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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/13/2014	.	
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The Committee on Appropriations (Ring) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 79 - 529

and insert:

Section 2. Section 20.61, Florida Statutes, is created to read:

20.61 Agency for State Technology.—The Agency for State Technology is created within the Department of Management Services. The agency is a separate budget program and is not subject to control, supervision, or direction by the Department



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11 of Management Services, including, but not limited to,  
12 purchasing, transactions involving real or personal property,  
13 personnel, or budgetary matters.

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

17 (b) The executive director must be a proven, effective  
18 administrator who preferably has executive-level experience in  
19 both the public and private sectors in development and  
20 implementation of information technology strategic planning;  
21 management of enterprise information technology projects,  
22 particularly management of large-scale consolidation projects;  
23 and development and implementation of fiscal and substantive  
24 information technology policy.

25 (2) The following positions are established within the  
26 agency, all of whom shall be appointed by the executive  
27 director:

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

30 (b) Chief planning officer and six strategic planning  
31 coordinators. One coordinator shall be assigned to each of the  
32 following major program areas: health and human services,  
33 education, government operations, criminal and civil justice,  
34 agriculture and natural resources, and transportation and  
35 economic development.

36 (c) Chief operations officer.

37 (d) Chief information security officer.

38 (e) Chief technology officer.

39 (3) The Technology Advisory Council, consisting of seven



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40 members, is established within the Agency for State Technology  
41 and shall be maintained pursuant to s. 20.052. Four members of  
42 the council shall be appointed by the Governor, two of whom must  
43 be from the private sector. The President of the Senate and the  
44 Speaker of the House of Representatives shall each appoint one  
45 member of the council. The Attorney General, the Commissioner of  
46 Agriculture and Consumer Services, and the Chief Financial  
47 Officer shall jointly appoint one member by agreement of a  
48 majority of these officers. Upon initial establishment of the  
49 council, two of the Governor's appointments shall be for 2-year  
50 terms. Thereafter, all appointments shall be for 4-year terms.

51 (a) The council shall consider and make recommendations to  
52 the executive director on such matters as enterprise information  
53 technology policies, standards, services, and architecture. The  
54 council may also identify and recommend opportunities for the  
55 establishment of public-private partnerships when considering  
56 technology infrastructure and services in order to accelerate  
57 project delivery and provide a source of new or increased  
58 project funding.

59 (b) The executive director shall consult with the council  
60 with regard to executing the duties and responsibilities of the  
61 agency related to statewide information technology strategic  
62 planning and policy.

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

67 Section 3. Section 282.0041, Florida Statutes, is amended  
68 to read:



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69 282.0041 Definitions.—As used in this chapter, the term:

70 (1) “Agency data center” means agency space containing 10  
71 or more physical or logical servers ~~“Agency” has the same~~  
72 ~~meaning as in s. 216.011(1)(qq), except that for purposes of~~  
73 ~~this chapter, “agency” does not include university boards of~~  
74 ~~trustees or state universities.~~

75 ~~(2) “Agency for Enterprise Information Technology” means~~  
76 ~~the agency created in s. 14.204.~~

77 ~~(3) “Agency information technology service” means a service~~  
78 ~~that directly helps an agency fulfill its statutory or~~  
79 ~~constitutional responsibilities and policy objectives and is~~  
80 ~~usually associated with the agency’s primary or core business~~  
81 ~~functions.~~

82 ~~(4) “Annual budget meeting” means a meeting of the board of~~  
83 ~~trustees of a primary data center to review data center usage to~~  
84 ~~determine the apportionment of board members for the following~~  
85 ~~fiscal year, review rates for each service provided, and~~  
86 ~~determine any other required changes.~~

87 ~~(2)(5) “Breach” means a confirmed event that compromises~~  
88 ~~the confidentiality, integrity, or availability of information~~  
89 ~~or data has the same meaning as in s. 817.5681(4).~~

90 ~~(3)(6) “Business continuity plan” means a collection of~~  
91 ~~procedures and information designed to keep an agency’s critical~~  
92 ~~operations running during a period of displacement or~~  
93 ~~interruption of normal operations ~~plan for disaster recovery~~~~  
94 ~~which provides for the continued functioning of a primary data~~  
95 ~~center during and after a disaster.~~

96 ~~(4)(7) “Computing facility” or “agency computing facility”~~  
97 ~~means agency space containing fewer than a total of 10 physical~~



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98 or logical servers, ~~any of which supports a strategic or~~  
99 ~~nonstrategic information technology service, as described in~~  
100 ~~budget instructions developed pursuant to s. 216.023, but~~  
101 excluding single, logical-server installations that exclusively  
102 perform a utility function such as file and print servers.

103 (5) ~~(8)~~ "Customer entity" means an entity that obtains  
104 services from the state ~~a primary~~ data center.

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

109 (6) ~~(10)~~ "Department" means the Department of Management  
110 Services.

111 (7) "Disaster recovery" means the process, policies,  
112 procedures, and infrastructure related to preparing for and  
113 implementing recovery or continuation of an agency's vital  
114 technology infrastructure after a natural or human-induced  
115 disaster.

116 (8) ~~(11)~~ "Enterprise information technology service" means  
117 an information technology service that is used in all agencies  
118 or a subset of agencies and is established in law to be  
119 designed, delivered, and managed at the enterprise level.

120 (9) "Event" means an observable occurrence in a system or  
121 network.

122 (10) "Incident" means a violation or imminent threat of  
123 violation, whether such violation is accidental or deliberate,  
124 of information technology security policies, acceptable use  
125 policies, or standard security practices. An imminent threat of  
126 violation refers to a situation in which the state agency has a



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127 factual basis for believing that a specific incident is about to  
128 occur.

129 ~~(12) "E-mail, messaging, and calendaring service" means the~~  
130 ~~enterprise information technology service that enables users to~~  
131 ~~send, receive, file, store, manage, and retrieve electronic~~  
132 ~~messages, attachments, appointments, and addresses. The e-mail,~~  
133 ~~messaging, and calendaring service must include e-mail account~~  
134 ~~management; help desk; technical support and user provisioning~~  
135 ~~services; disaster recovery and backup and restore capabilities;~~  
136 ~~antispam and antivirus capabilities; archiving and e-discovery;~~  
137 ~~and remote access and mobile messaging capabilities.~~

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

141 (11)~~(14)~~ "Information technology" means equipment,  
142 hardware, software, firmware, programs, systems, networks,  
143 infrastructure, media, and related material used to  
144 automatically, electronically, and wirelessly collect, receive,  
145 access, transmit, display, store, record, retrieve, analyze,  
146 evaluate, process, classify, manipulate, manage, assimilate,  
147 control, communicate, exchange, convert, converge, interface,  
148 switch, or disseminate information of any kind or form.

149 (12)~~(15)~~ "Information technology policy" means a definite  
150 course or method of action selected from among one or more  
151 alternatives that guide and determine present and future  
152 decisions ~~statements that describe clear choices for how~~  
153 ~~information technology will deliver effective and efficient~~  
154 ~~government services to residents and improve state agency~~  
155 ~~operations. A policy may relate to investments, business~~



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156 ~~applications, architecture, or infrastructure. A policy~~  
157 ~~describes its rationale, implications of compliance or~~  
158 ~~noncompliance, the timeline for implementation, metrics for~~  
159 ~~determining compliance, and the accountable structure~~  
160 ~~responsible for its implementation.~~

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

163 (14) "Information technology security" means the protection  
164 afforded to an automated information system in order to attain  
165 the applicable objectives of preserving the integrity,  
166 availability, and confidentiality of data, information, and  
167 information technology resources.

168 (15)~~(16)~~ "Performance metrics" means the measures of an  
169 organization's activities and performance.

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

173 (16)~~(18)~~ "Project" means an endeavor that has a defined  
174 start and end point; is undertaken to create or modify a unique  
175 product, service, or result; and has specific objectives that,  
176 when attained, signify completion.

177 (17) "Project oversight" means an independent review and  
178 analysis of an information technology project that provides  
179 information on the project's scope, completion timeframes, and  
180 budget and that identifies and quantifies issues or risks  
181 affecting the successful and timely completion of the project.

182 (18)~~(19)~~ "Risk assessment analysis" means the process of  
183 identifying security risks, determining their magnitude, and  
184 identifying areas needing safeguards.



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185        ~~(19)-(20)~~ "Service level" means the key performance  
186 indicators (KPI) of an organization or service which must be  
187 regularly performed, monitored, and achieved.

188        ~~(20)-(21)~~ "Service-level agreement" means a written contract  
189 between the state a data center and a customer entity which  
190 specifies the scope of services provided, service level, the  
191 duration of the agreement, the responsible parties, and service  
192 costs. A service-level agreement is not a rule pursuant to  
193 chapter 120.

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

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

198        (23) "State agency" means any official, officer,  
199 commission, board, authority, council, committee, or department  
200 of the executive branch of state government; the Justice  
201 Administrative Commission; and the Public Service Commission.  
202 The term does not include university boards of trustees or state  
203 universities. As used in part I of this chapter, except as  
204 otherwise specifically provided, the term does not include the  
205 Department of Legal Affairs, the Department of Agriculture and  
206 Consumer Services, or the Department of Financial Services.

207        ~~(24)-(23)~~ "SUNCOM Network" means the state enterprise  
208 telecommunications system that provides all methods of  
209 electronic or optical telecommunications beyond a single  
210 building or contiguous building complex and used by entities  
211 authorized as network users under this part.

212        ~~(25)-(24)~~ "Telecommunications" means the science and  
213 technology of communication at a distance, including electronic





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214 systems used in the transmission or reception of information.

215 ~~(26)-(25)~~ "Threat" means any circumstance or event that has  
216 the potential to adversely impact a state agency's operations or  
217 assets through an information system via unauthorized access,  
218 destruction, disclosure, or modification of information or  
219 denial of service ~~any circumstance or event that may cause harm~~  
220 ~~to the integrity, availability, or confidentiality of~~  
221 ~~information technology resources.~~

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

225 ~~(26) "Total cost" means all costs associated with~~  
226 ~~information technology projects or initiatives, including, but~~  
227 ~~not limited to, value of hardware, software, service,~~  
228 ~~maintenance, incremental personnel, and facilities. Total cost~~  
229 ~~of a loan or gift of information technology resources to an~~  
230 ~~agency includes the fair market value of the resources.~~

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

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

236 Section 4. Section 282.0051, Florida Statutes, is created  
237 to read:

238 282.0051 Agency for State Technology; powers, duties, and  
239 functions.—The Agency for State Technology shall have the  
240 following powers, duties, and functions:

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



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243           (2) Establish and publish information technology  
244 architecture standards to provide for the most efficient use of  
245 the state's information technology resources and to ensure  
246 compatibility and alignment with the needs of state agencies.  
247 The agency shall assist state agencies in complying with the  
248 standards.

249           (3) By June 30, 2015, establish project management and  
250 oversight standards with which state agencies must comply when  
251 implementing information technology projects. The agency shall  
252 provide training opportunities to state agencies to assist in  
253 the adoption of the project management and oversight standards.  
254 To support data-driven decisionmaking, the standards must  
255 include, but are not limited to:

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

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

262           (c) Reporting requirements, including requirements designed  
263 to alert all defined stakeholders that an information technology  
264 project has exceeded acceptable variances defined and documented  
265 in a project plan.

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

267           (4) Beginning January 1, 2015, perform project oversight on  
268 all state agency information technology projects that have total  
269 project costs of \$10 million or more and that are funded in the  
270 General Appropriations Act or any other law. The agency shall  
271 report at least quarterly to the Executive Office of the



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272 Governor, the President of the Senate, and the Speaker of the  
273 House of Representatives on any information technology project  
274 that the agency identifies as high-risk due to the project  
275 exceeding acceptable variance ranges defined and documented in a  
276 project plan. The report must include a risk assessment,  
277 including fiscal risks, associated with proceeding to the next  
278 stage of the project, and a recommendation for corrective  
279 actions required, including suspension or termination of the  
280 project.

281 (5) By April 1, 2016, and biennially thereafter, identify  
282 opportunities for standardization and consolidation of  
283 information technology services that support business functions  
284 and operations, including administrative functions such as  
285 purchasing, accounting and reporting, cash management, and  
286 personnel, and that are common across state agencies. The agency  
287 shall provide recommendations for standardization and  
288 consolidation to the Executive Office of the Governor, the  
289 President of the Senate, and the Speaker of the House of  
290 Representatives. The agency is not precluded from providing  
291 recommendations before April 1, 2016.

292 (6) In collaboration with the Department of Management  
293 Services, establish best practices for the procurement of  
294 information technology products in order to reduce costs,  
295 increase productivity, or improve services. Such practices must  
296 include a provision requiring the agency to review all  
297 information technology purchases made by state agencies that  
298 have a total cost of \$250,000 or more, unless a purchase is  
299 specifically mandated by the Legislature, for compliance with  
300 the standards established pursuant to this section.



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301 (7) (a) Participate with the Department of Management  
302 Services in evaluating, conducting, and negotiating competitive  
303 solicitations for state term contracts for information  
304 technology commodities, consultant services, or staff  
305 augmentation contractual services pursuant to s. 287.0591.

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

308 (8) Develop standards for information technology reports  
309 and updates, including, but not limited to, operational work  
310 plans, project spend plans, and project status reports, for use  
311 by state agencies.

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

314 (10) Beginning July 1, 2016, and annually thereafter,  
315 conduct annual assessments of state agencies to determine  
316 compliance with all information technology standards and  
317 guidelines developed and published by the agency, and beginning  
318 December 1, 2016, and annually thereafter, provide results of  
319 the assessments to the Executive Office of the Governor, the  
320 President of the Senate, and the Speaker of the House of  
321 Representatives.

322 (11) Provide operational management and oversight of the  
323 state data center established pursuant to s. 282.201, which  
324 includes:

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

328 (b) Developing and implementing cost-recovery mechanisms  
329 that recover the full direct and indirect cost of services



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330 through charges to applicable customer entities. Such cost-  
331 recovery mechanisms must comply with applicable state and  
332 federal regulations concerning distribution and use of funds and  
333 must ensure that, for any fiscal year, no service or customer  
334 entity subsidizes another service or customer entity.

335 (c) Developing and implementing appropriate operating  
336 guidelines and procedures necessary for the state data center to  
337 perform its duties pursuant to s. 282.201. The guidelines and  
338 procedures must comply with applicable state and federal laws,  
339 regulations, and policies and conform to generally accepted  
340 governmental accounting and auditing standards. The guidelines  
341 and procedures must include, but not be limited to:

342 1. Implementing a consolidated administrative support  
343 structure responsible for providing financial management,  
344 procurement, transactions involving real or personal property,  
345 human resources, and operational support.

346 2. Implementing an annual reconciliation process to ensure  
347 that each customer entity is paying for the full direct and  
348 indirect cost of each service as determined by the customer  
349 entity's use of each service.

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

352 4. Requiring customer entities to validate that sufficient  
353 funds exist in the appropriate data processing appropriation  
354 category or will be transferred into the appropriate data  
355 processing appropriation category before implementation of a  
356 customer entity's request for a change in the type or level of  
357 service provided, if such change results in a net increase to  
358 the customer entity's costs for that fiscal year.



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

362 6. Providing a plan for consideration by the Legislative  
363 Budget Commission if the cost of a service is increased for a  
364 reason other than a customer entity's request made pursuant to  
365 subparagraph 4. Such a plan is required only if the service cost  
366 increase results in a net increase to a customer entity for that  
367 fiscal year.

368 7. Standardizing and consolidating procurement and  
369 contracting practices.

370 (d) In collaboration with the Department of Law  
371 Enforcement, developing and implementing a process for  
372 detecting, reporting, and responding to information technology  
373 security incidents, breaches, and threats.

374 (e) Adopting rules relating to the operation of the state  
375 data center, including, but not limited to, budgeting and  
376 accounting procedures, cost-recovery methodologies, and  
377 operating procedures.

378 (f) Beginning May 1, 2016, and annually thereafter,  
379 conducting a market analysis to determine whether the state's  
380 approach to the provision of data center services is the most  
381 effective and efficient manner by which its customer entities  
382 can acquire such services, based on federal, state, and local  
383 government trends; best practices in service provision; and the  
384 acquisition of new and emerging technologies. The results of the  
385 market analysis shall assist the state data center in making  
386 adjustments to its data center service offerings.

387 (12) Recommend other information technology services that



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388 should be designed, delivered, and managed as enterprise  
389 information technology services. Recommendations must include  
390 the identification of existing information technology resources  
391 associated with the services, if existing services must be  
392 transferred as a result of being delivered and managed as  
393 enterprise information technology services.

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

398 (14) In consultation with state agencies, propose a  
399 methodology and approach for identifying and collecting both  
400 current and planned information technology expenditure data at  
401 the state agency level.

402 (15) (a) Beginning January 1, 2015, and notwithstanding any  
403 other law, provide project oversight on any information  
404 technology project of the Department of Financial Services, the  
405 Department of Legal Affairs, and the Department of Agriculture  
406 and Consumer Services that has a total project cost of \$25  
407 million or more and that impacts one or more other agencies.  
408 Such information technology projects must also comply with the  
409 applicable information technology architecture, project  
410 management and oversight, and reporting standards established by  
411 the agency.

412 (b) When performing the project oversight function  
413 specified in paragraph (a), report at least quarterly to the  
414 Executive Office of the Governor, the President of the Senate,  
415 and the Speaker of the House of Representatives on any  
416 information technology project that the agency identifies as



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417 high-risk due to the project exceeding acceptable variance  
418 ranges defined and documented in the project plan. The report  
419 shall include a risk assessment, including fiscal risks,  
420 associated with proceeding to the next stage of the project and  
421 a recommendation for corrective actions required, including  
422 suspension or termination of the project.

423 (16) If an information technology project implemented by a  
424 state agency must be connected to or otherwise accommodated by  
425 an information technology system administered by the Department  
426 of Financial Services, the Department of Legal Affairs, or the  
427 Department of Agriculture and Consumer Services, consult with  
428 these departments regarding the risks and other effects of such  
429 projects on their information technology systems and work  
430 cooperatively with these departments regarding the connections,  
431 interfaces, timing, or accommodations required to implement such  
432 projects.

433 (17) If adherence to standards or policies adopted by or  
434 established pursuant to this section causes conflict with  
435 federal regulations or requirements imposed on a state agency  
436 and results in adverse action against the state agency or  
437 federal funding, work with the state agency to provide  
438 alternative standards, policies, or requirements that do not  
439 conflict with the federal regulation or requirement. Beginning  
440 July 1, 2015, the agency shall annually report such alternative  
441 standards to the Governor, the President of the Senate, and the  
442 Speaker of the House of Representatives.

443 (18) Adopt rules to administer this section.

444 Section 5. Section 282.00515, Florida Statutes, is created  
445 to read:





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446           282.00515 Duties of Cabinet agencies.—The Department of  
447 Legal Affairs, the Department of Financial Services, and the  
448 Department of Agriculture and Consumer Services shall adopt the  
449 standards established in s. 282.0051(2), (3), and (8) or adopt  
450 alternative standards based on best practices and industry  
451 standards, and may contract with the Agency for State Technology  
452 to provide or perform any of the services and functions  
453 described in s. 282.0051 for the Department of Legal Affairs,  
454 the Department of Financial Services, or the Department of  
455 Agriculture and Consumer Services.

456           Section 6. Section 287.0591, Florida Statutes, is created  
457 to read:

458           287.0591 Information technology.—

459           (1) Beginning July 1, 2014, any competitive solicitation  
460 issued by the department for a state term contract for  
461 information technology commodities must include a term that does  
462 not exceed 48 months.

463           (2) Beginning September 1, 2015, any competitive  
464 solicitation issued by the department for a state term contract  
465 for information technology consultant services or information  
466 technology staff augmentation contractual services must include  
467 a term that does not exceed 48 months.

468           (3) The department may execute a state term contract for  
469 information technology commodities, consultant services, or  
470 staff augmentation contractual services that exceeds the 48-  
471 month requirement if the Secretary of Management Services and  
472 the executive director of the Agency for State Technology  
473 certify to the Executive Office of the Governor that a longer  
474 contract term is in the best interest of the state.



475 (4) If the department issues a competitive solicitation for  
476 information technology commodities, consultant services, or  
477 staff augmentation contractual services, the Agency for State  
478 Technology shall participate in such solicitations.

479  
480 ===== T I T L E A M E N D M E N T =====

481 And the title is amended as follows:

482 Delete lines 5 - 16

483 and insert:

484 the Governor; creating s. 20.61, F.S.; creating the  
485 Agency for State Technology; providing that the  
486 executive director shall serve as the state's chief  
487 information officer; establishing certain agency  
488 positions; establishing the Technology Advisory  
489 Council; providing for membership and duties of the  
490 council; providing that members of the council are  
491 governed by the Code of Ethics for Public Officers and  
492 Employees; amending s. 282.0041, F.S.; revising,  
493 creating, and deleting definitions used in the  
494 Enterprise Information Technology Services Management  
495 Act; creating s. 282.0051, F.S.; providing powers,  
496 duties, and functions of the Agency for State  
497 Technology; authorizing the agency to adopt rules;  
498 creating s. 282.00515, F.S.; requiring the Department  
499 of Legal Affairs, the Department of Financial  
500 Services, and the Department of Agriculture and  
501 Consumer Services to adopt certain technical standards  
502 or alternatives to those standards and authorizing  
503 such departments to contract with the Agency for State



504 Technology for certain purposes; creating s. 287.0591,  
505 F.S.; limiting the terms of certain competitive  
506 solicitations for information technology commodities;  
507 providing an exception; repealing s.