

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative McKeel offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. All of the records and property; funds, trust funds, and unexpended balances of appropriations, allocations, and other funds; administrative authority; pending issues; and existing contracts of the Agency for Enterprise Information Technology are transferred by a type two transfer, pursuant to s. 20.06(2), Florida Statutes, to the Agency for State Technology. All equipment and assets purchased by the Agency for Enterprise Information Technology with state or federal funds and transferred to the Department of Highway Safety and Motor Vehicles must be transferred to the Department of Law Enforcement no later than July 31, 2013.

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16 Section 2. All rules adopted by the Agency for Enterprise  
17 Information Technology and all proceedings pursuant to s.  
18 120.54, Florida Statutes, of the Agency for Enterprise  
19 Information Technology that are pending on the effective date of  
20 this act are nullified and of no further force or effect.

21 Section 3. The Northwood Shared Resource Center is  
22 transferred by a type two transfer, pursuant to s. 20.06(2),  
23 Florida Statutes, from the Department of Management Services to  
24 the Agency for State Technology. Any binding contract or  
25 interagency agreement entered into between the Northwood Shared  
26 Resource Center or an entity or agent of the center and any  
27 other agency, entity, or person shall continue as a binding  
28 contract or agreement on the Agency for State Technology for the  
29 remainder of the term of such contract or agreement.

30 Section 4. The Southwood Shared Resource Center is  
31 transferred by a type two transfer, pursuant to s. 20.06(2),  
32 Florida Statutes, from the Department of Management Services to  
33 the Agency for State Technology. Any binding contract or  
34 interagency agreement entered into between the Southwood Shared  
35 Resource Center or an entity or agent of the center and any  
36 other agency, entity, or person shall continue as a binding  
37 contract or agreement on the Agency for State Technology .

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 Section 14.204, Florida Statutes, is repealed.

39 Section 6. Section 14.206, Florida Statutes, is created to  
40 read:

41 14.206 Agency for State Technology.—The Agency for State  
42 Technology is created within the Executive Office of the  
43 Governor.

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

45 (2) The agency is a separate budget entity and is not  
46 subject to control, supervision, or direction by the Executive  
47 Office of the Governor, including, but not limited to,  
48 purchasing, transactions involving real or personal property,  
49 personnel, or budgetary matters.

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

52 (a) Have a degree in computer science, information  
53 technology, information systems, or a related field from an  
54 accredited postsecondary educational institution.

55 (b) Have at least 10 years of executive-level experience  
56 in a combination of both the public and private sectors in the  
57 development and implementation of information technology  
58 strategic planning; management of enterprise information  
59 technology projects, particularly management experience with  
60 large-scale consolidation projects; and development and  
61 implementation of fiscal and substantive information technology  
62 policy.

63 (c) Be appointed by the Governor, subject to confirmation  
64 by the Cabinet and the Senate, and serve at the pleasure of the  
65 Governor and Cabinet.

66 (4) The Agency for State Technology shall:

67 (a) Beginning October 1, 2014, and biennially thereafter,  
68 develop and administer a comprehensive long-range plan for the  
69 state's information technology resources that ensures the proper  
70 management of such resources and includes opportunities for

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71 coordinating with other public-sector entities. The plan shall  
72 include, but not be limited to:

73 1. Identification of business functions and operations  
74 that are common across agencies within and among major program  
75 areas and recommendations for standardizing and consolidating  
76 the information technology services that support these common  
77 business functions and operations.

78 2. Identification of opportunities and strategies for  
79 consolidating the purchase of information technology commodities  
80 and contractual services that result in cost savings for the  
81 state.

82 3. Recommendations of other information technology  
83 services that should be designed, delivered, and managed as  
84 enterprise information technology services as defined in s.  
85 282.0041. For each information technology service recommended,  
86 the plan must include the specific business and functional  
87 requirements of the service, the projected costs and cost  
88 savings, and a proposed schedule for statewide implementation.

89 (b) By September 1, 2014, and annually thereafter,  
90 complete an analysis that collects, categorizes, and analyzes  
91 information technology expenditure data for the previous fiscal  
92 year for executive branch agencies. A report summarizing the  
93 results of the analysis must be submitted to the legislative  
94 appropriations committee chairs by September 15 of each year.

95 (c) Develop and maintain an inventory of major information  
96 technology projects currently in progress within executive  
97 branch agencies. For purposes of this inventory, "major  
98 information technology project" means a project that exceeds \$10

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99 million in total costs but does not include projects that  
100 involve renewing existing software licensing agreements or  
101 replacing computers with technology that is similar to the  
102 technology currently in use. For each project, the inventory  
103 must include, but is not limited to:

104 1. The total projected costs versus actual costs to date  
105 reported by the following categories: hardware, software,  
106 staffing, and contracted services.

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

109 3. The original scope of the project, any changes made to  
110 the original scope, and any fiscal impact resulting from such  
111 changes.

112 (d) Develop and implement information technology  
113 architecture standards that allow for the efficient design,  
114 planning, acquisition, implementation, and delivery of  
115 information technology services and conduct periodic assessments  
116 of agencies to determine their compliance with such standards.

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

119 (f) Provide project management oversight on all executive  
120 branch agencies' information technology projects with total  
121 project costs of \$10 million or more.

122 (g) Coordinate information technology resource acquisition  
123 planning and assist the Division of Purchasing in the Department  
124 of Management Services in using aggregate buying methodologies  
125 whenever possible and with procurement negotiations for hardware

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126 and software products and services in order to reduce the cost  
127 of such products and services.

128 (h) Recommend to the Division of Purchasing in the  
129 Department of Management Services strategies and best practices  
130 for the procurement of information technology products and  
131 services in order to achieve cost savings for the state.

132 (i) With the exception of the Northwest Regional Data  
133 Center, provide operational management and oversight of the  
134 state data center established pursuant to s. 282.201, which  
135 shall include:

136 1. Appointing a director for the state data center.

137 2. Approving cost-recovery mechanisms and cost structures  
138 that recover all direct and indirect costs through charges to  
139 customer entities.

140 3. Establishing appropriate operating policies necessary  
141 for the state data center to perform its duties pursuant to s.  
142 282.203. Such policies shall include a process for creating and  
143 implementing appropriate advisory committees comprised of  
144 customer entities for the purpose of reviewing and analyzing  
145 specific issues or activities and providing recommendations to  
146 the director of the state data center for addressing the issue  
147 or activity.

148 4. Monitoring the operation of the state data center to  
149 ensure compliance with all appropriate laws, rules, and  
150 policies.

151 5. Recommending to the Legislature a schedule that  
152 identifies for each agency data center and computing facility

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153 not yet consolidated into the state data center the recommended  
154 date and facility location for its consolidation.

155 (j) Develop and submit a strategic business plan to the  
156 Governor and Cabinet for implementing a successor financial and  
157 cash management system. The plan should include a recommendation  
158 of:

159 1. The financial business functions that should be  
160 standardized and proposed as enterprise financial business  
161 functions.

162 2. An enterprise financial governance structure that  
163 describes the process for making strategic financial business  
164 decisions and the procedures necessary to implement the  
165 enterprise financial business functions.

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

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

170 Section 7. Section 282.0041, Florida Statutes, is amended  
171 to read:

172 282.0041 Definitions.—As used in this chapter, the term:

173 (1) "Agency" has the same meaning as provided in s.  
174 216.011(1)(qq), except that for purposes of this chapter,  
175 "agency" does not include university boards of trustees or state  
176 universities. For purposes of part I, the term "agency" does not  
177 include the judicial branch, the Department of Legal Affairs,  
178 the Department of Financial Services, the Department of  
179 Agriculture and Consumer Services, state attorneys, public  
180 defenders, criminal conflict and civil regional counsel, capital

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181 collateral regional counsel, the Florida Clerks of Court  
182 Operations Corporation, or the Florida Housing Finance  
183 Corporation.

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

186 ~~(3) "Agency information technology service" means a~~  
187 ~~service that directly helps an agency fulfill its statutory or~~  
188 ~~constitutional responsibilities and policy objectives and is~~  
189 ~~usually associated with the agency's primary or core business~~  
190 ~~functions.~~

191 ~~(4) "Annual budget meeting" means a meeting of the board~~  
192 ~~of trustees of a primary data center to review data center usage~~  
193 ~~to determine the apportionment of board members for the~~  
194 ~~following fiscal year, review rates for each service provided,~~  
195 ~~and determine any other required changes.~~

196 ~~(2)-(5)~~ "Breach" has the same meaning as provided in s.  
197 817.5681(4).

198 ~~(3)-(6)~~ "Business continuity plan" means a plan for  
199 disaster recovery which provides for the continued functioning  
200 of a primary data center during and after a disaster.

201 ~~(4)-(7)~~ "Computing facility" means agency space containing  
202 fewer than a total of 10 physical or logical servers, any of  
203 which supports a strategic or nonstrategic information  
204 technology service, as described in budget instructions  
205 developed pursuant to s. 216.023, but excluding single, logical-  
206 server installations that exclusively perform a utility function  
207 such as file and print servers.

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208        ~~(5)-(8)~~ "Customer entity" means an entity that obtains  
209 services from a primary data center.

210        ~~(6)-(9)~~ "Data center" means agency space containing 10 or  
211 more physical or logical servers any of which supports a  
212 strategic or nonstrategic information technology service, as  
213 described in budget instructions developed pursuant to s.  
214 216.023.

215        ~~(7)-(10)~~ "Department" means the Department of Management  
216 Services.

217        ~~(8)-(11)~~ "Enterprise information technology service" means  
218 an information technology service that is used in all agencies  
219 or a subset of agencies and is established in law to be  
220 designed, delivered, and managed at the enterprise level.

221        ~~(12)~~ ~~"E-mail, messaging, and calendaring service" means~~  
222 ~~the enterprise information technology service that enables users~~  
223 ~~to send, receive, file, store, manage, and retrieve electronic~~  
224 ~~messages, attachments, appointments, and addresses. The e-mail,~~  
225 ~~messaging, and calendaring service must include e-mail account~~  
226 ~~management; help desk; technical support and user provisioning~~  
227 ~~services; disaster recovery and backup and restore capabilities;~~  
228 ~~antispam and antivirus capabilities; archiving and e-discovery;~~  
229 ~~and remote access and mobile messaging capabilities.~~

230        ~~(13)~~ ~~"Information system utility" means a full-service~~  
231 ~~information-processing facility offering hardware, software,~~  
232 ~~operations, integration, networking, and consulting services.~~

233        ~~(9)-(14)~~ "Information technology" means equipment,  
234 hardware, software, firmware, programs, systems, networks,  
235 infrastructure, media, and related material used to

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236 automatically, electronically, and wirelessly collect, receive,  
237 access, transmit, display, store, record, retrieve, analyze,  
238 evaluate, process, classify, manipulate, manage, assimilate,  
239 control, communicate, exchange, convert, converge, interface,  
240 switch, or disseminate information of any kind or form.

241 ~~(15) "Information technology policy" means statements that~~  
242 ~~describe clear choices for how information technology will~~  
243 ~~deliver effective and efficient government services to residents~~  
244 ~~and improve state agency operations. A policy may relate to~~  
245 ~~investments, business applications, architecture, or~~  
246 ~~infrastructure. A policy describes its rationale, implications~~  
247 ~~of compliance or noncompliance, the timeline for implementation,~~  
248 ~~metrics for determining compliance, and the accountable~~  
249 ~~structure responsible for its implementation.~~

250 (10)~~(16)~~ "Performance metrics" means the measures of an  
251 organization's activities and performance.

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

255 (11)~~(18)~~ "Project" means an endeavor that has a defined  
256 start and end point; is undertaken to create or modify a unique  
257 product, service, or result; and has specific objectives that,  
258 when attained, signify completion.

259 (12)~~(19)~~ "Risk analysis" means the process of identifying  
260 security risks, determining their magnitude, and identifying  
261 areas needing safeguards.

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262        ~~(13)-(20)~~ "Service level" means the key performance  
263 indicators (KPI) of an organization or service which must be  
264 regularly performed, monitored, and achieved.

265        ~~(14)-(21)~~ "Service-level agreement" means a written  
266 contract between a data center and a customer entity which  
267 specifies the scope of services provided, service level, the  
268 duration of the agreement, the responsible parties, and service  
269 costs. A service-level agreement is not a rule pursuant to  
270 chapter 120.

271        ~~(15)-(22)~~ "Standards" means required practices, controls,  
272 components, or configurations established by an authority.

273        (16) "State data center" means a data center that is a  
274 recipient entity for consolidation of agency data centers and  
275 computing facilities and may have more than one facility  
276 location.

277        ~~(17)-(23)~~ "SUNCOM Network" means the state enterprise  
278 telecommunications system that provides all methods of  
279 electronic or optical telecommunications beyond a single  
280 building or contiguous building complex and used by entities  
281 authorized as network users under this part.

282        ~~(18)-(24)~~ "Telecommunications" means the science and  
283 technology of communication at a distance, including electronic  
284 systems used in the transmission or reception of information.

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

288        ~~(19)-(26)~~ "Total cost" means all costs associated with  
289 information technology projects or initiatives, including, but

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290 not limited to, value of hardware, software, service,  
291 maintenance, incremental personnel, and facilities. Total cost  
292 of a loan or gift of information technology resources to an  
293 agency includes the fair market value of the resources.

294 ~~(20)-(27)~~ "Usage" means the billing amount charged by the  
295 state primary data center, less any pass-through charges, to the  
296 customer entity.

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

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

300 Section 9. Section 282.0055, Florida Statutes, is  
301 repealed.

302 Section 10. Section 282.0056, Florida Statutes, is  
303 repealed.

304 Section 11. Section 282.201, Florida Statutes, is amended  
305 to read:

306 282.201 State data center ~~system~~; creation; agency duties  
307 and limitations.-A state data center ~~system that includes all~~  
308 ~~primary data centers, other nonprimary data centers, and~~  
309 ~~computing facilities, and~~ that provides an enterprise  
310 information technology service as defined in s. 282.0041, is  
311 established. For the 2013-2014 fiscal year, the state data  
312 center shall be comprised of the Northwood Shared Resource  
313 Center, the Southwood Shared Resource Center, and, for purposes  
314 of its state agency customers, the Northwest Regional Data  
315 Center.

316 (1) INTENT.-The Legislature finds that the most efficient  
317 and effective means of providing quality utility data processing

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318 services to state agencies requires that computing resources be  
319 concentrated in quality facilities that provide the proper  
320 security, infrastructure, and staff resources to ensure that the  
321 state's data is maintained reliably and safely, and is  
322 recoverable in the event of a disaster. ~~Efficiencies resulting~~  
323 ~~from such consolidation include the increased ability to~~  
324 ~~leverage technological expertise and hardware and software~~  
325 ~~capabilities; increased savings through consolidated purchasing~~  
326 ~~decisions; and the enhanced ability to deploy technology~~  
327 ~~improvements and implement new policies consistently throughout~~  
328 ~~the consolidated organization.~~ Unless otherwise exempt by law,  
329 it is the intent of the Legislature that all agency data centers  
330 and computing facilities be consolidated into the state a  
331 primary data center by 2019.

332 (2) AGENCY FOR STATE ~~ENTERPRISE INFORMATION~~ TECHNOLOGY  
333 DUTIES.—The Agency for State ~~Enterprise Information~~ Technology  
334 shall:

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

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

341 ~~(a)-(c)~~ By January ~~September~~ 30, 2014, and annually  
342 thereafter ~~of each year~~, submit to the Legislature, ~~the~~  
343 ~~Executive Office of the Governor,~~ and the primary data centers  
344 recommendations to improve the efficiency and cost-effectiveness  
345 of computing services provided by the state data center ~~system~~

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346 ~~facilities~~. Such recommendations must include, but need not be  
347 limited to:

348 1. Policies for improving the cost-effectiveness and  
349 efficiency of the state data center ~~system, which includes the~~  
350 ~~primary data centers being transferred to a shared, virtualized~~  
351 ~~server environment,~~ and the associated cost savings resulting  
352 from the implementation of such policies.

353 2. Infrastructure improvements necessary to support  
354 ~~supporting~~ the consolidation of agency facilities ~~or preempting~~  
355 ~~the need to create additional~~ data centers or computing  
356 facilities.

357 3. Uniform disaster recovery standards.

358 ~~4. Standards for primary data centers which provide cost-~~  
359 ~~effective services and transparent financial data to user~~  
360 ~~agencies.~~

361 ~~4.5.~~ Consolidation of contract practices or coordination  
362 of software, hardware, or other technology-related procurements  
363 and the associated cost savings.

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

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

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

371 a. ~~Consolidating purchase decisions.~~

372 b. ~~Leveraging expertise and other resources to gain~~  
373 ~~economies of scale.~~

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374 ~~e. Implementing state information technology policies more~~  
375 ~~effectively.~~

376 ~~d. Maintaining or improving the level of service provision~~  
377 ~~to customer entities.~~

378 ~~2. The agency shall establish workgroups as necessary to~~  
379 ~~ensure participation by affected agencies in the development of~~  
380 ~~recommendations related to consolidations.~~

381 ~~(b)(e)~~ Develop and establish rules relating to the  
382 operation of the state data center ~~system~~ which comply with  
383 applicable federal regulations, including 2 C.F.R. part 225 and  
384 45 C.F.R. The rules must identify standards for a shared,  
385 virtualized or cloud-based environment, including operations  
386 system software, other operational software, security and  
387 network infrastructure, and other infrastructure components as  
388 required; describe a process for complying with such standards;  
389 and provide an exemption process from compliance with such  
390 standards, which must be consistent with paragraph (5)(b).

391 ~~address:~~

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

394 ~~2. Identifying standards for hardware, including standards~~  
395 ~~for a shared, virtualized server environment, and operations~~  
396 ~~system software and other operational software, including~~  
397 ~~security and network infrastructure, for the primary data~~  
398 ~~centers; requiring compliance with such standards in order to~~  
399 ~~enable the efficient consolidation of the agency data centers or~~  
400 ~~computing facilities; and providing an exemption process from~~

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401 ~~compliance with such standards, which must be consistent with~~  
402 ~~paragraph (5) (b).~~

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

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

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

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

421 (3) STATE AGENCY DUTIES.—

422 (a) For the purpose of completing the work activities  
423 described in subsections (1) and (2), each state agency shall  
424 provide to the Agency for State Enterprise Information  
425 Technology all requested information relating to its data  
426 centers and computing facilities and any other information  
427 relevant to the agency's ability to effectively transition its  
428 computer services into the state ~~a primary~~ data center. The



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429 agency shall also participate as required in workgroups relating  
430 to specific consolidation planning and implementation tasks as  
431 assigned by the Agency for State Enterprise Information  
432 Technology and determined necessary to accomplish consolidation  
433 goals.

434 (b) Each ~~state agency~~ customer entity of the state a  
435 primary data center shall notify the data center, by May 31 and  
436 November 30 of each year, of any significant changes in  
437 anticipated utilization of data center services pursuant to  
438 requirements established by the Agency for State Technology  
439 ~~boards of trustees of each primary data center.~~

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

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

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

447 1. The Department of Education's Knott Data Center in the  
448 Turlington Building.

449 2. The Department of Education's Division of Vocational  
450 Rehabilitation.

451 3. The Department of Education's Division of Blind  
452 Services, except for the division's disaster recovery site in  
453 Daytona Beach.

454 4. The FCAT Explorer.

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

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457 1. By September 30, 2011, the Department of Corrections.

458 2. By March 31, 2012, the Department of Transportation's  
459 Burns Building.

460 3. By March 31, 2012, the Department of Transportation's  
461 Survey & Mapping Office.

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

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

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

470 1. By July 1, 2012, the Agency for Health Care  
471 Administration.

472 2. By August 31, 2012, the Department of Highway Safety  
473 and Motor Vehicles.

474 3. By December 31, 2012, the Department of Environmental  
475 Protection's Palmetto Commons.

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

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

481 ~~1. By July 1, 2013, the Fish and Wildlife Conservation~~  
482 ~~Commission, except for the commission's Fish and Wildlife~~  
483 ~~Research Institute in St. Petersburg.~~

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484 ~~1.2.~~ By October 31, 2013, the Department of Economic  
485 Opportunity.

486 ~~2.3.~~ By December 31, 2013, the Executive Office of the  
487 Governor, to include the Division of Emergency Management except  
488 for the Emergency Operation Center's management system in  
489 Tallahassee and the Camp Blanding Emergency Operations Center in  
490 Starke.

491 ~~3.4.~~ By March 31, 2014, the Department of Elderly Affairs.

492 (h) ~~By July 1, 2013~~ ~~During the 2013-2014 fiscal year,~~ the  
493 Fish and Wildlife Conservation Commission, except for the  
494 commission's Fish and Wildlife Research Institute in St.  
495 Petersburg, ~~following~~ shall be consolidated into the Northwood  
496 Shared Resource Center.†

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

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

499 ~~3. By March 31, 2014, the Department of Agriculture and~~  
500 ~~Consumer Services' Agriculture Management Information Center in~~  
501 ~~the Mayo Building and the Division of Licensing.~~

502 ~~(i) During the 2014-2015 fiscal year, the following~~  
503 ~~agencies shall work with the Agency for Enterprise Information~~  
504 ~~Technology to begin preliminary planning for consolidation into~~  
505 ~~a primary data center:~~

506 ~~1. The Department of Health's Jacksonville Lab Data~~  
507 ~~Center.~~

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

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

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512 ~~4. The Camp Blanding Emergency Operations Center in~~  
513 ~~Starke.~~

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

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

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

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

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

524 ~~(j) During the 2015-2016 fiscal year, all computing~~  
525 ~~resources remaining within an agency data center or computing~~  
526 ~~facility, to include the Department of Financial Services'~~  
527 ~~Hartman, Larson, and Fletcher Buildings data centers, shall be~~  
528 ~~transferred to a primary data center for consolidation unless~~  
529 ~~otherwise required to remain in the agency for specified~~  
530 ~~financial, technical, or business reasons that must be justified~~  
531 ~~in writing and approved by the Agency for Enterprise Information~~  
532 ~~Technology. Such data centers, computing facilities, and~~  
533 ~~resources must be identified by the Agency for Enterprise~~  
534 ~~Information Technology by October 1, 2014.~~

535 ~~(i)-(k)~~ The Department of Law Enforcement, the Department  
536 of the Lottery's Gaming System, Systems Design and Development  
537 in the Office of Policy and Budget, and the regional traffic  
538 management centers and the office of toll operations of the  
539 Department of Transportation, the State Board of Administration,

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540 state attorneys, public defenders, criminal conflict and civil  
541 regional counsel, capital collateral regional counsel, the  
542 Florida Clerks of Court Operations Corporation, and the Florida  
543 Housing Finance Corporation are exempt from data center  
544 consolidation under this section.

545 ~~(j)(1)~~ Any agency that is consolidating agency data  
546 centers into the state ~~a primary~~ data center must execute a new  
547 or update an existing service-level agreement within 60 days  
548 after the specified consolidation date, as required by s.  
549 282.203, in order to specify the services and levels of service  
550 it is to receive from the state ~~primary~~ data center as a result  
551 of the consolidation. If an agency and state ~~primary~~ data center  
552 are unable to execute a service-level agreement by that date,  
553 the agency and the state ~~primary~~ data center shall submit a  
554 report to the Executive Office of the Governor and to the chairs  
555 of the legislative appropriations committees within 5 working  
556 days after that date which explains the specific issues  
557 preventing execution and describing the plan and schedule for  
558 resolving those issues.

559 ~~(m) Beginning September 1, 2011, and every 6 months~~  
560 ~~thereafter until data center consolidations are complete, the~~  
561 ~~Agency for Enterprise Information Technology shall provide a~~  
562 ~~status report on the implementation of the consolidations that~~  
563 ~~must be completed during the fiscal year. The report shall be~~  
564 ~~submitted to the Executive Office of the Governor and the chairs~~  
565 ~~of the legislative appropriations committees. The report must,~~  
566 ~~at a minimum, describe:~~

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567 ~~1. Whether the consolidation is on schedule, including~~  
568 ~~progress on achieving the milestones necessary for successful~~  
569 ~~and timely consolidation of scheduled agency data centers and~~  
570 ~~computing facilities.~~

571 ~~2. The risks that may affect the progress or outcome of~~  
572 ~~the consolidation and how these risks are being addressed,~~  
573 ~~mitigated, or managed.~~

574 ~~(k) (n)~~ Each agency identified in this subsection for  
575 consolidation into the state ~~a primary~~ data center shall submit  
576 a transition plan to the state ~~appropriate primary~~ data center  
577 by July 1 of the fiscal year before the fiscal year in which the  
578 scheduled consolidation will occur. Transition plans shall be  
579 developed in consultation with the state ~~appropriate primary~~  
580 data center ~~centers~~ and the Agency for State Enterprise  
581 ~~Information~~ Technology, and must include:

582 1. An inventory of the agency data center's resources  
583 being consolidated, including all hardware and its associated  
584 life cycle replacement schedule, software, staff, contracted  
585 services, and facility resources performing data center  
586 management and operations, security, backup and recovery,  
587 disaster recovery, system administration, database  
588 administration, system programming, job control, production  
589 control, print, storage, technical support, help desk, and  
590 managed services, but excluding application development, and the  
591 agency's costs supporting these resources.

592 2. A list of contracts in effect, including, but not  
593 limited to, contracts for hardware, software, and maintenance,

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594 which identifies the expiration date, the contract parties, and  
595 the cost of each contract.

596 3. A detailed description of the level of services needed  
597 to meet the technical and operational requirements of the  
598 platforms being consolidated.

599 4. A description of resources for computing services  
600 proposed to remain in the department.

601 5. A timetable with significant milestones for the  
602 completion of the consolidation.

603 ~~(1)(e)~~ The state ~~Each primary~~ data center shall develop a  
604 transition plan for absorbing the transfer of agency data center  
605 resources based upon the timetables for transition as provided  
606 in this subsection. The plan shall be submitted to the Agency  
607 for State Enterprise Information Technology, the Executive  
608 Office of the Governor, and the chairs of the legislative  
609 appropriations committees by September 1 of the fiscal year  
610 before the fiscal year in which the scheduled consolidations  
611 will occur. Each plan must include:

612 1. The projected cost to provide data center services for  
613 each agency scheduled for consolidation.

614 2. A staffing plan that identifies the projected staffing  
615 needs and requirements based on the estimated workload  
616 identified in the agency transition plan.

617 3. The fiscal year adjustments to budget categories in  
618 order to absorb the transfer of agency data center resources  
619 pursuant to the legislative budget request instructions provided  
620 in s. 216.023.

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

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

626 ~~(m)-(p)~~ Each agency identified in this subsection for  
627 consolidation into the state ~~a primary~~ data center shall submit  
628 with its respective legislative budget request the specific  
629 recurring and nonrecurring budget adjustments of resources by  
630 appropriation category into the appropriate data processing  
631 category pursuant to the legislative budget request instructions  
632 in s. 216.023.

633 (5) AGENCY LIMITATIONS.—

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

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

641 2. Spend funds before the agency's scheduled consolidation  
642 into the state ~~a primary~~ data center to purchase or modify  
643 hardware or operations software that does not comply with  
644 hardware and software standards established by the Agency for  
645 State Enterprise Information Technology pursuant to paragraph  
646 (2) ~~(b)-(e)~~ for the efficient consolidation of the agency data  
647 centers or computing facilities;



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

650 4. Terminate services with the state ~~a primary~~ data center  
651 or transfer services between state primary data center  
652 facilities ~~centers~~ without giving written notice of intent to  
653 terminate or transfer services 180 days before such termination  
654 or transfer; or

655 5. Initiate a new computer service except with the state ~~a~~  
656 ~~primary~~ data center.

657 (b) Exceptions to the limitations in subparagraphs (a)1.,  
658 2., 3., and 5. may be granted by the Agency for State Enterprise  
659 ~~Information~~ Technology if there is insufficient capacity in a  
660 state primary data center facility to absorb the workload  
661 associated with agency computing services, if expenditures are  
662 compatible with the scheduled consolidation and the standards  
663 established pursuant to paragraph (2) (b) ~~(e)~~, or if the equipment  
664 or resources are needed to meet a critical agency business need  
665 that cannot be satisfied by ~~from surplus equipment or resources~~  
666 ~~of~~ the state primary data center facility until the agency data  
667 center is consolidated.

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

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

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675 a. ~~Documentation~~ Approved by the state primary data center  
676 that center's board of trustees which confirms that the center  
677 cannot meet the capacity requirements of the agency requesting  
678 the exception within the current fiscal year.

679 b. Approved by the state data center that confirms the  
680 proposed expenditures are compatible with the standards  
681 established pursuant to paragraph (2) (b) ~~A description of the~~  
682 ~~capacity requirements of the agency requesting the exception.~~

683 c. Submitted by ~~Documentation from~~ the agency requesting  
684 the exception that demonstrates ~~demonstrating~~ why it is critical  
685 to the agency's mission that the expansion or transfer ~~must~~ be  
686 completed within the fiscal year rather than when capacity or  
687 resources are available ~~is established~~ at a state primary data  
688 center facility.

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

693 ~~(c)(d)~~ Upon the termination of or transfer of agency  
694 computing services from the state primary data center, the state  
695 primary data center shall require information sufficient to  
696 determine compliance with this section. If the state a primary  
697 data center determines that an agency is in violation of this  
698 section, it shall report the violation to the Agency for State  
699 Enterprise Information Technology.

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

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703 Section 12. Section 282.203, Florida Statutes, is amended  
704 to read:

705 282.203 State Primary data center centers.—

706 (1) STATE DATA CENTER DIRECTOR.—The state data center  
707 director shall:

708 (a) Establish procedures for the state data center and its  
709 facilities to ensure that budgeting and accounting procedures,  
710 cost-recovery methodologies, and operational procedures are in  
711 compliance with laws governing the state data center, rules  
712 adopted by the Agency for State Technology, and applicable  
713 federal regulations, including 2 C.F.R. part 225 and 45 C.F.R.

714 Such procedures must address:

715 1. Establishing a consolidated administrative support  
716 structure that is responsible for the provision of financial  
717 management, procurement, transactions involving real or personal  
718 property, human resources, and operational support for the state  
719 data center.

720 2. Requiring cost recovery for the full direct and  
721 indirect cost of services and ensuring that no service is  
722 subsidizing another service.

723 3. Advance invoicing customer entities no later than April  
724 15 of each year an amount that equals each customer entity's  
725 last quarter projected billings to ensure the state data center  
726 has sufficient revenue to operate during the last quarter of the  
727 fiscal year.

728 4. Projecting costs and revenues at the beginning of the  
729 third quarter of each fiscal year through the end of the fiscal  
730 year. If in any given fiscal year the state data center is

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731 projected to earn revenues that are less than the center's costs  
732 for the fiscal year, the Agency for State Technology must submit  
733 a plan for consideration by the Legislative Budget Commission  
734 that:

735 a. Identifies the cause or causes for the revenue  
736 shortfall.

737 b. Recommends options for addressing the shortfall,  
738 including reducing the state data center's operating costs where  
739 possible. If an option includes increasing a customer entity's  
740 amount in the appropriate data processing appropriation  
741 category, the plan must identify the fund source or sources that  
742 the customer entity will use to pay for the increase.

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

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

748 7. Providing a plan for consideration by the Legislative  
749 Budget Commission if a cost-recovery methodology is used after  
750 the start of a fiscal year that increases the customer entity's  
751 costs for that fiscal year.

752 8. Requiring a customer entity to document that sufficient  
753 funds are in the appropriate data processing appropriation  
754 category before implementing a customer entity's request for a  
755 change in the type or level of service provided if such change  
756 results in an increase to the customer entity's costs for that  
757 fiscal year.

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758 (b) Provide each customer entity with full disclosure  
759 concerning plans for new, additional, or reduced service  
760 requirements, including expected achievable service levels and  
761 performance metrics.

762 (c) Approve the catalog of services offered by the state  
763 data center.

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

767 (e) Provide to each customer entity's agency head by  
768 September 1 of each year the projected costs to provide data  
769 center services for the following fiscal year. Each agency head  
770 shall use the projected costs for inclusion in his or her  
771 respective legislative budget request for budget adjustments  
772 necessary to fund the agency's data center services.

773 (f) Provide to the Agency for State Technology cost-  
774 reduction proposals, including strategies and timetables for  
775 lowering customer entities' costs without reducing the level of  
776 service.

777 (2)-(1) STATE DATA CENTER DUTIES.-The state ~~Each primary~~  
778 data center shall:

779 ~~(a) Serve customer entities as an information-system~~  
780 ~~utility.~~

781 (a)-(b) Cooperate with customer entities to offer, develop,  
782 and support the services and applications as defined within the  
783 service level agreement executed pursuant to this section ~~and~~  
784 ~~provided by the center's board of trustees and customer~~  
785 ~~entities.~~

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786 ~~(b)(e)~~ Comply with rules adopted by the Agency for State  
787 Enterprise Information Technology for the operation of the state  
788 data center, ~~pursuant to this section~~, and coordinate with the  
789 agency in the consolidation of agency data centers and computing  
790 facilities pursuant to s. 282.201.

791 ~~(d)~~ Provide to each agency head by September 1 of the  
792 fiscal year before the fiscal year in which the agency's  
793 consolidation is scheduled to occur the projected costs to  
794 provide data center services. Each agency head shall use the  
795 projected cost for inclusion in his or her respective  
796 legislative budget request for budget adjustments necessary to  
797 fund the agency's data center services.

798 ~~(e)~~ Provide transparent financial statements to customer  
799 entities and the Agency for Enterprise Information Technology.  
800 The financial statements shall be provided as follows:

801 1. ~~Annually, by July 30 for the current fiscal year and by~~  
802 ~~December 1 for the subsequent fiscal year, the data center must~~  
803 ~~provide the total annual budgeted costs by major expenditure~~  
804 ~~category, including, but not limited to, salaries, expense,~~  
805 ~~operating capital outlay, contracted services, or other~~  
806 ~~personnel services, which directly relate to the provision of~~  
807 ~~each service and which separately indicate the administrative~~  
808 ~~overhead allocated to each service.~~

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

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

816  
817 ~~The financial information required under subparagraphs 1., 2.,~~  
818 ~~and 3. must be based on current law and current appropriations.~~

819 ~~(f) Annually, by October 1, submit to the board of~~  
820 ~~trustees cost reduction proposals, including strategies and~~  
821 ~~timetables for lowering customer entities' costs without~~  
822 ~~reducing the level of services.~~

823 ~~(c)(g)~~ Maintain the performance and the ongoing  
824 sustainability of the facilities of the state data center by  
825 facility, which includes ensuring proper data backup, data  
826 backup recovery, an effective disaster recovery plan, adequate  
827 conditioned floor space, and appropriate security, power,  
828 cooling and fire suppression, and capacity and replacing aging  
829 equipment when necessary.

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

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

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

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840 a. Identify the parties and their roles, duties, and  
841 responsibilities under the agreement.

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

844 ~~b.e.~~ State the duration of the contractual term and  
845 specify the conditions for contract renewal.

846 ~~c.d.~~ Prohibit the transfer of computing services between  
847 state primary data center facilities or the termination of  
848 computing services provided by a state data center facility  
849 without at least 180 days' notice of service cancellation.

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

851 ~~e.f.~~ Identify the products or services to be delivered  
852 with sufficient specificity to permit an external financial or  
853 performance audit.

854 ~~f.g.~~ Establish the services to be provided, the business  
855 standards that must be met for each service, the cost of each  
856 service, and the process by which the business standards for  
857 each service are to be objectively measured and reported.

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

860 ~~g.i.~~ Provide a timely billing methodology for recovering  
861 the cost of services provided to the customer entity pursuant to  
862 s. 215.422. If a customer entity fails to pay an invoice within  
863 60 days after receipt, the state data center may cease services  
864 to the customer entity.

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



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867 ~~i.k.~~ Provide that a service-level agreement may be  
868 terminated by either party for cause only after giving the other  
869 party and the Agency for State Enterprise Information Technology  
870 notice in writing of the cause for termination and an  
871 opportunity for the other party to resolve the identified cause  
872 within a reasonable period.

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

875 2. A service-level agreement may include:

876 a. A dispute resolution mechanism, including alternatives  
877 to administrative or judicial proceedings;

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

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

885 3. The failure to execute a service-level agreement within  
886 60 days after service commencement shall, in the case of an  
887 existing customer entity, result in a continuation of the terms  
888 of the service-level agreement from the prior fiscal year,  
889 including any amendments that were formally proposed to the  
890 customer entity by the state ~~primary~~ data center within the 3  
891 months before service commencement, and a revised cost-of-  
892 service estimate. If a new customer entity fails to execute an  
893 agreement within 60 days after service commencement, the state  
894 data center may cease services.

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895 (f) In collaboration with the Department of Law  
896 Enforcement, develop and implement a process for detecting,  
897 reporting, and responding to suspected or confirmed information  
898 technology security incidents.

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

903 ~~(k) Enter into a memorandum of understanding with the~~  
904 ~~agency where the data center is administratively located if the~~  
905 ~~data center requires the agency to provide any administrative~~  
906 ~~services to the data center and the cost of such services. Any~~  
907 ~~administrative overhead costs charged shall require a specific~~  
908 ~~appropriation in the General Appropriation Act.~~

909 (g)(1) Be the custodian of resources and equipment that  
910 are located, operated, supported, and managed by the state data  
911 center for the purposes of chapter 273.

912 (h)(m) Assume administrative access rights to the  
913 resources and equipment, such as servers, network components,  
914 and other devices, that are consolidated into the state primary  
915 data center facility.

916 1. Upon the date of each consolidation specified in s.  
917 282.201, the General Appropriations Act, or the Laws of Florida,  
918 each agency shall relinquish all administrative access rights to  
919 such resources and equipment. Agencies required to comply with  
920 federal and state criminal justice information security rules  
921 and policies shall retain administrative access rights  
922 sufficient to comply with the management control provisions of

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923 those rules and policies; however, the state data center  
924 facility shall have the appropriate type and level of rights to  
925 allow the center to comply with its duties pursuant to this  
926 section. The Department of Law Enforcement shall serve as the  
927 arbiter of any disputes that may arise regarding the appropriate  
928 type and level of administrative access rights pertaining to the  
929 provision of management control in accordance with federal  
930 criminal justice information guidelines.

931 2. ~~The state~~ Each primary data center shall provide its  
932 customer entities ~~agencies~~ with the appropriate level of access  
933 to applications, servers, network components, and other devices  
934 necessary for agencies to perform their core business activities  
935 and functions.

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

938 ~~(a) The members of the board shall be appointed by the~~  
939 ~~agency head or chief executive officer of the representative~~  
940 ~~customer entities of the primary data center and serve at the~~  
941 ~~pleasure of the appointing customer entity. Each agency head or~~  
942 ~~chief executive officer may appoint an alternate member for each~~  
943 ~~board member appointed pursuant to this subsection.~~

944 ~~1. During the first fiscal year that a state agency is to~~  
945 ~~consolidate its data center operations to a primary data center~~  
946 ~~and for the following full fiscal year, the agency shall have a~~  
947 ~~single trustee having one vote on the board of the state primary~~  
948 ~~data center where it is to consolidate, unless it is entitled in~~  
949 ~~the second year to a greater number of votes as provided in~~  
950 ~~subparagraph 3.~~

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

959 ~~3. Each customer entity that has a projected usage rate of~~  
960 ~~4 percent or greater during the fiscal operating year of the~~  
961 ~~primary data center shall have one trustee on the board.~~

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

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

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

970 ~~e. Customer entities of a primary data center whose usage~~  
971 ~~rate represents 30 but less than 50 percent of total usage shall~~  
972 ~~have three votes.~~

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

976 ~~e. A single trustee having one vote shall represent those~~  
977 ~~customer entities that represent less than 4 percent of the~~

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978 ~~total usage. The trustee shall be selected by a process~~  
979 ~~determined by the board.~~

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

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

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

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

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

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

999 ~~(a) Employ an executive director, pursuant to s. 20.05,~~  
1000 ~~who serves at the pleasure of the board. The executive director~~  
1001 ~~is responsible for the daily operation of the primary data~~  
1002 ~~center, ensuring compliance with all laws and rules regulating~~  
1003 ~~the primary data center, managing primary data center employees,~~  
1004 ~~and the performance of the primary data center. The board shall~~  
1005 ~~establish an annual performance evaluation process for the~~

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1006 ~~executive director. The appointment of the executive director~~  
1007 ~~must be reconfirmed by the board biennially.~~

1008 ~~(b) Establish procedures for the primary data center to~~  
1009 ~~ensure that budgeting and accounting procedures, cost-recovery~~  
1010 ~~methodologies, and operating procedures are in compliance with~~  
1011 ~~laws governing the state data center system, rules adopted by~~  
1012 ~~the Agency for Enterprise Information Technology, and applicable~~  
1013 ~~federal regulations, including 2 C.F.R. part 225 and 45 C.F.R.~~

1014 ~~(c) Monitor the operation of the primary data center to~~  
1015 ~~ensure compliance by the executive director and employees with~~  
1016 ~~laws and rules governing the primary data center, and ensure~~  
1017 ~~that staff members are accountable for the performance of the~~  
1018 ~~primary data center.~~

1019 ~~(d) Provide each customer entity with full disclosure~~  
1020 ~~concerning plans for new, additional, or reduced service~~  
1021 ~~requirements, including expected achievable service levels and~~  
1022 ~~performance metrics.~~

1023 ~~(e) Ensure the sufficiency and transparency of the primary~~  
1024 ~~data center financial information by:~~

1025 ~~1. Establishing policies that ensure that cost-recovery~~  
1026 ~~methodologies, billings, receivables, expenditure, budgeting,~~  
1027 ~~and accounting data are captured and reported timely,~~  
1028 ~~consistently, accurately, and transparently and, upon adoption~~  
1029 ~~of rules by the Agency for Enterprise Information Technology,~~  
1030 ~~are in compliance with such rules.~~

1031 ~~2. Requiring execution of service-level agreements by the~~  
1032 ~~data center and each customer entity for services provided by~~  
1033 ~~the data center to the customer entity.~~

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1034 ~~3. Requiring cost recovery for the full cost of services,~~  
1035 ~~including direct and indirect costs. The cost recovery~~  
1036 ~~methodology must ensure that no service is subsidizing another~~  
1037 ~~service without an affirmative vote of approval by the customer~~  
1038 ~~entity providing the subsidy.~~

1039 ~~4. Establishing special assessments to fund expansions~~  
1040 ~~based on a methodology that apportions the assessment according~~  
1041 ~~to the proportional benefit to each customer entity.~~

1042 ~~5. Providing rebates to customer entities when revenues~~  
1043 ~~exceed costs and offsetting charges to those who have subsidized~~  
1044 ~~other customer entity costs based on actual prior year final~~  
1045 ~~expenditures. Rebates may be credited against future billings.~~

1046 ~~6. Approving all expenditures committing over \$50,000 in a~~  
1047 ~~fiscal year.~~

1048 ~~7. Projecting costs and revenues at the beginning of the~~  
1049 ~~third quarter of each fiscal year through the end of the fiscal~~  
1050 ~~year. If in any given fiscal year the primary data center is~~  
1051 ~~projected to earn revenues that are below costs for that fiscal~~  
1052 ~~year after first reducing operating costs where possible, the~~  
1053 ~~board shall implement any combination of the following remedies~~  
1054 ~~to cover the shortfall:~~

1055 ~~a. The board may direct the primary data center to adjust~~  
1056 ~~current year chargeback rates through the end of the fiscal year~~  
1057 ~~to cover the shortfall. The rate adjustments shall be~~  
1058 ~~implemented using actual usage rate and billing data from the~~  
1059 ~~first three quarters of the fiscal year and the same principles~~  
1060 ~~used to set rates for the fiscal year.~~

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1061 ~~b. The board may direct the primary data center to levy~~  
1062 ~~one-time charges on all customer entities to cover the~~  
1063 ~~shortfall. The one-time charges shall be implemented using~~  
1064 ~~actual usage rate and billing data from the first three quarters~~  
1065 ~~of the fiscal year and the same principles used to set rates for~~  
1066 ~~the fiscal year.~~

1067 ~~e. The customer entities represented by each board member~~  
1068 ~~may provide payments to cover the shortfall in proportion to the~~  
1069 ~~amounts each entity paid in the prior fiscal year.~~

1070 ~~8. Providing a plan for consideration by the Legislative~~  
1071 ~~Budget Commission if a billing rate schedule is used after the~~  
1072 ~~start of the fiscal year which increases any agency's costs for~~  
1073 ~~that fiscal year.~~

1074 ~~(f) Meet as often as necessary, but not less than once per~~  
1075 ~~quarter, and hold the annual budget meeting between April 1 and~~  
1076 ~~June 30 of each year.~~

1077 ~~(g) Approve the portfolio of services offered by the data~~  
1078 ~~center.~~

1079 ~~(h) By July 1 of each year, submit to the Agency for~~  
1080 ~~Enterprise Information Technology proposed cost-recovery~~  
1081 ~~mechanisms and rate structures for all customer entities for the~~  
1082 ~~fiscal year including the cost-allocation methodology for~~  
1083 ~~administrative expenditures and the calculation of~~  
1084 ~~administrative expenditures as a percent of total costs.~~

1085 ~~(i) Consider energy efficient products and their total~~  
1086 ~~cost of ownership when replacing, upgrading, or expanding:~~

1087 ~~1. Data center facilities, including, but not limited to,~~  
1088 ~~environmental, power, and control systems; and~~

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1089 ~~2. Data center network, storage, and computer equipment.~~  
1090 ~~If the total cost of ownership, including initial acquisition~~  
1091 ~~cost, is estimated to be equal to or lower than existing~~  
1092 ~~infrastructure, technical specifications for energy-efficient~~  
1093 ~~products should be incorporated into the replacement, upgrade,~~  
1094 ~~or expansion planning and acquisition process.~~

1095 ~~(j) Maintain the capabilities of the primary data center's~~  
1096 ~~facilities. Maintenance responsibilities include, but are not~~  
1097 ~~limited to, ensuring that adequate conditioned floor space, fire~~  
1098 ~~suppression, cooling, and power is in place; replacing aging~~  
1099 ~~equipment when necessary; and making decisions related to data~~  
1100 ~~center expansion and renovation, periodic upgrades, and~~  
1101 ~~improvements that are required to ensure the ongoing suitability~~  
1102 ~~of the facility as an enterprise data center consolidation site~~  
1103 ~~in the state data center system. To the extent possible, the~~  
1104 ~~board shall ensure that its approved annual cost-allocation plan~~  
1105 ~~recovers sufficient funds from its customers to provide for~~  
1106 ~~these needs.~~

1107 ~~(k) Coordinate with other primary data centers and the~~  
1108 ~~Agency for Enterprise Information Technology in order to~~  
1109 ~~consolidate purchases of goods and services and lower the cost~~  
1110 ~~of providing services to customer entities.~~

1111 ~~(l) Contract with other primary data centers for the~~  
1112 ~~provision of administrative services or with the agency within~~  
1113 ~~which the primary data center is housed, whichever is most cost-~~  
1114 ~~effective. Any administrative overhead costs require a specific~~  
1115 ~~appropriation in the General Appropriations Act.~~

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1116 Section 13. Section 282.204, Florida Statutes, is  
1117 repealed.

1118 Section 14. Section 282.205, Florida Statutes, is  
1119 repealed.

1120 Section 15. Section 282.318, Florida Statutes, is amended  
1121 to read:

1122 282.318 Enterprise security of data and information  
1123 technology.—

1124 (1) This section may be cited as the "Enterprise Security  
1125 of Data and Information Technology Act."

1126 (2) Information technology security is established as an  
1127 enterprise information technology service as defined in s.  
1128 282.0041.

1129 (3) The Agency for State ~~Enterprise Information~~ Technology  
1130 is responsible for establishing rules and publishing guidelines  
1131 for ensuring an appropriate level of security for all data and  
1132 information technology resources for executive branch agencies.  
1133 The agency shall also ~~perform the following duties and~~  
1134 ~~responsibilities:~~

1135 (a) Develop, and annually update by February 1, an  
1136 enterprise information security strategic plan that includes  
1137 security goals and objectives for the strategic issues of  
1138 information security policy, risk management, ~~training,~~ incident  
1139 management, and survivability planning.

1140 (b) Develop enterprise security rules and published  
1141 guidelines for:

1142 1. Comprehensive risk analyses and information security  
1143 audits conducted by state agencies.

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1144 2. Responding to suspected or confirmed information  
1145 security incidents, including suspected or confirmed breaches of  
1146 confidential personal information or exempt data.

1147 3. Agency security plans, including strategic security  
1148 plans and security program plans.

1149 4. The recovery of information technology and data  
1150 following a disaster.

1151 5. The managerial, operational, and technical safeguards  
1152 for protecting state government data and information technology  
1153 resources.

1154 (c) Assist agencies in complying with ~~the provisions of~~  
1155 this section.

1156 ~~(d) Pursue appropriate funding for the purpose of~~  
1157 ~~enhancing domestic security.~~

1158 ~~(e) Provide training for agency information security~~  
1159 ~~managers.~~

1160 (d)(f) Annually review the strategic and operational  
1161 information security plans of executive branch agencies.

1162 (4) ~~To assist the Agency for Enterprise Information~~  
1163 ~~Technology in carrying out its responsibilities,~~ Each agency  
1164 head shall, at a minimum:

1165 (a) Designate an information security manager to  
1166 administer the security program of the agency for its data and  
1167 information technology resources. This designation must be  
1168 provided annually in writing to the Agency for State Enterprise  
1169 ~~Information~~ Technology by January 1.

1170 (b) Submit to the Agency for State Enterprise Information  
1171 Technology annually by July 31, the agency's strategic and

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1172 operational information security plans developed pursuant to the  
1173 rules and guidelines established by the Agency for State  
1174 ~~Enterprise Information~~ Technology.

1175 1. The agency strategic information security plan must  
1176 cover a 3-year period and, at a minimum, define security goals,  
1177 intermediate objectives, and projected agency costs for the  
1178 strategic issues of agency information security policy, risk  
1179 management, security training, security incident response, and  
1180 survivability. The plan must be based on the enterprise  
1181 strategic information security plan created by the Agency for  
1182 State Enterprise Information Technology. ~~Additional issues may~~  
1183 ~~be included.~~

1184 2. The agency operational information security plan must  
1185 include a progress report for the prior operational information  
1186 security plan and a project plan that includes activities,  
1187 timelines, and deliverables for security objectives that,  
1188 subject to current resources, the agency will implement during  
1189 the current fiscal year. ~~The cost of implementing the portions~~  
1190 ~~of the plan which cannot be funded from current resources must~~  
1191 ~~be identified in the plan.~~

1192 (c) Conduct, and update every 3 years, a comprehensive  
1193 risk analysis to determine the security threats to the data,  
1194 information, and information technology resources of the agency.  
1195 The risk analysis information is confidential and exempt from  
1196 ~~the provisions of s. 119.07(1)~~, except that such information  
1197 shall be available to the Auditor General, ~~and~~ the Agency for  
1198 State Enterprise Information Technology, and the Department of  
1199 Law Enforcement for performing postauditing duties.

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1200 (d) Develop, and periodically update, written internal  
1201 policies and procedures, which must include procedures for  
1202 notifying all suspected or confirmed information security  
1203 incidents to the Cybercrime Office in the Department of Law  
1204 Enforcement within 24 hours after discovery ~~the Agency for~~  
1205 ~~Enterprise Information Technology when a suspected or confirmed~~  
1206 ~~breach, or an information security incident, occurs.~~ Such  
1207 policies and procedures must be consistent with the rules and  
1208 guidelines established by the Agency for State Enterprise  
1209 ~~Information~~ Technology to ensure the security of the data,  
1210 information, and information technology resources of the agency.  
1211 The internal policies and procedures that, if disclosed, could  
1212 facilitate the unauthorized modification, disclosure, or  
1213 destruction of data or information technology resources are  
1214 confidential information and exempt from s. 119.07(1), except  
1215 that such information shall be available to the Auditor General,  
1216 ~~and the Agency for State Enterprise Information Technology,~~ and  
1217 the Department of Law Enforcement for performing postauditing  
1218 duties.

1219 (e) Implement appropriate cost-effective safeguards to  
1220 address identified risks to the data, information, and  
1221 information technology resources of the agency.

1222 (f) Ensure that periodic internal audits and evaluations  
1223 of the agency's security program for the data, information, and  
1224 information technology resources of the agency are conducted.  
1225 The results of such audits and evaluations are confidential  
1226 information and exempt from s. 119.07(1), except that such  
1227 information shall be available to the Auditor General, ~~and~~ the

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1228 Agency for State Enterprise Information Technology, and the  
1229 Department of Law Enforcement for performing postauditing  
1230 duties.

1231 (g) Include appropriate security requirements in the  
1232 written specifications for the solicitation of information  
1233 technology and information technology resources and services  
1234 that, which are consistent with the rules and guidelines  
1235 established by the Agency for State Enterprise Information  
1236 Technology.

1237 (h) Require that all agency employees complete the  
1238 security awareness training offered by the Cybercrime Office in  
1239 the Department of Law Enforcement. Provide security awareness  
1240 training to employees and users of the agency's communication  
1241 and information resources concerning information security risks  
1242 and the responsibility of employees and users to comply with  
1243 policies, standards, guidelines, and operating procedures  
1244 adopted by the agency to reduce those risks.

1245 (i) Develop a process for detecting, reporting, and  
1246 responding to suspected or confirmed security threats or  
1247 incidents, including suspected or confirmed breaches, consistent  
1248 with the security rules and guidelines established by the Agency  
1249 for State Enterprise Information Technology.

1250 1. Suspected or confirmed information security threats,  
1251 incidents, and breaches must be immediately reported to the  
1252 Cybercrime Office in the Department of Law Enforcement within 24  
1253 hours after discovery ~~Agency for Enterprise Information~~  
1254 ~~Technology~~.

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1255 2. For incidents involving breaches, agencies shall  
1256 provide notice in accordance with s. 817.5681 and to the  
1257 Cybercrime Office in the Department of Law Enforcement Agency  
1258 for Enterprise Information Technology in accordance with this  
1259 subsection.

1260 (5) Each state agency shall include appropriate security  
1261 requirements in the specifications for the solicitation of  
1262 contracts for procuring information technology or information  
1263 technology resources or services that which are consistent with  
1264 the rules and guidelines established by the Agency for State  
1265 Enterprise Information Technology.

1266 (6) The Agency for State Enterprise Information  
1267 Technology, in consultation with the Cybercrime Office in the  
1268 Department of Law Enforcement, may adopt rules relating to  
1269 information security and to administer ~~the provisions of~~ this  
1270 section.

1271 (7) For purposes of this section, the term "agency" has  
1272 the same meaning as provided in s. 216.011(1)(qq), except that  
1273 the term "agency" does not include the judicial branch, state  
1274 attorneys, public defenders, criminal conflict and civil  
1275 regional counsel, capital collateral regional counsel, the  
1276 Florida Clerks of Court Operations Corporation, or the Florida  
1277 Housing Finance Corporation.

1278 Section 16. Section 282.33, Florida Statutes, is repealed.

1279 Section 17. Effective upon this act becoming a law,  
1280 section 282.34, Florida Statutes, is repealed.

1281 Section 18. Section 943.0415, Florida Statutes, is amended  
1282 to read:

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1283 943.0415 Cybercrime Office.—

1284 (1) There is created within the Department of Law  
1285 Enforcement the Cybercrime Office.

1286 (2) The office may:

1287 (a) Investigate violations of state law pertaining to the  
1288 sexual exploitation of children which are facilitated by or  
1289 connected to the use of any device capable of storing electronic  
1290 data.

1291 (b) Monitor information technology resources and collect  
1292 and analyze potential threats regarding potential cybersecurity  
1293 incidents, including cyber attacks and breaches of personal  
1294 information containing confidential or exempt data.

1295 (c) Investigate violations of state law pertaining to  
1296 suspected or confirmed cybersecurity incidents and assist in  
1297 incident response and recovery.

1298 (d) Provide security awareness training and information to  
1299 state agency employees concerning cybersecurity, online sexual  
1300 exploitation of children, and security risks and the  
1301 responsibility of employees to comply with policies, standards,  
1302 guidelines, and operating procedures adopted by the Agency for  
1303 State Technology.

1304 (e) Consult with the Agency for State Technology in the  
1305 adoption of rules relating to the information security  
1306 provisions of s. 282.318.

1307 Section 19. Paragraph (e) of subsection (2) of section  
1308 110.205, Florida Statutes, is amended to read:

1309 110.205 Career service; exemptions.—



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1310 (2) EXEMPT POSITIONS.—The exempt positions that are not  
1311 covered by this part include the following:

1312 (e) The Chief Information Officer in the Agency for State  
1313 ~~Enterprise Information~~ Technology. Unless otherwise fixed by  
1314 law, the Agency for State ~~Enterprise Information~~ Technology  
1315 shall set the salary and benefits of this position in accordance  
1316 with the rules of the Senior Management Service.

1317 Section 20. Subsections (2) and (9) of section 215.322,  
1318 Florida Statutes, are amended to read:

1319 215.322 Acceptance of credit cards, charge cards, debit  
1320 cards, or electronic funds transfers by state agencies, units of  
1321 local government, and the judicial branch.—

1322 (2) A state agency as defined in s. 216.011, or the  
1323 judicial branch, may accept credit cards, charge cards, debit  
1324 cards, or electronic funds transfers in payment for goods and  
1325 services with the prior approval of the Chief Financial Officer.  
1326 If the Internet or other related electronic methods are to be  
1327 used as the collection medium, the Agency for State ~~Enterprise~~  
1328 ~~Information~~ Technology shall review and recommend to the Chief  
1329 Financial Officer whether to approve the request with regard to  
1330 the process or procedure to be used.

1331 (9) For payment programs in which credit cards, charge  
1332 cards, or debit cards are accepted by state agencies, the  
1333 judicial branch, or units of local government, the Chief  
1334 Financial Officer, in consultation with the Agency for State  
1335 ~~Enterprise Information~~ Technology, may adopt rules to establish  
1336 uniform security safeguards for cardholder data and to ensure

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1337 compliance with the Payment Card Industry Data Security  
1338 Standards.

1339 Section 21. Subsection (22) of section 287.057, Florida  
1340 Statutes, is amended to read:

1341 287.057 Procurement of commodities or contractual  
1342 services.—

1343 (22) The department, in consultation with the Agency for  
1344 State Enterprise Information Technology and the Comptroller,  
1345 shall develop a program for online procurement of commodities  
1346 and contractual services. To enable the state to promote open  
1347 competition and to leverage its buying power, agencies shall  
1348 participate in the online procurement program, and eligible  
1349 users may participate in the program. Only vendors prequalified  
1350 as meeting mandatory requirements and qualifications criteria  
1351 may participate in online procurement.

1352 (a) The department, in consultation with the agency, may  
1353 contract for equipment and services necessary to develop and  
1354 implement online procurement.

1355 (b) The department, in consultation with the agency, shall  
1356 adopt rules, pursuant to ss. 120.536(1) and 120.54, to  
1357 administer the program for online procurement. The rules shall  
1358 include, but not be limited to:

1359 1. Determining the requirements and qualification criteria  
1360 for prequalifying vendors.

1361 2. Establishing the procedures for conducting online  
1362 procurement.

1363 3. Establishing the criteria for eligible commodities and  
1364 contractual services.

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1365 4. Establishing the procedures for providing access to  
1366 online procurement.

1367 5. Determining the criteria warranting any exceptions to  
1368 participation in the online procurement program.

1369 (c) The department may impose and shall collect all fees  
1370 for the use of the online procurement systems.

1371 1. The fees may be imposed on an individual transaction  
1372 basis or as a fixed percentage of the cost savings generated. At  
1373 a minimum, the fees must be set in an amount sufficient to cover  
1374 the projected costs of the services, including administrative  
1375 and project service costs in accordance with the policies of the  
1376 department.

1377 2. If the department contracts with a provider for online  
1378 procurement, the department, pursuant to appropriation, shall  
1379 compensate the provider from the fees after the department has  
1380 satisfied all ongoing costs. The provider shall report  
1381 transaction data to the department each month so that the  
1382 department may determine the amount due and payable to the  
1383 department from each vendor.

1384 3. All fees that are due and payable to the state on a  
1385 transactional basis or as a fixed percentage of the cost savings  
1386 generated are subject to s. 215.31 and must be remitted within  
1387 40 days after receipt of payment for which the fees are due. For  
1388 fees that are not remitted within 40 days, the vendor shall pay  
1389 interest at the rate established under s. 55.03(1) on the unpaid  
1390 balance from the expiration of the 40-day period until the fees  
1391 are remitted.

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1392 4. All fees and surcharges collected under this paragraph  
1393 shall be deposited in the Operating Trust Fund as provided by  
1394 law.

1395 Section 22. Subsection (4) of section 445.011, Florida  
1396 Statutes, is amended to read:

1397 445.011 Workforce information systems.—

1398 (4) Workforce Florida, Inc., shall coordinate development  
1399 and implementation of workforce information systems with the  
1400 executive director of the Agency for State Enterprise  
1401 ~~Information~~ Technology to ensure compatibility with the state's  
1402 information system strategy and enterprise architecture.

1403 Section 23. Subsections (2) and (4) of section 445.045,  
1404 Florida Statutes, are amended to read:

1405 445.045 Development of an Internet-based system for  
1406 information technology industry promotion and workforce  
1407 recruitment.—

1408 (2) Workforce Florida, Inc., shall coordinate with the  
1409 Agency for State Enterprise~~Information~~ Technology and the  
1410 Department of Economic Opportunity to ensure links, where  
1411 feasible and appropriate, to existing job information websites  
1412 maintained by the state and state agencies and to ensure that  
1413 information technology positions offered by the state and state  
1414 agencies are posted on the information technology website.

1415 (4) (a) Workforce Florida, Inc., shall coordinate  
1416 development and maintenance of the website under this section  
1417 with the executive director of the Agency for State Enterprise  
1418 ~~Information~~ Technology to ensure compatibility with the state's  
1419 information system strategy and enterprise architecture.

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1420 (b) Workforce Florida, Inc., may enter into an agreement  
1421 with the Agency for State Enterprise Information Technology, the  
1422 Department of Economic Opportunity, or any other public agency  
1423 with the requisite information technology expertise for the  
1424 provision of design, operating, or other technological services  
1425 necessary to develop and maintain the website.

1426 (c) Workforce Florida, Inc., may procure services  
1427 necessary to implement ~~the provisions of~~ this section, if it  
1428 employs competitive processes, including requests for proposals,  
1429 competitive negotiation, and other competitive processes, to  
1430 ensure that the procurement results in the most cost-effective  
1431 investment of state funds.

1432 Section 24. Paragraph (b) of subsection (18) of section  
1433 668.50, Florida Statutes, is amended to read:

1434 668.50 Uniform Electronic Transaction Act.—

1435 (18) ACCEPTANCE AND DISTRIBUTION OF ELECTRONIC RECORDS BY  
1436 GOVERNMENTAL AGENCIES.—

1437 (b) To the extent that a governmental agency uses  
1438 electronic records and electronic signatures under paragraph  
1439 (a), the Agency for State Enterprise Information Technology, in  
1440 consultation with the governmental agency, giving due  
1441 consideration to security, may specify:

1442 1. The manner and format in which the electronic records  
1443 must be created, generated, sent, communicated, received, and  
1444 stored and the systems established for those purposes.

1445 2. If electronic records must be signed by electronic  
1446 means, the type of electronic signature required, the manner and  
1447 format in which the electronic signature must be affixed to the

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1448 electronic record, and the identity of, or criteria that must be  
1449 met by, any third party used by a person filing a document to  
1450 facilitate the process.

1451 3. Control processes and procedures as appropriate to  
1452 ensure adequate preservation, disposition, integrity, security,  
1453 confidentiality, and auditability of electronic records.

1454 4. Any other required attributes for electronic records  
1455 which are specified for corresponding nonelectronic records or  
1456 reasonably necessary under the circumstances.

1457 Section 25. Subsections (1), (2), and (3) of section  
1458 1004.649, Florida Statutes, are amended to read:

1459 1004.649 Northwest Regional Data Center.—

1460 (1) For the purpose of serving its state agency customers  
1461 for the 2013-2014 fiscal year, the Northwest Regional Data  
1462 Center at Florida State University is designated as a state  
1463 ~~primary~~ data center facility and shall:

1464 (a) Operate under a governance structure that represents  
1465 its customers proportionally.

1466 (b) Maintain an appropriate cost-allocation methodology  
1467 that accurately bills state agency customers based solely on the  
1468 actual direct and indirect costs of the services provided to  
1469 state agency customers, and prohibits the subsidization of  
1470 nonstate agency customers' costs by state agency customers.

1471 (c) Enter into a service-level agreement with each state  
1472 agency customer to provide services as defined and approved by  
1473 the governing board of the center. At a minimum, such service-  
1474 level agreements must:

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1475 1. Identify the parties and their roles, duties, and  
1476 responsibilities under the agreement;

1477 2. State the duration of the agreement term and specify  
1478 the conditions for renewal;

1479 3. Identify the scope of work;

1480 4. Establish the services to be provided, the business  
1481 standards that must be met for each service, the cost of each  
1482 service, and the process by which the business standards for  
1483 each service are to be objectively measured and reported;

1484 5. Provide a timely billing methodology for recovering the  
1485 cost of services provided; and

1486 6. Provide a procedure for modifying the service-level  
1487 agreement to address any changes in projected costs of service.

1488 (d) Provide to the Board of Governors the total annual  
1489 budget by major expenditure category, including, but not limited  
1490 to, salaries, expenses, operating capital outlay, contracted  
1491 services, or other personnel services by July 30 each fiscal  
1492 year.

1493 (e) Provide to each state agency customer its projected  
1494 annual cost for providing the agreed-upon data center services  
1495 by September 1 each fiscal year.

1496 (f) Provide a plan for consideration by the Legislative  
1497 Budget Commission if the governing body of the center approves  
1498 the use of a billing rate schedule after the start of the fiscal  
1499 year that increases any state agency customer's costs for that  
1500 fiscal year.

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1501 (2) The Northwest Regional Data Center's designation as a  
1502 state primary data center facility for purposes of serving its  
1503 state agency customers may be terminated if:

1504 (a) The center requests such termination to the Board of  
1505 Governors, the Senate President, and the Speaker of the House of  
1506 Representatives; or

1507 (b) The center fails to comply with the provisions of this  
1508 section.

1509 (3) If such designation is terminated, the center shall  
1510 have 1 year to provide for the transition of its state agency  
1511 customers to the state data ~~Southwood Shared Resource Center or~~  
1512 ~~the Northwood Shared Resource~~ center.

1513 Section 26. Except as otherwise expressly provided in this  
1514 act and except for this section, which shall take effect upon  
1515 this act becoming a law, this act shall take effect July 1,  
1516 2013.

1517  
1518 -----

**T I T L E A M E N D M E N T**

1519 Remove everything before the enacting clause and insert:

1520 A bill to be entitled  
1521  
1522 An act relating to information technology governance;  
1523 transferring the Agency for Enterprise Information  
1524 Technology, the Northwood Shared Resource Center, and  
1525 the Southwood Shared Resource Center to the Agency for  
1526 State Technology; nullifying rules and proceedings of  
1527 the Agency for Enterprise Information Technology;  
1528 repealing s. 14.204, F.S., relating to the Agency for



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1529 Enterprise Information Technology; creating s. 14.206,  
1530 F.S.; creating the Agency for State Technology;  
1531 providing that the agency executive director is the  
1532 state's Chief Information Officer; providing duties  
1533 and responsibilities of the agency; authorizing the  
1534 agency to adopt rules; amending s. 282.0041, F.S.;  
1535 defining the term "state data center"; revising  
1536 definitions relating to communications and data  
1537 processing; repealing ss. 17.0315, 282.0055, and  
1538 282.0056, F.S., relating to a financial and cash  
1539 management system task force, responsibilities of the  
1540 Agency for Enterprise Information Technology, and work  
1541 plans, respectively; amending s. 282.201, F.S.;  
1542 establishing a state data center; providing duties of  
1543 the Agency for State Technology; revising duties of  
1544 state agencies relating to consolidation of data  
1545 centers; providing exceptions; revising duties of the  
1546 data centers; revising restrictions on state agencies;  
1547 amending s. 282.203, F.S.; providing duties of the  
1548 state data center and its director; authorizing the  
1549 state data center to cease services to a customer  
1550 entity under certain circumstances; deleting  
1551 provisions relating to primary data centers and boards  
1552 of trustees; repealing ss. 282.204 and 282.205, F.S.,  
1553 relating to the Northwood Shared Resource Center and  
1554 the Southwood Shared Resource Center, respectively;  
1555 amending s. 282.318, F.S.; revising provisions of the  
1556 Enterprise Security of Data and Information Technology

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1557 Act; providing responsibilities of the agency;  
1558 revising and providing duties and responsibilities of  
1559 state agencies; requiring certain employee training;  
1560 authorizing the agency to adopt rules; defining the  
1561 term "agency" for purposes of such act; repealing ss.  
1562 282.33 and 282.34, F.S., relating to energy efficiency  
1563 standards and statewide e-mail service, respectively;  
1564 amending s. 943.0415, F.S.; authorizing the Cybercrime  
1565 Office of the Department of Law Enforcement to perform  
1566 certain functions relating to information security;  
1567 amending ss. 110.205, 215.322, 287.057, 445.011,  
1568 445.045, 668.50, and 1004.649, F.S.; conforming  
1569 provisions to changes made by the act; providing  
1570 effective dates.