

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative McKeel offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. (1) All records, property, pending issues and
6 existing contracts, administrative authority, administrative
7 rules in chapters 71A-1 and 71A-2, Florida Administrative Code,
8 in effect as of November 15, 2010, trust funds, and unexpended
9 balances of appropriations, allocations, and other funds of the
10 Agency for Enterprise Information Technology are transferred by
11 a type two transfer pursuant to s. 20.06(2), Florida Statutes,
12 to the Agency for State Technology established pursuant to s.
13 20.61, Florida Statutes, as created by this act.

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

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

27 Section 3. The Southwood Shared Resource Center is
28 transferred by a type two transfer, pursuant to s. 20.06,
29 Florida Statutes, from the Department of Management Services to
30 the Agency for State Technology. Any binding contract or
31 interagency agreement entered into and between the Southwood
32 Shared Resource Center or an entity or agent of the center and
33 any other agency, entity, or person shall continue as a binding
34 contract or agreement of the Agency for State Technology for the
35 remainder of the term of such contract or agreement.

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 Section 14.204, Florida Statutes, is repealed.

37 Section 5. Subsection (1) of section 20.055, Florida
38 Statutes, is reordered and amended to read:

39 20.055 Agency inspectors general.—

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40 (1) As used in ~~For the purposes of~~ this section, the term:

41 (a)-(b) "Agency head" means the Governor, a Cabinet
42 officer, or a secretary ~~as defined in s. 20.03(5)~~, or an
43 executive director as those terms are defined in s. 20.03, ~~(6)~~.
44 ~~It also includes~~ the chair of the Public Service Commission, the
45 Director of the Office of Insurance Regulation of the Financial
46 Services Commission, the Director of the Office of Financial
47 Regulation of the Financial Services Commission, the board of
48 directors of the Florida Housing Finance Corporation, and the
49 Chief Justice of the State Supreme Court.

50 (b)-(d) "Entities contracting with the state" means for-
51 profit and not-for-profit organizations or businesses that have
52 ~~having~~ a legal existence, such as corporations or partnerships,
53 as opposed to natural persons, which have entered into a
54 relationship with a state agency ~~as defined in paragraph (a)~~ to
55 provide for consideration certain goods or services to the state
56 agency or on behalf of the state agency. The relationship may be
57 evidenced by payment by warrant or purchasing card, contract,
58 purchase order, provider agreement, or other such mutually
59 agreed upon relationship. The term ~~This definition~~ does not
60 apply to entities that ~~which~~ are the subject of audits or
61 investigations conducted pursuant to ss. 112.3187-112.31895 or
62 s. 409.913 or which are otherwise confidential and exempt under
63 s. 119.07.

64 (c) "Individuals substantially affected" means natural
65 persons who have established a real and sufficiently immediate

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66 injury in fact due to the findings, conclusions, or
67 recommendations of a final report of a state agency inspector
68 general, who are the subject of the audit or investigation, and
69 who do not have or are not currently afforded an existing right
70 to an independent review process. The term does not apply to
71 employees of the state, including career service, probationary,
72 other personal service, Selected Exempt Service, and Senior
73 Management Service employees; ~~are not covered by this~~
74 ~~definition. This definition also does not cover~~ former employees
75 of the state if the final report of the state agency inspector
76 general relates to matters arising during a former employee's
77 term of state employment; or. ~~This definition does not apply to~~
78 persons who are the subject of audits or investigations
79 conducted pursuant to ss. 112.3187-112.31895 or s. 409.913 or
80 which are otherwise confidential and exempt under s. 119.07.

81 (d)-(a) "State agency" means each department created
82 pursuant to this chapter, ~~and also includes~~ the Executive Office
83 of the Governor, the Department of Military Affairs, the Fish
84 and Wildlife Conservation Commission, the Office of Insurance
85 Regulation of the Financial Services Commission, the Office of
86 Financial Regulation of the Financial Services Commission, the
87 Public Service Commission, the Board of Governors of the State
88 University System, the Florida Housing Finance Corporation, the
89 Agency for State Technology, and the state courts system.

90 Section 6. Section 20.61, Florida Statutes, is created to
91 read:

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92 20.61 Agency for State Technology.—The Agency for State
93 Technology is created within the Department of Management
94 Services. The agency is a separate budget program and is not
95 subject to control, supervision, or direction by the Department
96 of Management Services, including, but not limited to,
97 purchasing, transactions involving real or personal property,
98 personnel, or budgetary matters.

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

102 (b) The executive director must be a proven, effective
103 administrator who preferably has executive-level experience in
104 both the public and private sectors in development and
105 implementation of information technology strategic planning;
106 management of enterprise information technology projects,
107 particularly management of large-scale consolidation projects;
108 and development and implementation of fiscal and substantive
109 information technology policy.

110 (2) The following positions are established within the
111 agency, all of whom shall be appointed by the executive
112 director:

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

115 (b) Chief planning officer and six strategic planning
116 coordinators. One coordinator shall be assigned to each of the
117 following major program areas: health and human services,

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118 education, government operations, criminal and civil justice,
119 agriculture and natural resources, and transportation and
120 economic development.

121 (c) Chief operations officer.

122 (d) Chief information security officer.

123 (e) Chief technology officer.

124 (3) The Technology Advisory Council, consisting of seven
125 members, is established within the Agency for State Technology
126 and shall be maintained pursuant to s. 20.052. Four members of
127 the council shall be appointed by the Governor, two of whom must
128 be from the private sector. The President of the Senate and the
129 Speaker of the House of Representatives shall each appoint one
130 member of the council. The Attorney General, the Commissioner of
131 Agriculture and Consumer Services, and the Chief Financial
132 Officer shall jointly appoint one member by agreement of a
133 majority of these officers. Upon initial establishment of the
134 council, two of the Governor's appointments shall be for 2-year
135 terms. Thereafter, all appointments shall be for 4-year terms.

136 (a) The council shall consider and make recommendations to
137 the executive director on such matters as enterprise information
138 technology policies, standards, services, and architecture. The
139 council may also identify and recommend opportunities for the
140 establishment of public-private partnerships when considering
141 technology infrastructure and services in order to accelerate
142 project delivery and provide a source of new or increased
143 project funding.

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144 (b) The executive director shall consult with the council
145 with regard to executing the duties and responsibilities of the
146 agency related to statewide information technology strategic
147 planning and policy.

148 (c) The council shall be governed by the Code of Ethics
149 for Public Officers and Employees as set forth in part III of
150 chapter 112, and each member must file a statement of financial
151 interests pursuant to s. 112.3145.

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

154 215.96 Coordinating council and design and coordination
155 staff.—

156 (2) The coordinating council shall consist of the Chief
157 Financial Officer; the Commissioner of Agriculture; the Attorney
158 General; the Secretary of ~~the Department of~~ Management Services;
159 the executive director of the Agency for State Technology
160 ~~Attorney General~~; and the Director of Planning and Budgeting,
161 Executive Office of the Governor, or their designees. The Chief
162 Financial Officer, or his or her designee, shall be chair of the
163 ~~coordinating~~ council, and the design and coordination staff
164 shall provide administrative and clerical support to the council
165 and the board. The design and coordination staff shall maintain
166 the minutes of each meeting and ~~shall~~ make such minutes
167 available to any interested person. The Auditor General, the
168 State Courts Administrator, an executive officer of the Florida
169 Association of State Agency Administrative Services Directors,

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170 and an executive officer of the Florida Association of State
171 Budget Officers, or their designees, shall serve without voting
172 rights as ex officio members of ~~on~~ the ~~coordinating~~ council. The
173 chair may call meetings of the ~~coordinating~~ council as often as
174 necessary to transact business; however, the ~~coordinating~~
175 council shall meet at least once a year. Action of the
176 ~~coordinating~~ council shall be by motion, duly made, seconded and
177 passed by a majority of the ~~coordinating~~ council voting in the
178 affirmative for approval of items that are to be recommended for
179 approval to the Financial Management Information Board.

180 Section 8. Paragraph (a) of subsection (4) of section
181 216.023, Florida Statutes, is amended to read:

182 216.023 Legislative budget requests to be furnished to
183 Legislature by agencies.—

184 (4) (a) The legislative budget request ~~must contain~~ for
185 each program must contain:

186 1. The constitutional or statutory authority for a
187 program, a brief purpose statement, and approved program
188 components.

189 2. Information on expenditures for 3 fiscal years (actual
190 prior-year expenditures, current-year estimated expenditures,
191 and agency budget requested expenditures for the next fiscal
192 year) by appropriation category.

193 3. Details on trust funds and fees.

194 4. The total number of positions (authorized, fixed, and
195 requested).

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196 5. An issue narrative describing and justifying changes in
197 amounts and positions requested for current and proposed
198 programs for the next fiscal year.

199 6. Information resource requests.

200 7. Supporting information, including applicable cost-
201 benefit analyses, business case analyses, performance
202 contracting procedures, service comparisons, and impacts on
203 performance standards for any request to outsource or privatize
204 agency functions. The cost-benefit and business case analyses
205 must include an assessment of the impact on each affected
206 activity from those identified in accordance with paragraph (b).
207 Performance standards must include standards for each affected
208 activity and be expressed in terms of the associated unit of
209 activity.

210 8. An evaluation of ~~any~~ major outsourcing and
211 privatization initiatives undertaken during the last 5 fiscal
212 years having aggregate expenditures exceeding \$10 million during
213 the term of the contract. The evaluation must ~~shall~~ include an
214 assessment of contractor performance, a comparison of
215 anticipated service levels to actual service levels, and a
216 comparison of estimated savings to actual savings achieved.
217 Consolidated reports issued by the Department of Management
218 Services may be used to satisfy this requirement.

219 9. Supporting information for any proposed consolidated
220 financing of deferred-payment commodity contracts including
221 guaranteed energy performance savings contracts. Supporting

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222 information must also include narrative describing and
223 justifying the need, baseline for current costs, estimated cost
224 savings, projected equipment purchases, estimated contract
225 costs, and return on investment calculation.

226 10. For projects that exceed \$10 million in total cost,
227 the statutory reference of the existing policy or the proposed
228 substantive policy that establishes and defines the project's
229 governance structure, planned scope, main business objectives
230 that must be achieved, and estimated completion timeframes. The
231 governance structure for information technology-related projects
232 must incorporate the applicable project management and oversight
233 standards established pursuant to s. 282.0051. Information
234 technology budget requests for the continuance of existing
235 hardware and software maintenance agreements, renewal of
236 existing software licensing agreements, or the replacement of
237 desktop units with new technology that is similar to the
238 technology currently in use are exempt from this requirement.

239 Section 9. Section 282.0041, Florida Statutes, is amended
240 to read:

241 282.0041 Definitions.—As used in this chapter, the term:

242 (1) "Agency data center" means agency space containing 10
243 or more physical or logical servers ~~"Agency" has the same~~
244 ~~meaning as in s. 216.011(1)(qq), except that for purposes of~~
245 ~~this chapter, "agency" does not include university boards of~~
246 ~~trustees or state universities.~~

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

249 ~~(3) "Agency information technology service" means a~~
250 ~~service that directly helps an agency fulfill its statutory or~~
251 ~~constitutional responsibilities and policy objectives and is~~
252 ~~usually associated with the agency's primary or core business~~
253 ~~functions.~~

254 ~~(4) "Annual budget meeting" means a meeting of the board~~
255 ~~of trustees of a primary data center to review data center usage~~
256 ~~to determine the apportionment of board members for the~~
257 ~~following fiscal year, review rates for each service provided,~~
258 ~~and determine any other required changes.~~

259 ~~(2)(5) "Breach" means a confirmed event that compromises~~
260 ~~the confidentiality, integrity, or availability of information~~
261 ~~or data has the same meaning as in s. 817.5681(4).~~

262 ~~(3)(6) "Business continuity plan" means a collection of~~
263 ~~procedures and information designed to keep an agency's critical~~
264 ~~operations running during a period of displacement or~~
265 ~~interruption of normal operations plan for disaster recovery~~
266 ~~which provides for the continued functioning of a primary data~~
267 ~~center during and after a disaster.~~

268 ~~(4)(7) "Computing facility" or "agency computing facility"~~
269 ~~means agency space containing fewer than a total of 10 physical~~
270 ~~or logical servers, any of which supports a strategic or~~
271 ~~nonstrategic information technology service, as described in~~
272 ~~budget instructions developed pursuant to s. 216.023, but~~

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273 excluding single, logical-server installations that exclusively
274 perform a utility function such as file and print servers.

275 ~~(5)-(8)~~ "Customer entity" means an entity that obtains
276 services from the state ~~a primary~~ data center.

277 ~~(9)~~ ~~"Data center"~~ means ~~agency space containing 10 or more~~
278 ~~physical or logical servers any of which supports a strategic or~~
279 ~~nonstrategic information technology service, as described in~~
280 ~~budget instructions developed pursuant to s. 216.023.~~

281 ~~(6)-(10)~~ "Department" means the Department of Management
282 Services.

283 (7) "Disaster recovery" means the process, policies,
284 procedures, and infrastructure related to preparing for and
285 implementing recovery or continuation of an agency's vital
286 technology infrastructure after a natural or human-induced
287 disaster.

288 ~~(8)-(11)~~ "Enterprise information technology service" means
289 an information technology service that is used in all agencies
290 or a subset of agencies and is established in law to be
291 designed, delivered, and managed at the enterprise level.

292 (9) "Event" means an observable occurrence in a system or
293 network.

294 (10) "Incident" means a violation or imminent threat of
295 violation, whether such violation is accidental or deliberate,
296 of information technology security policies, acceptable use
297 policies, or standard security practices. An imminent threat of
298 violation refers to a situation in which the state agency has a

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299 factual basis for believing that a specific incident is about to
300 occur.

301 ~~(12) "E-mail, messaging, and calendaring service" means~~
302 ~~the enterprise information technology service that enables users~~
303 ~~to send, receive, file, store, manage, and retrieve electronic~~
304 ~~messages, attachments, appointments, and addresses. The e-mail,~~
305 ~~messaging, and calendaring service must include e-mail account~~
306 ~~management; help desk; technical support and user provisioning~~
307 ~~services; disaster recovery and backup and restore capabilities;~~
308 ~~antispam and antivirus capabilities; archiving and e-discovery;~~
309 ~~and remote access and mobile messaging capabilities.~~

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

313 (11)~~(14)~~ "Information technology" means equipment,
314 hardware, software, firmware, programs, systems, networks,
315 infrastructure, media, and related material used to
316 automatically, electronically, and wirelessly collect, receive,
317 access, transmit, display, store, record, retrieve, analyze,
318 evaluate, process, classify, manipulate, manage, assimilate,
319 control, communicate, exchange, convert, converge, interface,
320 switch, or disseminate information of any kind or form.

321 (12)~~(15)~~ "Information technology policy" means a definite
322 course or method of action selected from among one or more
323 alternatives that guide and determine present and future
324 decisions ~~statements that describe clear choices for how~~

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325 ~~information technology will deliver effective and efficient~~
326 ~~government services to residents and improve state agency~~
327 ~~operations. A policy may relate to investments, business~~
328 ~~applications, architecture, or infrastructure. A policy~~
329 ~~describes its rationale, implications of compliance or~~
330 ~~noncompliance, the timeline for implementation, metrics for~~
331 ~~determining compliance, and the accountable structure~~
332 ~~responsible for its implementation.~~

333 (13) "Information technology resources" has the same
334 meaning as provided in s. 119.011.

335 (14) "Information technology security" means the
336 protection afforded to an automated information system in order
337 to attain the applicable objectives of preserving the integrity,
338 availability, and confidentiality of data, information, and
339 information technology resources.

340 ~~(15)-(16)~~ "Performance metrics" means the measures of an
341 organization's activities and performance.

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

345 ~~(16)-(18)~~ "Project" means an endeavor that has a defined
346 start and end point; is undertaken to create or modify a unique
347 product, service, or result; and has specific objectives that,
348 when attained, signify completion.

349 (17) "Project oversight" means an independent review and
350 analysis of an information technology project that provides

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351 information on the project's scope, completion timeframes, and
352 budget and that identifies and quantifies issues or risks
353 affecting the successful and timely completion of the project.

354 (18)-(19) "Risk assessment analysis" means the process of
355 identifying security risks, determining their magnitude, and
356 identifying areas needing safeguards.

357 (19)-(20) "Service level" means the key performance
358 indicators (KPI) of an organization or service which must be
359 regularly performed, monitored, and achieved.

360 (20)-(21) "Service-level agreement" means a written
361 contract between the state a data center and a customer entity
362 which specifies the scope of services provided, service level,
363 the duration of the agreement, the responsible parties, and
364 service costs. A service-level agreement is not a rule pursuant
365 to chapter 120.

366 (21) "Stakeholder" means a person, group, organization, or
367 state agency involved in or affected by a course of action.

368 (22) "Standards" means required practices, controls,
369 components, or configurations established by an authority.

370 (23) "State agency" means any official, officer,
371 commission, board, authority, council, committee, or department
372 of the executive branch of state government; the Justice
373 Administrative Commission; and the Public Service Commission.
374 The term does not include university boards of trustees or state
375 universities. As used in part I of this chapter, except as
376 otherwise specifically provided, the term does not include the

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377 Department of Legal Affairs, the Department of Agriculture and
378 Consumer Services, or the Department of Financial Services.

379 ~~(24)-(23)~~ "SUNCOM Network" means the state enterprise
380 telecommunications system that provides all methods of
381 electronic or optical telecommunications beyond a single
382 building or contiguous building complex and used by entities
383 authorized as network users under this part.

384 ~~(25)-(24)~~ "Telecommunications" means the science and
385 technology of communication at a distance, including electronic
386 systems used in the transmission or reception of information.

387 ~~(26)-(25)~~ "Threat" means any circumstance or event that has
388 the potential to adversely impact a state agency's operations or
389 assets through an information system via unauthorized access,
390 destruction, disclosure, or modification of information or
391 denial of service ~~any circumstance or event that may cause harm~~
392 ~~to the integrity, availability, or confidentiality of~~
393 ~~information technology resources.~~

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

397 ~~(26)~~ ~~"Total cost" means all costs associated with~~
398 ~~information technology projects or initiatives, including, but~~
399 ~~not limited to, value of hardware, software, service,~~
400 ~~maintenance, incremental personnel, and facilities. Total cost~~
401 ~~of a loan or gift of information technology resources to an~~
402 ~~agency includes the fair market value of the resources.~~

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403 ~~(27) "Usage" means the billing amount charged by the~~
404 ~~primary data center, less any pass-through charges, to the~~
405 ~~customer entity.~~

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

408 Section 10. Section 282.0051, Florida Statutes, is created
409 to read:

410 282.0051 Agency for State Technology; powers, duties, and
411 functions.—The Agency for State Technology shall have the
412 following powers, duties, and functions:

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

415 (2) Establish and publish information technology
416 architecture standards to provide for the most efficient use of
417 the state's information technology resources and to ensure
418 compatibility and alignment with the needs of state agencies.
419 The agency shall assist state agencies in complying with the
420 standards.

421 (3) By June 30, 2015, establish project management and
422 oversight standards with which state agencies must comply when
423 implementing information technology projects. The agency shall
424 provide training opportunities to state agencies to assist in
425 the adoption of the project management and oversight standards.
426 To support data-driven decisionmaking, the standards must
427 include, but are not limited to:

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

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

434 (c) Reporting requirements, including requirements
435 designed to alert all defined stakeholders that an information
436 technology project has exceeded acceptable variances defined and
437 documented in a project plan.

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

439 (4) Beginning January 1, 2015, perform project oversight
440 on all state agency information technology projects that have
441 total project costs of \$10 million or more and that are funded
442 in the General Appropriations Act or any other law. The agency
443 shall report at least quarterly to the Executive Office of the
444 Governor, the President of the Senate, and the Speaker of the
445 House of Representatives on any information technology project
446 that the agency identifies as high-risk due to the project
447 exceeding acceptable variance ranges defined and documented in a
448 project plan. The report must include a risk assessment,
449 including fiscal risks, associated with proceeding to the next
450 stage of the project, and a recommendation for corrective
451 actions required, including suspension or termination of the
452 project.

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453 (5) By April 1, 2016, and biennially thereafter, identify
454 opportunities for standardization and consolidation of
455 information technology services that support business functions
456 and operations, including administrative functions such as
457 purchasing, accounting and reporting, cash management, and
458 personnel, and that are common across state agencies. The agency
459 shall provide recommendations for standardization and
460 consolidation to the Executive Office of the Governor, the
461 President of the Senate, and the Speaker of the House of
462 Representatives. The agency is not precluded from providing
463 recommendations before April 1, 2016.

464 (6) In collaboration with the Department of Management
465 Services, establish best practices for the procurement of
466 information technology products in order to reduce costs,
467 increase productivity, or improve services. Such practices must
468 include a provision requiring the agency to review all
469 information technology purchases made by state agencies that
470 have a total cost of \$250,000 or more, unless a purchase is
471 specifically mandated by the Legislature, for compliance with
472 the standards established pursuant to this section.

473 (7) (a) Participate with the Department of Management
474 Services in evaluating, conducting, and negotiating competitive
475 solicitations for state term contracts for information
476 technology commodities, consultant services, or staff
477 augmentation contractual services pursuant to s. 287.0591.

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

480 (8) Develop standards for information technology reports
481 and updates, including, but not limited to, operational work
482 plans, project spend plans, and project status reports, for use
483 by state agencies.

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

486 (10) Beginning July 1, 2016, and annually thereafter,
487 conduct annual assessments of state agencies to determine
488 compliance with all information technology standards and
489 guidelines developed and published by the agency, and beginning
490 December 1, 2016, and annually thereafter, provide results of
491 the assessments to the Executive Office of the Governor, the
492 President of the Senate, and the Speaker of the House of
493 Representatives.

494 (11) Provide operational management and oversight of the
495 state data center established pursuant to s. 282.201, which
496 includes:

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

500 (b) Developing and implementing cost-recovery mechanisms
501 that recover the full direct and indirect cost of services
502 through charges to applicable customer entities. Such cost-
503 recovery mechanisms must comply with applicable state and

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504 federal regulations concerning distribution and use of funds and
505 must ensure that, for any fiscal year, no service or customer
506 entity subsidizes another service or customer entity.

507 (c) Developing and implementing appropriate operating
508 guidelines and procedures necessary for the state data center to
509 perform its duties pursuant to s. 282.201. The guidelines and
510 procedures must comply with applicable state and federal laws,
511 regulations, and policies and conform to generally accepted
512 governmental accounting and auditing standards. The guidelines
513 and procedures must include, but not be limited to:

514 1. Implementing a consolidated administrative support
515 structure responsible for providing financial management,
516 procurement, transactions involving real or personal property,
517 human resources, and operational support.

518 2. Implementing an annual reconciliation process to ensure
519 that each customer entity is paying for the full direct and
520 indirect cost of each service as determined by the customer
521 entity's use of each service.

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

524 4. Requiring customer entities to validate that sufficient
525 funds exist in the appropriate data processing appropriation
526 category or will be transferred into the appropriate data
527 processing appropriation category before implementation of a
528 customer entity's request for a change in the type or level of

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529 service provided, if such change results in a net increase to
530 the customer entity's costs for that fiscal year.

531 5. By September 1 of each year, providing to each customer
532 entity's agency head the projected costs of providing data
533 center services for the following fiscal year.

534 6. Providing a plan for consideration by the Legislative
535 Budget Commission if the cost of a service is increased for a
536 reason other than a customer entity's request made pursuant to
537 subparagraph 4. Such a plan is required only if the service cost
538 increase results in a net increase to a customer entity for that
539 fiscal year.

540 7. Standardizing and consolidating procurement and
541 contracting practices.

542 (d) In collaboration with the Department of Law
543 Enforcement, developing and implementing a process for
544 detecting, reporting, and responding to information technology
545 security incidents, breaches, and threats.

546 (e) Adopting rules relating to the operation of the state
547 data center, including, but not limited to, budgeting and
548 accounting procedures, cost-recovery methodologies, and
549 operating procedures.

550 (f) Beginning May 1, 2016, and annually thereafter,
551 conducting a market analysis to determine whether the state's
552 approach to the provision of data center services is the most
553 effective and efficient manner by which its customer entities
554 can acquire such services, based on federal, state, and local

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555 government trends; best practices in service provision; and the
556 acquisition of new and emerging technologies. The results of the
557 market analysis shall assist the state data center in making
558 adjustments to its data center service offerings.

559 (12) Recommend other information technology services that
560 should be designed, delivered, and managed as enterprise
561 information technology services. Recommendations must include
562 the identification of existing information technology resources
563 associated with the services, if existing services must be
564 transferred as a result of being delivered and managed as
565 enterprise information technology services.

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

570 (14) In consultation with state agencies, propose a
571 methodology and approach for identifying and collecting both
572 current and planned information technology expenditure data at
573 the state agency level.

574 (15) (a) Beginning January 1, 2015, and notwithstanding any
575 other law, provide project oversight on any information
576 technology project of the Department of Financial Services, the
577 Department of Legal Affairs, and the Department of Agriculture
578 and Consumer Services that has a total project cost of \$25
579 million or more and that impacts one or more other agencies.
580 Such information technology projects must also comply with the

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581 applicable information technology architecture, project
582 management and oversight, and reporting standards established by
583 the agency.

584 (b) When performing the project oversight function
585 specified in paragraph (a), report at least quarterly to the
586 Executive Office of the Governor, the President of the Senate,
587 and the Speaker of the House of Representatives on any
588 information technology project that the agency identifies as
589 high-risk due to the project exceeding acceptable variance
590 ranges defined and documented in the project plan. The report
591 shall include a risk assessment, including fiscal risks,
592 associated with proceeding to the next stage of the project and
593 a recommendation for corrective actions required, including
594 suspension or termination of the project.

595 (16) If an information technology project implemented by a
596 state agency must be connected to or otherwise accommodated by
597 an information technology system administered by the Department
598 of Financial Services, the Department of Legal Affairs, or the
599 Department of Agriculture and Consumer Services, consult with
600 these departments regarding the risks and other effects of such
601 projects on their information technology systems and work
602 cooperatively with these departments regarding the connections,
603 interfaces, timing, or accommodations required to implement such
604 projects.

605 (17) If adherence to standards or policies adopted by or
606 established pursuant to this section causes conflict with

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607 federal regulations or requirements imposed on a state agency
608 and results in adverse action against the state agency or
609 federal funding, work with the state agency to provide
610 alternative standards, policies, or requirements that do not
611 conflict with the federal regulation or requirement. Beginning
612 July 1, 2015, the agency shall annually report such alternative
613 standards to the Governor, the President of the Senate, and the
614 Speaker of the House of Representatives.

615 (18) Adopt rules to administer this section.

616 Section 11. Section 282.00515, Florida Statutes, is
617 created to read:

618 282.00515 Duties of Cabinet agencies.—The Department of
619 Legal Affairs, the Department of Financial Services, and the
620 Department of Agriculture and Consumer Services shall adopt the
621 standards established in s. 282.0051(2), (3), and (8) or adopt
622 alternative standards based on best practices and industry
623 standards, and may contract with the Agency for State Technology
624 to provide or perform any of the services and functions
625 described in s. 282.0051 for the Department of Legal Affairs,
626 the Department of Financial Services, or the Department of
627 Agriculture and Consumer Services.

628 Section 12. Sections 282.0055 and 282.0056, Florida
629 Statutes, are repealed.

630 Section 13. Section 282.201, Florida Statutes, is amended
631 to read:

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632 282.201 State data center ~~system; agency duties and~~
633 ~~limitations.~~ The A state data center system that includes all
634 ~~primary data centers, other nonprimary data centers, and~~
635 ~~computing facilities, and that provides an enterprise~~
636 ~~information technology service as defined in s. 282.0041, is~~
637 established within the Agency for State Technology and shall
638 provide data center services that are hosted on premises or
639 externally through a third-party provider as an enterprise
640 information technology service. The provision of services must
641 comply with applicable state and federal laws, regulations, and
642 policies, including all applicable security, privacy, and
643 auditing requirements.

644 (1) INTENT.—The Legislature finds that the most efficient
645 and effective means of providing quality utility data processing
646 services to state agencies requires that computing resources be
647 concentrated in quality facilities that provide the proper
648 security, disaster recovery, infrastructure, and staff resources
649 to ensure that the state's data is maintained reliably and
650 safely, and is recoverable in the event of a disaster.
651 ~~Efficiencies resulting from such consolidation include the~~
652 ~~increased ability to leverage technological expertise and~~
653 ~~hardware and software capabilities; increased savings through~~
654 ~~consolidated purchasing decisions; and the enhanced ability to~~
655 ~~deploy technology improvements and implement new policies~~
656 ~~consistently throughout the consolidated organization. Unless~~
657 otherwise exempt by law, it is the intent of the Legislature

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658 that all agency data centers and computing facilities shall be
659 consolidated into the state a ~~primary~~ data center ~~by 2019~~.

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

661 (a) Offer, develop, and support the services and
662 applications defined in service-level agreements executed with
663 its customer entities.

664 (b) Maintain performance of the state data center by
665 ensuring proper data backup, data backup recovery, disaster
666 recovery, and appropriate security, power, cooling, fire
667 suppression, and capacity.

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

671 (d) Enter into a service-level agreement with each
672 customer entity to provide the required type and level of
673 service or services. If a customer entity fails to execute an
674 agreement within 60 days after commencement of a service, the
675 state data center may cease service. A service-level agreement
676 may not have a term exceeding 3 years and at a minimum must:

677 1. Identify the parties and their roles, duties, and
678 responsibilities under the agreement.

679 2. State the duration of the contract term and specify the
680 conditions for renewal.

681 3. Identify the scope of work.

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682 4. Identify the products or services to be delivered with
683 sufficient specificity to permit an external financial or
684 performance audit.

685 5. Establish the services to be provided, the business
686 standards that must be met for each service, the cost of each
687 service, and the metrics and processes by which the business
688 standards for each service are to be objectively measured and
689 reported.

690 6. Provide a timely billing methodology to recover the
691 cost of services provided to the customer entity pursuant to s.
692 215.422.

693 7. Provide a procedure for modifying the service-level
694 agreement based on changes in the type, level, and cost of a
695 service.

696 8. Include a right-to-audit clause to ensure that the
697 parties to the agreement have access to records for audit
698 purposes during the term of the service-level agreement.

699 9. Provide that a service-level agreement may be
700 terminated by either party for cause only after giving the other
701 party and the Agency for State Technology notice in writing of
702 the cause for termination and an opportunity for the other party
703 to resolve the identified cause within a reasonable period.

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

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

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

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

727 2. The state data center shall provide customer entities
728 with access to applications, servers, network components, and
729 other devices necessary for entities to perform business
730 activities and functions, and as defined and documented in a
731 service-level agreement.

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

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

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

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

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

746 ~~1. Policies for improving the cost-effectiveness and~~
747 ~~efficiency of the state data center system, which includes the~~
748 ~~primary data centers being transferred to a shared, virtualized~~
749 ~~server environment, and the associated cost savings resulting~~
750 ~~from the implementation of such policies.~~

751 ~~2. Infrastructure improvements supporting the~~
752 ~~consolidation of facilities or preempting the need to create~~
753 ~~additional data centers or computing facilities.~~

754 ~~3. Uniform disaster recovery standards.~~

755 ~~4. Standards for primary data centers which provide cost-~~
756 ~~effective services and transparent financial data to user~~
757 ~~agencies.~~

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758 ~~5. Consolidation of contract practices or coordination of~~
759 ~~software, hardware, or other technology-related procurements and~~
760 ~~the associated cost savings.~~

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

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

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

768 ~~a. Consolidating purchase decisions.~~

769 ~~b. Leveraging expertise and other resources to gain~~
770 ~~economies of scale.~~

771 ~~e. Implementing state information technology policies more~~
772 ~~effectively.~~

773 ~~d. Maintaining or improving the level of service provision~~
774 ~~to customer entities.~~

775 ~~2. The agency shall establish workgroups as necessary to~~
776 ~~ensure participation by affected agencies in the development of~~
777 ~~recommendations related to consolidations.~~

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

782 ~~1. Ensuring that financial information is captured and~~
783 ~~reported consistently and accurately.~~

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

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

798 ~~4. Requiring that any special assessment imposed to fund~~
799 ~~expansion is based on a methodology that apportions the~~
800 ~~assessment according to the proportional benefit to each~~
801 ~~customer entity.~~

802 ~~5. Requiring that rebates be given when revenues have~~
803 ~~exceeded costs, that rebates be applied to offset charges to~~
804 ~~those customer entities that have subsidized the costs of other~~
805 ~~customer entities, and that such rebates may be in the form of~~
806 ~~credits against future billings.~~

807 ~~6. Requiring that all service-level agreements have a~~
808 ~~contract term of up to 3 years, but may include an option to~~

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809 ~~renew for up to 3 additional years contingent on approval by the~~
810 ~~board, and require at least a 180-day notice of termination.~~

811 (3) STATE AGENCY DUTIES.—

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

824 (b) Each state agency customer of the state a primary data
825 center shall notify the state data center, by May 31 and
826 November 30 of each year, of any significant changes in
827 anticipated utilization of state data center services pursuant
828 to requirements established by the state boards of trustees of
829 each primary data center.

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

831 (a) Consolidations of agency data centers and computing
832 facilities into the state data center shall be made by the dates
833 ~~date and to the specified primary data center as provided in~~

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834 this section and in accordance with budget adjustments contained
835 in the General Appropriations Act.

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

838 ~~1. The Department of Education's Knott Data Center in the~~
839 ~~Turlington Building.~~

840 ~~2. The Department of Education's Division of Vocational~~
841 ~~Rehabilitation.~~

842 ~~3. The Department of Education's Division of Blind~~
843 ~~Services, except for the division's disaster recovery site in~~
844 ~~Daytona Beach.~~

845 ~~4. The FCAT Explorer.~~

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

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

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

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

853 ~~(d) By July 1, 2012, the Department of Highway Safety and~~
854 ~~Motor Vehicles' Office of Commercial Vehicle Enforcement shall~~
855 ~~be consolidated into the Northwood Shared Resource Center.~~

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

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

861 ~~1. By July 1, 2012, the Agency for Health Care~~
862 ~~Administration.~~

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

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

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

870 ~~(b)(g) During the 2013-2014 fiscal year, the following~~
871 ~~state agencies shall be consolidated by the specified date into~~
872 ~~the Southwood Shared Resource Center:~~

873 ~~1. By October 31, 2013, the Department of Economic~~
874 ~~Opportunity.~~

875 ~~2. By December 31, 2013, the Executive Office of the~~
876 ~~Governor, to include the Division of Emergency Management except~~
877 ~~for the Emergency Operation Center's management system in~~
878 ~~Tallahassee and the Camp Blanding Emergency Operations Center in~~
879 ~~Starke.~~

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

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

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

889 ~~1. The Department of Health's Jacksonville Lab Data~~
890 ~~Center.~~

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

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

895 ~~4. The Camp Blanding Emergency Operations Center in~~
896 ~~Starke.~~

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

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

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

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

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

907 ~~(j) During the 2015-2016 fiscal year, all computing~~
908 ~~resources remaining within an agency data center or computing~~
909 ~~facility, to include the Department of Financial Services'~~
910 ~~Hartman, Larson, and Fletcher Buildings data centers, shall be~~

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911 ~~transferred to a primary data center for consolidation unless~~
912 ~~otherwise required to remain in the agency for specified~~
913 ~~financial, technical, or business reasons that must be justified~~
914 ~~in writing and approved by the Agency for Enterprise Information~~
915 ~~Technology. Such data centers, computing facilities, and~~
916 ~~resources must be identified by the Agency for Enterprise~~
917 ~~Information Technology by October 1, 2014.~~

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

930 (d) ~~(l)~~ A state Any agency that is consolidating its agency
931 data center or computing facility centers into the state a
932 primary data center must execute a new or update an existing
933 service-level agreement within 60 days after the commencement of
934 the service specified consolidation date, as required by s.
935 282.203, in order to specify the services and levels of service
936 it is to receive from the primary data center as a result of the

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937 consolidation. If a state ~~an~~ agency and the state ~~primary~~ data
938 center are unable to execute a service-level agreement by that
939 date, the agency ~~and the primary data center~~ shall submit a
940 report to the Executive Office of the Governor ~~and to the chairs~~
941 ~~of the legislative appropriations committees~~ within 5 working
942 days after that date which explains the specific issues
943 preventing execution and describing the plan and schedule for
944 resolving those issues.

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

953 ~~1. Whether the consolidation is on schedule, including~~
954 ~~progress on achieving the milestones necessary for successful~~
955 ~~and timely consolidation of scheduled agency data centers and~~
956 ~~computing facilities.~~

957 ~~2. The risks that may affect the progress or outcome of~~
958 ~~the consolidation and how these risks are being addressed,~~
959 ~~mitigated, or managed.~~

960 ~~(e)(n)~~ Each state agency scheduled ~~identified in this~~
961 ~~subsection~~ for consolidation into the state ~~a primary~~ data
962 center shall submit a transition plan to the Agency for State

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963 ~~Technology~~ appropriate primary data center by July 1 of the
964 fiscal year before the fiscal year in which the scheduled
965 consolidation will occur. Transition plans shall be developed in
966 consultation with the state data center ~~appropriate primary data~~
967 ~~centers and the Agency for Enterprise Information Technology,~~
968 and must include:

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

979 2. A list of contracts in effect, including, but not
980 limited to, contracts for hardware, software, and maintenance,
981 which identifies the expiration date, the contract parties, and
982 the cost of each contract.

983 3. A detailed description of the level of services needed
984 to meet the technical and operational requirements of the
985 platforms being consolidated.

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

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988 ~~4.5-~~ A timetable with significant milestones for the
989 completion of the consolidation.

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

999 ~~1. The projected cost to provide data center services for~~
1000 ~~each agency scheduled for consolidation.~~

1001 ~~2. A staffing plan that identifies the projected staffing~~
1002 ~~needs and requirements based on the estimated workload~~
1003 ~~identified in the agency transition plan.~~

1004 ~~3. The fiscal year adjustments to budget categories in~~
1005 ~~order to absorb the transfer of agency data center resources~~
1006 ~~pursuant to the legislative budget request instructions provided~~
1007 ~~in s. 216.023.~~

1008 ~~4. An analysis of the cost effects resulting from the~~
1009 ~~planned consolidations on existing agency customers.~~

1010 ~~5. A description of any issues that must be resolved in~~
1011 ~~order to accomplish as efficiently and effectively as possible~~
1012 ~~all consolidations required during the fiscal year.~~

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1013 ~~(f) (p)~~ Each state agency scheduled ~~identified in this~~
1014 ~~subsection~~ for consolidation into the state a ~~primary~~ data
1015 center shall submit with its respective legislative budget
1016 request the specific recurring and nonrecurring budget
1017 adjustments of resources by appropriation category into the
1018 appropriate data processing category pursuant to the legislative
1019 budget request instructions in s. 216.023.

1020 (5) AGENCY LIMITATIONS.—

1021 (a) Unless exempt from data center consolidation pursuant
1022 to this section or authorized by the Legislature or as provided
1023 in paragraph ~~paragraphs~~ (b) and ~~(c)~~, a state agency may not:

1024 1. Create a new agency computing facility or data center,
1025 or expand the capability to support additional computer
1026 equipment in an existing agency computing facility or ~~nonprimary~~
1027 data center;

1028 2. Spend funds before the state agency's scheduled
1029 consolidation into the state a ~~primary~~ data center to purchase
1030 or modify hardware or operations software that does not comply
1031 with ~~hardware and software~~ standards established by the Agency
1032 for State Enterprise Information Technology pursuant to s.
1033 282.0051 ~~paragraph (2) (c) for the efficient consolidation of the~~
1034 ~~agency data centers or computing facilities;~~

1035 3. Transfer existing computer services to any data center
1036 other than the state a ~~primary~~ data center;

1037 4. Terminate services with the state a ~~primary~~ data center
1038 ~~or transfer services between primary data centers~~ without giving

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1039 written notice of intent to terminate ~~or transfer~~ services 180
1040 days before such termination ~~or transfer~~; or

1041 5. Initiate a new computer service except with the state ~~a~~
1042 ~~primary~~ data center.

1043 (b) Exceptions to the limitations in subparagraphs (a)1.,
1044 2., 3., and 5. may be granted by the Agency for State Enterprise
1045 ~~Information~~ Technology if there is insufficient capacity in the
1046 ~~state~~ ~~a primary~~ data center to absorb the workload associated
1047 with agency computing services, if expenditures are compatible
1048 with ~~the scheduled consolidation and~~ the standards established
1049 pursuant to s. 282.0051 ~~paragraph (2)(e)~~, or if the equipment or
1050 resources are needed to meet a critical agency business need
1051 that cannot be satisfied by ~~from surplus equipment or resources~~
1052 ~~of the state primary data center until the agency data center is~~
1053 ~~consolidated.~~ The Agency for State Technology shall establish
1054 requirements that a state agency must follow when submitting and
1055 documenting a request for an exception. The Agency for State
1056 Technology shall also publish guidelines for its consideration
1057 of exception requests. However, the decision of the Agency for
1058 State Technology regarding an exception request is not subject
1059 to chapter 120.

1060 ~~1. A request for an exception must be submitted in writing~~
1061 ~~to the Agency for Enterprise Information Technology. The agency~~
1062 ~~must accept, accept with conditions, or deny the request within~~
1063 ~~60 days after receipt of the written request. The agency's~~
1064 ~~decision is not subject to chapter 120.~~

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1065 ~~2. At a minimum, the agency may not approve a request~~
1066 ~~unless it includes:~~

1067 ~~a. Documentation approved by the primary data center's~~
1068 ~~board of trustees which confirms that the center cannot meet the~~
1069 ~~capacity requirements of the agency requesting the exception~~
1070 ~~within the current fiscal year.~~

1071 ~~b. A description of the capacity requirements of the~~
1072 ~~agency requesting the exception.~~

1073 ~~e. Documentation from the agency demonstrating why it is~~
1074 ~~critical to the agency's mission that the expansion or transfer~~
1075 ~~must be completed within the fiscal year rather than when~~
1076 ~~capacity is established at a primary data center.~~

1077 ~~(c) Exceptions to subparagraph (a)4. may be granted by the~~
1078 ~~board of trustees of the primary data center if the termination~~
1079 ~~or transfer of services can be absorbed within the current cost-~~
1080 ~~allocation plan.~~

1081 ~~(d) Upon the termination of or transfer of agency~~
1082 ~~computing services from the primary data center, the primary~~
1083 ~~data center shall require information sufficient to determine~~
1084 ~~compliance with this section. If a primary data center~~
1085 ~~determines that an agency is in violation of this section, it~~
1086 ~~shall report the violation to the Agency for Enterprise~~
1087 ~~Information Technology.~~

1088 ~~(6) RULES.—The Agency for Enterprise Information~~
1089 ~~Technology may adopt rules to administer this part relating to~~
1090 ~~the state data center system including the primary data centers.~~

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1091 Section 14. Effective upon this act becoming a law,
1092 section 48 of chapter 2013-41, Laws of Florida, is repealed.

1093 Section 15. Sections 282.203, 282.204, and 282.205,
1094 Florida Statutes, are repealed.

1095 Section 16. Section 282.318, Florida Statutes, is amended
1096 to read:

1097 282.318 ~~Enterprise~~ Security of data and information
1098 technology.—

1099 (1) This section may be cited as the "~~Enterprise Security~~
1100 ~~of Data and Information Technology Security~~ Act."

1101 (2) As used in this section, the term "state agency" has
1102 the same meaning as provided in s. 282.0041, except that the
1103 term includes the Department of Legal Affairs, the Department of
1104 Agriculture and Consumer Services, and the Department of
1105 Financial Services.

1106 ~~(2) Information technology security is established as an~~
1107 ~~enterprise information technology service as defined in s.~~
1108 ~~282.0041.~~

1109 (3) The Agency for State Enterprise Information Technology
1110 is responsible for establishing standards and processes
1111 consistent with generally accepted best practices for
1112 information technology security and adopting rules that
1113 safeguard an agency's data, information, and information
1114 technology resources to ensure availability, confidentiality,
1115 and integrity and publishing guidelines for ensuring an
1116 appropriate level of security for all data and information

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1117 ~~technology resources for executive branch agencies.~~ The agency
1118 shall also ~~perform the following duties and responsibilities:~~

1119 (a) Develop, and annually update by February 1, a
1120 statewide an enterprise information technology security
1121 strategic plan that includes security goals and objectives for
1122 the strategic issues of information technology security policy,
1123 risk management, training, incident management, and disaster
1124 recovery survivability planning.

1125 (b) Develop and publish for use by state agencies an
1126 information technology security framework that, at a minimum,
1127 includes enterprise security rules and published guidelines and
1128 processes for:

1129 1. Establishing asset management procedures to ensure that
1130 an agency's information technology resources are identified and
1131 managed consistent with their relative importance to the
1132 agency's business objectives.

1133 2. Using a standard risk assessment methodology that
1134 includes the identification of an agency's priorities,
1135 constraints, risk tolerances, and assumptions necessary to
1136 support operational risk decisions.

1137 3.1. Completing comprehensive risk assessments analyses
1138 and information technology security audits and submitting
1139 completed assessments and audits to the Agency for State
1140 Technology conducted by state agencies.

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1141 4. Identifying protection procedures to manage the
1142 protection of an agency's information, data, and information
1143 technology resources.

1144 5. Establishing procedures for accessing information and
1145 data to ensure the confidentiality, integrity, and availability
1146 of such information and data.

1147 6. Detecting threats through proactive monitoring of
1148 events, continuous security monitoring, and defined detection
1149 processes.

1150 ~~7.2.~~ Responding to information technology suspected or
1151 ~~confirmed~~ information security incidents, including suspected or
1152 ~~confirmed~~ breaches of personal information containing
1153 confidential or exempt data.

1154 8. Recovering information and data in response to an
1155 information technology security incident. The recovery may
1156 include recommended improvements to the agency processes,
1157 policies, or guidelines.

1158 ~~9.3.~~ Developing agency strategic and operational
1159 information technology security plans required pursuant to this
1160 section, including strategic security plans and security program
1161 plans.

1162 ~~4.~~ The recovery of information technology and data
1163 following a disaster.

1164 ~~10.5.~~ Establishing the managerial, operational, and
1165 technical safeguards for protecting state government data and
1166 information technology resources that align with the state

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1167 agency risk management strategy and that protect the
1168 confidentiality, integrity, and availability of information and
1169 data.

1170 (c) Assist state agencies in complying with ~~the provisions~~
1171 ~~of~~ this section.

1172 ~~(d) Pursue appropriate funding for the purpose of~~
1173 ~~enhancing domestic security.~~

1174 ~~(d)(e)~~ In collaboration with the Cybercrime Office of the
1175 Department of Law Enforcement, provide training for state agency
1176 information security managers.

1177 ~~(e)(f)~~ Annually review the strategic and operational
1178 information technology security plans of executive branch
1179 agencies.

1180 ~~(4) To assist the Agency for Enterprise Information~~
1181 ~~Technology in carrying out its responsibilities,~~ Each state
1182 agency head shall, at a minimum:

1183 (a) Designate an information security manager to
1184 administer the information technology security program of the
1185 state agency ~~for its data and information technology resources.~~
1186 This designation must be provided annually in writing to the
1187 Agency for State ~~Enterprise Information~~ Technology by January 1.
1188 A state agency's information security manager, for purposes of
1189 these information security duties, shall report directly to the
1190 agency head.

1191 (b) Submit to the Agency for State ~~Enterprise Information~~
1192 Technology annually by July 31, the state agency's strategic and

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1193 operational information technology security plans developed
1194 pursuant to ~~the~~ rules and guidelines established by the Agency
1195 for State Enterprise Information Technology.

1196 1. The state agency strategic information technology
1197 security plan must cover a 3-year period and, at a minimum,
1198 define security goals, intermediate objectives, and projected
1199 agency costs for the strategic issues of agency information
1200 security policy, risk management, security training, security
1201 incident response, and disaster recovery survivability. The plan
1202 must be based on the statewide enterprise strategic information
1203 technology security strategic plan created by the Agency for
1204 State Enterprise Information Technology and include performance
1205 metrics that can be objectively measured to reflect the status
1206 of the state agency's progress in meeting security goals and
1207 objectives identified in the agency's strategic information
1208 security plan. ~~Additional issues may be included.~~

1209 2. The state agency operational information technology
1210 security plan must include a progress report that objectively
1211 measures progress made towards ~~for~~ the prior operational
1212 information technology security plan and a project plan that
1213 includes activities, timelines, and deliverables for security
1214 objectives that, ~~subject to current resources,~~ the state agency
1215 will implement during the current fiscal year. ~~The cost of~~
1216 ~~implementing the portions of the plan which cannot be funded~~
1217 ~~from current resources must be identified in the plan.~~

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1218 (c) Conduct, and update every 3 years, a comprehensive
1219 risk assessment analysis to determine the security threats to
1220 the data, information, and information technology resources of
1221 the agency. The risk assessment must comply with the risk
1222 assessment methodology developed by the Agency for State
1223 Technology and analysis information is confidential and exempt
1224 from ~~the provisions of s. 119.07(1)~~, except that such
1225 information shall be available to the Auditor General, ~~and~~ the
1226 Agency for State Enterprise Information Technology, the
1227 Cybercrime Office of the Department of Law Enforcement, and, for
1228 state agencies under the jurisdiction of the Governor, the Chief
1229 Inspector General ~~for performing postauditing duties~~.

1230 (d) Develop, and periodically update, written internal
1231 policies and procedures, which include procedures for reporting
1232 information technology security incidents and breaches to the
1233 Cybercrime Office of the Department of Law Enforcement and
1234 ~~notifying~~ the Agency for State Enterprise Information Technology
1235 ~~when a suspected or confirmed breach, or an information security~~
1236 ~~incident, occurs~~. Such policies and procedures must be
1237 consistent with the rules, ~~and~~ guidelines, and processes
1238 established by the Agency for State Enterprise Information
1239 Technology to ensure the security of the data, information, and
1240 information technology resources of the agency. The internal
1241 policies and procedures that, if disclosed, could facilitate the
1242 unauthorized modification, disclosure, or destruction of data or
1243 information technology resources are confidential information

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1244 and exempt from s. 119.07(1), except that such information shall
1245 be available to the Auditor General, the Cybercrime Office of
1246 the Department of Law Enforcement, and the Agency for State
1247 Enterprise Information Technology, and, for state agencies under
1248 the jurisdiction of the Governor, the Chief Inspector General
1249 for performing postauditing duties.

1250 (e) Implement managerial, operational, and technical
1251 ~~appropriate cost-effective~~ safeguards established by the Agency
1252 for State Technology to address identified risks to the data,
1253 information, and information technology resources of the agency.

1254 (f) Ensure that periodic internal audits and evaluations
1255 of the agency's information technology security program for the
1256 data, information, and information technology resources of the
1257 agency are conducted. The results of such audits and evaluations
1258 are confidential information and exempt from s. 119.07(1),
1259 except that such information shall be available to the Auditor
1260 General, the Cybercrime Office of the Department of Law
1261 Enforcement, and the Agency for State Enterprise Information
1262 Technology, and, for agencies under the jurisdiction of the
1263 Governor, the Chief Inspector General ~~for performing~~
1264 ~~postauditing duties.~~

1265 (g) Include appropriate information technology security
1266 requirements in the written specifications for the solicitation
1267 of information technology and information technology resources
1268 and services, which are consistent with the rules and guidelines
1269 established by the Agency for State Enterprise Information

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1270 Technology in collaboration with the Department of Management
1271 Services.

1272 (h) Provide information technology security awareness
1273 training to all state agency employees and ~~users of the agency's~~
1274 ~~communication and information resources~~ concerning information
1275 technology security risks and the responsibility of employees
1276 ~~and users~~ to comply with policies, standards, guidelines, and
1277 operating procedures adopted by the state agency to reduce those
1278 risks. The training may be provided in collaboration with the
1279 Cybercrime Office of the Department of Law Enforcement.

1280 (i) Develop a process for detecting, reporting, and
1281 responding to threats, breaches, or information technology
1282 security suspected or confirmed security incidents that are,
1283 ~~including suspected or confirmed breaches~~ consistent with the
1284 security rules, ~~and~~ guidelines, and processes established by the
1285 Agency for State Enterprise Information Technology.

1286 1. All information technology Suspected or confirmed
1287 ~~information~~ security incidents and breaches must be ~~immediately~~
1288 reported to the Agency for State Enterprise Information
1289 Technology.

1290 2. For information technology security incidents involving
1291 breaches, state agencies shall provide notice in accordance with
1292 s. 817.5681 ~~and to the Agency for Enterprise Information~~
1293 ~~Technology in accordance with this subsection.~~

1294 (5) ~~Each state agency shall include appropriate security~~
1295 ~~requirements in the specifications for the solicitation of~~

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1296 ~~contracts for procuring information technology or information~~
1297 ~~technology resources or services which are consistent with the~~
1298 ~~rules and guidelines established by the Agency for Enterprise~~
1299 ~~Information Technology.~~

1300 (5) (6) The Agency for State Enterprise Information
1301 Technology shall may adopt rules relating to information
1302 technology security and to administer the provisions of this
1303 section.

1304 Section 17. Section 282.33, Florida Statutes, is repealed.

1305 Section 18. Section 282.34, Florida Statutes, is repealed.

1306 Section 19. Section 287.0591, Florida Statutes, is created
1307 to read:

1308 287.0591 Information technology.-

1309 (1) Beginning July 1, 2014, any competitive solicitation
1310 issued by the department for a state term contract for
1311 information technology commodities must include a term that does
1312 not exceed 48 months.

1313 (2) Beginning September 1, 2015, any competitive
1314 solicitation issued by the department for a state term contract
1315 for information technology consultant services or information
1316 technology staff augmentation contractual services must include
1317 a term that does not exceed 48 months.

1318 (3) The department may execute a state term contract for
1319 information technology commodities, consultant services, or
1320 staff augmentation contractual services that exceeds the 48-
1321 month requirement if the Secretary of Management Services and

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1322 the executive director of the Agency for State Technology
1323 certify to the Executive Office of the Governor that a longer
1324 contract term is in the best interest of the state.

1325 (4) If the department issues a competitive solicitation
1326 for information technology commodities, consultant services, or
1327 staff augmentation contractual services, the Agency for State
1328 Technology shall participate in such solicitations.

1329 Section 20. Section 943.0415, Florida Statutes, is amended
1330 to read:

1331 943.0415 Cybercrime Office.—There is created within the
1332 Department of Law Enforcement the Cybercrime Office. The office
1333 may:

1334 (1) Investigate violations of state law pertaining to the
1335 sexual exploitation of children which are facilitated by or
1336 connected to the use of any device capable of storing electronic
1337 data.

1338 (2) Monitor state information technology resources and
1339 provide analysis on information technology security incidents,
1340 threats, and breaches as defined in s. 282.0041.

1341 (3) Investigate violations of state law pertaining to
1342 information technology security incidents pursuant to s.
1343 282.0041 and assist in incident response and recovery.

1344 (4) Provide security awareness training and information to
1345 state agency employees concerning cybersecurity, online sexual
1346 exploitation of children, and security risks, and the
1347 responsibility of employees to comply with policies, standards,

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1348 guidelines, and operating procedures adopted by the Agency for
1349 State Technology.

1350 (5) Consult with the Agency for State Technology in the
1351 adoption of rules relating to the information technology
1352 security provisions in s. 282.318.

1353 Section 21. Section 1004.649, Florida Statutes, is amended
1354 to read:

1355 1004.649 Northwest Regional Data Center.—

1356 (1) For the purpose of providing data center services to
1357 ~~servi~~ng its state agency customers, the Northwest Regional Data
1358 Center ~~at Florida State University is designated as a primary~~
1359 ~~data center and shall:~~

1360 (a) Operate under a governance structure that represents
1361 its customers proportionally.

1362 (b) Maintain an appropriate cost-allocation methodology
1363 that accurately bills state agency customers based solely on the
1364 actual direct and indirect costs of the services provided to
1365 state agency customers, and ensures that for any fiscal year,
1366 state agency customers are not subsidizing other customers of
1367 the data center prohibits the subsidization of nonstate agency
1368 customers' costs by state agency customers. Such cost-allocation
1369 methodology must comply with applicable state and federal
1370 regulations concerning the distribution and use of state and
1371 federal funds.

1372 (c) Enter into a service-level agreement with each state
1373 agency customer to provide services as defined and approved by

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1374 the governing board of the center. At a minimum, such service-
1375 level agreements must:

1376 1. Identify the parties and their roles, duties, and
1377 responsibilities under the agreement;

1378 2. State the duration of the agreement term and specify
1379 the conditions for renewal;

1380 3. Identify the scope of work;

1381 4. Establish the services to be provided, the business
1382 standards that must be met for each service, the cost of each
1383 service, and the process by which the business standards for
1384 each service are to be objectively measured and reported;

1385 5. Provide a timely billing methodology for recovering the
1386 cost of services provided pursuant to s. 215.422; and

1387 6. Provide a procedure for modifying the service-level
1388 agreement to address any changes in projected costs of service;

1389 7. Prohibit the transfer of computing services between the
1390 Northwest Regional Data Center and the state data center
1391 established pursuant to s. 282.201 without at least 180 days'
1392 written notification of service cancellation;

1393 8. Identify the products or services to be delivered with
1394 sufficient specificity to permit an external financial or
1395 performance audit; and

1396 9. Provide that the service-level agreement may be
1397 terminated by either party for cause only after giving the other
1398 party notice in writing of the cause for termination and an

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1399 opportunity for the other party to resolve the identified cause
1400 within a reasonable period.

1401 (d) Provide to the Board of Governors the total annual
1402 budget by major expenditure category, including, but not limited
1403 to, salaries, expenses, operating capital outlay, contracted
1404 services, or other personnel services by July 30 each fiscal
1405 year.

1406 (e) Provide to each state agency customer its projected
1407 annual cost for providing the agreed-upon data center services
1408 by September 1 each fiscal year.

1409 (f) Provide a plan for consideration by the Legislative
1410 Budget Commission if the governing body of the center approves
1411 the use of a billing rate schedule after the start of the fiscal
1412 year that increases any state agency customer's costs for that
1413 fiscal year.

1414 (2) The Northwest Regional Data Center's authority to
1415 provide data center services to ~~designation as a primary data~~
1416 ~~center for purposes of serving~~ its state agency customers may be
1417 terminated if:

1418 (a) The center requests such termination to the Board of
1419 Governors, the Senate President, and the Speaker of the House of
1420 Representatives; or

1421 (b) The center fails to comply with the provisions of this
1422 section.

1423 (3) If such authority ~~designation~~ is terminated, the
1424 center shall have 1 year to provide for the transition of its

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1425 state agency customers to the state data center established
1426 pursuant to s. 282.201 ~~Southwood Shared Resource Center or the~~
1427 ~~Northwood Shared Resource Center.~~

1428 Section 22. Subsection (1) and paragraph (g) of subsection
1429 (2) of section 17.0315, Florida Statutes, are amended to read:

1430 17.0315 Financial and cash management system; task force.—

1431 (1) The Chief Financial Officer, as the constitutional
1432 officer responsible for settling and approving accounts against
1433 the state and keeping all state funds pursuant to s. 4, Art. IV
1434 of the State Constitution, is ~~shall be~~ the head of and shall
1435 appoint members to a task force established to develop a
1436 strategic business plan for a successor financial and cash
1437 management system. The task force shall include the executive
1438 director of the Agency for State Technology ~~executive director~~
1439 ~~of the Agency for Enterprise Information Technology~~ and the
1440 director of the Office of Policy and Budget in the Executive
1441 Office of the Governor. Any member of the task force may appoint
1442 a designee.

1443 (2) The strategic business plan for a successor financial
1444 and cash management system must:

1445 (g) Be coordinated with the information technology
1446 strategy development efforts of the Agency for State Enterprise
1447 ~~Information~~ Technology;

1448 Section 23. Paragraph (e) of subsection (2) of section
1449 110.205, Florida Statutes, is amended to read:

1450 110.205 Career service; exemptions.—

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1451 (2) EXEMPT POSITIONS.—The exempt positions that are not
1452 covered by this part include the following:

1453 (e) The executive director of the Agency for State
1454 Technology ~~Chief Information Officer in the Agency for~~
1455 ~~Enterprise Information Technology~~. Unless otherwise fixed by
1456 law, the Agency for State ~~Enterprise Information~~ Technology
1457 shall set the salary and benefits of this position in accordance
1458 with the rules of the Senior Management Service.

1459 Section 24. Subsections (2) and (9) of section 215.322,
1460 Florida Statutes, are amended to read:

1461 215.322 Acceptance of credit cards, charge cards, debit
1462 cards, or electronic funds transfers by state agencies, units of
1463 local government, and the judicial branch.—

1464 (2) A state agency as defined in s. 216.011, or the
1465 judicial branch, may accept credit cards, charge cards, debit
1466 cards, or electronic funds transfers in payment for goods and
1467 services with the prior approval of the Chief Financial Officer.
1468 If the Internet or other related electronic methods are to be
1469 used as the collection medium, the Agency for State ~~Enterprise~~
1470 ~~Information~~ Technology shall review and recommend to the Chief
1471 Financial Officer whether to approve the request with regard to
1472 the process or procedure to be used.

1473 (9) For payment programs in which credit cards, charge
1474 cards, or debit cards are accepted by state agencies, the
1475 judicial branch, or units of local government, the Chief
1476 Financial Officer, in consultation with the Agency for State

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1477 ~~Enterprise Information~~ Technology, may adopt rules to establish
1478 uniform security safeguards for cardholder data and to ensure
1479 compliance with the Payment Card Industry Data Security
1480 Standards.

1481 Section 25. Subsection (22) of section 287.057, Florida
1482 Statutes, is amended to read:

1483 287.057 Procurement of commodities or contractual
1484 services.—

1485 (22) The department, in consultation with the Chief
1486 Financial Officer and the Agency for State Technology, shall
1487 maintain a program for online procurement of commodities and
1488 contractual services. To enable the state to promote open
1489 competition and leverage its buying power, agencies shall
1490 participate in the online procurement program, and eligible
1491 users may participate in the program. Only vendors prequalified
1492 as meeting mandatory requirements and qualifications criteria
1493 may participate in online procurement.

1494 (a) The department, in consultation with the Agency for
1495 State Technology and in compliance with the standards of the
1496 agency, may contract for equipment and services necessary to
1497 develop and implement online procurement.

1498 (b) The department shall adopt rules to administer the
1499 program for online procurement. The rules must include, but not
1500 be limited to:

1501 1. Determining the requirements and qualification criteria
1502 for prequalifying vendors.

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1503 2. Establishing the procedures for conducting online
1504 procurement.

1505 3. Establishing the criteria for eligible commodities and
1506 contractual services.

1507 4. Establishing the procedures for providing access to
1508 online procurement.

1509 5. Determining the criteria warranting any exceptions to
1510 participation in the online procurement program.

1511 (c) The department may impose and shall collect all fees
1512 for the use of the online procurement systems.

1513 1. The fees may be imposed on an individual transaction
1514 basis or as a fixed percentage of the cost savings generated. At
1515 a minimum, the fees must be set in an amount sufficient to cover
1516 the projected costs of the services, including administrative
1517 and project service costs in accordance with the policies of the
1518 department.

1519 2. If the department contracts with a provider for online
1520 procurement, the department, pursuant to appropriation, shall
1521 compensate the provider from the fees after the department has
1522 satisfied all ongoing costs. The provider shall report
1523 transaction data to the department each month so that the
1524 department may determine the amount due and payable to the
1525 department from each vendor.

1526 3. All fees that are due and payable to the state on a
1527 transactional basis or as a fixed percentage of the cost savings
1528 generated are subject to s. 215.31 and must be remitted within

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1529 40 days after receipt of payment for which the fees are due. For
1530 fees that are not remitted within 40 days, the vendor shall pay
1531 interest at the rate established under s. 55.03(1) on the unpaid
1532 balance from the expiration of the 40-day period until the fees
1533 are remitted.

1534 4. All fees and surcharges collected under this paragraph
1535 shall be deposited in the Operating Trust Fund as provided by
1536 law.

1537 Section 26. Subsection (5) of section 327.301, Florida
1538 Statutes, is amended to read:

1539 327.301 Written reports of accidents.—

1540 (5) For the purposes of this section, a written report
1541 includes a report generated through the use of information
1542 technology resources as defined in s. 119.011 ~~282.0041~~.

1543 Section 27. Subsection (4) of section 445.011, Florida
1544 Statutes, is amended to read:

1545 445.011 Workforce information systems.—

1546 (4) Workforce Florida, Inc., shall coordinate development
1547 and implementation of workforce information systems with the
1548 executive director of the Agency for State Technology ~~executive~~
1549 ~~director of the Agency for Enterprise Information Technology~~ to
1550 ensure compatibility with the state's information system
1551 strategy and enterprise architecture.

1552 Section 28. Subsections (2) and (4) of section 445.045,
1553 Florida Statutes, are amended to read:

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1554 445.045 Development of an Internet-based system for
1555 information technology industry promotion and workforce
1556 recruitment.—

1557 (2) Workforce Florida, Inc., shall coordinate with the
1558 Agency for State Enterprise Information Technology and the
1559 Department of Economic Opportunity to ensure links, where
1560 feasible and appropriate, to existing job information websites
1561 maintained by the state and state agencies and to ensure that
1562 information technology positions offered by the state and state
1563 agencies are posted on the information technology website.

1564 (4) (a) Workforce Florida, Inc., shall coordinate
1565 development and maintenance of the website under this section
1566 with the executive director of the Agency for State Technology
1567 ~~executive director of the Agency for Enterprise Information~~
1568 ~~Technology~~ to ensure compatibility with the state's information
1569 system strategy and enterprise architecture.

1570 (b) Workforce Florida, Inc., may enter into an agreement
1571 with the Agency for State Enterprise Information Technology, the
1572 Department of Economic Opportunity, or any other public agency
1573 with the requisite information technology expertise for the
1574 provision of design, operating, or other technological services
1575 necessary to develop and maintain the website.

1576 (c) Workforce Florida, Inc., may procure services
1577 necessary to implement ~~the provisions of~~ this section, if it
1578 employs competitive processes, including requests for proposals,
1579 competitive negotiation, and other competitive processes to

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1580 ensure that the procurement results in the most cost-effective
1581 investment of state funds.

1582 Section 29. Paragraph (b) of subsection (18) of section
1583 668.50, Florida Statutes, is amended to read:

1584 668.50 Uniform Electronic Transaction Act.—

1585 (18) ACCEPTANCE AND DISTRIBUTION OF ELECTRONIC RECORDS BY
1586 GOVERNMENTAL AGENCIES.—

1587 (b) To the extent that a governmental agency uses
1588 electronic records and electronic signatures under paragraph
1589 (a), the Agency for State Enterprise Information Technology, in
1590 consultation with the governmental agency, giving due
1591 consideration to security, may specify:

1592 1. The manner and format in which the electronic records
1593 must be created, generated, sent, communicated, received, and
1594 stored and the systems established for those purposes.

1595 2. If electronic records must be signed by electronic
1596 means, the type of electronic signature required, the manner and
1597 format in which the electronic signature must be affixed to the
1598 electronic record, and the identity of, or criteria that must be
1599 met by, any third party used by a person filing a document to
1600 facilitate the process.

1601 3. Control processes and procedures as appropriate to
1602 ensure adequate preservation, disposition, integrity, security,
1603 confidentiality, and auditability of electronic records.

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1604 4. Any other required attributes for electronic records
1605 which are specified for corresponding nonelectronic records or
1606 reasonably necessary under the circumstances.

1607 Section 30. (1) The Agency for State Technology shall
1608 conduct a feasibility study that analyzes, evaluates, and
1609 provides recommendations for managing state government data in a
1610 manner that promotes interoperability and openness; ensures
1611 that, wherever legally permissible and not cost prohibitive,
1612 such data is available to the public in ways that make the data
1613 easy to find and use; and complies with the provisions of
1614 chapter 119, Florida Statutes.

1615 (2) By June 1, 2015, the Agency for State Technology shall
1616 submit a report on the feasibility study to the Governor, the
1617 President of the Senate, and the Speaker of the House of
1618 Representatives. The report, at a minimum, shall include the
1619 following components:

1620 (a) A clear description of what state government data is
1621 public information. The guiding principle for this component is
1622 a presumption of openness to the extent permitted by law and
1623 subject to privacy, confidentiality, security, and other fiscal
1624 and legal restrictions.

1625 (b) A fiscal analysis that identifies the impact to any
1626 agency that is authorized to assess a fee for providing certain
1627 state government data to the public if the description in
1628 paragraph (a) includes that data.

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1629 (c) Recommended standards to make uniform the format and
1630 accessibility of public information and to ensure that the data
1631 is published in a nonproprietary, searchable, sortable,
1632 platform-independent, and machine-readable format. The report
1633 shall include the projected cost to state agencies to implement
1634 and maintain the standards.

1635 (d) A project plan for implementing a single Internet
1636 website that contains the public information or links to the
1637 public information. The plan shall include a timeline and
1638 benchmarks for making public information available online and
1639 shall identify costs associated with the development and ongoing
1640 maintenance of the website.

1641 (e) A recommended governance structure and a review and
1642 compliance process to ensure accountability on the part of those
1643 who create, maintain, manage, or store public information or
1644 post it on the single Internet website. The report shall include
1645 associated costs to implement and maintain the recommended
1646 governance structure and the review and compliance process.

1647 Section 31. Effective June 30, 2014, there is created the
1648 state data center task force comprised of all individuals who,
1649 upon that date are members of the boards of trustees of the
1650 Northwood Shared Resource Center or the Southwood Shared
1651 Resource Center, and agree to serve on the task force. The
1652 members of the task force shall elect a chair. The purpose of
1653 the task force is to assist with the transfer of the Northwood
1654 Shared Resource Center and Southwood Shared Resource Center to

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1655 the Agency for State Technology and the transition to the state
1656 data center established pursuant to s. 282.201, Florida
1657 Statutes. The task force shall identify any operational or
1658 fiscal issues impacting the transition and provide
1659 recommendations to the Agency for State Technology for
1660 resolution of such issues. The task force does not have
1661 authority to make decisions regarding the state data center or
1662 the former Northwood Shared Resource Center or Southwood Shared
1663 Resource Center. The task force is abolished June 30, 2015, or
1664 at an earlier date as provided by the task force.

1665 Section 32. (1) For the 2014-2015 fiscal year, the sums
1666 of \$3,563,573 in recurring funds and \$1,095,005 in nonrecurring
1667 funds are appropriated from the General Revenue Fund to the
1668 Agency for State Technology, and 25 full-time equivalent
1669 positions and associated salary rate of 2,083,482 are
1670 authorized, for the purpose of implementing this act.

1671 (2) (a) The recurring general revenue funds shall be
1672 allocated to an Executive Direction and Support Services budget
1673 entity in specific appropriation categories: \$2,851,452 in
1674 Salaries and Benefits, \$252,894 in Expenses, \$115,000 in
1675 Administrative Overhead, \$10,000 in Operating Capital Outlay,
1676 \$317,627 in Contracted Services, \$3,000 in Risk Management
1677 Insurance, \$8,600 in Transfer to Department of Management
1678 Services/Statewide Human Resources Contract, and \$5,000 in Data
1679 Processing Services/Southwood Shared Resource Center.

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1680 (b) The nonrecurring general revenue funds shall be
1681 allocated to an Executive Direction and Support Services budget
1682 entity in specific appropriation categories: \$95,005 in Expenses
1683 and \$1,000,000 in Contracted Services.

1684 Section 33. A Data Center Administration budget entity is
1685 created within the Agency for State Technology. Appropriations
1686 to the Data Center Administration budget entity shall reflect
1687 the indirect data center costs allocated to customer agencies.

1688 Section 34. For the 2014-2015 fiscal year only, the
1689 Northwood Shared Resource Center budget entity is created within
1690 the Agency for State Technology. Effective July 1, 2014, the
1691 appropriations provided for the Northwood Shared Resource Center
1692 in the General Appropriations Act for the 2014-2015 fiscal year
1693 shall be transferred to the Northwood Shared Resource Center
1694 budget entity within the Agency for State Technology.

1695 Section 35. For the 2014-2015 fiscal year only, the
1696 Southwood Shared Resource Center budget entity is created within
1697 the Agency for State Technology. Effective July 1, 2014, the
1698 appropriations provided for the Southwood Shared Resource Center
1699 in the General Appropriations Act for the 2014-2015 fiscal year
1700 shall be transferred to the Southwood Shared Resource Center
1701 budget entity within the Agency for State Technology.

1702 Section 36. (1) For the 2014-2015 fiscal year, the sums
1703 of \$144,870 in recurring funds and \$7,546 in nonrecurring funds
1704 are appropriated from the General Revenue Fund to the Department
1705 of Law Enforcement, and 2 full-time equivalent positions and

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1706 associated salary rate of 93,120 are authorized, for the purpose
1707 of implementing the sections of this act related to cybercrime
1708 capacity and capability.

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

1715 (b) The nonrecurring general revenue funds of \$7,546 shall
1716 be allocated to the Provide Investigative Services budget entity
1717 in the Expenses appropriation category.

1718 Section 37. Beginning with the 2015-2016 fiscal year, the
1719 State Data Center budget entity is created within the Agency for
1720 State Technology. Appropriations to the State Data Center budget
1721 entity shall reflect the direct data center costs allocated to
1722 customer agencies.

1723 Section 38. (1) From the funds appropriated in section
1724 32, \$500,000 in nonrecurring general revenue funds shall be used
1725 by the Agency for State Technology to contract with an
1726 independent third party consulting firm to complete a risk
1727 assessment of information technology security that analyzes and
1728 provides recommendations for protecting the state's information,
1729 data, and information technology resources. The risk assessment
1730 shall:

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1731 (a) Focus on the state data center created in s. 282.201,
1732 Florida Statutes, and the state data center's state agency
1733 customers.

1734 (b) Identify the existing security standards, guidelines,
1735 frameworks, and practices currently managing the state's
1736 information, data, and information technology resources.

1737 (c) Evaluate industry best practices, standards,
1738 guidelines, and frameworks and provide recommendations to
1739 increase overall security within the state data center and its
1740 state agency customers.

1741 (d) Identify the differences between current operations or
1742 practices and the Agency for State Technology's recommendations
1743 and prioritize the identified gaps in order of relative
1744 importance to state agency customers' business objectives.

1745 (2) The Agency for State Technology shall submit the
1746 results of the completed risk assessment to the Governor, the
1747 President of the Senate, and the Speaker of the House of
1748 Representatives by June 30, 2015.

1749 Section 39. (1) The Agency for State Technology shall
1750 complete an operational assessment of the state data center
1751 created by s. 282.201, Florida Statutes. The operational
1752 assessment shall focus on:

1753 (a) Standardizing the state data center's operational
1754 processes and practices to include its cost recovery
1755 methodologies.

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1756 (b) Identifying duplication of any staff resources
1757 supporting the operation of the state data center and any
1758 positions created within the Agency for State Technology.

1759 (2) Based upon the results of the operational assessment,
1760 the Agency for State Technology shall provide recommendations
1761 for the potential reorganization of the state data center,
1762 including recommendations for the reduction or reclassification
1763 of duplicative positions, and submit its recommendations to the
1764 Governor, the President of the Senate, and the Speaker of the
1765 House of Representatives by February 1, 2015.

1766 Section 40. Notwithstanding s. 216.292(4)(d), Florida
1767 Statutes, the transfers authorized in sections 2 and 3 of this
1768 act do not require Legislative Budget Commission approval.

1769 Section 41. Except as otherwise expressly provided in this
1770 act and except for this section, which shall take effect upon
1771 this act becoming a law, this act shall take effect July 1,
1772 2014.

1773
1774 -----

1775 **T I T L E A M E N D M E N T**

1776 Remove everything before the enacting clause and insert:

1777 A bill to be entitled

1778 An act relating to information technology governance;
1779 transferring the Agency for Enterprise Information
1780 Technology to the Agency for State Technology; voiding
1781 certain rules of the Agency for Enterprise Information

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1782 Technology; transferring the Northwood Shared Resource
1783 Center and Southwood Shared Resource Center to the
1784 Agency for State Technology; repealing s. 14.204,
1785 F.S., relating to creation of the Agency for
1786 Enterprise Information Technology; reordering and
1787 amending s. 20.055, F.S.; revising the term "state
1788 agency" to include the Agency for State Technology for
1789 purposes of provisions relating to agency inspectors
1790 general; creating s. 20.61, F.S.; creating the Agency
1791 for State Technology; providing that executive
1792 director shall serve as the state's chief information
1793 officer; establishing certain agency positions;
1794 establishing the Technology Advisory Council;
1795 providing for membership and duties of the council;
1796 providing that members of the council are governed by
1797 the Code of Ethics for Public Officers and Employees;
1798 amending s. 215.96, F.S.; requiring the executive
1799 director of the Agency for State Technology to serve
1800 on an information subsystem coordinating council
1801 established by the Chief Financial Officer; amending
1802 s. 216.023, F.S.; requiring certain legislative budget
1803 requests to include certain project management and
1804 oversight standards; amending s. 282.0041, F.S.;

1805 revising, creating, and deleting definitions used in
1806 the Enterprise Information Technology Services
1807 Management Act; creating s. 282.0051, F.S.; providing

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1808 powers, duties, and functions of the Agency for State
1809 Technology; authorizing the agency to adopt rules;
1810 creating s. 282.00515, F.S.; requiring the Department
1811 of Legal Affairs, the Department of Financial
1812 Services, and the Department of Agriculture and
1813 Consumer Services to adopt certain technical standards
1814 or alternatives to those standards and authorizing
1815 such departments to contract with the Agency for State
1816 Technology for certain purposes; repealing ss.
1817 282.0055 and 282.0056, F.S., relating to various
1818 duties of the Agency for Enterprise Information
1819 Technology; amending s. 282.201, F.S., relating to the
1820 state data center system; establishing a state data
1821 center within the Agency for State Technology;
1822 requiring the agency to provide data center services;
1823 requiring state agencies to provide certain
1824 information; revising schedules for consolidation of
1825 state agency data centers and computing facilities
1826 into the state data center; revising exemptions from
1827 consolidation; revising limitations on state agency
1828 computing facilities and data centers; repealing s. 48
1829 of chapter 2013-41, Laws of Florida, relating to
1830 agency data center consolidation schedules; repealing
1831 ss. 282.203, 282.204, and 282.205, F.S., relating to
1832 primary data centers, the Northwood Shared Resource
1833 Center, and the Southwood Shared Resource Center,

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1834 respectively; amending s. 282.318, F.S.; changing the
1835 name of the Enterprise Security of Data and
1836 Information Technology Act; defining the term "agency"
1837 as used in the act; requiring the Agency for State
1838 Technology to establish and publish certain security
1839 standards and processes; requiring state agencies to
1840 perform certain security-related duties; requiring the
1841 agency to adopt rules; conforming provisions;
1842 repealing s. 282.33, F.S., relating to standards for
1843 data center energy efficiency; repealing s. 282.34,
1844 F.S., relating to the planning and provision of a
1845 statewide e-mail service; creating s. 287.0591, F.S.;
1846 limiting the terms of certain competitive
1847 solicitations for information technology commodities;
1848 providing an exception; amending s. 943.0415, F.S.;
1849 providing additional duties of the Cybercrime Office
1850 of the Department of Law Enforcement; requiring the
1851 office to coordinate with the Agency for State
1852 Technology in the adoption of specified rules;
1853 amending s. 1004.649, F.S.; revising provisions
1854 regarding service-level agreements entered into by the
1855 Northwest Regional Data Center; conforming provisions;
1856 amending ss. 17.0315, 110.205, 215.322, 287.057,
1857 327.301, 445.011, 445.045, and 668.50, F.S.;
1858 conforming provisions to changes made by the act;
1859 requiring the Agency for State Technology to conduct a

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1860 study and submit a report to the Governor and
1861 Legislature; creating a state data center task force;
1862 providing for membership, duties, and abolishment of
1863 the task force; providing appropriations and
1864 authorizing positions; requiring the Agency for State
1865 Technology to complete an operational assessment;
1866 requiring reports to the Governor and Legislature;
1867 providing that certain reorganizations within state
1868 agencies do not require approval by the Legislative
1869 Budget Commission; providing effective dates.

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