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1 A bill to be entitled

2 An act relating to information technology governance;  
3 transferring the Agency for Enterprise Information  
4 Technology to the Agency for State Technology; voiding  
5 certain rules of the Agency for Enterprise Information  
6 Technology; transferring the Northwood Shared Resource  
7 Center and Southwood Shared Resource Center to the  
8 Agency for State Technology; repealing s. 14.204,  
9 F.S., relating to creation of the Agency for  
10 Enterprise Information Technology; amending s. 20.055,  
11 F.S.; revising the term "state agency" to include the  
12 Agency for State Technology for purposes of provisions  
13 relating to agency inspectors general; creating s.  
14 20.61, F.S.; creating the Agency for State Technology;  
15 providing that executive director shall serve as the  
16 state's chief information officer; establishing  
17 certain agency positions; establishing the Technology  
18 Advisory Council; providing for membership and duties  
19 of the council; amending s. 215.96, F.S.; requiring  
20 the executive director of the Agency for State  
21 Technology to serve on an information subsystem  
22 coordinating council established by the Chief  
23 Financial Officer; amending s. 216.023, F.S.;  
24 requiring certain legislative budget requests to  
25 include certain project management and oversight  
26 standards; amending s. 282.0041, F.S.; revising,

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

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27 creating, and deleting definitions used in the  
28 Enterprise Information Technology Services Management  
29 Act; creating s. 282.0051, F.S.; providing powers,  
30 duties, and functions of the Agency for State  
31 Technology; authorizing the agency to adopt rules;  
32 repealing ss. 282.0055 and 282.0056, F.S., relating to  
33 various duties of the Agency for Enterprise  
34 Information Technology; amending s. 282.201, F.S.,  
35 relating to the state data center system; establishing  
36 a state data center within the Agency for State  
37 Technology; requiring the agency to provide data  
38 center services; requiring state agencies to provide  
39 certain information; revising schedules for  
40 consolidation of state agency data centers and  
41 computing facilities into the state data center;  
42 revising exemptions from consolidation; revising  
43 limitations on state agency computing facilities and  
44 data centers; repealing s. 48 of chapter 2013-41, Laws  
45 of Florida, relating to agency data center  
46 consolidation schedules; repealing ss. 282.203,  
47 282.204, and 282.205, F.S., relating to primary data  
48 centers, the Northwood Shared Resource Center, and the  
49 Southwood Shared Resource Center, respectively;  
50 amending s. 282.318, F.S.; changing the name of the  
51 Enterprise Security of Data and Information Technology  
52 Act; defining the term "agency" as used in the act;

53 requiring the Agency for State Technology to establish  
54 and publish certain security standards and processes;  
55 requiring state agencies to perform certain security-  
56 related duties; requiring the agency to adopt rules;  
57 conforming provisions; repealing s. 282.33, F.S.,  
58 relating to standards for data center energy  
59 efficiency; repealing s. 282.34, F.S., relating to the  
60 planning and provision of a statewide e-mail service;  
61 creating s. 287.0591, F.S.; limiting the terms of  
62 certain competitive solicitations for information  
63 technology commodities; providing an exception;  
64 amending s. 943.0415, F.S.; providing additional  
65 duties of the Cybercrime Office of the Department of  
66 Law Enforcement; requiring the office to coordinate  
67 with the Agency for State Technology in the adoption  
68 of specified rules; amending s. 1004.649, F.S.;  
69 revising provisions regarding service-level agreements  
70 entered into by the Northwest Regional Data Center;  
71 conforming provisions; amending ss. 17.0315, 110.205,  
72 215.322, 287.057, 327.301, 445.011, 445.045, and  
73 668.50, F.S.; conforming provisions to changes made by  
74 the act; requiring the Agency for State Technology to  
75 conduct a study and submit a report to the Governor  
76 and Legislature; creating a state data center task  
77 force; providing for membership, duties, and  
78 abolishment of the task force; providing

79 appropriations and authorizing positions; providing  
 80 effective dates.

81  
 82 Be It Enacted by the Legislature of the State of Florida:  
 83

84 Section 1. (1) All records, property, pending issues and  
 85 existing contracts, administrative authority, administrative  
 86 rules in chapters 71A-1 and 71A-2, Florida Administrative Code,  
 87 in effect as of November 15, 2010, trust funds, and unexpended  
 88 balances of appropriations, allocations, and other funds of the  
 89 Agency for Enterprise Information Technology are transferred by  
 90 a type two transfer pursuant to s. 20.06(2), Florida Statutes,  
 91 to the Agency for State Technology established pursuant to s.  
 92 20.61, Florida Statutes, as created by this act.

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

97 Section 2. The Northwood Shared Resource Center is  
 98 transferred by a type two transfer, pursuant to s. 20.06(2),  
 99 Florida Statutes, from the Department of Management Services to  
 100 the Agency for State Technology. Any binding contract or  
 101 interagency agreement entered into and between the Northwood  
 102 Shared Resource Center or an entity or agent of the center and  
 103 any other agency, entity, or person shall continue as a binding  
 104 contract or agreement of the Agency for State Technology for the

105 remainder of the term of such contract or agreement.

106 Section 3. The Southwood Shared Resource Center is  
107 transferred by a type two transfer, pursuant to s. 20.06(2),  
108 Florida Statutes, from the Department of Management Services to  
109 the Agency for State Technology. Any binding contract or  
110 interagency agreement entered into and between the Southwood  
111 Shared Resource Center or an entity or agent of the center and  
112 any other agency, entity, or person shall continue as a binding  
113 contract or agreement of the Agency for State Technology for the  
114 remainder of the term of such contract or agreement.

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

116 Section 5. Paragraph (a) of subsection (1) of section  
117 20.055, Florida Statutes, is amended to read:

118 20.055 Agency inspectors general.—

119 (1) For the purposes of this section:

120 (a) "State agency" means each department created pursuant  
121 to this chapter, and also includes the Executive Office of the  
122 Governor, the Department of Military Affairs, the Fish and  
123 Wildlife Conservation Commission, the Office of Insurance  
124 Regulation of the Financial Services Commission, the Office of  
125 Financial Regulation of the Financial Services Commission, the  
126 Public Service Commission, the Board of Governors of the State  
127 University System, the Florida Housing Finance Corporation, the  
128 Agency for State Technology, and the state courts system.

129 Section 6. Section 20.61, Florida Statutes, is created to  
130 read:

131 20.61 Agency for State Technology.—There is created the  
132 Agency for State Technology within the Department of Management  
133 Services. The agency is a separate budget program and shall not  
134 be subject to control, supervision, or direction by the  
135 Department of Management Services, including, but not limited  
136 to, purchasing, transactions involving real or personal  
137 property, personnel, or budgetary matters.

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

141 (b) The executive director must be a proven, effective  
142 administrator who preferably has executive-level experience in  
143 both the public and private sectors in development and  
144 implementation of information technology strategic planning;  
145 management of enterprise information technology projects,  
146 particularly management of large-scale consolidation projects;  
147 and development and implementation of fiscal and substantive  
148 information technology policy.

149 (2) The Agency for State Technology shall include the  
150 following positions, all of whom shall be appointed by the  
151 executive director:

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

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

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157 education, government operations, criminal and civil justice,  
158 agriculture and natural resources, and transportation and  
159 economic development.

160 (c) Chief operations officer.

161 (d) Chief information security officer.

162 (e) Chief technology officer.

163 (3) The Technology Advisory Council is established within  
164 the Agency for State Technology pursuant to s. 20.052 and shall  
165 consist of seven members. Four members of the council shall be  
166 appointed by the Governor, two of whom must be from the private  
167 sector, and the Cabinet, the President of the Senate, and the  
168 Speaker of the House of Representatives shall each appoint one  
169 member of the council. Upon initial establishment of the  
170 council, two of the Governor's appointments shall be for 2-year  
171 terms. Thereafter, all appointments shall be for 4-year terms.

172 (a) The Technology Advisory Council shall consider and  
173 make recommendations to the executive director on such matters  
174 as enterprise information technology policies, standards,  
175 services, and architecture.

176 (b) The executive director shall consult with the council  
177 with regard to executing the duties and responsibilities of the  
178 agency related to statewide information technology strategic  
179 planning and policy.

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

182 215.96 Coordinating council and design and coordination

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183 staff.—

184 (2) The coordinating council shall consist of the Chief  
185 Financial Officer; the Commissioner of Agriculture; the  
186 Secretary of ~~the Department of~~ Management Services; the Attorney  
187 General; the executive director of the Agency for State  
188 Technology; and the Director of Planning and Budgeting,  
189 Executive Office of the Governor, or their designees. The Chief  
190 Financial Officer, or his or her designee, shall be chair of the  
191 coordinating council, and the design and coordination staff  
192 shall provide administrative and clerical support to the council  
193 and the board. The design and coordination staff shall maintain  
194 the minutes of each meeting and shall make such minutes  
195 available to any interested person. The Auditor General, the  
196 State Courts Administrator, an executive officer of the Florida  
197 Association of State Agency Administrative Services Directors,  
198 and an executive officer of the Florida Association of State  
199 Budget Officers, or their designees, shall serve without voting  
200 rights as ex officio members on the coordinating council. The  
201 chair may call meetings of the coordinating council as often as  
202 necessary to transact business; however, the coordinating  
203 council shall meet at least once a year. Action of the  
204 coordinating council shall be by motion, duly made, seconded and  
205 passed by a majority of the coordinating council voting in the  
206 affirmative for approval of items that are to be recommended for  
207 approval to the Financial Management Information Board.

208 Section 8. Paragraph (a) of subsection (4) of section



209 216.023, Florida Statutes, is amended to read:

210 216.023 Legislative budget requests to be furnished to  
 211 Legislature by agencies.—

212 (4) (a) The legislative budget request must contain for  
 213 each program:

214 1. The constitutional or statutory authority for a  
 215 program, a brief purpose statement, and approved program  
 216 components.

217 2. Information on expenditures for 3 fiscal years (actual  
 218 prior-year expenditures, current-year estimated expenditures,  
 219 and agency budget requested expenditures for the next fiscal  
 220 year) by appropriation category.

221 3. Details on trust funds and fees.

222 4. The total number of positions (authorized, fixed, and  
 223 requested).

224 5. An issue narrative describing and justifying changes in  
 225 amounts and positions requested for current and proposed  
 226 programs for the next fiscal year.

227 6. Information resource requests.

228 7. Supporting information, including applicable cost-  
 229 benefit analyses, business case analyses, performance  
 230 contracting procedures, service comparisons, and impacts on  
 231 performance standards for any request to outsource or privatize  
 232 agency functions. The cost-benefit and business case analyses  
 233 must include an assessment of the impact on each affected  
 234 activity from those identified in accordance with paragraph (b).

235 Performance standards must include standards for each affected  
 236 activity and be expressed in terms of the associated unit of  
 237 activity.

238 8. An evaluation of any major outsourcing and  
 239 privatization initiatives undertaken during the last 5 fiscal  
 240 years having aggregate expenditures exceeding \$10 million during  
 241 the term of the contract. The evaluation shall include an  
 242 assessment of contractor performance, a comparison of  
 243 anticipated service levels to actual service levels, and a  
 244 comparison of estimated savings to actual savings achieved.  
 245 Consolidated reports issued by the Department of Management  
 246 Services may be used to satisfy this requirement.

247 9. Supporting information for any proposed consolidated  
 248 financing of deferred-payment commodity contracts including  
 249 guaranteed energy performance savings contracts. Supporting  
 250 information must also include narrative describing and  
 251 justifying the need, baseline for current costs, estimated cost  
 252 savings, projected equipment purchases, estimated contract  
 253 costs, and return on investment calculation.

254 10. For projects that exceed \$10 million in total cost,  
 255 the statutory reference of the existing policy or the proposed  
 256 substantive policy that establishes and defines the project's  
 257 governance structure, with the governance structure for  
 258 information technology-related projects incorporating the  
 259 applicable project management and oversight standards  
 260 established pursuant to s. 282.0051; planned scope;~~7~~ main

261 business objectives that must be achieved;~~;~~ and estimated  
 262 completion timeframes. Information technology budget requests  
 263 for the continuance of existing hardware and software  
 264 maintenance agreements, renewal of existing software licensing  
 265 agreements, or the replacement of desktop units with new  
 266 technology that is similar to the technology currently in use  
 267 are exempt from this requirement.

268 Section 9. Section 282.0041, Florida Statutes, is amended  
 269 to read:

270 282.0041 Definitions.—As used in this chapter, the term:

271 (1) "Agency" or "state agency" means any official,  
 272 officer, commission, board, authority, council, committee, or  
 273 department of the executive branch of state government, and the  
 274 Justice Administrative Commission and the Public Service  
 275 Commission. The term has the same meaning as in s.  
 276 ~~216.011(1)(qq), except that For purposes of this chapter,~~  
 277 ~~"agency" does not include university boards of trustees or state~~  
 278 ~~universities. As used in part I of this chapter, except as~~  
 279 ~~otherwise specifically provided, the term does not include the~~  
 280 ~~Department of Legal Affairs, the Department of Agriculture and~~  
 281 ~~Consumer Services, or the Department of Financial Services.~~

282 (2) "Agency data center" means agency space containing 10  
 283 or more physical or logical servers.

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

286 ~~(3) "Agency information technology service" means a~~

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287 ~~service that directly helps an agency fulfill its statutory or~~  
288 ~~constitutional responsibilities and policy objectives and is~~  
289 ~~usually associated with the agency's primary or core business~~  
290 ~~functions.~~

291 ~~(4) "Annual budget meeting" means a meeting of the board~~  
292 ~~of trustees of a primary data center to review data center usage~~  
293 ~~to determine the apportionment of board members for the~~  
294 ~~following fiscal year, review rates for each service provided,~~  
295 ~~and determine any other required changes.~~

296 ~~(3)~~(5) "Breach" means a confirmed event that compromises  
297 the confidentiality, integrity, or availability of information  
298 or data has the same meaning as in s. 817.5681(4).

299 ~~(4)~~(6) "Business continuity plan" means a collection of  
300 procedures and information designed to keep an agency's critical  
301 operations running during a period of displacement or  
302 interruption of normal operations ~~plan for disaster recovery~~  
303 ~~which provides for the continued functioning of a primary data~~  
304 ~~center during and after a disaster.~~

305 ~~(5)~~(7) "Computing facility" or "agency computing facility"  
306 means agency space containing fewer than a total of 10 physical  
307 or logical servers, ~~any of which supports a strategic or~~  
308 ~~nonstrategic information technology service, as described in~~  
309 ~~budget instructions developed pursuant to s. 216.023, but~~  
310 excluding single, logical-server installations that exclusively  
311 perform a utility function such as file and print servers.

312 ~~(6)~~(8) "Customer entity" means an entity that obtains

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313 services from the state a ~~primary~~ data center.

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

318 ~~(7)(10)~~ "Department" means the Department of Management  
319 Services.

320 (8) "Disaster recovery" means the process, policies,  
321 procedures, and infrastructure related to preparing for and  
322 implementing recovery or continuation of an agency's vital  
323 technology infrastructure after a natural or human-induced  
324 disaster.

325 ~~(9)(11)~~ "Enterprise information technology service" means  
326 an information technology service that is used in all agencies  
327 or a subset of agencies and is established in law to be  
328 designed, delivered, and managed at the enterprise level.

329 (10) "Event" means any observable occurrence in a system  
330 or network.

331 (11) "Incident" means a violation or imminent threat of  
332 violation, whether such violation is accidental or deliberate,  
333 of information technology security policies, acceptable use  
334 policies, or standard security practices. An imminent threat of  
335 violation refers to a situation in which the agency has a  
336 factual basis for believing that a specific incident is about to  
337 occur.

338 ~~(12) "E-mail, messaging, and calendaring service" means~~

339 ~~the enterprise information technology service that enables users~~  
340 ~~to send, receive, file, store, manage, and retrieve electronic~~  
341 ~~messages, attachments, appointments, and addresses. The e-mail,~~  
342 ~~messaging, and calendaring service must include e-mail account~~  
343 ~~management; help desk; technical support and user provisioning~~  
344 ~~services; disaster recovery and backup and restore capabilities;~~  
345 ~~antispam and antivirus capabilities; archiving and e-discovery;~~  
346 ~~and remote access and mobile messaging capabilities.~~

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

350 ~~(12)~~(14) "Information technology" means equipment,  
351 hardware, software, firmware, programs, systems, networks,  
352 infrastructure, media, and related material used to  
353 automatically, electronically, and wirelessly collect, receive,  
354 access, transmit, display, store, record, retrieve, analyze,  
355 evaluate, process, classify, manipulate, manage, assimilate,  
356 control, communicate, exchange, convert, converge, interface,  
357 switch, or disseminate information of any kind or form.

358 ~~(13)~~(15) "Information technology policy" means a definite  
359 course or method of action selected from among one or more  
360 alternatives that guide and determine present and future  
361 decisions ~~statements that describe clear choices for how~~  
362 ~~information technology will deliver effective and efficient~~  
363 ~~government services to residents and improve state agency~~  
364 ~~operations. A policy may relate to investments, business~~

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365 ~~applications, architecture, or infrastructure. A policy~~  
366 ~~describes its rationale, implications of compliance or~~  
367 ~~noncompliance, the timeline for implementation, metrics for~~  
368 ~~determining compliance, and the accountable structure~~  
369 ~~responsible for its implementation.~~

370 (14) "Information technology resources" has the same  
371 meaning as provided in s. 119.011(9).

372 (15) "Information technology security" means the  
373 protection afforded to an automated information system in order  
374 to attain the applicable objectives of preserving the integrity,  
375 availability, and confidentiality of data, information, and  
376 information technology resources.

377 (16) "Performance metrics" means the measures of an  
378 organization's activities and performance.

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

382 (17)~~(18)~~ "Project" means an endeavor that has a defined  
383 start and end point; is undertaken to create or modify a unique  
384 product, service, or result; and has specific objectives that,  
385 when attained, signify completion.

386 (18) "Project oversight" means an independent review and  
387 analysis of an information technology project that provides  
388 information on the project's scope, completion timeframes, and  
389 budget and that identifies and quantifies issues or risks  
390 affecting the successful and timely completion of the project.

391 (19) "Risk assessment ~~analysis~~" means the process of  
392 identifying security risks, determining their magnitude, and  
393 identifying areas needing safeguards.

394 (20) "Service level" means the key performance indicators  
395 (KPI) of an organization or service which must be regularly  
396 performed, monitored, and achieved.

397 (21) "Service-level agreement" means a written contract  
398 between the state ~~a~~ data center and a customer entity which  
399 specifies the scope of services provided, service level, the  
400 duration of the agreement, the responsible parties, and service  
401 costs. A service-level agreement is not a rule pursuant to  
402 chapter 120.

403 (22) "Stakeholder" means a person, group, organization, or  
404 state agency involved in or affected by a course of action.

405 (23)~~(22)~~ "Standards" means required practices, controls,  
406 components, or configurations established by an authority.

407 (24)~~(23)~~ "SUNCOM Network" means the state enterprise  
408 telecommunications system that provides all methods of  
409 electronic or optical telecommunications beyond a single  
410 building or contiguous building complex and used by entities  
411 authorized as network users under this part.

412 (25)~~(24)~~ "Telecommunications" means the science and  
413 technology of communication at a distance, including electronic  
414 systems used in the transmission or reception of information.

415 (26)~~(25)~~ "Threat" means any circumstance or event with the  
416 potential to adversely impact a state agency's operations or



417 assets through an information system via unauthorized access,  
418 destruction, disclosure, or modification of information or  
419 denial of service ~~any circumstance or event that may cause harm~~  
420 ~~to the integrity, availability, or confidentiality of~~  
421 ~~information technology resources.~~

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

425 ~~(26) "Total cost" means all costs associated with~~  
426 ~~information technology projects or initiatives, including, but~~  
427 ~~not limited to, value of hardware, software, service,~~  
428 ~~maintenance, incremental personnel, and facilities. Total cost~~  
429 ~~of a loan or gift of information technology resources to an~~  
430 ~~agency includes the fair market value of the resources.~~

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

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

436 Section 10. Section 282.0051, Florida Statutes, is created  
437 to read:

438 282.0051 Agency for State Technology; powers, duties, and  
439 functions.—The Agency for State Technology shall have the  
440 following powers, duties, and functions:

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

443 (2) Establish and publish information technology  
444 architecture standards to provide for the most efficient use of  
445 the state's information technology resources and to ensure  
446 compatibility and alignment with the needs of state agencies.  
447 The Agency for State Technology shall assist agencies in  
448 complying with the standards.

449 (3) By June 30, 2015, establish project management and  
450 oversight standards with which state agencies must comply for  
451 purposes of implementing information technology projects  
452 specifically funded in the General Appropriations Act or any  
453 other law. To support data-driven decisionmaking, the standards  
454 shall include, but are not limited to:

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

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

461 (c) Reporting requirements, including requirements  
462 designed to alert all defined stakeholders that an information  
463 technology project has exceeded acceptable variances defined and  
464 documented in a project plan.

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

466  
467 The Agency for State Technology shall provide training  
468 opportunities to state agencies to assist in the adoption of

469 project management and oversight standards.

470 (4) (a) Beginning January 1, 2015, perform project  
471 oversight on all information technology projects that have total  
472 project costs of \$10 million or more and that are funded in the  
473 General Appropriations Act or any other law. The Agency for  
474 State Technology shall report at least quarterly to the  
475 Executive Office of the Governor, the President of the Senate,  
476 and the Speaker of the House of Representatives on any  
477 information technology project that the Agency for State  
478 Technology identifies as high-risk due to the project exceeding  
479 acceptable variance ranges defined and documented in a project  
480 plan. The report shall include a risk assessment, including  
481 fiscal risks, associated with proceeding to the next stage of  
482 the project, and a recommendation for corrective actions  
483 required, including suspension or termination of the project.

484 (b) If the Agency for State Technology is performing  
485 project oversight on an information technology project that must  
486 be connected to or otherwise accommodated by an information  
487 technology system administered by the Department of Financial  
488 Services, the Department of Legal Affairs, or the Department of  
489 Agriculture and Consumer Services, the agency must consult with  
490 the relevant department regarding the risks and other effects of  
491 the project on the information technology systems of the  
492 relevant department and must work cooperatively with the  
493 relevant department regarding connections, interfaces, timing,  
494 or accommodations required to implement such projects.

495 (5) Beginning October 15, 2016, and biennially thereafter,  
496 identify opportunities for standardization and consolidation of  
497 information technology services that support business functions  
498 and operations, including administrative functions such as  
499 purchasing, accounting and reporting, cash management, and  
500 personnel, and that are common across state agencies. The Agency  
501 for State Technology shall provide recommendations for  
502 standardization and consolidation to the Executive Office of the  
503 Governor, the President of the Senate, and the Speaker of the  
504 House of Representatives.

505 (6) In collaboration with the Department of Management  
506 Services, establish best practices for the procurement of  
507 information technology products in order to reduce costs,  
508 increase productivity, or improve services. Such practices must  
509 include a provision requiring the Agency for State Technology to  
510 review all information technology purchases made by state  
511 agencies that have a total cost of \$250,000 or more, unless a  
512 purchase is specifically mandated by the Legislature, for  
513 compliance with the standards established pursuant to this  
514 section.

515 (7) (a) Advise and collaborate with the Department of  
516 Management Services in conducting competitive solicitations for  
517 state term contracts for information technology commodities,  
518 consultant services, or staff augmentation contractual services  
519 pursuant to s. 287.0591.

520 (b) Collaborate with the Department of Management Services

521 in information technology resource acquisition planning.

522 (8) Develop standards for information technology reports  
523 and updates, including, but not limited to, operational work  
524 plans, project spend plans, and project status reports, for use  
525 by state agencies.

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

528 (10) Beginning July 1, 2016, and annually thereafter,  
529 conduct annual assessments of state agencies to determine  
530 compliance with all information technology standards and  
531 guidelines developed and published by the Agency for State  
532 Technology, and beginning December 1, 2016, and annually  
533 thereafter, provide results of the assessments to the Executive  
534 Office of the Governor, the President of the Senate, and the  
535 Speaker of the House of Representatives.

536 (11) Provide operational management and oversight of the  
537 state data center established pursuant to s. 282.201, which  
538 shall include:

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

542 (b) Developing and implementing cost-recovery mechanisms  
543 that recover the full direct and indirect cost of services  
544 through charges to applicable customer entities. Such cost-  
545 recovery mechanisms must comply with applicable state and  
546 federal regulations concerning distribution and use of funds and

547 must ensure that, for any fiscal year, no service or customer  
548 entity subsidizes another service or customer entity.

549 (c) Developing and implementing appropriate operating  
550 guidelines and procedures necessary for the state data center to  
551 perform its duties pursuant to s. 282.201. The guidelines and  
552 procedures shall comply with applicable state and federal laws,  
553 regulations, and policies and shall conform to generally  
554 accepted governmental accounting and auditing standards. The  
555 guidelines and procedures shall include, but not be limited to:

556 1. Implementing a consolidated administrative support  
557 structure responsible for providing financial management,  
558 procurement, transactions involving real or personal property,  
559 human resources, and operational support.

560 2. Implementing an annual reconciliation process to ensure  
561 that each customer entity is paying for the full direct and  
562 indirect cost of each service as determined by the customer  
563 entity's utilization of each service.

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

566 4. Requiring customer entities to validate that sufficient  
567 funds exist in the appropriate data processing appropriation  
568 category or will be transferred into the appropriate data  
569 processing appropriation category before implementation of a  
570 customer entity's request for a change in the type or level of  
571 service provided, if such change results in a net increase to  
572 the customer entity's costs for that fiscal year.

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

576 6. Providing a plan for consideration by the Legislative  
577 Budget Commission if the cost of a service is increased for a  
578 reason other than a customer entity's request made pursuant to  
579 subparagraph 4. Such a plan is required only if the service cost  
580 increase results in a net increase to a customer entity for that  
581 fiscal year.

582 7. Standardizing and consolidating procurement and  
583 contracting practices.

584 (d) In collaboration with the Department of Law  
585 Enforcement, developing and implementing a process for  
586 detecting, reporting, and responding to information technology  
587 security incidents, breaches, and threats.

588 (e) Adopting rules relating to the operation of the state  
589 data center, including, but not limited to, budgeting and  
590 accounting procedures, cost-recovery methodologies, and  
591 operating procedures.

592 (f) Beginning May 1, 2016, and annually thereafter,  
593 conducting a market analysis to determine whether the state's  
594 approach to the provision of data center services is the most  
595 effective and efficient manner by which its customer entities  
596 can acquire such services, based on federal, state, and local  
597 government trends; best practices in service provision; and the  
598 acquisition of new and emerging technologies. The results of the

599 market analysis shall assist the state data center in making  
600 adjustments to its data center service offerings.

601 (12) Recommend other information technology services that  
602 should be designed, delivered, and managed as enterprise  
603 information technology services, as defined in s. 282.0041.  
604 Recommendations shall include the identification of existing  
605 information technology resources associated with the services,  
606 if existing services must be transferred as a result of being  
607 delivered and managed as enterprise information technology  
608 services.

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

613 (14) In consultation with state agencies, propose a  
614 methodology and approach for identifying and collecting both  
615 current and planned information technology expenditure data at  
616 the state agency level.

617 (15) Beginning January 1, 2015, and notwithstanding any  
618 other provision of law, provide project oversight on any  
619 information technology project of the Department of Financial  
620 Services, the Department of Legal Affairs, and the Department of  
621 Agriculture and Consumer Services that has a total project cost  
622 of \$50 million or more and that impacts one or more other  
623 agencies. When performing this project oversight function, the  
624 Agency for State Technology shall report at least quarterly to



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625 the Executive Office of the Governor, the President of the  
626 Senate, and the Speaker of the House of Representatives on any  
627 information technology project that the Agency for State  
628 Technology identifies as high-risk due to the project exceeding  
629 acceptable variance ranges defined and documented in the project  
630 plan. The report shall include a risk assessment, including  
631 fiscal risks, associated with proceeding to the next stage of  
632 the project and a recommendation for corrective actions  
633 required, including suspension or termination of the project.

634 (16) Adopt rules to implement this section.

635 Section 11. Sections 282.0055 and 282.0056, Florida  
636 Statutes, are repealed.

637 Section 12. Section 282.201, Florida Statutes, is amended  
638 to read:

639 282.201 State data center ~~system~~; creation; consolidation  
640 schedule; agency duties and limitations.—The A state data center  
641 system that includes all primary data centers, other nonprimary  
642 data centers, and computing facilities, and that provides an  
643 enterprise information technology service as defined in s.  
644 282.0041, is established within the Agency for State Technology  
645 and shall provide data center services that are hosted on  
646 premises or externally through a third-party provider as an  
647 enterprise information technology service as defined in s.  
648 282.0041. The provision of services must comply with applicable  
649 state and federal laws, regulations, and policies, including all  
650 applicable security, privacy, and auditing requirements.

651           (1) ~~INTENT.—The Legislature finds that the most efficient~~  
652 ~~and effective means of providing quality utility data processing~~  
653 ~~services to state agencies requires that computing resources be~~  
654 ~~concentrated in quality facilities that provide the proper~~  
655 ~~security, infrastructure, and staff resources to ensure that the~~  
656 ~~state's data is maintained reliably and safely, and is~~  
657 ~~recoverable in the event of a disaster. Efficiencies resulting~~  
658 ~~from such consolidation include the increased ability to~~  
659 ~~leverage technological expertise and hardware and software~~  
660 ~~capabilities; increased savings through consolidated purchasing~~  
661 ~~decisions; and the enhanced ability to deploy technology~~  
662 ~~improvements and implement new policies consistently throughout~~  
663 ~~the consolidated organization. Unless otherwise exempt by law,~~  
664 ~~it is the intent of the Legislature that all agency data centers~~  
665 ~~and computing facilities shall be consolidated into the state a~~  
666 ~~primary data center by 2019.~~

667           (2) STATE DATA CENTER DUTIES.—The state data center shall:

668           (a) Offer, develop, and support the services and  
669 applications defined in service-level agreements executed with  
670 its customer entities.

671           (b) Maintain performance of the state data center by  
672 ensuring proper data backup, data backup recovery, disaster  
673 recovery, and appropriate security, power, cooling, fire  
674 suppression, and capacity.

675           (c) Develop and implement a business continuity plan and a  
676 disaster recovery plan, and beginning July 1, 2015, and annually

677 thereafter, conduct a live exercise of each plan.

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

684 1. Identify the parties and their roles, duties, and  
685 responsibilities under the agreement.

686 2. State the duration of the contract term and specify the  
687 conditions for renewal.

688 3. Identify the scope of work.

689 4. Identify the products or services to be delivered with  
690 sufficient specificity to permit an external financial or  
691 performance audit.

692 5. Establish the services to be provided, the business  
693 standards that must be met for each service, the cost of each  
694 service, and the metrics and processes by which the business  
695 standards for each service are to be objectively measured and  
696 reported.

697 6. Provide a timely billing methodology to recover the  
698 cost of services provided to the customer entity pursuant to s.  
699 215.422.

700 7. Provide a procedure for modifying the service-level  
701 agreement based on changes in the type, level, and cost of a  
702 service.

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

706 9. Provide that a service-level agreement may be  
707 terminated by either party for cause only after giving the other  
708 party and the Agency for State Technology notice in writing of  
709 the cause for termination and an opportunity for the other party  
710 to resolve the identified cause within a reasonable period.

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

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

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

719 1. Upon the date of each consolidation specified in this  
720 section, the General Appropriations Act, or any other law, an  
721 agency shall relinquish administrative rights to consolidated  
722 resources and equipment. Agencies required to comply with  
723 federal and state criminal justice information security rules  
724 and policies shall retain administrative access rights  
725 sufficient to comply with the management control provisions of  
726 those rules and policies; however, the state data center shall  
727 have the appropriate type or level of rights to allow the center  
728 to comply with its duties pursuant to this section. The

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729 Department of Law Enforcement shall serve as the arbiter of  
730 disputes pertaining to the appropriate type and level of  
731 administrative access rights pertaining to the provision of  
732 management control in accordance with the federal criminal  
733 justice information guidelines.

734 2. The state data center shall provide customer entities  
735 with access to applications, servers, network components, and  
736 other devices necessary for entities to perform business  
737 activities and functions, and as defined and documented in a  
738 service-level agreement.

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

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

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

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

747 ~~(c) By September 30 of each year, submit to the~~  
748 ~~Legislature, the Executive Office of the Governor, and the~~  
749 ~~primary data centers recommendations to improve the efficiency~~  
750 ~~and cost-effectiveness of computing services provided by state~~  
751 ~~data center system facilities. Such recommendations must~~  
752 ~~include, but need not be limited to:~~

753 ~~1. Policies for improving the cost-effectiveness and~~  
754 ~~efficiency of the state data center system, which includes the~~

755 ~~primary data centers being transferred to a shared, virtualized~~  
756 ~~server environment, and the associated cost savings resulting~~  
757 ~~from the implementation of such policies.~~

758 ~~2. Infrastructure improvements supporting the~~  
759 ~~consolidation of facilities or preempting the need to create~~  
760 ~~additional data centers or computing facilities.~~

761 ~~3. Uniform disaster recovery standards.~~

762 ~~4. Standards for primary data centers which provide cost-~~  
763 ~~effective services and transparent financial data to user~~  
764 ~~agencies.~~

765 ~~5. Consolidation of contract practices or coordination of~~  
766 ~~software, hardware, or other technology-related procurements and~~  
767 ~~the associated cost savings.~~

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

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

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

775 ~~a. Consolidating purchase decisions.~~

776 ~~b. Leveraging expertise and other resources to gain~~  
777 ~~economies of scale.~~

778 ~~e. Implementing state information technology policies more~~  
779 ~~effectively.~~

780 ~~d. Maintaining or improving the level of service provision~~

781 ~~to customer entities.~~

782 ~~2. The agency shall establish workgroups as necessary to~~  
783 ~~ensure participation by affected agencies in the development of~~  
784 ~~recommendations related to consolidations.~~

785 ~~(c) Develop and establish rules relating to the operation~~  
786 ~~of the state data center system which comply with applicable~~  
787 ~~federal regulations, including 2 C.F.R. part 225 and 45 C.F.R.~~  
788 ~~The rules must address:~~

789 ~~1. Ensuring that financial information is captured and~~  
790 ~~reported consistently and accurately.~~

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

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

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

807 ~~assessment according to the proportional benefit to each~~  
808 ~~customer entity.~~

809 ~~5. Requiring that rebates be given when revenues have~~  
810 ~~exceeded costs, that rebates be applied to offset charges to~~  
811 ~~those customer entities that have subsidized the costs of other~~  
812 ~~customer entities, and that such rebates may be in the form of~~  
813 ~~credits against future billings.~~

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

818 (3) STATE AGENCY DUTIES.—

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

831 (b) Each state agency customer of the state ~~a primary~~ data  
832 center shall notify the state data center, by May 31 and



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833 November 30 of each year, of any significant changes in  
834 anticipated utilization of state data center services pursuant  
835 to requirements established by the state ~~boards of trustees of~~  
836 ~~each primary~~ data center.

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

838 (a) Consolidations of agency data centers and computing  
839 facilities into the state data center shall be made by the dates  
840 ~~date and to the specified primary data center as provided in~~  
841 this section and in accordance with budget adjustments contained  
842 in the General Appropriations Act.

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

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

847 2. ~~The Department of Education's Division of Vocational~~  
848 ~~Rehabilitation.~~

849 3. ~~The Department of Education's Division of Blind~~  
850 ~~Services, except for the division's disaster recovery site in~~  
851 ~~Daytona Beach.~~

852 4. ~~The FCAT Explorer.~~

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

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

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

858 3. ~~By March 31, 2012, the Department of Transportation's~~

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859 ~~Survey & Mapping Office.~~

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

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

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

868 ~~1. By July 1, 2012, the Agency for Health Care~~  
869 ~~Administration.~~

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

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

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

877 ~~(b)(g)~~ During the 2013-2014 fiscal year, the following  
878 agencies shall be consolidated by the specified date into the  
879 Southwood Shared Resource Center:

880 1. By October 31, 2013, the Department of Economic  
881 Opportunity.

882 2. By December 31, 2013, the Executive Office of the  
883 Governor, to include the Division of Emergency Management except  
884 for the Emergency Operation Center's management system in

885 Tallahassee and the Camp Blanding Emergency Operations Center in  
 886 Starke.

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

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

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

896 1. ~~The Department of Health's Jacksonville Lab Data~~  
 897 ~~Center.~~

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

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

902 4. ~~The Camp Blanding Emergency Operations Center in~~  
 903 ~~Starke.~~

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

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

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

910 8. ~~The Department of Children and Family Services'~~

911 ~~Suncoast Data Center in Tampa.~~

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

914 ~~(j) During the 2015-2016 fiscal year, all computing~~  
 915 ~~resources remaining within an agency data center or computing~~  
 916 ~~facility, to include the Department of Financial Services'~~  
 917 ~~Hartman, Larson, and Fletcher Buildings data centers, shall be~~  
 918 ~~transferred to a primary data center for consolidation unless~~  
 919 ~~otherwise required to remain in the agency for specified~~  
 920 ~~financial, technical, or business reasons that must be justified~~  
 921 ~~in writing and approved by the Agency for Enterprise Information~~  
 922 ~~Technology. Such data centers, computing facilities, and~~  
 923 ~~resources must be identified by the Agency for Enterprise~~  
 924 ~~Information Technology by October 1, 2014.~~

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

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937        (d)~~(1)~~ Any agency that is consolidating its agency data  
938 center or computing facility centers into the state ~~a primary~~  
939 data center must execute a new or update an existing service-  
940 level agreement within 60 days after the commencement of the  
941 service ~~specified consolidation date, as required by s. 282.203,~~  
942 ~~in order to specify the services and levels of service it is to~~  
943 ~~receive from the primary data center as a result of the~~  
944 consolidation. If an agency and the state ~~primary~~ data center  
945 are unable to execute a service-level agreement by that date,  
946 the agency ~~and the primary data center~~ shall submit a report to  
947 the Executive Office of the Governor ~~and to the chairs of the~~  
948 ~~legislative appropriations committees~~ within 5 working days  
949 after that date which explains the specific issues preventing  
950 execution and describing the plan and schedule for resolving  
951 those issues.

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

960            1. ~~Whether the consolidation is on schedule, including~~  
961 ~~progress on achieving the milestones necessary for successful~~  
962 ~~and timely consolidation of scheduled agency data centers and~~

963 ~~computing facilities.~~

964 ~~2. The risks that may affect the progress or outcome of~~  
965 ~~the consolidation and how these risks are being addressed,~~  
966 ~~mitigated, or managed.~~

967 ~~(e)-(n)~~ Each agency scheduled ~~identified in this subsection~~  
968 for consolidation into the state ~~a primary~~ data center shall  
969 submit a transition plan to the Agency for State Technology  
970 ~~appropriate primary data center~~ by July 1 of the fiscal year  
971 before the fiscal year in which the scheduled consolidation will  
972 occur. Transition plans shall be developed in consultation with  
973 the state data center ~~appropriate primary data centers and the~~  
974 ~~Agency for Enterprise Information Technology,~~ and must include:

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

985 2. A list of contracts in effect, including, but not  
986 limited to, contracts for hardware, software, and maintenance,  
987 which identifies the expiration date, the contract parties, and  
988 the cost of each contract.

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989 3. A detailed description of the level of services needed  
990 to meet the technical and operational requirements of the  
991 platforms being consolidated.

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

994 4.5. A timetable with significant milestones for the  
995 completion of the consolidation.

996 ~~(e) Each primary data center shall develop a transition  
997 plan for absorbing the transfer of agency data center resources  
998 based upon the timetables for transition as provided in this  
999 subsection. The plan shall be submitted to the Agency for  
1000 Enterprise Information Technology, the Executive Office of the  
1001 Governor, and the chairs of the legislative appropriations  
1002 committees by September 1 of the fiscal year before the fiscal  
1003 year in which the scheduled consolidations will occur. Each plan  
1004 must include:~~

1005 ~~1. The projected cost to provide data center services for  
1006 each agency scheduled for consolidation.~~

1007 ~~2. A staffing plan that identifies the projected staffing  
1008 needs and requirements based on the estimated workload  
1009 identified in the agency transition plan.~~

1010 ~~3. The fiscal year adjustments to budget categories in  
1011 order to absorb the transfer of agency data center resources  
1012 pursuant to the legislative budget request instructions provided  
1013 in s. 216.023.~~

1014 ~~4. An analysis of the cost effects resulting from the~~

1015 ~~planned consolidations on existing agency customers.~~

1016 ~~5. A description of any issues that must be resolved in~~  
 1017 ~~order to accomplish as efficiently and effectively as possible~~  
 1018 ~~all consolidations required during the fiscal year.~~

1019 ~~(f)(p)~~ Each agency scheduled ~~identified in this subsection~~  
 1020 for consolidation into the state ~~a primary~~ data center shall  
 1021 submit with its respective legislative budget request the  
 1022 specific recurring and nonrecurring budget adjustments of  
 1023 resources by appropriation category into the appropriate data  
 1024 processing category pursuant to the legislative budget request  
 1025 instructions in s. 216.023.

1026 (5) AGENCY LIMITATIONS.—

1027 (a) Unless exempt from data center consolidation pursuant  
 1028 to this section or authorized by the Legislature or as provided  
 1029 in paragraph ~~paragraphs~~ (b) ~~and (e)~~, a state agency may not:

1030 1. Create a new agency computing facility or data center,  
 1031 or expand the capability to support additional computer  
 1032 equipment in an existing agency computing facility or ~~nonprimary~~  
 1033 data center;

1034 2. Spend funds before the agency's scheduled consolidation  
 1035 into the state ~~a primary~~ data center to purchase or modify  
 1036 hardware or operations software that does not comply with  
 1037 ~~hardware and software~~ standards established by the Agency for  
 1038 State Enterprise Information Technology pursuant to s. 282.0051  
 1039 ~~paragraph (2)(e) for the efficient consolidation of the agency~~  
 1040 ~~data centers or computing facilities;~~



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1041 3. Transfer existing computer services to any data center  
1042 other than the state ~~a primary~~ data center;

1043 4. Terminate services with the state ~~a primary~~ data center  
1044 ~~or transfer services between primary data centers~~ without giving  
1045 written notice of intent to terminate ~~or transfer~~ services 180  
1046 days before such termination ~~or transfer~~; or

1047 5. Initiate a new computer service except with the state ~~a~~  
1048 ~~primary~~ data center.

1049 (b) Exceptions to the limitations in subparagraphs (a)1.,  
1050 2., 3., and 5. may be granted by the Agency for State Enterprise  
1051 ~~Information~~ Technology if there is insufficient capacity in the  
1052 state ~~a primary~~ data center to absorb the workload associated  
1053 with agency computing services, if expenditures are compatible  
1054 with ~~the scheduled consolidation and~~ the standards established  
1055 pursuant to s. 282.0051 ~~paragraph (2)(e)~~, or if the equipment or  
1056 resources are needed to meet a critical agency business need  
1057 that cannot be satisfied by ~~from surplus equipment or resources~~  
1058 ~~of the state primary data center until the agency data center is~~  
1059 ~~consolidated.~~ The Agency for State Technology shall establish  
1060 requirements that a state agency must follow when submitting and  
1061 documenting a request for an exception. The Agency for State  
1062 Technology shall also publish guidelines for its consideration  
1063 of exception requests. However, the decision of the Agency for  
1064 State Technology regarding an exception request is not subject  
1065 to chapter 120.

1066 ~~1. A request for an exception must be submitted in writing~~

1067 ~~to the Agency for Enterprise Information Technology. The agency~~  
1068 ~~must accept, accept with conditions, or deny the request within~~  
1069 ~~60 days after receipt of the written request. The agency's~~  
1070 ~~decision is not subject to chapter 120.~~

1071 ~~2. At a minimum, the agency may not approve a request~~  
1072 ~~unless it includes:~~

1073 ~~a. Documentation approved by the primary data center's~~  
1074 ~~board of trustees which confirms that the center cannot meet the~~  
1075 ~~capacity requirements of the agency requesting the exception~~  
1076 ~~within the current fiscal year.~~

1077 ~~b. A description of the capacity requirements of the~~  
1078 ~~agency requesting the exception.~~

1079 ~~c. Documentation from the agency demonstrating why it is~~  
1080 ~~critical to the agency's mission that the expansion or transfer~~  
1081 ~~must be completed within the fiscal year rather than when~~  
1082 ~~capacity is established at a primary data center.~~

1083 ~~(c) Exceptions to subparagraph (a)4. may be granted by the~~  
1084 ~~board of trustees of the primary data center if the termination~~  
1085 ~~or transfer of services can be absorbed within the current cost-~~  
1086 ~~allocation plan.~~

1087 ~~(d) Upon the termination of or transfer of agency~~  
1088 ~~computing services from the primary data center, the primary~~  
1089 ~~data center shall require information sufficient to determine~~  
1090 ~~compliance with this section. If a primary data center~~  
1091 ~~determines that an agency is in violation of this section, it~~  
1092 ~~shall report the violation to the Agency for Enterprise~~

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1093 ~~Information Technology.~~

1094 ~~(6) RULES. The Agency for Enterprise Information~~  
1095 ~~Technology may adopt rules to administer this part relating to~~  
1096 ~~the state data center system including the primary data centers.~~

1097 Section 13. Effective upon this act becoming a law,  
1098 section 48 of chapter 2013-41, Laws of Florida, is repealed.

1099 Section 14. Sections 282.203, 282.204, and 282.205,  
1100 Florida Statutes, are repealed.

1101 Section 15. Section 282.318, Florida Statutes, is amended  
1102 to read:

1103 282.318 Enterprise Security of data and information  
1104 technology.-

1105 (1) This section may be cited as the "Enterprise Security  
1106 of Data and Information Technology Security Act."

1107 (2) As used in this section, the term "agency" has the  
1108 same meaning as provided in s. 282.0041, except that for  
1109 purposes of this section, the term includes the Department of  
1110 Legal Affairs, the Department of Agriculture and Consumer  
1111 Services, and the Department of Financial Services.

1112 ~~(2) Information technology security is established as an~~  
1113 ~~enterprise information technology service as defined in s.~~  
1114 ~~282.0041.~~

1115 (3) The Agency for State Enterprise Information Technology  
1116 is responsible for establishing standards and processes  
1117 consistent with generally accepted best practices for  
1118 information technology security and adopting rules that

1119 safeguard an agency's data, information, and information  
1120 technology resources to ensure availability, confidentiality,  
1121 and integrity of data ~~and publishing guidelines for ensuring an~~  
1122 ~~appropriate level of security for all data and information~~  
1123 ~~technology resources for executive branch agencies.~~ The agency  
1124 shall also ~~perform the following duties and responsibilities:~~

1125 (a) Develop, and annually update by February 1, a  
1126 statewide ~~an enterprise~~ information technology security  
1127 strategic plan that includes security goals and objectives for  
1128 the strategic issues of information technology security policy,  
1129 risk management, training, incident management, and disaster  
1130 recovery survivability planning.

1131 (b) Develop and publish for use by state agencies an  
1132 information technology security framework that, at a minimum,  
1133 includes enterprise security rules and published guidelines and  
1134 processes for:

1135 1. Establishing asset management procedures to ensure that  
1136 an agency's information technology resources are identified and  
1137 managed consistent with their relative importance to the  
1138 agency's business objectives.

1139 2. Using a standard risk assessment methodology that  
1140 includes the identification of an agency's priorities,  
1141 constraints, risk tolerances, and assumptions necessary to  
1142 support operational risk decisions.

1143 3.1. Completing comprehensive risk assessments analyses  
1144 and information technology security audits and submitting

1145 completed assessments and audits to the Agency for State  
1146 Technology conducted by state agencies.

1147 4. Identifying protection procedures to manage the  
1148 protection of an agency's information, data, and information  
1149 technology resources.

1150 5. Establishing procedures for accessing information and  
1151 data to ensure the confidentiality, integrity, and availability  
1152 of such information and data.

1153 6. Detecting threats through proactive monitoring of  
1154 events, continuous security monitoring, and defined detection  
1155 processes.

1156 7.2. Responding to information technology suspected or  
1157 confirmed information security incidents, including suspected or  
1158 confirmed breaches of personal information containing  
1159 confidential or exempt data.

1160 8. Recovering information and data in response to an  
1161 information technology security incident. The recovery may  
1162 include recommended improvements to the agency processes,  
1163 policies, or guidelines.

1164 9.3. Developing agency strategic and operational  
1165 information technology security plans required pursuant to this  
1166 section, including strategic security plans and security program  
1167 plans.

1168 ~~4. The recovery of information technology and data~~  
1169 ~~following a disaster.~~

1170 ~~10.5. Establishing~~ the managerial, operational, and

1171 technical safeguards for protecting state government data and  
 1172 information technology resources that align with the state  
 1173 agency risk management strategy and that protect the  
 1174 confidentiality, integrity, and availability of information and  
 1175 data.

1176 (c) Assist agencies in complying with ~~the provisions of~~  
 1177 this section.

1178 ~~(d) Pursue appropriate funding for the purpose of~~  
 1179 ~~enhancing domestic security.~~

1180 (d)(e) In collaboration with the Cybercrime Office of the  
 1181 Department of Law Enforcement, provide training for agency  
 1182 information security managers.

1183 (e)(f) Annually review agency the strategic and  
 1184 operational information technology security plans of executive  
 1185 branch agencies.

1186 ~~(4) To assist the Agency for Enterprise Information~~  
 1187 ~~Technology in carrying out its responsibilities, Each agency~~  
 1188 ~~head shall, at a minimum:~~

1189 (a) Designate an information security manager to  
 1190 administer the information technology security program of the  
 1191 agency ~~for its data and information technology resources.~~ This  
 1192 designation must be provided annually in writing to the Agency  
 1193 for State Enterprise Information Technology by January 1. An  
 1194 agency's information security manager, for purposes of these  
 1195 information security duties, shall report directly to the agency  
 1196 head.

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1197 (b) Submit to the Agency for State ~~Enterprise Information~~  
1198 Technology annually by July 31, the agency's strategic and  
1199 operational information technology security plans developed  
1200 pursuant to ~~the~~ rules and guidelines established by the Agency  
1201 for State ~~Enterprise Information~~ Technology.

1202 1. The agency strategic information technology security  
1203 plan must cover a 3-year period and, at a minimum, define  
1204 security goals, intermediate objectives, and projected agency  
1205 costs for the strategic issues of agency information security  
1206 policy, risk management, security training, security incident  
1207 response, and disaster recovery survivability. The plan must be  
1208 based on the statewide ~~enterprise strategic~~ information  
1209 technology security strategic plan created by the Agency for  
1210 State ~~Enterprise Information~~ Technology and include performance  
1211 metrics that can be objectively measured to reflect the status  
1212 of the agency's progress in meeting security goals and  
1213 objectives identified in the agency's strategic information  
1214 security plan. ~~Additional issues may be included.~~

1215 2. The agency operational information technology security  
1216 plan must include a progress report that objectively measures  
1217 progress made towards ~~for~~ the prior operational information  
1218 technology security plan and a project plan that includes  
1219 activities, timelines, and deliverables for security objectives  
1220 that, ~~subject to current resources~~, the agency will implement  
1221 during the current fiscal year. ~~The cost of implementing the~~  
1222 ~~portions of the plan which cannot be funded from current~~

1223 ~~resources must be identified in the plan.~~

1224 (c) Conduct, and update every 3 years, a comprehensive  
1225 risk assessment ~~analysis~~ to determine the security threats to  
1226 the data, information, and information technology resources of  
1227 the agency. The risk assessment must comply with the risk  
1228 assessment methodology developed by the Agency for State  
1229 Technology and ~~analysis information~~ is confidential and exempt  
1230 from ~~the provisions of s. 119.07(1),~~ except that such  
1231 information shall be available to the Auditor General, ~~and~~ the  
1232 Agency for State Enterprise Information Technology, the  
1233 Cybercrime Office of the Department of Law Enforcement, and, for  
1234 agencies under the jurisdiction of the Governor, the Chief  
1235 Inspector General ~~for performing postauditing duties.~~

1236 (d) Develop, and periodically update, written internal  
1237 policies and procedures, which shall include procedures for  
1238 reporting information technology security incidents and breaches  
1239 to the Cybercrime Office of the Department of Law Enforcement  
1240 and notifying the Agency for State Enterprise Information  
1241 Technology ~~when a suspected or confirmed breach, or an~~  
1242 ~~information security incident, occurs.~~ Such policies and  
1243 procedures must be consistent with the rules, ~~and~~ guidelines,  
1244 and processes established by the Agency for State Enterprise  
1245 Information Technology to ensure the security of the data,  
1246 information, and information technology resources of the agency.  
1247 The internal policies and procedures that, if disclosed, could  
1248 facilitate the unauthorized modification, disclosure, or



1249 destruction of data or information technology resources are  
 1250 confidential information and exempt from s. 119.07(1), except  
 1251 that such information shall be available to the Auditor General,  
 1252 the Cybercrime Office of the Department of Law Enforcement, and  
 1253 the Agency for State Enterprise Information Technology, and, for  
 1254 agencies under the jurisdiction of the Governor, the Chief  
 1255 Inspector General for performing postauditing duties.

1256 (e) Implement managerial, operational, and technical  
 1257 ~~appropriate cost-effective~~ safeguards established by the Agency  
 1258 for State Technology to address identified risks to the data,  
 1259 information, and information technology resources of the agency.

1260 (f) Ensure that periodic internal audits and evaluations  
 1261 of the agency's information technology security program for the  
 1262 data, information, and information technology resources of the  
 1263 agency are conducted. The results of such audits and evaluations  
 1264 are confidential information and exempt from s. 119.07(1),  
 1265 except that such information shall be available to the Auditor  
 1266 General, the Cybercrime Office of the Department of Law  
 1267 Enforcement, and the Agency for State Enterprise Information  
 1268 Technology, and, for agencies under the jurisdiction of the  
 1269 Governor, the Chief Inspector General for performing  
 1270 ~~postauditing duties.~~

1271 (g) Include appropriate information technology security  
 1272 requirements in the written specifications for the solicitation  
 1273 of information technology and information technology resources  
 1274 and services, which are consistent with the rules and guidelines

1275 established by the Agency for State Enterprise Information  
 1276 Technology in collaboration with the Department of Management  
 1277 Services.

1278 (h) Provide information technology security awareness  
 1279 training to all agency employees and users of the agency's  
 1280 communication and information resources concerning information  
 1281 technology security risks and the responsibility of employees  
 1282 and users to comply with policies, standards, guidelines, and  
 1283 operating procedures adopted by the agency to reduce those  
 1284 risks. The training may be provided in collaboration with the  
 1285 Cybercrime Office of the Department of Law Enforcement.

1286 (i) Develop a process for detecting, reporting, and  
 1287 responding to threats, breaches, or information technology  
 1288 security suspected or confirmed security incidents that are,  
 1289 including suspected or confirmed breaches consistent with the  
 1290 security rules, and guidelines, and processes established by the  
 1291 Agency for State Enterprise Information Technology.

1292 1. All information technology Suspected or confirmed  
 1293 information security incidents and breaches must be immediately  
 1294 reported to the Agency for State Enterprise Information  
 1295 Technology.

1296 2. For information technology security incidents involving  
 1297 breaches, agencies shall provide notice in accordance with s.  
 1298 817.5681 and to the Agency for Enterprise Information Technology  
 1299 in accordance with this subsection.

1300 (5) ~~Each state agency shall include appropriate security~~

1301 ~~requirements in the specifications for the solicitation of~~  
 1302 ~~contracts for procuring information technology or information~~  
 1303 ~~technology resources or services which are consistent with the~~  
 1304 ~~rules and guidelines established by the Agency for Enterprise~~  
 1305 ~~Information Technology.~~

1306 (5)~~(6)~~ The Agency for State ~~Enterprise Information~~  
 1307 Technology shall ~~may~~ adopt rules relating to information  
 1308 technology security and to administer the provisions of this  
 1309 section.

1310 Section 16. Section 282.33, Florida Statutes, is repealed.

1311 Section 17. Effective upon this act becoming a law,  
 1312 section 282.34, Florida Statutes, is repealed.

1313 Section 18. Section 287.0591, Florida Statutes, is created  
 1314 to read:

1315 287.0591 Information technology.-

1316 (1) Beginning July 1, 2014, any competitive solicitation  
 1317 issued by the department for a state term contract for  
 1318 information technology commodities must include a term that does  
 1319 not exceed 36 months. The department may execute a state term  
 1320 contract for information technology commodities that exceeds the  
 1321 36-month requirement if the Secretary of Management Services and  
 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 (2) Beginning September 1, 2015, any competitive  
 1326 solicitation issued by the department for a state term contract

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1327 for information technology consultant services or information  
1328 technology staff augmentation contractual services must include  
1329 a term that does not exceed 36 months.

1330 (3) If the department issues a competitive solicitation  
1331 for information technology commodities, consultant services, or  
1332 staff augmentation contractual services, the department shall  
1333 complete such solicitations in consultation with the Agency for  
1334 State Technology.

1335 Section 19. Section 943.0415, Florida Statutes, is amended  
1336 to read:

1337 943.0415 Cybercrime Office.—

1338 (1) There is created within the Department of Law  
1339 Enforcement the Cybercrime Office.

1340 (2) The office may:

1341 (a) Investigate violations of state law pertaining to the  
1342 sexual exploitation of children which are facilitated by or  
1343 connected to the use of any device capable of storing electronic  
1344 data.

1345 (b) Monitor state information technology resources and  
1346 provide analysis on information technology security incidents,  
1347 threats, and breaches as defined in s. 282.0041.

1348 (c) Investigate violations of state law pertaining to  
1349 information technology security incidents pursuant to s.  
1350 282.0041 and assist in incident response and recovery.

1351 (d) Provide security awareness training and information to  
1352 state agency employees concerning cybersecurity, online sexual

1353 exploitation of children, and security risks, and the  
 1354 responsibility of employees to comply with policies, standards,  
 1355 guidelines, and operating procedures adopted by the Agency for  
 1356 State Technology.

1357 (e) Consult with the Agency for State Technology in the  
 1358 adoption of rules relating to the information technology  
 1359 security provisions in s. 282.318.

1360 Section 20. Section 1004.649, Florida Statutes, is amended  
 1361 to read:

1362 1004.649 Northwest Regional Data Center.—

1363 (1) For the purpose of providing data center services to  
 1364 ~~servi~~ng its state agency customers, the Northwest Regional Data  
 1365 Center at Florida State University is designated as a primary  
 1366 data center and shall:

1367 (a) Operate under a governance structure that represents  
 1368 its customers proportionally.

1369 (b) Maintain an appropriate cost-allocation methodology  
 1370 that accurately bills state agency customers based solely on the  
 1371 actual direct and indirect costs of the services provided to  
 1372 state agency customers, and ensures that for any fiscal year,  
 1373 state agency customers do not subsidize other customers of the  
 1374 data center ~~prohibits the subsidization of nonstate agency~~  
 1375 ~~customers' costs by state agency customers.~~ Such cost-allocation  
 1376 methodology must comply with applicable state and federal  
 1377 regulations concerning the distribution and use of state and  
 1378 federal funds.

1379 (c) Enter into a service-level agreement with each state  
1380 agency customer to provide services as defined and approved by  
1381 the governing board of the center. At a minimum, such service-  
1382 level agreements must:

1383 1. Identify the parties and their roles, duties, and  
1384 responsibilities under the agreement;

1385 2. State the duration of the agreement term and specify  
1386 the conditions for renewal;

1387 3. Identify the scope of work;

1388 4. Establish the services to be provided, the business  
1389 standards that must be met for each service, the cost of each  
1390 service, and the process by which the business standards for  
1391 each service are to be objectively measured and reported;

1392 5. Provide a timely billing methodology for recovering the  
1393 cost of services provided pursuant to s. 215.422; and

1394 6. Provide a procedure for modifying the service-level  
1395 agreement to address any changes in projected costs of service;

1396 7. Prohibit the transfer of computing services between the  
1397 Northwest Regional Data Center and the state data center  
1398 established pursuant to s. 282.201 without at least 180 days'  
1399 written notification of service cancellation;

1400 8. Identify the products or services to be delivered with  
1401 sufficient specificity to permit an external financial or  
1402 performance audit; and

1403 9. Provide that the service-level agreement may be  
1404 terminated by either party for cause only after giving the other

1405 party notice in writing of the cause for termination and an  
1406 opportunity for the other party to resolve the identified cause  
1407 within a reasonable period.

1408 (d) Provide to the Board of Governors the total annual  
1409 budget by major expenditure category, including, but not limited  
1410 to, salaries, expenses, operating capital outlay, contracted  
1411 services, or other personnel services by July 30 each fiscal  
1412 year.

1413 (e) Provide to each state agency customer its projected  
1414 annual cost for providing the agreed-upon data center services  
1415 by September 1 each fiscal year.

1416 (f) Provide a plan for consideration by the Legislative  
1417 Budget Commission if the governing body of the center approves  
1418 the use of a billing rate schedule after the start of the fiscal  
1419 year that increases any state agency customer's costs for that  
1420 fiscal year.

1421 (2) The Northwest Regional Data Center's authority to  
1422 provide data center services to ~~designation as a primary data~~  
1423 ~~center for purposes of serving~~ its state agency customers may be  
1424 terminated if:

1425 (a) The center requests such termination to the Board of  
1426 Governors, the Senate President, and the Speaker of the House of  
1427 Representatives; or

1428 (b) The center fails to comply with the provisions of this  
1429 section.

1430 (3) If such authority ~~designation~~ is terminated, the

1431 center shall have 1 year to provide for the transition of its  
 1432 state agency customers to the state data center established  
 1433 pursuant to s. 282.201 ~~Southwood Shared Resource Center or the~~  
 1434 ~~Northwood Shared Resource Center.~~

1435 Section 21. Subsection (1) and paragraph (g) of subsection  
 1436 (2) of section 17.0315, Florida Statutes, are amended to read:

1437 17.0315 Financial and cash management system; task force.—

1438 (1) The Chief Financial Officer, as the constitutional  
 1439 officer responsible for settling and approving accounts against  
 1440 the state and keeping all state funds pursuant to s. 4, Art. IV  
 1441 of the State Constitution, shall be the head of and appoint  
 1442 members to a task force established to develop a strategic  
 1443 business plan for a successor financial and cash management  
 1444 system. The task force shall include the executive director of  
 1445 the Agency for State Technology ~~executive director of the Agency~~  
 1446 ~~for Enterprise Information Technology~~ and the director of the  
 1447 Office of Policy and Budget in the Executive Office of the  
 1448 Governor. Any member of the task force may appoint a designee.

1449 (2) The strategic business plan for a successor financial  
 1450 and cash management system must:

1451 (g) Be coordinated with the information technology  
 1452 strategy development efforts of the Agency for State ~~Enterprise~~  
 1453 ~~Information~~ Technology;

1454 Section 22. Paragraph (e) of subsection (2) of section  
 1455 110.205, Florida Statutes, is amended to read:

1456 110.205 Career service; exemptions.—



1457 (2) EXEMPT POSITIONS.—The exempt positions that are not  
 1458 covered by this part include the following:

1459 (e) The executive director of the Agency for State  
 1460 Technology ~~Chief Information Officer in the Agency for~~  
 1461 ~~Enterprise Information Technology~~. Unless otherwise fixed by  
 1462 law, the Agency for State ~~Enterprise Information~~ Technology  
 1463 shall set the salary and benefits of this position in accordance  
 1464 with the rules of the Senior Management Service.

1465 Section 23. Subsections (2) and (9) of section 215.322,  
 1466 Florida Statutes, are amended to read:

1467 215.322 Acceptance of credit cards, charge cards, debit  
 1468 cards, or electronic funds transfers by state agencies, units of  
 1469 local government, and the judicial branch.—

1470 (2) A state agency as defined in s. 216.011, or the  
 1471 judicial branch, may accept credit cards, charge cards, debit  
 1472 cards, or electronic funds transfers in payment for goods and  
 1473 services with the prior approval of the Chief Financial Officer.  
 1474 If the Internet or other related electronic methods are to be  
 1475 used as the collection medium, the Agency for State ~~Enterprise~~  
 1476 ~~Information~~ Technology shall review and recommend to the Chief  
 1477 Financial Officer whether to approve the request with regard to  
 1478 the process or procedure to be used.

1479 (9) For payment programs in which credit cards, charge  
 1480 cards, or debit cards are accepted by state agencies, the  
 1481 judicial branch, or units of local government, the Chief  
 1482 Financial Officer, in consultation with the Agency for State

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1483 ~~Enterprise Information~~ Technology, may adopt rules to establish  
1484 uniform security safeguards for cardholder data and to ensure  
1485 compliance with the Payment Card Industry Data Security  
1486 Standards.

1487 Section 24. Subsection (22) of section 287.057, Florida  
1488 Statutes, is amended to read:

1489 287.057 Procurement of commodities or contractual  
1490 services.—

1491 (22) The department, in consultation with the Chief  
1492 Financial Officer and the Agency for State Technology, shall  
1493 maintain a program for online procurement of commodities and  
1494 contractual services. To enable the state to promote open  
1495 competition and leverage its buying power, agencies shall  
1496 participate in the online procurement program, and eligible  
1497 users may participate in the program. Only vendors prequalified  
1498 as meeting mandatory requirements and qualifications criteria  
1499 may participate in online procurement.

1500 (a) The department, in consultation with the Agency for  
1501 State Technology, may contract for equipment and services  
1502 necessary to develop and implement online procurement.

1503 (b) The department shall adopt rules to administer the  
1504 program for online procurement. The rules must include, but not  
1505 be limited to:

1506 1. Determining the requirements and qualification criteria  
1507 for prequalifying vendors.

1508 2. Establishing the procedures for conducting online

1509 procurement.

1510 3. Establishing the criteria for eligible commodities and  
1511 contractual services.

1512 4. Establishing the procedures for providing access to  
1513 online procurement.

1514 5. Determining the criteria warranting any exceptions to  
1515 participation in the online procurement program.

1516 (c) The department may impose and shall collect all fees  
1517 for the use of the online procurement systems.

1518 1. The fees may be imposed on an individual transaction  
1519 basis or as a fixed percentage of the cost savings generated. At  
1520 a minimum, the fees must be set in an amount sufficient to cover  
1521 the projected costs of the services, including administrative  
1522 and project service costs in accordance with the policies of the  
1523 department.

1524 2. If the department contracts with a provider for online  
1525 procurement, the department, pursuant to appropriation, shall  
1526 compensate the provider from the fees after the department has  
1527 satisfied all ongoing costs. The provider shall report  
1528 transaction data to the department each month so that the  
1529 department may determine the amount due and payable to the  
1530 department from each vendor.

1531 3. All fees that are due and payable to the state on a  
1532 transactional basis or as a fixed percentage of the cost savings  
1533 generated are subject to s. 215.31 and must be remitted within  
1534 40 days after receipt of payment for which the fees are due. For

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1535 fees that are not remitted within 40 days, the vendor shall pay  
1536 interest at the rate established under s. 55.03(1) on the unpaid  
1537 balance from the expiration of the 40-day period until the fees  
1538 are remitted.

1539 4. All fees and surcharges collected under this paragraph  
1540 shall be deposited in the Operating Trust Fund as provided by  
1541 law.

1542 Section 25. Subsection (5) of section 327.301, Florida  
1543 Statutes, is amended to read:

1544 327.301 Written reports of accidents.—

1545 (5) For the purposes of this section, a written report  
1546 includes a report generated through the use of information  
1547 technology resources as defined in s. 119.011 ~~282.0041~~.

1548 Section 26. Subsection (4) of section 445.011, Florida  
1549 Statutes, is amended to read:

1550 445.011 Workforce information systems.—

1551 (4) Workforce Florida, Inc., shall coordinate development  
1552 and implementation of workforce information systems with the  
1553 executive director of the Agency for State Technology ~~executive~~  
1554 ~~director of the Agency for Enterprise Information Technology~~ to  
1555 ensure compatibility with the state's information system  
1556 strategy and enterprise architecture.

1557 Section 27. Subsections (2) and (4) of section 445.045,  
1558 Florida Statutes, are amended to read:

1559 445.045 Development of an Internet-based system for  
1560 information technology industry promotion and workforce

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1561 recruitment.—

1562 (2) Workforce Florida, Inc., shall coordinate with the  
1563 Agency for State ~~Enterprise Information~~ Technology and the  
1564 Department of Economic Opportunity to ensure links, where  
1565 feasible and appropriate, to existing job information websites  
1566 maintained by the state and state agencies and to ensure that  
1567 information technology positions offered by the state and state  
1568 agencies are posted on the information technology website.

1569 (4) (a) Workforce Florida, Inc., shall coordinate  
1570 development and maintenance of the website under this section  
1571 with the executive director of the Agency for State Technology  
1572 ~~executive director of the Agency for Enterprise Information~~  
1573 ~~Technology~~ to ensure compatibility with the state's information  
1574 system strategy and enterprise architecture.

1575 (b) Workforce Florida, Inc., may enter into an agreement  
1576 with the Agency for State ~~Enterprise Information~~ Technology, the  
1577 Department of Economic Opportunity, or any other public agency  
1578 with the requisite information technology expertise for the  
1579 provision of design, operating, or other technological services  
1580 necessary to develop and maintain the website.

1581 (c) Workforce Florida, Inc., may procure services  
1582 necessary to implement ~~the provisions of~~ this section, if it  
1583 employs competitive processes, including requests for proposals,  
1584 competitive negotiation, and other competitive processes to  
1585 ensure that the procurement results in the most cost-effective  
1586 investment of state funds.

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1587 Section 28. Paragraph (b) of subsection (18) of section  
1588 668.50, Florida Statutes, is amended to read:

1589 668.50 Uniform Electronic Transaction Act.—

1590 (18) ACCEPTANCE AND DISTRIBUTION OF ELECTRONIC RECORDS BY  
1591 GOVERNMENTAL AGENCIES.—

1592 (b) To the extent that a governmental agency uses  
1593 electronic records and electronic signatures under paragraph  
1594 (a), the Agency for State ~~Enterprise Information~~ Technology, in  
1595 consultation with the governmental agency, giving due  
1596 consideration to security, may specify:

1597 1. The manner and format in which the electronic records  
1598 must be created, generated, sent, communicated, received, and  
1599 stored and the systems established for those purposes.

1600 2. If electronic records must be signed by electronic  
1601 means, the type of electronic signature required, the manner and  
1602 format in which the electronic signature must be affixed to the  
1603 electronic record, and the identity of, or criteria that must be  
1604 met by, any third party used by a person filing a document to  
1605 facilitate the process.

1606 3. Control processes and procedures as appropriate to  
1607 ensure adequate preservation, disposition, integrity, security,  
1608 confidentiality, and auditability of electronic records.

1609 4. Any other required attributes for electronic records  
1610 which are specified for corresponding nonelectronic records or  
1611 reasonably necessary under the circumstances.

1612 Section 29. (1) The Agency for State Technology shall

1613 conduct a feasibility study that analyzes, evaluates, and  
1614 provides recommendations for managing state government data in a  
1615 manner that promotes interoperability and openness; ensures  
1616 that, wherever legally permissible and not cost prohibitive,  
1617 such data is available to the public in ways that make the data  
1618 easy to find and use; and complies with the provisions of  
1619 chapter 119, Florida Statutes.

1620 (2) By January 1, 2015, the Agency for State Technology  
1621 shall submit a report on the feasibility study to the Governor,  
1622 the President of the Senate, and the Speaker of the House of  
1623 Representatives. The report, at a minimum, shall include the  
1624 following components:

1625 (a) A clear description of what state government data is  
1626 public information. The guiding principle for this component is  
1627 a presumption of openness to the extent permitted by law and  
1628 subject to privacy, confidentiality, security, and other fiscal  
1629 and legal restrictions.

1630 (b) A fiscal analysis that identifies the impact to any  
1631 agency that is authorized to assess a fee for providing certain  
1632 state government data to the public if the description in  
1633 paragraph (a) includes that data.

1634 (c) Recommended standards to make uniform the format and  
1635 accessibility of public information and to ensure that the data  
1636 is published in a nonproprietary, searchable, sortable,  
1637 platform-independent, and machine-readable format. The report  
1638 shall include the projected cost to state agencies to implement

1639 and maintain the standards.

1640 (d) A project plan for implementing a single Internet  
1641 website that contains the public information or links to the  
1642 public information. The plan shall include a timeline and  
1643 benchmarks for making public information available online and  
1644 shall identify costs associated with the development and ongoing  
1645 maintenance of the website.

1646 (e) A recommended governance structure and a review and  
1647 compliance process to ensure accountability on the part of those  
1648 who create, maintain, manage, or store public information or  
1649 post it on the single Internet website. The report shall include  
1650 associated costs to implement and maintain the recommended  
1651 governance structure and the review and compliance process.

1652 Section 30. Effective June 30, 2014, there is created the  
1653 state data center task force comprised of all individuals who,  
1654 upon that date are members of the boards of trustees of the  
1655 Northwood Shared Resource Center or the Southwood Shared  
1656 Resource Center, and agree to serve on the task force. The  
1657 members of the task force shall elect a chair. The purpose of  
1658 the task force is to assist with the transfer of the Northwood  
1659 Shared Resource Center and Southwood Shared Resource Center to  
1660 the Agency for State Technology and the transition to the state  
1661 data center established pursuant to s. 282.201, Florida  
1662 Statutes. The task force shall identify any operational or  
1663 fiscal issues impacting the transition and provide  
1664 recommendations to the Agency for State Technology for



1665 resolution of such issues. The task force does not have  
1666 authority to make decisions regarding the state data center or  
1667 the former Northwood Shared Resource Center or Southwood Shared  
1668 Resource Center. The task force is abolished June 30, 2015, or  
1669 at an earlier date as provided by the task force.

1670 Section 31. (1) For the 2014-2015 fiscal year, the sums  
1671 of \$2,944,539 in recurring funds and \$103,045 in nonrecurring  
1672 funds are appropriated from the General Revenue Fund to the  
1673 Agency for State Technology, and 25 full-time equivalent  
1674 positions and associated salary rate of 1,808,373 are  
1675 authorized, for the purpose of implementing this act.

1676 (2) (a) The recurring general revenue funds shall be  
1677 allocated to an Executive Direction and Support Services budget  
1678 entity in specific appropriation categories: \$2,382,181 in  
1679 Salaries and Benefits, \$10,000 in Other Personal Services,  
1680 \$168,197 in Expenses, \$9,000 in Operating Capital Outlay,  
1681 \$358,561 in Contracted Services, \$3,000 in Risk Management  
1682 Insurance, \$8,600 in Transfer to Department of Management  
1683 Services/Statewide Human Resources Contract, and \$5,000 in Data  
1684 Processing Services/Southwood Shared Resource Center.

1685 (b) The nonrecurring general revenue funds of \$103,045  
1686 shall be allocated to an Executive Direction and Support  
1687 Services budget entity in the Expenses appropriation category.

1688 Section 32. A Data Center Administration budget entity is  
1689 created within the Agency for State Technology. Appropriations  
1690 to the Data Center Administration budget entity shall reflect

1691 the indirect data center costs allocated to customer agencies.

1692 Section 33. For the 2014-2015 fiscal year, the Northwood  
1693 Shared Resource Center budget entity is created within the  
1694 Agency for State Technology. Effective July 1, 2014, the  
1695 appropriations provided for the Northwood Shared Resource Center  
1696 in the General Appropriations Act for the 2014-2015 fiscal year  
1697 shall be transferred to the Northwood Shared Resource Center  
1698 budget entity within the Agency for State Technology.

1699 Section 34. For the 2014-2015 fiscal year, the Southwood  
1700 Shared Resource Center budget entity is created within the  
1701 Agency for State Technology. Effective July 1, 2014, the  
1702 appropriations provided for the Southwood Shared Resource Center  
1703 in the General Appropriations Act for the 2014-2015 fiscal year  
1704 shall be transferred to the Southwood Shared Resource Center  
1705 budget entity within the Agency for State Technology.

1706 Section 35. (1) For the 2014-2015 fiscal year, the sums  
1707 of \$144,870 in recurring funds and \$7,546 in nonrecurring funds  
1708 are appropriated from the General Revenue Fund to the Department  
1709 of Law Enforcement, and 2 full-time equivalent positions and  
1710 associated salary rate of 93,120 are authorized, for the purpose  
1711 of implementing the sections of this act related to cybercrime  
1712 capacity and capability.

1713 (2) (a) The recurring general revenue funds shall be  
1714 allocated to Provide Investigative Services, budget entity  
1715 #71600200, in specific appropriation categories: \$131,660 in  
1716 Salaries and Benefits, \$12,522 in Expenses, and \$688 in Transfer

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1717 to Department of Management Services/Statewide Human Resources  
1718 Contract.

1719 (b) The nonrecurring general revenue funds of \$7,546 shall  
1720 be allocated to Provide Investigative Services, budget entity  
1721 #71600200, in the Expenses appropriation category.

1722 Section 36. Beginning with the 2015-2016 fiscal year, the  
1723 State Data Center budget entity is created within the Agency for  
1724 State Technology. Appropriations to the State Data Center budget  
1725 entity shall reflect the direct data center costs allocated to  
1726 customer agencies.

1727 Section 37. Except as otherwise expressly provided in this  
1728 act and except for this section, which shall take effect upon  
1729 this act becoming a law, this act shall take effect July 1,  
1730 2014.