, the Department of Highway Safety
 500 and Motor Vehicles.

501 ~~3.2.~~ By December 31, 2012, the Department of Environmental
 502 Protection's Palmetto Commons.

503 ~~4.3.~~ By December 31, 2012, the Department of Health's Test
 504 and Development Lab and all remaining data center resources
 505 located at the Capital Circle Office Complex ~~March 30, 2013, the~~
 506 ~~Department of Law Enforcement's headquarters location.~~

507 (g) During the 2013-2014 fiscal year, the following
 508 agencies shall work with the Agency for State Enterprise
 509 ~~Information~~ Technology to begin preliminary planning for
 510 consolidation into a primary data center:

511 ~~1. The Department of the Lottery's headquarters location.~~

512 ~~1.2.~~ The Department of Legal Affairs.

513 ~~2.3.~~ The Fish and Wildlife Conservation Commission, except
 514 for the commission's Fish and Wildlife Research Institute in St.
 515 Petersburg.

516 ~~3.4.~~ The Executive Office of the Governor.

517 ~~4.5.~~ The Department of Veterans' Affairs.

518 ~~5.6.~~ The Department of Elderly Affairs.

519 ~~6.7.~~ The Department of Financial Services' Hartman,
 520 Larson, and Fletcher Building Data Centers.

521 ~~7.8.~~ The Department of Agriculture and Consumer Services'
 522 Agriculture Management Information Center in the Mayo Building
 523 and Division of Licensing.

524 (h) During the 2014-2015 fiscal year, the following
 525 agencies shall work with the Agency for State Enterprise
 526 ~~Information~~ Technology to begin preliminary planning for
 527 consolidation into a primary data center:

528 1. The Department of Health's Jacksonville Lab Data
 529 Center.

530 2. The Department of Transportation's district offices,
 531 toll offices, and the District Materials Office.

532 3. The Department of Military Affairs' Camp Blanding Joint
 533 Training Center in Starke.

534 4. The Department of Community Affairs' Camp Blanding
 535 Emergency Operations Center in Starke.

536 5. The Department of Education's Division of Blind
 537 Services disaster recovery site in Daytona Beach.

538 6. The Department of Education's disaster recovery site at
 539 Santa Fe College.

540 ~~7. The Department of the Lottery's Disaster Recovery~~
 541 ~~Backup Data Center in Orlando.~~

542 7.8. The Fish and Wildlife Conservation Commission's Fish
 543 and Wildlife Research Institute in St. Petersburg.

544 8.9. The Department of Children and Family Services'
 545 Suncoast Data Center in Tampa.

546 9.10. The Department of Children and Family Services'
 547 Florida State Hospital in Chattahoochee.

548 (i) During the 2015-2016 fiscal year, all computing
 549 resources remaining within an agency ~~nonprimary~~ data center or
 550 computing facility shall be transferred to a primary data center
 551 for consolidation unless otherwise required to remain in the

552 agency for specified financial, technical, or business reasons
 553 that must be justified in writing and approved by the
 554 Legislature Agency for Enterprise Information Technology. Such
 555 ~~data centers, computing facilities, and resources must be~~
 556 ~~identified by the Agency for Enterprise Information Technology~~
 557 ~~by October 1, 2014.~~

558 (j) The Department of Law Enforcement, the Department of
 559 the Lottery's Gaming System, Systems Design and Development in
 560 the Office of Policy and Budget, and the State Board of
 561 Administration are exempt from data center consolidation under
 562 this section.

563 (k)~~(j)~~ Any agency that is consolidating agency data
 564 centers into a primary data center must execute a new or update
 565 an existing service-level agreement within 60 days after the
 566 specified consolidation date, as required by s. 282.203, in
 567 order to specify the services and levels of service it is to
 568 receive from the primary data center as a result of the
 569 consolidation. If an agency is unable to execute a service-level
 570 agreement by that date, the agency shall submit a report to the
 571 Executive Office of the Governor and to the chairs of the
 572 legislative appropriations committees within 5 working days
 573 after that date which explains the specific issues preventing
 574 execution and describing its plan and schedule for resolving
 575 those issues.

576 (l)~~(k)~~ Beginning September 1, 2011, and every 6 months
 577 thereafter until data center consolidations are complete, the
 578 Agency for State ~~Enterprise Information~~ Technology shall provide
 579 a status report on the implementation of the consolidations that

580 must be completed during the fiscal year. The report shall be
 581 submitted to the Executive Office of the Governor and the chairs
 582 of the legislative appropriations committees. The report must,
 583 at a minimum, describe:

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

588 2. The risks that may affect the progress or outcome of
 589 the consolidation and how these risks are being addressed,
 590 mitigated, or managed.

591 (m)~~(l)~~ Each agency identified in this subsection for
 592 consolidation into a primary data center shall submit a
 593 transition plan to the appropriate primary data center ~~Agency~~
 594 ~~for Enterprise Information Technology~~ by July ~~September~~ 1 of the
 595 fiscal year before the fiscal year in which the scheduled
 596 consolidation will occur. Transition plans shall be developed in
 597 consultation with the appropriate primary data center ~~centers~~
 598 and the Agency for State ~~Enterprise Information~~ Technology, and
 599 must include:

600 1. An inventory of the agency data center's resources
 601 being consolidated, including all hardware, software, staff, and
 602 contracted services, and the facility resources performing data
 603 center management and operations, security, backup and recovery,
 604 disaster recovery, system administration, database
 605 administration, system programming, job control, production
 606 control, print, storage, technical support, help desk, and
 607 managed services, but excluding application development;

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

612 3. A description of resources for computing services
 613 proposed to remain in the department;

614 4. A timetable with significant milestones for the
 615 completion of the consolidation; and

616 5. The specific recurring and nonrecurring budget
 617 adjustments of budget resources by appropriation category into
 618 the appropriate data processing category pursuant to the
 619 legislative budget instructions in s. 216.023 necessary to
 620 support agency costs for the transfer.

621 (n) ~~(m)~~ Each primary data center shall develop a transition
 622 plan for absorbing the transfer of agency data center resources
 623 based upon the timetables for transition as provided in this
 624 subsection. The plan shall be submitted to the Agency for State
 625 ~~Enterprise Information~~ Technology, the Executive Office of the
 626 Governor, and the chairs of the legislative appropriations
 627 committees by September 1 ~~30~~ of the fiscal year before the
 628 fiscal year in which the scheduled consolidations will occur.

629 Each plan must include:

630 1. An estimate of the cost to provide data center services
 631 for each agency scheduled for consolidation. †

632 2. A staffing plan that identifies the projected staffing
 633 needs and requirements based on the estimated workload
 634 identified in the agency transition plan. †

635 3. The fiscal year adjustments to budget categories in
636 order to absorb the transfer of agency data center resources
637 pursuant to the legislative budget request instructions provided
638 in s. 216.023.~~†~~

639 4. An analysis of the cost effects resulting from the
640 planned consolidations on existing agency customers.~~†~~ and

641 5. A description of any issues that must be resolved in
642 order to accomplish as efficiently and effectively as possible
643 all consolidations required during the fiscal year.

644 ~~(n) The Agency for Enterprise Information Technology shall
645 develop a comprehensive transition plan, which shall be
646 submitted by October 15th of the fiscal year before the fiscal
647 year in which the scheduled consolidations will occur to each
648 primary data center, to the Executive Office of the Governor,
649 and the chairs of the legislative appropriations committees. The
650 transition plan shall be developed in consultation with agencies
651 submitting agency transition plans and with the affected primary
652 data centers. The comprehensive transition plan must include:~~

653 ~~1. Recommendations for accomplishing the proposed
654 transitions as efficiently and effectively as possible with
655 minimal disruption to customer agency business processes;~~

656 ~~2. Strategies to minimize risks associated with any of the
657 proposed consolidations;~~

658 ~~3. A compilation of the agency transition plans submitted
659 by agencies scheduled for consolidation for the following fiscal
660 year; and~~

661 ~~4. Revisions to any budget adjustments provided in the
662 agency or primary data center transition plans.~~

663 ~~(e) Any agency data center scheduled for consolidation~~
 664 ~~after the 2011-2012 fiscal year may consolidate into a primary~~
 665 ~~data center before its scheduled date contingent upon the~~
 666 ~~approval of the Agency for Enterprise Information Technology.~~

667 (5) AGENCY LIMITATIONS.—

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

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

675 2. Spend funds before the agency's scheduled consolidation
 676 into a primary data center to purchase or modify hardware or
 677 operations software that does not comply with hardware and
 678 software standards established by the Agency for State
 679 ~~Enterprise Information~~ Technology pursuant to paragraph (2) (c)
 680 ~~(2) (e)~~ for the efficient consolidation of the agency data
 681 centers or computing facilities;

682 3. Transfer existing computer services to any data center
 683 other than a primary data center;

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

688 5. Initiate a new computer service ~~if it does not~~
 689 ~~currently have an internal data center~~ except with a primary
 690 data center.

691 (b) Exceptions to the limitations in subparagraphs (a)1.,
 692 2., 3., and 5. may be granted by the Agency for State Enterprise
 693 ~~Information~~ Technology if there is insufficient capacity in a
 694 primary data center to absorb the workload associated with
 695 agency computing services, if expenditures are compatible with
 696 the scheduled consolidation and the standards established
 697 pursuant to paragraph (2)(c) ~~(2)(e)~~, or if the equipment or
 698 resources are needed to meet a critical agency business need
 699 that cannot be satisfied from surplus equipment or resources of
 700 the primary data center until the agency data center is
 701 consolidated.

702 1. A request for an exception must be submitted in writing
 703 to the Agency for State Enterprise ~~Information~~ Technology. The
 704 agency must accept, accept with conditions, or deny the request
 705 within 60 days after receipt of the written request. The
 706 agency's decision is not subject to chapter 120.

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

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

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

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

719 (c) Exceptions to subparagraph (a)4. may be granted by the
 720 Agency for State Technology ~~board of trustees of the primary~~
 721 ~~data center~~ if the termination or transfer of services can be
 722 absorbed within the current cost-allocation plan.

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

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

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

735 282.203 Primary data centers.—

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

737 (a) Serve customer entities as an information-system
 738 utility.

739 (b) Cooperate with customer entities to offer, develop,
 740 and support the services and applications as defined within the
 741 service level agreement executed pursuant to this section ~~and~~
 742 ~~provided by the center's board of trustees and customer~~
 743 ~~entities.~~

744 (c) Comply with all policies and rules adopted by the
 745 Agency for State Enterprise Information Technology for the
 746 operation of a primary data center, ~~pursuant to this section,~~

747 and coordinate with the agency in the implementation of the
748 schedule for consolidations of agency data centers pursuant to
749 s. 282.201 consolidation of data centers.

750 (d) Provide to each agency head by September 1 of the
751 fiscal year before the fiscal year in which the agency's
752 consolidation is scheduled to occur the projected costs to
753 provide data center services. Each agency head shall use the
754 projected cost for inclusion in his or her respective
755 legislative budget request for budget adjustments necessary to
756 fund the agency's data center services.

757 (e) ~~(d)~~ Provide transparent financial statements to
758 customer entities, ~~the center's board of trustees,~~ and the
759 Agency for State Enterprise Information Technology. The
760 financial statements shall be provided as follows:

761 1. Annually, by July 30 for the current fiscal year and by
762 December 1 for the subsequent fiscal year, the data center must
763 provide the total annual budgeted costs by major expenditure
764 category, including, but not limited to, salaries, expense,
765 operating capital outlay, contracted services, or other
766 personnel services, which directly relate to the provision of
767 each service and which separately indicate the administrative
768 overhead allocated to each service.

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

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

776 ~~4. By February 15, for proposed legislative budget~~
777 ~~increases, the data center must provide updates of the financial~~
778 ~~statements required under subparagraphs 1. and 2. for the~~
779 ~~subsequent fiscal year.~~

780
781 The financial information required under subparagraphs 1., 2.,
782 and 3. must be based on current law and current appropriations.

783 ~~(c) Annually, by October 1, submit to the board of~~
784 ~~trustees cost reduction proposals, including strategies and~~
785 ~~timetables for lowering customer entities' costs without~~
786 ~~reducing the level of services.~~

787 (f) Maintain the performance of the facility, which
788 includes ensuring proper data backup, ~~data backup~~ recovery, an
789 effective disaster recovery plan, and appropriate security,
790 power, and cooling and fire suppression, ~~and capacity.~~

791 (g) Develop a business continuity plan and conduct a live
792 exercise of the plan at least annually. The plan must be
793 approved by ~~the board and~~ the Agency for State Enterprise
794 Information Technology.

795 (h) Enter into a service-level agreement with each
796 customer entity to provide data center services ~~as defined and~~
797 ~~approved by the board.~~ A service-level agreement may not have a
798 term exceeding 3 years but may include an option to renew for up
799 to 3 years ~~contingent on approval by the board.~~

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

- 801 a. Identify the parties and their roles, duties, and
 802 responsibilities under the agreement.†
- 803 b. Identify the legal authority under which the service-
 804 level agreement was negotiated and entered into by the parties.†
- 805 c. State the duration of the contractual term and specify
 806 the conditions for contract renewal.†
- 807 d. Prohibit the transfer of computing services between
 808 primary data centers ~~center facilities~~ without at least 180
 809 days' notice of service cancellation.†
- 810 e. Identify the scope of work.†
- 811 f. Identify the products or services to be delivered with
 812 sufficient specificity to permit an external financial or
 813 performance audit.†
- 814 g. Establish the services to be provided, the business
 815 standards that must be met for each service, the cost of each
 816 service, and the process by which the business standards for
 817 each service are to be objectively measured and reported.†
- 818 h. Identify applicable funds and funding sources ~~streams~~
 819 for the services or products under contract.†
- 820 i. Provide a timely billing methodology for recovering the
 821 cost of services provided to the customer entity.†
- 822 j. Provide a procedure for modifying the service-level
 823 agreement to address changes in projected costs of service.†
- 824 k. Provide that a service-level agreement may be
 825 terminated by either party for cause only after giving the other
 826 party and the Agency for State ~~Enterprise Information~~ Technology
 827 notice in writing of the cause for termination and an

828 opportunity for the other party to resolve the identified cause
 829 within a reasonable period.~~;~~ and

830 1. Provide for mediation of disputes by the Division of
 831 Administrative Hearings pursuant to s. 120.573.

832 2. A service-level agreement may include:

833 a. A dispute resolution mechanism, including alternatives
 834 to administrative or judicial proceedings;

835 b. The setting of a surety or performance bond for
 836 service-level agreements entered into with ~~agency~~ primary data
 837 centers established by law; or

838 c. Additional terms and conditions as determined advisable
 839 by the parties if such additional terms and conditions do not
 840 conflict with the requirements of this section or rules adopted
 841 by the Agency for State ~~Enterprise Information~~ Technology.

842 3. The failure to execute a service-level agreement within
 843 60 days after service commencement shall, in the case of an
 844 existing customer entity, result in a continuation of the terms
 845 of the service-level agreement from the prior fiscal year,
 846 including any amendments that were formally proposed to the
 847 customer entity by the primary data center within the 3 months
 848 before service commencement, and a revised cost-of-service
 849 estimate. If a new customer entity fails to execute an agreement
 850 within 60 days after service commencement, the data center may
 851 cease services.

852 (i) Plan, design, establish pilot projects for, and
 853 conduct experiments with information technology resources, and
 854 implement enhancements in services if such implementation is

855 cost-effective and approved by the Agency for State Technology
856 ~~board~~.

857 (j) Enter into a memorandum of understanding with the
858 agency where the data center is administratively located if the
859 data center requires the agency to provide any administrative
860 services to the data center and the cost of such services. Any
861 administrative overhead costs charged shall require a specific
862 appropriation in the General Appropriation Act.

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

866 (l) Assume administrative access rights to the resources
867 and equipment, such as servers, network components, and other
868 devices that are consolidated into the primary data center.

869 1. Upon the date of each consolidation specified in s.
870 282.201, the General Appropriations Act, or the Laws of Florida,
871 each agency shall relinquish all administrative access rights to
872 such resources and equipment. Agencies required to comply with
873 federal and state criminal justice information security rules
874 and policies shall retain administrative access rights
875 sufficient to comply with the management control provisions of
876 those rules and policies; however, the primary data center shall
877 have the appropriate type and level of rights to allow the
878 center to comply with its duties pursuant to this section.

879 2. Each primary data center shall provide its customer
880 agencies with the appropriate level of access to applications,
881 servers, network components, and other devices necessary for

882 agencies to perform their core business activities and
883 functions.

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

886 ~~(a) The members of the board shall be appointed by the~~
887 ~~agency head or chief executive officer of the representative~~
888 ~~customer entities of the primary data center and serve at the~~
889 ~~pleasure of the appointing customer entity. Each agency head or~~
890 ~~chief executive officer may appoint an alternate member for each~~
891 ~~board member appointed pursuant to this subsection.~~

892 ~~1. During the first fiscal year that a state agency is to~~
893 ~~consolidate its data center operations to a primary data center~~
894 ~~and for the following full fiscal year, the agency shall have a~~
895 ~~single trustee having one vote on the board of the state primary~~
896 ~~data center where it is to consolidate, unless it is entitled in~~
897 ~~the second year to a greater number of votes as provided in~~
898 ~~subparagraph 3.~~

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

907 ~~3. Each customer entity that has a projected usage rate of~~
908 ~~4 percent or greater during the fiscal operating year of the~~
909 ~~primary data center shall have one trustee on the board.~~

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

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

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

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

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

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

928 ~~(b) Before July 1 of each year, each board of trustees of~~
 929 ~~a primary data center shall elect a chair and a vice chair to a~~
 930 ~~term of 1 year or until a successor is elected. The vice chair~~
 931 ~~shall serve in the absence of the chair. The chair may be~~
 932 ~~elected to serve one additional successive term.~~

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

936 ~~(d) A majority of the members constitutes a quorum. The~~
 937 ~~board shall take action by a majority vote of the members if a~~

938 ~~quorum is present. If there is a tie, the chair shall be on the~~
939 ~~prevailing side.~~

940 ~~(c) The executive director of the Agency for Enterprise~~
941 ~~Information Technology shall be the advisor to the board.~~

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

945 ~~(2)(3) PRIMARY DATA CENTER DIRECTOR BOARD DUTIES.~~—Each
946 ~~board of trustees of a primary data center shall be headed by a~~
947 ~~director who shall:~~

948 ~~(a) Employ an executive director, pursuant to s. 20.05,~~
949 ~~who serves at the pleasure of the board. The executive director~~
950 ~~is responsible for the daily operation of the primary data~~
951 ~~center, ensuring compliance with all laws and rules regulating~~
952 ~~the primary data center, managing primary data center employees,~~
953 ~~and the performance of the primary data center. The board shall~~
954 ~~establish an annual performance evaluation process for the~~
955 ~~executive director. The appointment of the executive director~~
956 ~~must be reconfirmed by the board biennially.~~

957 ~~(a)(b)~~ Establish procedures for the primary data center to
958 ensure that budgeting and accounting procedures, cost-recovery
959 methodologies, and operating procedures are in compliance with
960 laws governing the state data center system, rules adopted by
961 the Agency for State Enterprise Information Technology, and
962 applicable federal regulations, including 2 C.F.R. part 225 and
963 45 C.F.R.

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

966 ~~laws and rules governing the primary data center, and ensure~~
967 ~~that staff members are accountable for the performance of the~~
968 ~~primary data center.~~

969 (b) ~~(d)~~ Provide each customer entity with full disclosure
970 concerning plans for new, additional, or reduced service
971 requirements, including expected achievable service levels and
972 performance metrics.

973 (c) ~~(e)~~ Ensure the sufficiency and transparency of the
974 primary data center financial information by:

975 1. Establishing policies that ensure that cost-recovery
976 methodologies, billings, receivables, expenditure, budgeting,
977 and accounting data are captured and reported timely,
978 consistently, accurately, and transparently and, upon adoption
979 of rules by the Agency for State Enterprise Information
980 Technology, are in compliance with such rules.

981 2. Requiring execution of service-level agreements by the
982 data center and each customer entity for services provided by
983 the data center to the customer entity.

984 3. Requiring cost recovery for the full cost of services,
985 including direct and indirect costs. The cost-recovery
986 methodology must ensure that no service is subsidizing another
987 service without an affirmative vote of approval by the customer
988 entity providing the subsidy.

989 ~~4. Establishing special assessments to fund expansions~~
990 ~~based on a methodology that apportions the assessment according~~
991 ~~to the proportional benefit to each customer entity.~~

992 4.5 ~~.~~ Providing rebates to customer entities when revenues
993 exceed costs and offsetting charges to those who have subsidized

994 other customer entity costs based on actual prior year final
 995 expenditures. Rebates may be credited against future billings.

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

998 5.7. Projecting costs and revenues at the beginning of the
 999 third quarter of each fiscal year through the end of the fiscal
 1000 year. If in any given fiscal year the primary data center is
 1001 projected to earn revenues that are below costs for that fiscal
 1002 year, the data center director must submit a plan for
 1003 consideration by the Legislative Budget Commission that after
 1004 ~~first reducing operating costs where possible, the board shall~~
 1005 ~~implement any combination of the following remedies to cover the~~
 1006 ~~shortfall:~~

1007 a. Identifies the cause or causes for the revenue
 1008 shortfall. ~~The board may direct the primary data center to~~
 1009 ~~adjust current year chargeback rates through the end of the~~
 1010 ~~fiscal year to cover the shortfall. The rate adjustments shall~~
 1011 ~~be implemented using actual usage rate and billing data from the~~
 1012 ~~first three quarters of the fiscal year and the same principles~~
 1013 ~~used to set rates for the fiscal year.~~

1014 b. Recommends options for addressing the shortfall to
 1015 include reducing the primary data center's operating costs where
 1016 possible. If an option includes increasing the rates through the
 1017 end of the fiscal year to cover the shortfall, the plan must
 1018 identify the fund source or sources that the agency will use to
 1019 pay for the increase ~~The board may direct the primary data~~
 1020 ~~center to levy one-time charges on all customer entities to~~
 1021 ~~cover the shortfall. The one-time charges shall be implemented~~

1022 ~~using actual usage rate and billing data from the first three~~
 1023 ~~quarters of the fiscal year and the same principles used to set~~
 1024 ~~rates for the fiscal year.~~

1025 ~~e. The customer entities represented by each board member~~
 1026 ~~may provide payments to cover the shortfall in proportion to the~~
 1027 ~~amounts each entity paid in the prior fiscal year.~~

1028 6. Providing a plan for consideration by the Legislative
 1029 Budget Commission if a billing rate schedule is used after the
 1030 start of the fiscal year that increases any agency's costs for
 1031 that fiscal year.

1032 ~~(f) Meet as often as necessary, but not less than once per~~
 1033 ~~quarter, and hold the annual budget meeting between April 1 and~~
 1034 ~~June 30 of each year.~~

1035 ~~(d)(g)~~ Approve the portfolio of services offered by the
 1036 data center.

1037 ~~(e)(h)~~ By July 1 of each year, submit to the Agency for
 1038 State Enterprise Information Technology proposed cost-recovery
 1039 mechanisms and rate structures for all customer entities for the
 1040 fiscal year including the cost-allocation methodology for
 1041 administrative expenditures and the calculation of
 1042 administrative expenditures as a percent of total costs.

1043 ~~(f)(i)~~ Consider energy-efficient products and their total
 1044 cost of ownership when replacing, upgrading, or expanding:

1045 1. Data center facilities, including, but not limited to,
 1046 environmental, power, and control systems; and

1047 2. Data center network, storage, and computer equipment.

1048 If the total cost of ownership, including initial acquisition
 1049 cost, is estimated to be equal to or lower than existing

1050 infrastructure, technical specifications for energy-efficient
 1051 products should be incorporated into the replacement, upgrade,
 1052 or expansion planning and acquisition process.

1053 (g)~~(j)~~ Maintain the capabilities of the primary data
 1054 center's facilities. Maintenance responsibilities include, but
 1055 are not limited to, ensuring that adequate conditioned floor
 1056 space, fire suppression, cooling, and power is in place;
 1057 replacing aging equipment when necessary; and making decisions
 1058 related to data center ~~expansion and~~ renovation, periodic
 1059 upgrades, and improvements that are required to ensure the
 1060 ongoing suitability of the facility as a primary ~~an enterprise~~
 1061 ~~data center consolidation site in the state data center system.~~
 1062 ~~To the extent possible, the board shall ensure that its approved~~
 1063 ~~annual cost-allocation plan recovers sufficient funds from its~~
 1064 ~~customers to provide for these needs.~~

1065 (h)~~(k)~~ Coordinate with other primary data centers and the
 1066 Agency for State ~~Enterprise Information~~ Technology in order to
 1067 consolidate purchases of goods and services and lower the cost
 1068 of providing services to customer entities.

1069 (i)~~(l)~~ Contract with other primary data centers for the
 1070 provision of administrative services or with the agency within
 1071 which the primary data center is housed, whichever is most cost-
 1072 effective. Any administrative overhead costs charged shall
 1073 require a specific appropriation in the General Appropriation
 1074 Act.

1075 Section 10. Section 282.204, Florida Statutes, is amended
 1076 to read:

1077 282.204 Northwood Shared Resource Center.—The Northwood
 1078 Shared Resource Center is an agency established within the
 1079 Department of Management Services for administrative purposes
 1080 only.

1081 (1) The center is a primary data center and is a separate
 1082 budget entity that is not subject to control, supervision, or
 1083 direction of the department in any manner, including, but not
 1084 limited to, purchasing, transactions involving real or personal
 1085 property, personnel, or budgetary matters.

1086 (2) The center shall be headed by a director who shall be
 1087 appointed by the executive director of the Agency for State
 1088 Technology. The director of the center shall be responsible for
 1089 its daily operation, ensuring its compliance with all laws and
 1090 rules governing the center, and managing its performance and
 1091 employees ~~board of trustees as provided in s. 282.203, who shall~~
 1092 ~~comply with all requirements of that section related to the~~
 1093 ~~operation of the center and with the rules of the Agency for~~
 1094 ~~Enterprise Information Technology related to the design and~~
 1095 ~~delivery of enterprise information technology services.~~

1096 Section 11. Section 282.205, Florida Statutes, is amended
 1097 to read:

1098 282.205 Southwood Shared Resource Center.—The Southwood
 1099 Shared Resource Center is an agency established within the
 1100 department for administrative purposes only.

1101 (1) The center is designated as a primary data center and
 1102 shall be a separate budget entity that is not subject to
 1103 control, supervision, or direction of the department in any
 1104 manner, including, but not limited to, purchasing, transactions

1105 involving real or personal property, personnel, or budgetary
 1106 matters.

1107 (2) The center shall be headed by a director who shall be
 1108 appointed by the executive director of the Agency for State
 1109 Technology. The director of the center shall be responsible for
 1110 its daily operation, ensuring its compliance with all laws and
 1111 rules governing the center, and managing its performance and
 1112 employees ~~board of trustees as provided in s. 282.203, who shall~~
 1113 ~~comply with all requirements of that section related to the~~
 1114 ~~operation of the center and with the rules of the Agency for~~
 1115 ~~Enterprise Information Technology related to the design and~~
 1116 ~~delivery of enterprise information technology services.~~

1117 Section 12. Section 282.33, Florida Statutes, is repealed.

1118 Section 13. Effective upon this act becoming a law,
 1119 section 282.34, Florida Statutes, is repealed.

1120 Section 14. Subsection (1) and paragraph (g) of subsection
 1121 (2) of section 17.0315, Florida Statutes, are amended to read:

1122 17.0315 Financial and cash management system; task force.—

1123 (1) The Chief Financial Officer, as the constitutional
 1124 officer responsible for settling and approving accounts against
 1125 the state and keeping all state funds pursuant to s. 4, Art. IV
 1126 of the State Constitution, shall be the head of and appoint
 1127 members to a task force established to develop a strategic
 1128 business plan for a successor financial and cash management
 1129 system. The task force shall include the executive director of
 1130 the Agency for State ~~Enterprise Information~~ Technology and the
 1131 director of the Office of Policy and Budget in the Executive

1132 Office of the Governor. Any member of the task force may appoint
 1133 a designee.

1134 (2) The strategic business plan for a successor financial
 1135 and cash management system must:

1136 (g) Be coordinated with the information technology
 1137 strategy development efforts of the Agency for State Enterprise
 1138 ~~Information~~ Technology;

1139 Section 15. Paragraph (e) of subsection (2) of section
 1140 110.205, Florida Statutes, is amended to read:

1141 110.205 Career service; exemptions.—

1142 (2) EXEMPT POSITIONS.—The exempt positions that are not
 1143 covered by this part include the following:

1144 (e) The Chief Information Officer in the Agency for State
 1145 ~~Enterprise Information~~ Technology. Unless otherwise fixed by
 1146 law, the Agency for State Enterprise~~Information~~ Technology
 1147 shall set the salary and benefits of this position in accordance
 1148 with the rules of the Senior Management Service.

1149 Section 16. Subsections (2) and (9) of section 215.322,
 1150 Florida Statutes, are amended to read:

1151 215.322 Acceptance of credit cards, charge cards, debit
 1152 cards, or electronic funds transfers by state agencies, units of
 1153 local government, and the judicial branch.—

1154 (2) A state agency as defined in s. 216.011, or the
 1155 judicial branch, may accept credit cards, charge cards, debit
 1156 cards, or electronic funds transfers in payment for goods and
 1157 services with the prior approval of the Chief Financial Officer.
 1158 If the Internet or other related electronic methods are to be
 1159 used as the collection medium, the Agency for State Enterprise

1160 ~~Information~~ Technology shall review and recommend to the Chief
1161 Financial Officer whether to approve the request with regard to
1162 the process or procedure to be used.

1163 (9) For payment programs in which credit cards, charge
1164 cards, or debit cards are accepted by state agencies, the
1165 judicial branch, or units of local government, the Chief
1166 Financial Officer, in consultation with the Agency for State
1167 ~~Enterprise Information~~ Technology, may adopt rules to establish
1168 uniform security safeguards for cardholder data and to ensure
1169 compliance with the Payment Card Industry Data Security
1170 Standards.

1171 Section 17. Subsections (3), (4), (5), and (6) of section
1172 282.318, Florida Statutes, are amended to read:

1173 282.318 Enterprise security of data and information
1174 technology.—

1175 (3) The Agency for State ~~Enterprise Information~~ Technology
1176 is responsible for establishing rules and publishing guidelines
1177 for ensuring an appropriate level of security for all data and
1178 information technology resources for executive branch agencies.
1179 The agency shall also perform the following duties and
1180 responsibilities:

1181 (a) Develop, and annually update by February 1, an
1182 enterprise information security strategic plan that includes
1183 security goals and objectives for the strategic issues of
1184 information security policy, risk management, training, incident
1185 management, and survivability planning.

1186 (b) Develop enterprise security rules and published
1187 guidelines for:

- 1188 1. Comprehensive risk analyses and information security
 1189 audits conducted by state agencies.
- 1190 2. Responding to suspected or confirmed information
 1191 security incidents, including suspected or confirmed breaches of
 1192 personal information or exempt data.
- 1193 3. Agency security plans, including strategic security
 1194 plans and security program plans.
- 1195 4. The recovery of information technology and data
 1196 following a disaster.
- 1197 5. The managerial, operational, and technical safeguards
 1198 for protecting state government data and information technology
 1199 resources.
- 1200 (c) Assist agencies in complying with the provisions of
 1201 this section.
- 1202 (d) Pursue appropriate funding for the purpose of
 1203 enhancing domestic security.
- 1204 (e) Provide training for agency information security
 1205 managers.
- 1206 (f) Annually review the strategic and operational
 1207 information security plans of executive branch agencies.
- 1208 (4) To assist the Agency for State ~~Enterprise Information~~
 1209 Technology in carrying out its responsibilities, each agency
 1210 head shall, at a minimum:
- 1211 (a) Designate an information security manager to
 1212 administer the security program of the agency for its data and
 1213 information technology resources. This designation must be
 1214 provided annually in writing to the Agency for State ~~Enterprise~~
 1215 ~~Information~~ Technology by January 1.

1216 (b) Submit to the Agency for State ~~Enterprise Information~~
 1217 Technology annually by July 31, the agency's strategic and
 1218 operational information security plans developed pursuant to the
 1219 rules and guidelines established by the Agency for State
 1220 ~~Enterprise Information~~ Technology.

1221 1. The agency strategic information security plan must
 1222 cover a 3-year period and define security goals, intermediate
 1223 objectives, and projected agency costs for the strategic issues
 1224 of agency information security policy, risk management, security
 1225 training, security incident response, and survivability. The
 1226 plan must be based on the enterprise strategic information
 1227 security plan created by the Agency for State ~~Enterprise~~
 1228 ~~Information~~ Technology. Additional issues may be included.

1229 2. The agency operational information security plan must
 1230 include a progress report for the prior operational information
 1231 security plan and a project plan that includes activities,
 1232 timelines, and deliverables for security objectives that,
 1233 subject to current resources, the agency will implement during
 1234 the current fiscal year. The cost of implementing the portions
 1235 of the plan which cannot be funded from current resources must
 1236 be identified in the plan.

1237 (c) Conduct, and update every 3 years, a comprehensive
 1238 risk analysis to determine the security threats to the data,
 1239 information, and information technology resources of the agency.
 1240 The risk analysis information is confidential and exempt from
 1241 the provisions of s. 119.07(1), except that such information
 1242 shall be available to the Auditor General and the Agency for

1243 State Enterprise Information Technology for performing
 1244 postauditing duties.

1245 (d) Develop, and periodically update, written internal
 1246 policies and procedures, which include procedures for notifying
 1247 the Agency for State Enterprise Information Technology when a
 1248 suspected or confirmed breach, or an information security
 1249 incident, occurs. Such policies and procedures must be
 1250 consistent with the rules and guidelines established by the
 1251 Agency for State Enterprise Information Technology to ensure the
 1252 security of the data, information, and information technology
 1253 resources of the agency. The internal policies and procedures
 1254 that, if disclosed, could facilitate the unauthorized
 1255 modification, disclosure, or destruction of data or information
 1256 technology resources are confidential information and exempt
 1257 from s. 119.07(1), except that such information shall be
 1258 available to the Auditor General and the Agency for State
 1259 ~~Enterprise Information~~ Technology for performing postauditing
 1260 duties.

1261 (e) Implement appropriate cost-effective safeguards to
 1262 address identified risks to the data, information, and
 1263 information technology resources of the agency.

1264 (f) Ensure that periodic internal audits and evaluations
 1265 of the agency's security program for the data, information, and
 1266 information technology resources of the agency are conducted.
 1267 The results of such audits and evaluations are confidential
 1268 information and exempt from s. 119.07(1), except that such
 1269 information shall be available to the Auditor General and the

1270 Agency for State ~~Enterprise Information~~ Technology for
 1271 performing postauditing duties.

1272 (g) Include appropriate security requirements in the
 1273 written specifications for the solicitation of information
 1274 technology and information technology resources and services,
 1275 which are consistent with the rules and guidelines established
 1276 by the Agency for State ~~Enterprise Information~~ Technology.

1277 (h) Provide security awareness training to employees and
 1278 users of the agency's communication and information resources
 1279 concerning information security risks and the responsibility of
 1280 employees and users to comply with policies, standards,
 1281 guidelines, and operating procedures adopted by the agency to
 1282 reduce those risks.

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

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

1291 2. For incidents involving breaches, agencies shall
 1292 provide notice in accordance with s. 817.5681 and to the Agency
 1293 for State ~~Enterprise Information~~ Technology in accordance with
 1294 this subsection.

1295 (5) Each state agency shall include appropriate security
 1296 requirements in the specifications for the solicitation of
 1297 contracts for procuring information technology or information

1298 technology resources or services which are consistent with the
 1299 rules and guidelines established by the Agency for State
 1300 ~~Enterprise Information~~ Technology.

1301 (6) The Agency for State ~~Enterprise Information~~ Technology
 1302 may adopt rules relating to information security and to
 1303 administer the provisions of this section.

1304 Section 18. Subsection (22) of section 287.057, Florida
 1305 Statutes, is amended to read:

1306 287.057 Procurement of commodities or contractual
 1307 services.—

1308 (22) The department, in consultation with the Agency for
 1309 State ~~Enterprise Information~~ Technology and the Chief Financial
 1310 Officer ~~Comptroller~~, shall develop a program for online
 1311 procurement of commodities and contractual services. To enable
 1312 the state to promote open competition and to leverage its buying
 1313 power, agencies shall participate in the online procurement
 1314 program, and eligible users may participate in the program. Only
 1315 vendors prequalified as meeting mandatory requirements and
 1316 qualifications criteria may participate in online procurement.

1317 (a) The department, in consultation with the agency, may
 1318 contract for equipment and services necessary to develop and
 1319 implement online procurement.

1320 (b) The department, in consultation with the agency, shall
 1321 adopt rules, pursuant to ss. 120.536(1) and 120.54, to
 1322 administer the program for online procurement. The rules shall
 1323 include, but not be limited to:

1324 1. Determining the requirements and qualification criteria
 1325 for prequalifying vendors.

1326 2. Establishing the procedures for conducting online
1327 procurement.

1328 3. Establishing the criteria for eligible commodities and
1329 contractual services.

1330 4. Establishing the procedures for providing access to
1331 online procurement.

1332 5. Determining the criteria warranting any exceptions to
1333 participation in the online procurement program.

1334 (c) The department may impose and shall collect all fees
1335 for the use of the online procurement systems.

1336 1. The fees may be imposed on an individual transaction
1337 basis or as a fixed percentage of the cost savings generated. At
1338 a minimum, the fees must be set in an amount sufficient to cover
1339 the projected costs of the services, including administrative
1340 and project service costs in accordance with the policies of the
1341 department.

1342 2. If the department contracts with a provider for online
1343 procurement, the department, pursuant to appropriation, shall
1344 compensate the provider from the fees after the department has
1345 satisfied all ongoing costs. The provider shall report
1346 transaction data to the department each month so that the
1347 department may determine the amount due and payable to the
1348 department from each vendor.

1349 3. All fees that are due and payable to the state on a
1350 transactional basis or as a fixed percentage of the cost savings
1351 generated are subject to s. 215.31 and must be remitted within
1352 40 days after receipt of payment for which the fees are due. For
1353 fees that are not remitted within 40 days, the vendor shall pay

1354 interest at the rate established under s. 55.03(1) on the unpaid
 1355 balance from the expiration of the 40-day period until the fees
 1356 are remitted.

1357 4. All fees and surcharges collected under this paragraph
 1358 shall be deposited in the Operating Trust Fund as provided by
 1359 law.

1360 Section 19. Subsection (4) of section 445.011, Florida
 1361 Statutes, is amended to read:

1362 445.011 Workforce information systems.—

1363 (4) Workforce Florida, Inc., shall coordinate development
 1364 and implementation of workforce information systems with the
 1365 executive director of the Agency for State Enterprise
 1366 ~~Information~~ Technology to ensure compatibility with the state's
 1367 information system strategy and enterprise architecture.

1368 Section 20. Subsections (2) and (4) of section 445.045,
 1369 Florida Statutes, are amended to read:

1370 445.045 Development of an Internet-based system for
 1371 information technology industry promotion and workforce
 1372 recruitment.—

1373 (2) Workforce Florida, Inc., shall coordinate with the
 1374 Agency for State Enterprise~~Information~~ Technology and the
 1375 Department of Economic Opportunity to ensure links, where
 1376 feasible and appropriate, to existing job information websites
 1377 maintained by the state and state agencies and to ensure that
 1378 information technology positions offered by the state and state
 1379 agencies are posted on the information technology website.

1380 (4) (a) Workforce Florida, Inc., shall coordinate
 1381 development and maintenance of the website under this section

1382 with the executive director of the Agency for State Enterprise
 1383 ~~Information~~ Technology to ensure compatibility with the state's
 1384 information system strategy and enterprise architecture.

1385 (b) Workforce Florida, Inc., may enter into an agreement
 1386 with the Agency for State Enterprise~~Information~~ Technology, the
 1387 Department of Economic Opportunity, or any other public agency
 1388 with the requisite information technology expertise for the
 1389 provision of design, operating, or other technological services
 1390 necessary to develop and maintain the website.

1391 (c) Workforce Florida, Inc., may procure services
 1392 necessary to implement the provisions of this section, if it
 1393 employs competitive processes, including requests for proposals,
 1394 competitive negotiation, and other competitive processes to
 1395 ensure that the procurement results in the most cost-effective
 1396 investment of state funds.

1397 Section 21. Subsection (18) of section 668.50, Florida
 1398 Statutes, is amended to read:

1399 668.50 Uniform Electronic Transaction Act.—

1400 (18) ACCEPTANCE AND DISTRIBUTION OF ELECTRONIC RECORDS BY
 1401 GOVERNMENTAL AGENCIES.—

1402 (a) Except as otherwise provided in paragraph (12) (f),
 1403 each governmental agency shall determine whether, and the extent
 1404 to which, such agency will send and accept electronic records
 1405 and electronic signatures to and from other persons and
 1406 otherwise create, generate, communicate, store, process, use,
 1407 and rely upon electronic records and electronic signatures.

1408 (b) To the extent that a governmental agency uses
 1409 electronic records and electronic signatures under paragraph

1410 (a), the Agency for State ~~Enterprise Information~~ Technology, in
 1411 consultation with the governmental agency, giving due
 1412 consideration to security, may specify:

1413 1. The manner and format in which the electronic records
 1414 must be created, generated, sent, communicated, received, and
 1415 stored and the systems established for those purposes.

1416 2. If electronic records must be signed by electronic
 1417 means, the type of electronic signature required, the manner and
 1418 format in which the electronic signature must be affixed to the
 1419 electronic record, and the identity of, or criteria that must be
 1420 met by, any third party used by a person filing a document to
 1421 facilitate the process.

1422 3. Control processes and procedures as appropriate to
 1423 ensure adequate preservation, disposition, integrity, security,
 1424 confidentiality, and auditability of electronic records.

1425 4. Any other required attributes for electronic records
 1426 which are specified for corresponding nonelectronic records or
 1427 reasonably necessary under the circumstances.

1428 (c) Except as otherwise provided in paragraph (12) (f),
 1429 this section does not require a governmental agency of this
 1430 state to use or permit the use of electronic records or
 1431 electronic signatures.

1432 (d) Service charges and fees otherwise established by law
 1433 applicable to the filing of nonelectronic records shall apply in
 1434 kind to the filing of electronic records.

1435 Section 22. For the 2012-2013 fiscal year, there is
 1436 appropriated to the Agency for State Technology the sum of
 1437 \$1,847,866 in recurring general revenue funds, and 16 full-time

HB 5011, Engrossed 1

2012

1438 equivalent positions and associated salary rate of 1,415,386 are
1439 authorized for the purpose of implementing this act.

1440 Section 23. Except as otherwise expressly provided in this
1441 act, this act shall take effect July 1, 2012.