



HB 7073, Engrossed 1

2014

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; reordering and
11 amending s. 20.055, F.S.; revising the term "state
12 agency" to include the Agency for State Technology for
13 purposes of provisions relating to agency inspectors
14 general; creating s. 20.61, F.S.; creating the Agency
15 for State Technology; providing that executive
16 director shall serve as the state's chief information
17 officer; establishing certain agency positions;
18 establishing the Technology Advisory Council;
19 providing for membership and duties of the council;
20 providing that members of the council are governed by
21 the Code of Ethics for Public Officers and Employees;
22 amending s. 215.96, F.S.; requiring the executive
23 director of the Agency for State Technology to serve
24 on an information subsystem coordinating council
25 established by the Chief Financial Officer; amending



HB 7073, Engrossed 1

2014

26 s. 216.023, F.S.; requiring certain legislative budget
27 requests to include certain project management and
28 oversight standards; amending s. 282.0041, F.S.;
29 revising, creating, and deleting definitions used in
30 the Enterprise Information Technology Services
31 Management Act; creating s. 282.0051, F.S.; providing
32 powers, duties, and functions of the Agency for State
33 Technology; authorizing the agency to adopt rules;
34 creating s. 282.00515, F.S.; requiring the Department
35 of Legal Affairs, the Department of Financial
36 Services, and the Department of Agriculture and
37 Consumer Services to adopt certain technical standards
38 or alternatives to those standards and authorizing
39 such departments to contract with the Agency for State
40 Technology for certain purposes; repealing ss.
41 282.0055 and 282.0056, F.S., relating to various
42 duties of the Agency for Enterprise Information
43 Technology; amending s. 282.201, F.S., relating to the
44 state data center system; establishing a state data
45 center within the Agency for State Technology;
46 requiring the agency to provide data center services;
47 requiring state agencies to provide certain
48 information; revising schedules for consolidation of
49 state agency data centers and computing facilities
50 into the state data center; revising exemptions from



HB 7073, Engrossed 1

2014

51 consolidation; revising limitations on state agency
52 computing facilities and data centers; repealing s. 48
53 of chapter 2013-41, Laws of Florida, relating to
54 agency data center consolidation schedules; repealing
55 ss. 282.203, 282.204, and 282.205, F.S., relating to
56 primary data centers, the Northwood Shared Resource
57 Center, and the Southwood Shared Resource Center,
58 respectively; amending s. 282.318, F.S.; changing the
59 name of the Enterprise Security of Data and
60 Information Technology Act; defining the term "agency"
61 as used in the act; requiring the Agency for State
62 Technology to establish and publish certain security
63 standards and processes; requiring state agencies to
64 perform certain security-related duties; requiring the
65 agency to adopt rules; conforming provisions;
66 repealing s. 282.33, F.S., relating to standards for
67 data center energy efficiency; repealing s. 282.34,
68 F.S., relating to the planning and provision of a
69 statewide e-mail service; creating s. 287.0591, F.S.;
70 limiting the terms of certain competitive
71 solicitations for information technology commodities;
72 providing an exception; amending s. 943.0415, F.S.;
73 providing additional duties of the Cybercrime Office
74 of the Department of Law Enforcement; requiring the
75 office to coordinate with the Agency for State



HB 7073, Engrossed 1

2014

76 Technology in the adoption of specified rules;
77 amending s. 1004.649, F.S.; revising provisions
78 regarding service-level agreements entered into by the
79 Northwest Regional Data Center; conforming provisions;
80 amending ss. 17.0315, 110.205, 215.322, 287.057,
81 327.301, 445.011, 445.045, and 668.50, F.S.;
82 conforming provisions to changes made by the act;
83 requiring the Agency for State Technology to conduct a
84 study and submit a report to the Governor and
85 Legislature; creating a state data center task force;
86 providing for membership, duties, and abolishment of
87 the task force; providing appropriations and
88 authorizing positions; requiring the Agency for State
89 Technology to complete an operational assessment;
90 requiring reports to the Governor and Legislature;
91 providing that certain reorganizations within state
92 agencies do not require approval by the Legislative
93 Budget Commission; providing effective dates.

94
95 Be It Enacted by the Legislature of the State of Florida:

96
97 Section 1. (1) All records, property, pending issues and
98 existing contracts, administrative authority, administrative
99 rules in chapters 71A-1 and 71A-2, Florida Administrative Code,
100 in effect as of November 15, 2010, trust funds, and unexpended



HB 7073, Engrossed 1

2014

101 balances of appropriations, allocations, and other funds of the
102 Agency for Enterprise Information Technology are transferred by
103 a type two transfer pursuant to s. 20.06(2), Florida Statutes,
104 to the Agency for State Technology established pursuant to s.
105 20.61, Florida Statutes, as created by this act.

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

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

119 Section 3. The Southwood Shared Resource Center is
120 transferred by a type two transfer, pursuant to s. 20.06,
121 Florida Statutes, from the Department of Management Services to
122 the Agency for State Technology. Any binding contract or
123 interagency agreement entered into and between the Southwood
124 Shared Resource Center or an entity or agent of the center and
125 any other agency, entity, or person shall continue as a binding



HB 7073, Engrossed 1

2014

126 contract or agreement of the Agency for State Technology for the
127 remainder of the term of such contract or agreement.

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

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

131 20.055 Agency inspectors general.—

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

133 (a) ~~(b)~~ "Agency head" means the Governor, a Cabinet
134 officer, or a secretary ~~as defined in s. 20.03(5), or an~~
135 executive director as those terms are defined in s. 20.03, ~~(6)~~.
136 ~~It also includes~~ the chair of the Public Service Commission, the
137 Director of the Office of Insurance Regulation of the Financial
138 Services Commission, the Director of the Office of Financial
139 Regulation of the Financial Services Commission, the board of
140 directors of the Florida Housing Finance Corporation, and the
141 Chief Justice of the State Supreme Court.

142 (b) ~~(d)~~ "Entities contracting with the state" means for-
143 profit and not-for-profit organizations or businesses that have
144 ~~having~~ a legal existence, such as corporations or partnerships,
145 as opposed to natural persons, which have entered into a
146 relationship with a state agency ~~as defined in paragraph (a) to~~
147 provide for consideration certain goods or services to the state
148 agency or on behalf of the state agency. The relationship may be
149 evidenced by payment by warrant or purchasing card, contract,
150 purchase order, provider agreement, or other such mutually



HB 7073, Engrossed 1

2014

151 | agreed upon relationship. The term ~~This definition~~ does not
152 | apply to entities that ~~which~~ are the subject of audits or
153 | investigations conducted pursuant to ss. 112.3187-112.31895 or
154 | s. 409.913 or which are otherwise confidential and exempt under
155 | s. 119.07.

156 | (c) "Individuals substantially affected" means natural
157 | persons who have established a real and sufficiently immediate
158 | injury in fact due to the findings, conclusions, or
159 | recommendations of a final report of a state agency inspector
160 | general, who are the subject of the audit or investigation, and
161 | who do not have or are not currently afforded an existing right
162 | to an independent review process. The term does not apply to
163 | employees of the state, including career service, probationary,
164 | other personal service, Selected Exempt Service, and Senior
165 | Management Service employees; ~~are not covered by this~~
166 | ~~definition. This definition also does not cover~~ former employees
167 | of the state if the final report of the state agency inspector
168 | general relates to matters arising during a former employee's
169 | term of state employment; or. ~~This definition does not apply to~~
170 | persons who are the subject of audits or investigations
171 | conducted pursuant to ss. 112.3187-112.31895 or s. 409.913 or
172 | which are otherwise confidential and exempt under s. 119.07.

173 | (d) (a) "State agency" means each department created
174 | pursuant to this chapter, ~~and also includes~~ the Executive Office
175 | of the Governor, the Department of Military Affairs, the Fish



HB 7073, Engrossed 1

2014

176 and Wildlife Conservation Commission, the Office of Insurance
177 Regulation of the Financial Services Commission, the Office of
178 Financial Regulation of the Financial Services Commission, the
179 Public Service Commission, the Board of Governors of the State
180 University System, the Florida Housing Finance Corporation, the
181 Agency for State Technology, and the state courts system.

182 Section 6. Section 20.61, Florida Statutes, is created to
183 read:

184 20.61 Agency for State Technology.—The Agency for State
185 Technology is created within the Department of Management
186 Services. The agency is a separate budget program and is not
187 subject to control, supervision, or direction by the Department
188 of Management Services, including, but not limited to,
189 purchasing, transactions involving real or personal property,
190 personnel, or budgetary matters.

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

194 (b) The executive director must be a proven, effective
195 administrator who preferably has executive-level experience in
196 both the public and private sectors in development and
197 implementation of information technology strategic planning;
198 management of enterprise information technology projects,
199 particularly management of large-scale consolidation projects;
200 and development and implementation of fiscal and substantive



HB 7073, Engrossed 1

2014

201 | information technology policy.

202 | (2) The following positions are established within the
203 | agency, all of whom shall be appointed by the executive
204 | director:

205 | (a) Deputy executive director, who shall serve as the
206 | deputy chief information officer.

207 | (b) Chief planning officer and six strategic planning
208 | coordinators. One coordinator shall be assigned to each of the
209 | following major program areas: health and human services,
210 | education, government operations, criminal and civil justice,
211 | agriculture and natural resources, and transportation and
212 | economic development.

213 | (c) Chief operations officer.

214 | (d) Chief information security officer.

215 | (e) Chief technology officer.

216 | (3) The Technology Advisory Council, consisting of seven
217 | members, is established within the Agency for State Technology
218 | and shall be maintained pursuant to s. 20.052. Four members of
219 | the council shall be appointed by the Governor, two of whom must
220 | be from the private sector. The President of the Senate and the
221 | Speaker of the House of Representatives shall each appoint one
222 | member of the council. The Attorney General, the Commissioner of
223 | Agriculture and Consumer Services, and the Chief Financial
224 | Officer shall jointly appoint one member by agreement of a
225 | majority of these officers. Upon initial establishment of the



HB 7073, Engrossed 1

2014

226 council, two of the Governor's appointments shall be for 2-year
227 terms. Thereafter, all appointments shall be for 4-year terms.

228 (a) The council shall consider and make recommendations to
229 the executive director on such matters as enterprise information
230 technology policies, standards, services, and architecture. The
231 council may also identify and recommend opportunities for the
232 establishment of public-private partnerships when considering
233 technology infrastructure and services in order to accelerate
234 project delivery and provide a source of new or increased
235 project funding.

236 (b) The executive director shall consult with the council
237 with regard to executing the duties and responsibilities of the
238 agency related to statewide information technology strategic
239 planning and policy.

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

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

246 215.96 Coordinating council and design and coordination
247 staff.-

248 (2) The coordinating council shall consist of the Chief
249 Financial Officer; the Commissioner of Agriculture; the Attorney
250 General; the Secretary of ~~the Department of~~ Management Services;



HB 7073, Engrossed 1

2014

251 | the executive director of the Agency for State Technology
252 | ~~Attorney General~~; and the Director of Planning and Budgeting,
253 | Executive Office of the Governor, or their designees. The Chief
254 | Financial Officer, or his or her designee, shall be chair of the
255 | ~~coordinating~~ council, and the design and coordination staff
256 | shall provide administrative and clerical support to the council
257 | and the board. The design and coordination staff shall maintain
258 | the minutes of each meeting and ~~shall~~ make such minutes
259 | available to any interested person. The Auditor General, the
260 | State Courts Administrator, an executive officer of the Florida
261 | Association of State Agency Administrative Services Directors,
262 | and an executive officer of the Florida Association of State
263 | Budget Officers, or their designees, shall serve without voting
264 | rights as ex officio members of ~~on~~ the ~~coordinating~~ council. The
265 | chair may call meetings of the ~~coordinating~~ council as often as
266 | necessary to transact business; however, the ~~coordinating~~
267 | council shall meet at least once a year. Action of the
268 | ~~coordinating~~ council shall be by motion, duly made, seconded and
269 | passed by a majority of the ~~coordinating~~ council voting in the
270 | affirmative for approval of items that are to be recommended for
271 | approval to the Financial Management Information Board.

272 | Section 8. Paragraph (a) of subsection (4) of section
273 | 216.023, Florida Statutes, is amended to read:

274 | 216.023 Legislative budget requests to be furnished to
275 | Legislature by agencies.—



HB 7073, Engrossed 1

2014

276 (4) (a) The legislative budget request ~~must contain~~ for
277 each program must contain:

278 1. The constitutional or statutory authority for a
279 program, a brief purpose statement, and approved program
280 components.

281 2. Information on expenditures for 3 fiscal years (actual
282 prior-year expenditures, current-year estimated expenditures,
283 and agency budget requested expenditures for the next fiscal
284 year) by appropriation category.

285 3. Details on trust funds and fees.

286 4. The total number of positions (authorized, fixed, and
287 requested).

288 5. An issue narrative describing and justifying changes in
289 amounts and positions requested for current and proposed
290 programs for the next fiscal year.

291 6. Information resource requests.

292 7. Supporting information, including applicable cost-
293 benefit analyses, business case analyses, performance
294 contracting procedures, service comparisons, and impacts on
295 performance standards for any request to outsource or privatize
296 agency functions. The cost-benefit and business case analyses
297 must include an assessment of the impact on each affected
298 activity from those identified in accordance with paragraph (b).
299 Performance standards must include standards for each affected
300 activity and be expressed in terms of the associated unit of



HB 7073, Engrossed 1

2014

301 activity.

302 8. An evaluation of ~~any~~ major outsourcing and
303 privatization initiatives undertaken during the last 5 fiscal
304 years having aggregate expenditures exceeding \$10 million during
305 the term of the contract. The evaluation must ~~shall~~ include an
306 assessment of contractor performance, a comparison of
307 anticipated service levels to actual service levels, and a
308 comparison of estimated savings to actual savings achieved.
309 Consolidated reports issued by the Department of Management
310 Services may be used to satisfy this requirement.

311 9. Supporting information for any proposed consolidated
312 financing of deferred-payment commodity contracts including
313 guaranteed energy performance savings contracts. Supporting
314 information must also include narrative describing and
315 justifying the need, baseline for current costs, estimated cost
316 savings, projected equipment purchases, estimated contract
317 costs, and return on investment calculation.

318 10. For projects that exceed \$10 million in total cost,
319 the statutory reference of the existing policy or the proposed
320 substantive policy that establishes and defines the project's
321 governance structure, planned scope, main business objectives
322 that must be achieved, and estimated completion timeframes. The
323 governance structure for information technology-related projects
324 must incorporate the applicable project management and oversight
325 standards established pursuant to s. 282.0051. Information



HB 7073, Engrossed 1

2014

326 technology budget requests for the continuance of existing
327 hardware and software maintenance agreements, renewal of
328 existing software licensing agreements, or the replacement of
329 desktop units with new technology that is similar to the
330 technology currently in use are exempt from this requirement.

331 Section 9. Section 282.0041, Florida Statutes, is amended
332 to read:

333 282.0041 Definitions.—As used in this chapter, the term:

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

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

341 ~~(3) "Agency information technology service" means a~~
342 ~~service that directly helps an agency fulfill its statutory or~~
343 ~~constitutional responsibilities and policy objectives and is~~
344 ~~usually associated with the agency's primary or core business~~
345 ~~functions.~~

346 ~~(4) "Annual budget meeting" means a meeting of the board~~
347 ~~of trustees of a primary data center to review data center usage~~
348 ~~to determine the apportionment of board members for the~~
349 ~~following fiscal year, review rates for each service provided,~~
350 ~~and determine any other required changes.~~



HB 7073, Engrossed 1

2014

351 (2)-(5) "Breach" means a confirmed event that compromises
352 the confidentiality, integrity, or availability of information
353 or data ~~has the same meaning as in s. 817.5681(4).~~

354 (3)-(6) "Business continuity plan" means a collection of
355 procedures and information designed to keep an agency's critical
356 operations running during a period of displacement or
357 interruption of normal operations ~~plan for disaster recovery~~
358 ~~which provides for the continued functioning of a primary data~~
359 ~~center during and after a disaster.~~

360 (4)-(7) "Computing facility" or "agency computing facility"
361 means agency space containing fewer than a total of 10 physical
362 or logical servers, ~~any of which supports a strategic or~~
363 ~~nonstrategic information technology service, as described in~~
364 ~~budget instructions developed pursuant to s. 216.023, but~~
365 excluding single, logical-server installations that exclusively
366 perform a utility function such as file and print servers.

367 (5)-(8) "Customer entity" means an entity that obtains
368 services from the state ~~a primary data center.~~

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

373 (6)-(10) "Department" means the Department of Management
374 Services.

375 (7) "Disaster recovery" means the process, policies,



HB 7073, Engrossed 1

2014

376 procedures, and infrastructure related to preparing for and
377 implementing recovery or continuation of an agency's vital
378 technology infrastructure after a natural or human-induced
379 disaster.

380 (8) ~~(11)~~ "Enterprise information technology service" means
381 an information technology service that is used in all agencies
382 or a subset of agencies and is established in law to be
383 designed, delivered, and managed at the enterprise level.

384 (9) "Event" means an observable occurrence in a system or
385 network.

386 (10) "Incident" means a violation or imminent threat of
387 violation, whether such violation is accidental or deliberate,
388 of information technology security policies, acceptable use
389 policies, or standard security practices. An imminent threat of
390 violation refers to a situation in which the state agency has a
391 factual basis for believing that a specific incident is about to
392 occur.

393 ~~(12) "E-mail, messaging, and calendaring service" means~~
394 ~~the enterprise information technology service that enables users~~
395 ~~to send, receive, file, store, manage, and retrieve electronic~~
396 ~~messages, attachments, appointments, and addresses. The e-mail,~~
397 ~~messaging, and calendaring service must include e-mail account~~
398 ~~management; help desk; technical support and user provisioning~~
399 ~~services; disaster recovery and backup and restore capabilities;~~
400 ~~antispam and antivirus capabilities; archiving and e-discovery;~~



HB 7073, Engrossed 1

2014

401 ~~and remote access and mobile messaging capabilities.~~

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

405 (11)~~(14)~~ "Information technology" means equipment,
406 hardware, software, firmware, programs, systems, networks,
407 infrastructure, media, and related material used to
408 automatically, electronically, and wirelessly collect, receive,
409 access, transmit, display, store, record, retrieve, analyze,
410 evaluate, process, classify, manipulate, manage, assimilate,
411 control, communicate, exchange, convert, converge, interface,
412 switch, or disseminate information of any kind or form.

413 (12)~~(15)~~ "Information technology policy" means a definite
414 course or method of action selected from among one or more
415 alternatives that guide and determine present and future
416 decisions ~~statements that describe clear choices for how~~
417 ~~information technology will deliver effective and efficient~~
418 ~~government services to residents and improve state agency~~
419 ~~operations. A policy may relate to investments, business~~
420 ~~applications, architecture, or infrastructure. A policy~~
421 ~~describes its rationale, implications of compliance or~~
422 ~~noncompliance, the timeline for implementation, metrics for~~
423 ~~determining compliance, and the accountable structure~~
424 ~~responsible for its implementation.~~

425 (13) "Information technology resources" has the same



HB 7073, Engrossed 1

2014

426 meaning as provided in s. 119.011.

427 (14) "Information technology security" means the
428 protection afforded to an automated information system in order
429 to attain the applicable objectives of preserving the integrity,
430 availability, and confidentiality of data, information, and
431 information technology resources.

432 ~~(15)-(16)~~ "Performance metrics" means the measures of an
433 organization's activities and performance.

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

437 ~~(16)-(18)~~ "Project" means an endeavor that has a defined
438 start and end point; is undertaken to create or modify a unique
439 product, service, or result; and has specific objectives that,
440 when attained, signify completion.

441 (17) "Project oversight" means an independent review and
442 analysis of an information technology project that provides
443 information on the project's scope, completion timeframes, and
444 budget and that identifies and quantifies issues or risks
445 affecting the successful and timely completion of the project.

446 ~~(18)-(19)~~ "Risk assessment analysis" means the process of
447 identifying security risks, determining their magnitude, and
448 identifying areas needing safeguards.

449 ~~(19)-(20)~~ "Service level" means the key performance
450 indicators (KPI) of an organization or service which must be



HB 7073, Engrossed 1

2014

451 regularly performed, monitored, and achieved.

452 ~~(20)-(21)~~ "Service-level agreement" means a written
453 contract between the state a data center and a customer entity
454 which specifies the scope of services provided, service level,
455 the duration of the agreement, the responsible parties, and
456 service costs. A service-level agreement is not a rule pursuant
457 to chapter 120.

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

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

462 (23) "State agency" means any official, officer,
463 commission, board, authority, council, committee, or department
464 of the executive branch of state government; the Justice
465 Administrative Commission; and the Public Service Commission.
466 The term does not include university boards of trustees or state
467 universities. As used in part I of this chapter, except as
468 otherwise specifically provided, the term does not include the
469 Department of Legal Affairs, the Department of Agriculture and
470 Consumer Services, or the Department of Financial Services.

471 ~~(24)-(23)~~ "SUNCOM Network" means the state enterprise
472 telecommunications system that provides all methods of
473 electronic or optical telecommunications beyond a single
474 building or contiguous building complex and used by entities
475 authorized as network users under this part.



HB 7073, Engrossed 1

2014

476 (25)~~(24)~~ "Telecommunications" means the science and
477 technology of communication at a distance, including electronic
478 systems used in the transmission or reception of information.

479 (26)~~(25)~~ "Threat" means any circumstance or event that has
480 the potential to adversely impact a state agency's operations or
481 assets through an information system via unauthorized access,
482 destruction, disclosure, or modification of information or
483 denial of service ~~any circumstance or event that may cause harm~~
484 ~~to the integrity, availability, or confidentiality of~~
485 ~~information technology resources.~~

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

489 ~~(26)~~ "Total cost" means ~~all costs associated with~~
490 ~~information technology projects or initiatives, including, but~~
491 ~~not limited to, value of hardware, software, service,~~
492 ~~maintenance, incremental personnel, and facilities. Total cost~~
493 ~~of a loan or gift of information technology resources to an~~
494 ~~agency includes the fair market value of the resources.~~

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

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

500 Section 10. Section 282.0051, Florida Statutes, is created



501 to read:

502 282.0051 Agency for State Technology; powers, duties, and
503 functions.—The Agency for State Technology shall have the
504 following powers, duties, and functions:

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

507 (2) Establish and publish information technology
508 architecture standards to provide for the most efficient use of
509 the state's information technology resources and to ensure
510 compatibility and alignment with the needs of state agencies.
511 The agency shall assist state agencies in complying with the
512 standards.

513 (3) By June 30, 2015, establish project management and
514 oversight standards with which state agencies must comply when
515 implementing information technology projects. The agency shall
516 provide training opportunities to state agencies to assist in
517 the adoption of the project management and oversight standards.
518 To support data-driven decisionmaking, the standards must
519 include, but are not limited to:

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

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



HB 7073, Engrossed 1

2014

526 (c) Reporting requirements, including requirements
527 designed to alert all defined stakeholders that an information
528 technology project has exceeded acceptable variances defined and
529 documented in a project plan.

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

531 (4) Beginning January 1, 2015, perform project oversight
532 on all state agency information technology projects that have
533 total project costs of \$10 million or more and that are funded
534 in the General Appropriations Act or any other law. The agency
535 shall report at least quarterly to the Executive Office of the
536 Governor, the President of the Senate, and the Speaker of the
537 House of Representatives on any information technology project
538 that the agency identifies as high-risk due to the project
539 exceeding acceptable variance ranges defined and documented in a
540 project plan. The report must include a risk assessment,
541 including fiscal risks, associated with proceeding to the next
542 stage of the project, and a recommendation for corrective
543 actions required, including suspension or termination of the
544 project.

545 (5) By April 1, 2016, and biennially thereafter, identify
546 opportunities for standardization and consolidation of
547 information technology services that support business functions
548 and operations, including administrative functions such as
549 purchasing, accounting and reporting, cash management, and
550 personnel, and that are common across state agencies. The agency



HB 7073, Engrossed 1

2014

551 shall provide recommendations for standardization and
552 consolidation to the Executive Office of the Governor, the
553 President of the Senate, and the Speaker of the House of
554 Representatives. The agency is not precluded from providing
555 recommendations before April 1, 2016.

556 (6) In collaboration with the Department of Management
557 Services, establish best practices for the procurement of
558 information technology products in order to reduce costs,
559 increase productivity, or improve services. Such practices must
560 include a provision requiring the agency to review all
561 information technology purchases made by state agencies that
562 have a total cost of \$250,000 or more, unless a purchase is
563 specifically mandated by the Legislature, for compliance with
564 the standards established pursuant to this section.

565 (7) (a) Participate with the Department of Management
566 Services in evaluating, conducting, and negotiating competitive
567 solicitations for state term contracts for information
568 technology commodities, consultant services, or staff
569 augmentation contractual services pursuant to s. 287.0591.

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

572 (8) Develop standards for information technology reports
573 and updates, including, but not limited to, operational work
574 plans, project spend plans, and project status reports, for use
575 by state agencies.



HB 7073, Engrossed 1

2014

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

578 (10) Beginning July 1, 2016, and annually thereafter,
579 conduct annual assessments of state agencies to determine
580 compliance with all information technology standards and
581 guidelines developed and published by the agency, and beginning
582 December 1, 2016, and annually thereafter, provide results of
583 the assessments to the Executive Office of the Governor, the
584 President of the Senate, and the Speaker of the House of
585 Representatives.

586 (11) Provide operational management and oversight of the
587 state data center established pursuant to s. 282.201, which
588 includes:

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

592 (b) Developing and implementing cost-recovery mechanisms
593 that recover the full direct and indirect cost of services
594 through charges to applicable customer entities. Such cost-
595 recovery mechanisms must comply with applicable state and
596 federal regulations concerning distribution and use of funds and
597 must ensure that, for any fiscal year, no service or customer
598 entity subsidizes another service or customer entity.

599 (c) Developing and implementing appropriate operating
600 guidelines and procedures necessary for the state data center to



601 perform its duties pursuant to s. 282.201. The guidelines and
602 procedures must comply with applicable state and federal laws,
603 regulations, and policies and conform to generally accepted
604 governmental accounting and auditing standards. The guidelines
605 and procedures must include, but not be limited to:

606 1. Implementing a consolidated administrative support
607 structure responsible for providing financial management,
608 procurement, transactions involving real or personal property,
609 human resources, and operational support.

610 2. Implementing an annual reconciliation process to ensure
611 that each customer entity is paying for the full direct and
612 indirect cost of each service as determined by the customer
613 entity's use of each service.

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

616 4. Requiring customer entities to validate that sufficient
617 funds exist in the appropriate data processing appropriation
618 category or will be transferred into the appropriate data
619 processing appropriation category before implementation of a
620 customer entity's request for a change in the type or level of
621 service provided, if such change results in a net increase to
622 the customer entity's costs for that fiscal year.

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



626 6. Providing a plan for consideration by the Legislative
627 Budget Commission if the cost of a service is increased for a
628 reason other than a customer entity's request made pursuant to
629 subparagraph 4. Such a plan is required only if the service cost
630 increase results in a net increase to a customer entity for that
631 fiscal year.

632 7. Standardizing and consolidating procurement and
633 contracting practices.

634 (d) In collaboration with the Department of Law
635 Enforcement, developing and implementing a process for
636 detecting, reporting, and responding to information technology
637 security incidents, breaches, and threats.

638 (e) Adopting rules relating to the operation of the state
639 data center, including, but not limited to, budgeting and
640 accounting procedures, cost-recovery methodologies, and
641 operating procedures.

642 (f) Beginning May 1, 2016, and annually thereafter,
643 conducting a market analysis to determine whether the state's
644 approach to the provision of data center services is the most
645 effective and efficient manner by which its customer entities
646 can acquire such services, based on federal, state, and local
647 government trends; best practices in service provision; and the
648 acquisition of new and emerging technologies. The results of the
649 market analysis shall assist the state data center in making
650 adjustments to its data center service offerings.



HB 7073, Engrossed 1

2014

651 (12) Recommend other information technology services that
652 should be designed, delivered, and managed as enterprise
653 information technology services. Recommendations must include
654 the identification of existing information technology resources
655 associated with the services, if existing services must be
656 transferred as a result of being delivered and managed as
657 enterprise information technology services.

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

662 (14) In consultation with state agencies, propose a
663 methodology and approach for identifying and collecting both
664 current and planned information technology expenditure data at
665 the state agency level.

666 (15) (a) Beginning January 1, 2015, and notwithstanding any
667 other law, provide project oversight on any information
668 technology project of the Department of Financial Services, the
669 Department of Legal Affairs, and the Department of Agriculture
670 and Consumer Services that has a total project cost of \$25
671 million or more and that impacts one or more other agencies.
672 Such information technology projects must also comply with the
673 applicable information technology architecture, project
674 management and oversight, and reporting standards established by
675 the agency.



HB 7073, Engrossed 1

2014

676 (b) When performing the project oversight function
677 specified in paragraph (a), report at least quarterly to the
678 Executive Office of the Governor, the President of the Senate,
679 and the Speaker of the House of Representatives on any
680 information technology project that the agency identifies as
681 high-risk due to the project exceeding acceptable variance
682 ranges defined and documented in the project plan. The report
683 shall include a risk assessment, including fiscal risks,
684 associated with proceeding to the next stage of the project and
685 a recommendation for corrective actions required, including
686 suspension or termination of the project.

687 (16) If an information technology project implemented by a
688 state agency must be connected to or otherwise accommodated by
689 an information technology system administered by the Department
690 of Financial Services, the Department of Legal Affairs, or the
691 Department of Agriculture and Consumer Services, consult with
692 these departments regarding the risks and other effects of such
693 projects on their information technology systems and work
694 cooperatively with these departments regarding the connections,
695 interfaces, timing, or accommodations required to implement such
696 projects.

697 (17) If adherence to standards or policies adopted by or
698 established pursuant to this section causes conflict with
699 federal regulations or requirements imposed on a state agency
700 and results in adverse action against the state agency or



HB 7073, Engrossed 1

2014

701 federal funding, work with the state agency to provide
702 alternative standards, policies, or requirements that do not
703 conflict with the federal regulation or requirement. Beginning
704 July 1, 2015, the agency shall annually report such alternative
705 standards to the Governor, the President of the Senate, and the
706 Speaker of the House of Representatives.

707 (18) Adopt rules to administer this section.

708 Section 11. Section 282.00515, Florida Statutes, is
709 created to read:

710 282.00515 Duties of Cabinet agencies.—The Department of
711 Legal Affairs, the Department of Financial Services, and the
712 Department of Agriculture and Consumer Services shall adopt the
713 standards established in s. 282.0051(2), (3), and (8) or adopt
714 alternative standards based on best practices and industry
715 standards, and may contract with the Agency for State Technology
716 to provide or perform any of the services and functions
717 described in s. 282.0051 for the Department of Legal Affairs,
718 the Department of Financial Services, or the Department of
719 Agriculture and Consumer Services.

720 Section 12. Sections 282.0055 and 282.0056, Florida
721 Statutes, are repealed.

722 Section 13. Section 282.201, Florida Statutes, is amended
723 to read:

724 282.201 State data center ~~system; agency duties and~~
725 limitations.—~~The~~ A state data center system that includes all



HB 7073, Engrossed 1

2014

726 ~~primary data centers, other nonprimary data centers, and~~
727 ~~computing facilities, and that provides an enterprise~~
728 ~~information technology service as defined in s. 282.0041, is~~
729 established within the Agency for State Technology and shall
730 provide data center services that are hosted on premises or
731 externally through a third-party provider as an enterprise
732 information technology service. The provision of services must
733 comply with applicable state and federal laws, regulations, and
734 policies, including all applicable security, privacy, and
735 auditing requirements.

736 (1) INTENT.—The Legislature finds that the most efficient
737 and effective means of providing quality utility data processing
738 services to state agencies requires that computing resources be
739 concentrated in quality facilities that provide the proper
740 security, disaster recovery, infrastructure, and staff resources
741 to ensure that the state's data is maintained reliably and
742 safely, and is recoverable in the event of a disaster.
743 ~~Efficiencies resulting from such consolidation include the~~
744 ~~increased ability to leverage technological expertise and~~
745 ~~hardware and software capabilities; increased savings through~~
746 ~~consolidated purchasing decisions; and the enhanced ability to~~
747 ~~deploy technology improvements and implement new policies~~
748 ~~consistently throughout the consolidated organization. Unless~~
749 otherwise exempt by law, it is the intent of the Legislature
750 that all agency data centers and computing facilities shall be



HB 7073, Engrossed 1

2014

751 consolidated into the state a ~~primary~~ data center ~~by 2019~~.

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

753 (a) Offer, develop, and support the services and
754 applications defined in service-level agreements executed with
755 its customer entities.

756 (b) Maintain performance of the state data center by
757 ensuring proper data backup, data backup recovery, disaster
758 recovery, and appropriate security, power, cooling, fire
759 suppression, and capacity.

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

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

769 1. Identify the parties and their roles, duties, and
770 responsibilities under the agreement.

771 2. State the duration of the contract term and specify the
772 conditions for renewal.

773 3. Identify the scope of work.

774 4. Identify the products or services to be delivered with
775 sufficient specificity to permit an external financial or



HB 7073, Engrossed 1

2014

776 performance audit.

777 5. Establish the services to be provided, the business
778 standards that must be met for each service, the cost of each
779 service, and the metrics and processes by which the business
780 standards for each service are to be objectively measured and
781 reported.

782 6. Provide a timely billing methodology to recover the
783 cost of services provided to the customer entity pursuant to s.
784 215.422.

785 7. Provide a procedure for modifying the service-level
786 agreement based on changes in the type, level, and cost of a
787 service.

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

791 9. Provide that a service-level agreement may be
792 terminated by either party for cause only after giving the other
793 party and the Agency for State Technology notice in writing of
794 the cause for termination and an opportunity for the other party
795 to resolve the identified cause within a reasonable period.

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

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



HB 7073, Engrossed 1

2014

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

804 1. Upon the date of each consolidation specified in this
805 section, the General Appropriations Act, or any other law, a
806 state agency shall relinquish administrative rights to
807 consolidated resources and equipment. State agencies required to
808 comply with federal and state criminal justice information
809 security rules and policies shall retain administrative access
810 rights sufficient to comply with the management control
811 provisions of those rules and policies; however, the state data
812 center shall have the appropriate type or level of rights to
813 allow the center to comply with its duties pursuant to this
814 section. The Department of Law Enforcement shall serve as the
815 arbiter of disputes pertaining to the appropriate type and level
816 of administrative access rights pertaining to the provision of
817 management control in accordance with the federal criminal
818 justice information guidelines.

819 2. The state data center shall provide customer entities
820 with access to applications, servers, network components, and
821 other devices necessary for entities to perform business
822 activities and functions, and as defined and documented in a
823 service-level agreement.

824 ~~(2) AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY DUTIES.~~
825 ~~The Agency for Enterprise Information Technology shall:~~



HB 7073, Engrossed 1

2014

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

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

832 ~~(c) By September 30 of each year, submit to the~~
833 ~~Legislature, the Executive Office of the Governor, and the~~
834 ~~primary data centers recommendations to improve the efficiency~~
835 ~~and cost-effectiveness of computing services provided by state~~
836 ~~data center system facilities. Such recommendations must~~
837 ~~include, but need not be limited to:~~

838 ~~1. Policies for improving the cost-effectiveness and~~
839 ~~efficiency of the state data center system, which includes the~~
840 ~~primary data centers being transferred to a shared, virtualized~~
841 ~~server environment, and the associated cost savings resulting~~
842 ~~from the implementation of such policies.~~

843 ~~2. Infrastructure improvements supporting the~~
844 ~~consolidation of facilities or preempting the need to create~~
845 ~~additional data centers or computing facilities.~~

846 ~~3. Uniform disaster recovery standards.~~

847 ~~4. Standards for primary data centers which provide cost-~~
848 ~~effective services and transparent financial data to user~~
849 ~~agencies.~~

850 ~~5. Consolidation of contract practices or coordination of~~



HB 7073, Engrossed 1

2014

851 ~~software, hardware, or other technology-related procurements and~~
852 ~~the associated cost savings.~~

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

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

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

860 ~~a. Consolidating purchase decisions.~~

861 ~~b. Leveraging expertise and other resources to gain~~
862 ~~economies of scale.~~

863 ~~c. Implementing state information technology policies more~~
864 ~~effectively.~~

865 ~~d. Maintaining or improving the level of service provision~~
866 ~~to customer entities.~~

867 ~~2. The agency shall establish workgroups as necessary to~~
868 ~~ensure participation by affected agencies in the development of~~
869 ~~recommendations related to consolidations.~~

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

874 ~~1. Ensuring that financial information is captured and~~
875 ~~reported consistently and accurately.~~



HB 7073, Engrossed 1

2014

876 ~~2. Identifying standards for hardware, including standards~~
877 ~~for a shared, virtualized server environment, and operations~~
878 ~~system software and other operational software, including~~
879 ~~security and network infrastructure, for the primary data~~
880 ~~centers; requiring compliance with such standards in order to~~
881 ~~enable the efficient consolidation of the agency data centers or~~
882 ~~computing facilities; and providing an exemption process from~~
883 ~~compliance with such standards, which must be consistent with~~
884 ~~paragraph (5) (b).~~

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

890 ~~4. Requiring that any special assessment imposed to fund~~
891 ~~expansion is based on a methodology that apportions the~~
892 ~~assessment according to the proportional benefit to each~~
893 ~~customer entity.~~

894 ~~5. Requiring that rebates be given when revenues have~~
895 ~~exceeded costs, that rebates be applied to offset charges to~~
896 ~~those customer entities that have subsidized the costs of other~~
897 ~~customer entities, and that such rebates may be in the form of~~
898 ~~credits against future billings.~~

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



HB 7073, Engrossed 1

2014

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

903 (3) STATE AGENCY DUTIES.—

904 (a) ~~For the purpose of completing the work activities~~
905 ~~described in subsections (1) and (2),~~ Each state agency shall
906 provide to the Agency for State Enterprise Information
907 Technology all requested information relating to its data
908 centers and computing facilities and any other information
909 relevant to the effective agency's ability to effectively
910 transition of an agency data center or computing facility its
911 computer services into the state a primary data center. The
912 agency shall also participate as required in workgroups relating
913 to ~~specific consolidation planning and implementation tasks as~~
914 ~~assigned by the Agency for Enterprise Information Technology and~~
915 ~~determined necessary to accomplish consolidation goals.~~

916 (b) Each state agency customer of the state a primary data
917 center shall notify the state data center, by May 31 and
918 November 30 of each year, of any significant changes in
919 anticipated utilization of state data center services pursuant
920 to requirements established by the state boards of trustees of
921 each primary data center.

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

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



HB 7073, Engrossed 1

2014

926 | this section and in accordance with budget adjustments contained
927 | in the General Appropriations Act.

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

930 | ~~1. The Department of Education's Knott Data Center in the~~
931 | ~~Turlington Building.~~

932 | ~~2. The Department of Education's Division of Vocational~~
933 | ~~Rehabilitation.~~

934 | ~~3. The Department of Education's Division of Blind~~
935 | ~~Services, except for the division's disaster recovery site in~~
936 | ~~Daytona Beach.~~

937 | ~~4. The FCAT Explorer.~~

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

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

941 | ~~2. By March 31, 2012, the Department of Transportation's~~
942 | ~~Burns Building.~~

943 | ~~3. By March 31, 2012, the Department of Transportation's~~
944 | ~~Survey & Mapping Office.~~

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

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



HB 7073, Engrossed 1

2014

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

953 ~~1. By July 1, 2012, the Agency for Health Care~~
954 ~~Administration.~~

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

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

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

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

965 ~~1. By October 31, 2013, the Department of Economic~~
966 ~~Opportunity.~~

967 ~~2. By December 31, 2013, the Executive Office of the~~
968 ~~Governor, to include the Division of Emergency Management except~~
969 ~~for the Emergency Operation Center's management system in~~
970 ~~Tallahassee and the Camp Blanding Emergency Operations Center in~~
971 ~~Starke.~~

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

973 ~~4.(h)~~ By October 30, 2013, the Fish and Wildlife
974 Conservation Commission, except for the commission's Fish and
975 Wildlife Research Institute in St. Petersburg, ~~shall be~~



HB 7073, Engrossed 1

2014

976 ~~consolidated into the Northwood Shared Resource Center.~~

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

981 ~~1. The Department of Health's Jacksonville Lab Data~~
982 ~~Center.~~

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

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

987 ~~4. The Camp Blanding Emergency Operations Center in~~
988 ~~Starke.~~

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

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

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

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

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

999 ~~(j) During the 2015-2016 fiscal year, all computing~~
1000 ~~resources remaining within an agency data center or computing~~



HB 7073, Engrossed 1

2014

1001 ~~facility, to include the Department of Financial Services'~~
1002 ~~Hartman, Larson, and Fletcher Buildings data centers, shall be~~
1003 ~~transferred to a primary data center for consolidation unless~~
1004 ~~otherwise required to remain in the agency for specified~~
1005 ~~financial, technical, or business reasons that must be justified~~
1006 ~~in writing and approved by the Agency for Enterprise Information~~
1007 ~~Technology. Such data centers, computing facilities, and~~
1008 ~~resources must be identified by the Agency for Enterprise~~
1009 ~~Information Technology by October 1, 2014.~~

1010 (c) (*) The following are exempt from state data center
1011 consolidation under this section: the Department of Law
1012 Enforcement, the Department of the Lottery's Gaming System,
1013 Systems Design and Development in the Office of Policy and
1014 Budget, the regional traffic management centers as described in
1015 s. 335.14(2) and the Office of Toll Operations of the Department
1016 of Transportation, ~~and~~ the State Board of Administration, state
1017 attorneys, public defenders, criminal conflict and civil
1018 regional counsel, capital collateral regional counsel, ~~the~~
1019 ~~Florida Clerks of Court Operations Corporation,~~ and the Florida
1020 Housing Finance Corporation ~~are exempt from data center~~
1021 ~~consolidation under this section.~~

1022 (d) (1) A state ~~Any~~ agency that is consolidating its agency
1023 data center or computing facility ~~centers~~ into the state a
1024 ~~primary~~ data center must execute a new or update an existing
1025 service-level agreement within 60 days after the commencement of



HB 7073, Engrossed 1

2014

1026 ~~the service specified consolidation date, as required by s.~~
1027 ~~282.203, in order to specify the services and levels of service~~
1028 ~~it is to receive from the primary data center as a result of the~~
1029 ~~consolidation. If a state an agency and the state primary data~~
1030 ~~center are unable to execute a service-level agreement by that~~
1031 ~~date, the agency and the primary data center shall submit a~~
1032 ~~report to the Executive Office of the Governor and to the chairs~~
1033 ~~of the legislative appropriations committees within 5 working~~
1034 ~~days after that date which explains the specific issues~~
1035 ~~preventing execution and describing the plan and schedule for~~
1036 ~~resolving those issues.~~

1037 ~~(m) Beginning September 1, 2011, and every 6 months~~
1038 ~~thereafter until data center consolidations are complete, the~~
1039 ~~Agency for Enterprise Information Technology shall provide a~~
1040 ~~status report on the implementation of the consolidations that~~
1041 ~~must be completed during the fiscal year. The report shall be~~
1042 ~~submitted to the Executive Office of the Governor and the chairs~~
1043 ~~of the legislative appropriations committees. The report must,~~
1044 ~~at a minimum, describe:~~

1045 ~~1. Whether the consolidation is on schedule, including~~
1046 ~~progress on achieving the milestones necessary for successful~~
1047 ~~and timely consolidation of scheduled agency data centers and~~
1048 ~~computing facilities.~~

1049 ~~2. The risks that may affect the progress or outcome of~~
1050 ~~the consolidation and how these risks are being addressed,~~



HB 7073, Engrossed 1

2014

1051 | ~~mitigated, or managed.~~

1052 | (e) ~~(n)~~ Each state agency scheduled ~~identified in this~~
1053 | ~~subsection~~ for consolidation into the state ~~a primary~~ data
1054 | center shall submit a transition plan to the Agency for State
1055 | Technology ~~appropriate primary data center~~ by July 1 of the
1056 | fiscal year before the fiscal year in which the scheduled
1057 | consolidation will occur. Transition plans shall be developed in
1058 | consultation with the state data center ~~appropriate primary data~~
1059 | ~~centers and the Agency for Enterprise Information Technology,~~
1060 | and must include:

1061 | 1. An inventory of the agency data center's resources
1062 | being consolidated, including all hardware and its associated
1063 | life cycle replacement schedule, software, staff, contracted
1064 | services, and facility resources performing data center
1065 | management and operations, security, backup and recovery,
1066 | disaster recovery, system administration, database
1067 | administration, system programming, job control, production
1068 | control, print, storage, technical support, help desk, and
1069 | managed services, but excluding application development, and the
1070 | agency's costs supporting these resources.

1071 | 2. A list of contracts in effect, including, but not
1072 | limited to, contracts for hardware, software, and maintenance,
1073 | which identifies the expiration date, the contract parties, and
1074 | the cost of each contract.

1075 | 3. A detailed description of the level of services needed



HB 7073, Engrossed 1

2014

1076 to meet the technical and operational requirements of the
1077 platforms being consolidated.

1078 ~~4. A description of resources for computing services~~
1079 ~~proposed to remain in the department.~~

1080 4.5. A timetable with significant milestones for the
1081 completion of the consolidation.

1082 ~~(e) Each primary data center shall develop a transition~~
1083 ~~plan for absorbing the transfer of agency data center resources~~
1084 ~~based upon the timetables for transition as provided in this~~
1085 ~~subsection. The plan shall be submitted to the Agency for~~
1086 ~~Enterprise Information Technology, the Executive Office of the~~
1087 ~~Governor, and the chairs of the legislative appropriations~~
1088 ~~committees by September 1 of the fiscal year before the fiscal~~
1089 ~~year in which the scheduled consolidations will occur. Each plan~~
1090 ~~must include:~~

1091 ~~1. The projected cost to provide data center services for~~
1092 ~~each agency scheduled for consolidation.~~

1093 ~~2. A staffing plan that identifies the projected staffing~~
1094 ~~needs and requirements based on the estimated workload~~
1095 ~~identified in the agency transition plan.~~

1096 ~~3. The fiscal year adjustments to budget categories in~~
1097 ~~order to absorb the transfer of agency data center resources~~
1098 ~~pursuant to the legislative budget request instructions provided~~
1099 ~~in s. 216.023.~~

1100 ~~4. An analysis of the cost effects resulting from the~~



HB 7073, Engrossed 1

2014

1101 ~~planned consolidations on existing agency customers.~~

1102 ~~5. A description of any issues that must be resolved in~~
1103 ~~order to accomplish as efficiently and effectively as possible~~
1104 ~~all consolidations required during the fiscal year.~~

1105 ~~(f) (p)~~ Each state agency scheduled ~~identified in this~~
1106 ~~subsection~~ for consolidation into the state ~~a primary~~ data
1107 center shall submit with its respective legislative budget
1108 request the specific recurring and nonrecurring budget
1109 adjustments of resources by appropriation category into the
1110 appropriate data processing category pursuant to the legislative
1111 budget request instructions in s. 216.023.

1112 (5) AGENCY LIMITATIONS.—

1113 (a) Unless exempt from data center consolidation pursuant
1114 to this section or authorized by the Legislature or as provided
1115 in paragraph ~~paragraphs~~ (b) ~~and (c)~~, a state agency may not:

1116 1. Create a new agency computing facility or data center,
1117 or expand the capability to support additional computer
1118 equipment in an existing agency computing facility or ~~nonprimary~~
1119 data center;

1120 2. Spend funds before the state agency's scheduled
1121 consolidation into the state ~~a primary~~ data center to purchase
1122 or modify hardware or operations software that does not comply
1123 with ~~hardware and software~~ standards established by the Agency
1124 for State Enterprise Information Technology pursuant to s.
1125 282.0051 ~~paragraph (2) (c)~~ for the efficient consolidation of the



HB 7073, Engrossed 1

2014

1126 ~~agency data centers or computing facilities;~~

1127 3. Transfer existing computer services to any data center
1128 other than the state ~~a primary~~ data center;

1129 4. Terminate services with the state ~~a primary~~ data center
1130 ~~or transfer services between primary data centers~~ without giving
1131 written notice of intent to terminate ~~or transfer~~ services 180
1132 days before such termination ~~or transfer~~; or

1133 5. Initiate a new computer service except with the state ~~a~~
1134 ~~primary~~ data center.

1135 (b) Exceptions to the limitations in subparagraphs (a)1.,
1136 2., 3., and 5. may be granted by the Agency for State Enterprise
1137 ~~Information~~ Technology if there is insufficient capacity in the
1138 state ~~a primary~~ data center to absorb the workload associated
1139 with agency computing services, if expenditures are compatible
1140 with ~~the scheduled consolidation and~~ the standards established
1141 pursuant to s. 282.0051 ~~paragraph (2)(e)~~, or if the equipment or
1142 resources are needed to meet a critical agency business need
1143 that cannot be satisfied by ~~from surplus equipment or resources~~
1144 ~~of the state primary~~ data center ~~until the agency data center is~~
1145 ~~consolidated.~~ The Agency for State Technology shall establish
1146 requirements that a state agency must follow when submitting and
1147 documenting a request for an exception. The Agency for State
1148 Technology shall also publish guidelines for its consideration
1149 of exception requests. However, the decision of the Agency for
1150 State Technology regarding an exception request is not subject



HB 7073, Engrossed 1

2014

1151 to chapter 120.

1152 ~~1. A request for an exception must be submitted in writing~~
1153 ~~to the Agency for Enterprise Information Technology. The agency~~
1154 ~~must accept, accept with conditions, or deny the request within~~
1155 ~~60 days after receipt of the written request. The agency's~~
1156 ~~decision is not subject to chapter 120.~~

1157 ~~2. At a minimum, the agency may not approve a request~~
1158 ~~unless it includes:~~

1159 ~~a. Documentation approved by the primary data center's~~
1160 ~~board of trustees which confirms that the center cannot meet the~~
1161 ~~capacity requirements of the agency requesting the exception~~
1162 ~~within the current fiscal year.~~

1163 ~~b. A description of the capacity requirements of the~~
1164 ~~agency requesting the exception.~~

1165 ~~c. Documentation from the agency demonstrating why it is~~
1166 ~~critical to the agency's mission that the expansion or transfer~~
1167 ~~must be completed within the fiscal year rather than when~~
1168 ~~capacity is established at a primary data center.~~

1169 ~~(c) Exceptions to subparagraph (a)4. may be granted by the~~
1170 ~~board of trustees of the primary data center if the termination~~
1171 ~~or transfer of services can be absorbed within the current cost-~~
1172 ~~allocation plan.~~

1173 ~~(d) Upon the termination of or transfer of agency~~
1174 ~~computing services from the primary data center, the primary~~
1175 ~~data center shall require information sufficient to determine~~



HB 7073, Engrossed 1

2014

1176 ~~compliance with this section. If a primary data center~~
1177 ~~determines that an agency is in violation of this section, it~~
1178 ~~shall report the violation to the Agency for Enterprise~~
1179 ~~Information Technology.~~

1180 ~~(6) RULES. The Agency for Enterprise Information~~
1181 ~~Technology may adopt rules to administer this part relating to~~
1182 ~~the state data center system including the primary data centers.~~

1183 Section 14. Effective upon this act becoming a law,
1184 section 48 of chapter 2013-41, Laws of Florida, is repealed.

1185 Section 15. Sections 282.203, 282.204, and 282.205,
1186 Florida Statutes, are repealed.

1187 Section 16. Section 282.318, Florida Statutes, is amended
1188 to read:

1189 282.318 Enterprise Security of data and information
1190 technology.—

1191 (1) This section may be cited as the "Enterprise Security
1192 of Data and Information Technology Security Act."

1193 (2) As used in this section, the term "state agency" has
1194 the same meaning as provided in s. 282.0041, except that the
1195 term includes the Department of Legal Affairs, the Department of
1196 Agriculture and Consumer Services, and the Department of
1197 Financial Services.

1198 ~~(2) Information technology security is established as an~~
1199 ~~enterprise information technology service as defined in s.~~
1200 ~~282.0041.~~



HB 7073, Engrossed 1

2014

1201 (3) The Agency for State ~~Enterprise Information~~ Technology
1202 is responsible for establishing standards and processes
1203 consistent with generally accepted best practices for
1204 information technology security and adopting rules that
1205 safeguard an agency's data, information, and information
1206 technology resources to ensure availability, confidentiality,
1207 and integrity and publishing guidelines for ensuring an
1208 appropriate level of security for all data and information
1209 technology resources for executive branch agencies. The agency
1210 shall also ~~perform the following duties and responsibilities:~~

1211 (a) Develop, and annually update by February 1, a
1212 statewide ~~an enterprise~~ information technology security
1213 strategic plan that includes security goals and objectives for
1214 the strategic issues of information technology security policy,
1215 risk management, training, incident management, and disaster
1216 recovery survivability planning.

1217 (b) Develop and publish for use by state agencies an
1218 information technology security framework that, at a minimum,
1219 includes ~~enterprise security rules and published guidelines~~ and
1220 processes for:

1221 1. Establishing asset management procedures to ensure that
1222 an agency's information technology resources are identified and
1223 managed consistent with their relative importance to the
1224 agency's business objectives.

1225 2. Using a standard risk assessment methodology that



HB 7073, Engrossed 1

2014

1226 includes the identification of an agency's priorities,
1227 constraints, risk tolerances, and assumptions necessary to
1228 support operational risk decisions.

1229 ~~3.1. Completing comprehensive risk assessments analyses~~
1230 ~~and information technology security audits and submitting~~
1231 ~~completed assessments and audits to the Agency for State~~
1232 ~~Technology conducted by state agencies.~~

1233 4. Identifying protection procedures to manage the
1234 protection of an agency's information, data, and information
1235 technology resources.

1236 5. Establishing procedures for accessing information and
1237 data to ensure the confidentiality, integrity, and availability
1238 of such information and data.

1239 6. Detecting threats through proactive monitoring of
1240 events, continuous security monitoring, and defined detection
1241 processes.

1242 ~~7.2. Responding to information technology suspected or~~
1243 ~~confirmed information security incidents, including suspected or~~
1244 ~~confirmed breaches of personal information containing~~
1245 ~~confidential or exempt data.~~

1246 8. Recovering information and data in response to an
1247 information technology security incident. The recovery may
1248 include recommended improvements to the agency processes,
1249 policies, or guidelines.

1250 ~~9.3. Developing agency strategic and operational~~



HB 7073, Engrossed 1

2014

1251 information technology security plans required pursuant to this
1252 section, ~~including strategic security plans and security program~~
1253 ~~plans.~~

1254 ~~4. The recovery of information technology and data~~
1255 ~~following a disaster.~~

1256 ~~10.5.~~ Establishing the managerial, operational, and
1257 technical safeguards for protecting state government data and
1258 information technology resources that align with the state
1259 agency risk management strategy and that protect the
1260 confidentiality, integrity, and availability of information and
1261 data.

1262 (c) Assist state agencies in complying with ~~the provisions~~
1263 ~~of~~ this section.

1264 ~~(d) Pursue appropriate funding for the purpose of~~
1265 ~~enhancing domestic security.~~

1266 ~~(d)(e)~~ In collaboration with the Cybercrime Office of the
1267 Department of Law Enforcement, provide training for state agency
1268 information security managers.

1269 ~~(e)(f)~~ Annually review the strategic and operational
1270 information technology security plans of executive branch
1271 agencies.

1272 ~~(4) To assist the Agency for Enterprise Information~~
1273 ~~Technology in carrying out its responsibilities, Each state~~
1274 agency head shall, at a minimum:

1275 (a) Designate an information security manager to



HB 7073, Engrossed 1

2014

1276 | administer the information technology security program of the
1277 | state agency ~~for its data and information technology resources~~.
1278 | This designation must be provided annually in writing to the
1279 | Agency for State Enterprise Information Technology by January 1.
1280 | A state agency's information security manager, for purposes of
1281 | these information security duties, shall report directly to the
1282 | agency head.

1283 | (b) Submit to the Agency for State Enterprise Information
1284 | Technology annually by July 31, the state agency's strategic and
1285 | operational information technology security plans developed
1286 | pursuant to ~~the~~ rules and guidelines established by the Agency
1287 | for State Enterprise Information Technology.

1288 | 1. The state agency strategic information technology
1289 | security plan must cover a 3-year period and, at a minimum,
1290 | define security goals, intermediate objectives, and projected
1291 | agency costs for the strategic issues of agency information
1292 | security policy, risk management, security training, security
1293 | incident response, and disaster recovery survivability. The plan
1294 | must be based on the statewide enterprise strategic information
1295 | technology security strategic plan created by the Agency for
1296 | State Enterprise Information Technology and include performance
1297 | metrics that can be objectively measured to reflect the status
1298 | of the state agency's progress in meeting security goals and
1299 | objectives identified in the agency's strategic information
1300 | security plan. ~~Additional issues may be included.~~



HB 7073, Engrossed 1

2014

1301 2. The state agency operational information technology
1302 security plan must include a progress report that objectively
1303 measures progress made towards ~~for~~ the prior operational
1304 information technology security plan and a project plan that
1305 includes activities, timelines, and deliverables for security
1306 objectives that, ~~subject to current resources,~~ the state agency
1307 will implement during the current fiscal year. ~~The cost of~~
1308 ~~implementing the portions of the plan which cannot be funded~~
1309 ~~from current resources must be identified in the plan.~~

1310 (c) Conduct, and update every 3 years, a comprehensive
1311 risk assessment analysis to determine the security threats to
1312 the data, information, and information technology resources of
1313 the agency. The risk assessment must comply with the risk
1314 assessment methodology developed by the Agency for State
1315 Technology and analysis information is confidential and exempt
1316 from ~~the provisions of s. 119.07(1),~~ except that such
1317 information shall be available to the Auditor General, ~~and~~ the
1318 Agency for State Enterprise Information Technology, the
1319 Cybercrime Office of the Department of Law Enforcement, and, ~~for~~
1320 state agencies under the jurisdiction of the Governor, the Chief
1321 Inspector General ~~for performing postauditing duties.~~

1322 (d) Develop, and periodically update, written internal
1323 policies and procedures, which include procedures for reporting
1324 information technology security incidents and breaches to the
1325 Cybercrime Office of the Department of Law Enforcement and



HB 7073, Engrossed 1

2014

1326 ~~notifying~~ the Agency for State Enterprise Information Technology
1327 ~~when a suspected or confirmed breach, or an information security~~
1328 ~~incident, occurs.~~ Such policies and procedures must be
1329 consistent with the rules, ~~and~~ guidelines, and processes
1330 established by the Agency for State Enterprise Information
1331 Technology to ensure the security of the data, information, and
1332 information technology resources of the agency. The internal
1333 policies and procedures that, if disclosed, could facilitate the
1334 unauthorized modification, disclosure, or destruction of data or
1335 information technology resources are confidential information
1336 and exempt from s. 119.07(1), except that such information shall
1337 be available to the Auditor General, the Cybercrime Office of
1338 the Department of Law Enforcement, and the Agency for State
1339 Enterprise Information Technology, and, for state agencies under
1340 the jurisdiction of the Governor, the Chief Inspector General
1341 ~~for performing postauditing duties.~~

1342 (e) Implement managerial, operational, and technical
1343 ~~appropriate cost-effective~~ safeguards established by the Agency
1344 for State Technology to address identified risks to the data,
1345 information, and information technology resources of the agency.

1346 (f) Ensure that periodic internal audits and evaluations
1347 of the agency's information technology security program for the
1348 data, information, and information technology resources of the
1349 agency are conducted. The results of such audits and evaluations
1350 are confidential information and exempt from s. 119.07(1),



HB 7073, Engrossed 1

2014

1351 | except that such information shall be available to the Auditor
1352 | General, the Cybercrime Office of the Department of Law
1353 | Enforcement, and the Agency for State Enterprise Information
1354 | Technology, and, for agencies under the jurisdiction of the
1355 | Governor, the Chief Inspector General for performing
1356 | ~~postauditing~~ duties.

1357 | (g) Include appropriate information technology security
1358 | requirements in the written specifications for the solicitation
1359 | of information technology and information technology resources
1360 | and services, which are consistent with the rules and guidelines
1361 | established by the Agency for State Enterprise Information
1362 | Technology in collaboration with the Department of Management
1363 | Services.

1364 | (h) Provide information technology security awareness
1365 | training to all state agency employees and ~~users of the agency's~~
1366 | ~~communication and information resources~~ concerning information
1367 | technology security risks and the responsibility of employees
1368 | and ~~users~~ to comply with policies, standards, guidelines, and
1369 | operating procedures adopted by the state agency to reduce those
1370 | risks. The training may be provided in collaboration with the
1371 | Cybercrime Office of the Department of Law Enforcement.

1372 | (i) Develop a process for detecting, reporting, and
1373 | responding to threats, breaches, or information technology
1374 | security ~~suspected or confirmed security~~ incidents that are,
1375 | ~~including suspected or confirmed breaches~~ consistent with the



HB 7073, Engrossed 1

2014

1376 security rules, ~~and~~ guidelines, and processes established by the
1377 Agency for State Enterprise Information Technology.

1378 1. All information technology ~~Suspected or confirmed~~
1379 ~~information~~ security incidents and breaches must be ~~immediately~~
1380 reported to the Agency for State Enterprise Information
1381 Technology.

1382 2. For information technology security incidents ~~involving~~
1383 breaches, state agencies shall provide notice in accordance with
1384 s. 817.5681 ~~and to the Agency for Enterprise Information~~
1385 ~~Technology in accordance with this subsection.~~

1386 ~~(5) Each state agency shall include appropriate security~~
1387 ~~requirements in the specifications for the solicitation of~~
1388 ~~contracts for procuring information technology or information~~
1389 ~~technology resources or services which are consistent with the~~
1390 ~~rules and guidelines established by the Agency for Enterprise~~
1391 ~~Information Technology.~~

1392 ~~(5)-(6)~~ The Agency for State Enterprise Information
1393 Technology shall ~~may~~ adopt rules relating to information
1394 technology security and to administer ~~the provisions of~~ this
1395 section.

1396 Section 17. Section 282.33, Florida Statutes, is repealed.

1397 Section 18. Section 282.34, Florida Statutes, is repealed.

1398 Section 19. Section 287.0591, Florida Statutes, is created
1399 to read:

1400 287.0591 Information technology.—



HB 7073, Engrossed 1

2014

1401 (1) Beginning July 1, 2014, any competitive solicitation
1402 issued by the department for a state term contract for
1403 information technology commodities must include a term that does
1404 not exceed 48 months.

1405 (2) Beginning September 1, 2015, any competitive
1406 solicitation issued by the department for a state term contract
1407 for information technology consultant services or information
1408 technology staff augmentation contractual services must include
1409 a term that does not exceed 48 months.

1410 (3) The department may execute a state term contract for
1411 information technology commodities, consultant services, or
1412 staff augmentation contractual services that exceeds the 48-
1413 month requirement if the Secretary of Management Services and
1414 the executive director of the Agency for State Technology
1415 certify to the Executive Office of the Governor that a longer
1416 contract term is in the best interest of the state.

1417 (4) If the department issues a competitive solicitation
1418 for information technology commodities, consultant services, or
1419 staff augmentation contractual services, the Agency for State
1420 Technology shall participate in such solicitations.

1421 Section 20. Section 943.0415, Florida Statutes, is amended
1422 to read:

1423 943.0415 Cybercrime Office.—There is created within the
1424 Department of Law Enforcement the Cybercrime Office. The office
1425 may:



HB 7073, Engrossed 1

2014

1426 (1) Investigate violations of state law pertaining to the
1427 sexual exploitation of children which are facilitated by or
1428 connected to the use of any device capable of storing electronic
1429 data.

1430 (2) Monitor state information technology resources and
1431 provide analysis on information technology security incidents,
1432 threats, and breaches as defined in s. 282.0041.

1433 (3) Investigate violations of state law pertaining to
1434 information technology security incidents pursuant to s.
1435 282.0041 and assist in incident response and recovery.

1436 (4) Provide security awareness training and information to
1437 state agency employees concerning cybersecurity, online sexual
1438 exploitation of children, and security risks, and the
1439 responsibility of employees to comply with policies, standards,
1440 guidelines, and operating procedures adopted by the Agency for
1441 State Technology.

1442 (5) Consult with the Agency for State Technology in the
1443 adoption of rules relating to the information technology
1444 security provisions in s. 282.318.

1445 Section 21. Section 1004.649, Florida Statutes, is amended
1446 to read:

1447 1004.649 Northwest Regional Data Center.—

1448 (1) For the purpose of providing data center services to
1449 ~~servi~~ng its state agency customers, the Northwest Regional Data
1450 Center at Florida State University is designated as a primary



HB 7073, Engrossed 1

2014

1451 | ~~data center and shall:~~

1452 | (a) Operate under a governance structure that represents
1453 | its customers proportionally.

1454 | (b) Maintain an appropriate cost-allocation methodology
1455 | that accurately bills state agency customers based solely on the
1456 | actual direct and indirect costs of the services provided to
1457 | state agency customers, and ensures that for any fiscal year,
1458 | state agency customers are not subsidizing other customers of
1459 | the data center ~~prohibits the subsidization of nonstate agency~~
1460 | ~~customers' costs by state agency customers.~~ Such cost-allocation
1461 | methodology must comply with applicable state and federal
1462 | regulations concerning the distribution and use of state and
1463 | federal funds.

1464 | (c) Enter into a service-level agreement with each state
1465 | agency customer to provide services as defined and approved by
1466 | the governing board of the center. At a minimum, such service-
1467 | level agreements must:

1468 | 1. Identify the parties and their roles, duties, and
1469 | responsibilities under the agreement;

1470 | 2. State the duration of the agreement term and specify
1471 | the conditions for renewal;

1472 | 3. Identify the scope of work;

1473 | 4. Establish the services to be provided, the business
1474 | standards that must be met for each service, the cost of each
1475 | service, and the process by which the business standards for



HB 7073, Engrossed 1

2014

1476 each service are to be objectively measured and reported;

1477 5. Provide a timely billing methodology for recovering the

1478 cost of services provided pursuant to s. 215.422; ~~and~~

1479 6. Provide a procedure for modifying the service-level

1480 agreement to address any changes in projected costs of service;

1481 7. Prohibit the transfer of computing services between the

1482 Northwest Regional Data Center and the state data center

1483 established pursuant to s. 282.201 without at least 180 days'

1484 written notification of service cancellation;

1485 8. Identify the products or services to be delivered with

1486 sufficient specificity to permit an external financial or

1487 performance audit; and

1488 9. Provide that the service-level agreement may be

1489 terminated by either party for cause only after giving the other

1490 party notice in writing of the cause for termination and an

1491 opportunity for the other party to resolve the identified cause

1492 within a reasonable period.

1493 (d) Provide to the Board of Governors the total annual

1494 budget by major expenditure category, including, but not limited

1495 to, salaries, expenses, operating capital outlay, contracted

1496 services, or other personnel services by July 30 each fiscal

1497 year.

1498 (e) Provide to each state agency customer its projected

1499 annual cost for providing the agreed-upon data center services

1500 by September 1 each fiscal year.



HB 7073, Engrossed 1

2014

1501 (f) Provide a plan for consideration by the Legislative
1502 Budget Commission if the governing body of the center approves
1503 the use of a billing rate schedule after the start of the fiscal
1504 year that increases any state agency customer's costs for that
1505 fiscal year.

1506 (2) The Northwest Regional Data Center's authority to
1507 provide data center services to ~~designation as a primary data~~
1508 ~~center for purposes of serving~~ its state agency customers may be
1509 terminated if:

1510 (a) The center requests such termination to the Board of
1511 Governors, the Senate President, and the Speaker of the House of
1512 Representatives; or

1513 (b) The center fails to comply with the provisions of this
1514 section.

1515 (3) If such authority ~~designation~~ is terminated, the
1516 center shall have 1 year to provide for the transition of its
1517 state agency customers to the state data center established
1518 pursuant to s. 282.201 ~~Southwood Shared Resource Center or the~~
1519 ~~Northwood Shared Resource Center.~~

1520 Section 22. Subsection (1) and paragraph (g) of subsection
1521 (2) of section 17.0315, Florida Statutes, are amended to read:

1522 17.0315 Financial and cash management system; task force.—

1523 (1) The Chief Financial Officer, as the constitutional
1524 officer responsible for settling and approving accounts against
1525 the state and keeping all state funds pursuant to s. 4, Art. IV



HB 7073, Engrossed 1

2014

1526 of the State Constitution, is ~~shall be~~ the head of and shall
1527 appoint members to a task force established to develop a
1528 strategic business plan for a successor financial and cash
1529 management system. The task force shall include the executive
1530 director of the Agency for State Technology ~~executive director~~
1531 ~~of the Agency for Enterprise Information Technology~~ and the
1532 director of the Office of Policy and Budget in the Executive
1533 Office of the Governor. Any member of the task force may appoint
1534 a designee.

1535 (2) The strategic business plan for a successor financial
1536 and cash management system must:

1537 (g) Be coordinated with the information technology
1538 strategy development efforts of the Agency for State ~~Enterprise~~
1539 ~~Information~~ Technology;

1540 Section 23. Paragraph (e) of subsection (2) of section
1541 110.205, Florida Statutes, is amended to read:

1542 110.205 Career service; exemptions.—

1543 (2) EXEMPT POSITIONS.—The exempt positions that are not
1544 covered by this part include the following:

1545 (e) The executive director of the Agency for State
1546 Technology ~~Chief Information Officer in the Agency for~~
1547 ~~Enterprise Information Technology~~. Unless otherwise fixed by
1548 law, the Agency for State ~~Enterprise Information~~ Technology
1549 shall set the salary and benefits of this position in accordance
1550 with the rules of the Senior Management Service.



HB 7073, Engrossed 1

2014

1551 Section 24. Subsections (2) and (9) of section 215.322,
1552 Florida Statutes, are amended to read:

1553 215.322 Acceptance of credit cards, charge cards, debit
1554 cards, or electronic funds transfers by state agencies, units of
1555 local government, and the judicial branch.—

1556 (2) A state agency as defined in s. 216.011, or the
1557 judicial branch, may accept credit cards, charge cards, debit
1558 cards, or electronic funds transfers in payment for goods and
1559 services with the prior approval of the Chief Financial Officer.
1560 If the Internet or other related electronic methods are to be
1561 used as the collection medium, the Agency for State Enterprise
1562 ~~Information~~ Technology shall review and recommend to the Chief
1563 Financial Officer whether to approve the request with regard to
1564 the process or procedure to be used.

1565 (9) For payment programs in which credit cards, charge
1566 cards, or debit cards are accepted by state agencies, the
1567 judicial branch, or units of local government, the Chief
1568 Financial Officer, in consultation with the Agency for State
1569 ~~Enterprise Information~~ Technology, may adopt rules to establish
1570 uniform security safeguards for cardholder data and to ensure
1571 compliance with the Payment Card Industry Data Security
1572 Standards.

1573 Section 25. Subsection (22) of section 287.057, Florida
1574 Statutes, is amended to read:

1575 287.057 Procurement of commodities or contractual



HB 7073, Engrossed 1

2014

1576 services.—

1577 (22) The department, in consultation with the Chief
1578 Financial Officer and the Agency for State Technology, shall
1579 maintain a program for online procurement of commodities and
1580 contractual services. To enable the state to promote open
1581 competition and leverage its buying power, agencies shall
1582 participate in the online procurement program, and eligible
1583 users may participate in the program. Only vendors prequalified
1584 as meeting mandatory requirements and qualifications criteria
1585 may participate in online procurement.

1586 (a) The department, in consultation with the Agency for
1587 State Technology and in compliance with the standards of the
1588 agency, may contract for equipment and services necessary to
1589 develop and implement online procurement.

1590 (b) The department shall adopt rules to administer the
1591 program for online procurement. The rules must include, but not
1592 be limited to:

1593 1. Determining the requirements and qualification criteria
1594 for prequalifying vendors.

1595 2. Establishing the procedures for conducting online
1596 procurement.

1597 3. Establishing the criteria for eligible commodities and
1598 contractual services.

1599 4. Establishing the procedures for providing access to
1600 online procurement.



HB 7073, Engrossed 1

2014

1601 5. Determining the criteria warranting any exceptions to
1602 participation in the online procurement program.

1603 (c) The department may impose and shall collect all fees
1604 for the use of the online procurement systems.

1605 1. The fees may be imposed on an individual transaction
1606 basis or as a fixed percentage of the cost savings generated. At
1607 a minimum, the fees must be set in an amount sufficient to cover
1608 the projected costs of the services, including administrative
1609 and project service costs in accordance with the policies of the
1610 department.

1611 2. If the department contracts with a provider for online
1612 procurement, the department, pursuant to appropriation, shall
1613 compensate the provider from the fees after the department has
1614 satisfied all ongoing costs. The provider shall report
1615 transaction data to the department each month so that the
1616 department may determine the amount due and payable to the
1617 department from each vendor.

1618 3. All fees that are due and payable to the state on a
1619 transactional basis or as a fixed percentage of the cost savings
1620 generated are subject to s. 215.31 and must be remitted within
1621 40 days after receipt of payment for which the fees are due. For
1622 fees that are not remitted within 40 days, the vendor shall pay
1623 interest at the rate established under s. 55.03(1) on the unpaid
1624 balance from the expiration of the 40-day period until the fees
1625 are remitted.



1626 | 4. All fees and surcharges collected under this paragraph
 1627 | shall be deposited in the Operating Trust Fund as provided by
 1628 | law.

1629 | Section 26. Subsection (5) of section 327.301, Florida
 1630 | Statutes, is amended to read:

1631 | 327.301 Written reports of accidents.—

1632 | (5) For the purposes of this section, a written report
 1633 | includes a report generated through the use of information
 1634 | technology resources as defined in s. 119.011 ~~282.0041~~.

1635 | Section 27. Subsection (4) of section 445.011, Florida
 1636 | Statutes, is amended to read:

1637 | 445.011 Workforce information systems.—

1638 | (4) Workforce Florida, Inc., shall coordinate development
 1639 | and implementation of workforce information systems with the
 1640 | executive director of the Agency for State Technology ~~executive~~
 1641 | ~~director of the Agency for Enterprise Information Technology~~ to
 1642 | ensure compatibility with the state's information system
 1643 | strategy and enterprise architecture.

1644 | Section 28. Subsections (2) and (4) of section 445.045,
 1645 | Florida Statutes, are amended to read:

1646 | 445.045 Development of an Internet-based system for
 1647 | information technology industry promotion and workforce
 1648 | recruitment.—

1649 | (2) Workforce Florida, Inc., shall coordinate with the
 1650 | Agency for State ~~Enterprise Information~~ Technology and the



HB 7073, Engrossed 1

2014

1651 Department of Economic Opportunity to ensure links, where
1652 feasible and appropriate, to existing job information websites
1653 maintained by the state and state agencies and to ensure that
1654 information technology positions offered by the state and state
1655 agencies are posted on the information technology website.

1656 (4) (a) Workforce Florida, Inc., shall coordinate
1657 development and maintenance of the website under this section
1658 with the executive director of the Agency for State Technology
1659 ~~executive director of the Agency for Enterprise Information~~
1660 ~~Technology~~ to ensure compatibility with the state's information
1661 system strategy and enterprise architecture.

1662 (b) Workforce Florida, Inc., may enter into an agreement
1663 with the Agency for State ~~Enterprise Information~~ Technology, the
1664 Department of Economic Opportunity, or any other public agency
1665 with the requisite information technology expertise for the
1666 provision of design, operating, or other technological services
1667 necessary to develop and maintain the website.

1668 (c) Workforce Florida, Inc., may procure services
1669 necessary to implement ~~the provisions of~~ this section, if it
1670 employs competitive processes, including requests for proposals,
1671 competitive negotiation, and other competitive processes to
1672 ensure that the procurement results in the most cost-effective
1673 investment of state funds.

1674 Section 29. Paragraph (b) of subsection (18) of section
1675 668.50, Florida Statutes, is amended to read:



HB 7073, Engrossed 1

2014

1676 | 668.50 Uniform Electronic Transaction Act.—

1677 | (18) ACCEPTANCE AND DISTRIBUTION OF ELECTRONIC RECORDS BY

1678 | GOVERNMENTAL AGENCIES.—

1679 | (b) To the extent that a governmental agency uses

1680 | electronic records and electronic signatures under paragraph

1681 | (a), the Agency for State ~~Enterprise Information~~ Technology, in

1682 | consultation with the governmental agency, giving due

1683 | consideration to security, may specify:

1684 | 1. The manner and format in which the electronic records

1685 | must be created, generated, sent, communicated, received, and

1686 | stored and the systems established for those purposes.

1687 | 2. If electronic records must be signed by electronic

1688 | means, the type of electronic signature required, the manner and

1689 | format in which the electronic signature must be affixed to the

1690 | electronic record, and the identity of, or criteria that must be

1691 | met by, any third party used by a person filing a document to

1692 | facilitate the process.

1693 | 3. Control processes and procedures as appropriate to

1694 | ensure adequate preservation, disposition, integrity, security,

1695 | confidentiality, and auditability of electronic records.

1696 | 4. Any other required attributes for electronic records

1697 | which are specified for corresponding nonelectronic records or

1698 | reasonably necessary under the circumstances.

1699 | Section 30. (1) The Agency for State Technology shall

1700 | conduct a feasibility study that analyzes, evaluates, and



HB 7073, Engrossed 1

2014

1701 provides recommendations for managing state government data in a
1702 manner that promotes interoperability and openness; ensures
1703 that, wherever legally permissible and not cost prohibitive,
1704 such data is available to the public in ways that make the data
1705 easy to find and use; and complies with the provisions of
1706 chapter 119, Florida Statutes.

1707 (2) By June 1, 2015, the Agency for State Technology shall
1708 submit a report on the feasibility study to the Governor, the
1709 President of the Senate, and the Speaker of the House of
1710 Representatives. The report, at a minimum, shall include the
1711 following components:

1712 (a) A clear description of what state government data is
1713 public information. The guiding principle for this component is
1714 a presumption of openness to the extent permitted by law and
1715 subject to privacy, confidentiality, security, and other fiscal
1716 and legal restrictions.

1717 (b) A fiscal analysis that identifies the impact to any
1718 agency that is authorized to assess a fee for providing certain
1719 state government data to the public if the description in
1720 paragraph (a) includes that data.

1721 (c) Recommended standards to make uniform the format and
1722 accessibility of public information and to ensure that the data
1723 is published in a nonproprietary, searchable, sortable,
1724 platform-independent, and machine-readable format. The report
1725 shall include the projected cost to state agencies to implement



HB 7073, Engrossed 1

2014

1726 | and maintain the standards.

1727 | (d) A project plan for implementing a single Internet
1728 | website that contains the public information or links to the
1729 | public information. The plan shall include a timeline and
1730 | benchmarks for making public information available online and
1731 | shall identify costs associated with the development and ongoing
1732 | maintenance of the website.

1733 | (e) A recommended governance structure and a review and
1734 | compliance process to ensure accountability on the part of those
1735 | who create, maintain, manage, or store public information or
1736 | post it on the single Internet website. The report shall include
1737 | associated costs to implement and maintain the recommended
1738 | governance structure and the review and compliance process.

1739 | Section 31. Effective June 30, 2014, there is created the
1740 | state data center task force comprised of all individuals who,
1741 | upon that date are members of the boards of trustees of the
1742 | Northwood Shared Resource Center or the Southwood Shared
1743 | Resource Center, and agree to serve on the task force. The
1744 | members of the task force shall elect a chair. The purpose of
1745 | the task force is to assist with the transfer of the Northwood
1746 | Shared Resource Center and Southwood Shared Resource Center to
1747 | the Agency for State Technology and the transition to the state
1748 | data center established pursuant to s. 282.201, Florida
1749 | Statutes. The task force shall identify any operational or
1750 | fiscal issues impacting the transition and provide



HB 7073, Engrossed 1

2014

1751 recommendations to the Agency for State Technology for
1752 resolution of such issues. The task force does not have
1753 authority to make decisions regarding the state data center or
1754 the former Northwood Shared Resource Center or Southwood Shared
1755 Resource Center. The task force is abolished June 30, 2015, or
1756 at an earlier date as provided by the task force.

1757 Section 32. (1) For the 2014-2015 fiscal year, the sums
1758 of \$3,563,573 in recurring funds and \$1,095,005 in nonrecurring
1759 funds are appropriated from the General Revenue Fund to the
1760 Agency for State Technology, and 25 full-time equivalent
1761 positions and associated salary rate of 2,083,482 are
1762 authorized, for the purpose of implementing this act.

1763 (2) (a) The recurring general revenue funds shall be
1764 allocated to an Executive Direction and Support Services budget
1765 entity in specific appropriation categories: \$2,851,452 in
1766 Salaries and Benefits, \$252,894 in Expenses, \$115,000 in
1767 Administrative Overhead, \$10,000 in Operating Capital Outlay,
1768 \$317,627 in Contracted Services, \$3,000 in Risk Management
1769 Insurance, \$8,600 in Transfer to Department of Management
1770 Services/Statewide Human Resources Contract, and \$5,000 in Data
1771 Processing Services/Southwood Shared Resource Center.

1772 (b) The nonrecurring general revenue funds shall be
1773 allocated to an Executive Direction and Support Services budget
1774 entity in specific appropriation categories: \$95,005 in Expenses
1775 and \$1,000,000 in Contracted Services.



HB 7073, Engrossed 1

2014

1776 Section 33. A Data Center Administration budget entity is
1777 created within the Agency for State Technology. Appropriations
1778 to the Data Center Administration budget entity shall reflect
1779 the indirect data center costs allocated to customer agencies.

1780 Section 34. For the 2014-2015 fiscal year only, the
1781 Northwood Shared Resource Center budget entity is created within
1782 the Agency for State Technology. Effective July 1, 2014, the
1783 appropriations provided for the Northwood Shared Resource Center
1784 in the General Appropriations Act for the 2014-2015 fiscal year
1785 shall be transferred to the Northwood Shared Resource Center
1786 budget entity within the Agency for State Technology.

1787 Section 35. For the 2014-2015 fiscal year only, the
1788 Southwood Shared Resource Center budget entity is created within
1789 the Agency for State Technology. Effective July 1, 2014, the
1790 appropriations provided for the Southwood Shared Resource Center
1791 in the General Appropriations Act for the 2014-2015 fiscal year
1792 shall be transferred to the Southwood Shared Resource Center
1793 budget entity within the Agency for State Technology.

1794 Section 36. (1) For the 2014-2015 fiscal year, the sums
1795 of \$144,870 in recurring funds and \$7,546 in nonrecurring funds
1796 are appropriated from the General Revenue Fund to the Department
1797 of Law Enforcement, and 2 full-time equivalent positions and
1798 associated salary rate of 93,120 are authorized, for the purpose
1799 of implementing the sections of this act related to cybercrime
1800 capacity and capability.



HB 7073, Engrossed 1

2014

1801 (2) (a) The recurring general revenue funds shall be
1802 allocated to the Provide Investigative Services budget entity in
1803 specific appropriation categories: \$131,660 in Salaries and
1804 Benefits, \$12,522 in Expenses, and \$688 in Transfer to
1805 Department of Management Services/Statewide Human Resources
1806 Contract.

1807 (b) The nonrecurring general revenue funds of \$7,546 shall
1808 be allocated to the Provide Investigative Services budget entity
1809 in the Expenses appropriation category.

1810 Section 37. Beginning with the 2015-2016 fiscal year, the
1811 State Data Center budget entity is created within the Agency for
1812 State Technology. Appropriations to the State Data Center budget
1813 entity shall reflect the direct data center costs allocated to
1814 customer agencies.

1815 Section 38. (1) From the funds appropriated in section
1816 32, \$500,000 in nonrecurring general revenue funds shall be used
1817 by the Agency for State Technology to contract with an
1818 independent third party consulting firm to complete a risk
1819 assessment of information technology security that analyzes and
1820 provides recommendations for protecting the state's information,
1821 data, and information technology resources. The risk assessment
1822 shall:

1823 (a) Focus on the state data center created in s. 282.201,
1824 Florida Statutes, and the state data center's state agency
1825 customers.



HB 7073, Engrossed 1

2014

1826 (b) Identify the existing security standards, guidelines,
1827 frameworks, and practices currently managing the state's
1828 information, data, and information technology resources.

1829 (c) Evaluate industry best practices, standards,
1830 guidelines, and frameworks and provide recommendations to
1831 increase overall security within the state data center and its
1832 state agency customers.

1833 (d) Identify the differences between current operations or
1834 practices and the Agency for State Technology's recommendations
1835 and prioritize the identified gaps in order of relative
1836 importance to state agency customers' business objectives.

1837 (2) The Agency for State Technology shall submit the
1838 results of the completed risk assessment to the Governor, the
1839 President of the Senate, and the Speaker of the House of
1840 Representatives by June 30, 2015.

1841 Section 39. (1) The Agency for State Technology shall
1842 complete an operational assessment of the state data center
1843 created by s. 282.201, Florida Statutes. The operational
1844 assessment shall focus on:

1845 (a) Standardizing the state data center's operational
1846 processes and practices to include its cost recovery
1847 methodologies.

1848 (b) Identifying duplication of any staff resources
1849 supporting the operation of the state data center and any
1850 positions created within the Agency for State Technology.



HB 7073, Engrossed 1

2014

1851 | (2) Based upon the results of the operational assessment,
1852 | the Agency for State Technology shall provide recommendations
1853 | for the potential reorganization of the state data center,
1854 | including recommendations for the reduction or reclassification
1855 | of duplicative positions, and submit its recommendations to the
1856 | Governor, the President of the Senate, and the Speaker of the
1857 | House of Representatives by February 1, 2015.

1858 | Section 40. Notwithstanding s. 216.292(4)(d), Florida
1859 | Statutes, the transfers authorized in sections 2 and 3 of this
1860 | act do not require Legislative Budget Commission approval.

1861 | Section 41. Except as otherwise expressly provided in this
1862 | act and except for this section, which shall take effect upon
1863 | this act becoming a law, this act shall take effect July 1,
1864 | 2014.