

1 A bill to be entitled
2 An act relating to information technology procurement
3 and contracting; amending s. 20.22, F.S.; providing
4 that the Bureau of Enterprise Project Management and
5 Oversight is within the Florida Digital Service;
6 amending s. 282.0041, F.S.; revising and providing
7 definitions; amending s. 282.0051, F.S.; revising the
8 duties and responsibilities of the Florida Digital
9 Service; requiring the Florida Digital Service to
10 manage certain contracts, report certain information
11 to specified parties annually, and adopt certain
12 rules; creating s. 282.00513, F.S.; creating the
13 Bureau of Enterprise Project Management and Oversight
14 within the Florida Digital Service; providing duties
15 and responsibilities of the bureau; requiring certain
16 parties to designate a chief of the bureau; creating
17 s. 282.00514, F.S.; requiring state agencies include
18 specified information in certain solicitations and
19 contracts; requiring state agencies to follow certain
20 processes and use certain forms in certain
21 circumstances; requiring state agencies to consult
22 with the Florida Digital Service and work
23 cooperatively with specified entities in certain
24 circumstances; requiring state agencies take certain
25 actions related to information technology project

26 procurement planning; requiring state agencies to
 27 comply with a specified framework established by the
 28 Bureau of Enterprise Project Management and Oversight;
 29 requiring state agencies provide information in a
 30 specified format; amending s. 282.00515, F.S.;
 31 conforming provisions to changes made by the act;
 32 amending s. 287.057, F.S.; requiring the Department of
 33 Management Services to maintain a specified repository
 34 for certain records; creating s. 287.0583, F.S.;
 35 providing contract requirements for certain
 36 information technology commodities and services;
 37 amending s. 287.0591, F.S.; revising requirements for
 38 information technology competitive solicitations;
 39 providing an effective date.

40
 41 Be It Enacted by the Legislature of the State of Florida:

42
 43 **Section 1. Paragraph (b) of subsection (2) of section**
 44 **20.22, Florida Statutes, is amended to read:**

45 20.22 Department of Management Services.—There is created
 46 a Department of Management Services.

47 (2) The following divisions, programs, and services within
 48 the Department of Management Services are established:

49 (b) The Florida Digital Service, which shall include the
 50 Bureau of Enterprise Project Management and Oversight.

51 **Section 2. Subsections (24) through (38) of section**
52 **282.0041, Florida Statutes, are renumbered as subsections (25)**
53 **through (39), respectively, subsections (28) and (30) are**
54 **amended, and a new subsection (24) is added to that section, to**
55 **read:**

56 282.0041 Definitions.—As used in this chapter, the term:
57 (24) "Major information technology system" means an
58 information technology system with a total cost of ownership of
59 \$10 million or more, which directly serves or impacts end users
60 in the delivery of constituent-facing services or which supports
61 mission-critical operations essential to a state agency's
62 statutory duties or core business functions.

63 ~~(28)-(27)~~ "Project oversight" means an independent review
64 and assessment ~~analysis~~ of an information technology project
65 that provides information on the project's scope, completion
66 timeframes, performance measurement, and budget and that
67 identifies and quantifies issues or risks affecting the
68 successful and timely completion of the project.

69 ~~(30)-(29)~~ "Risk assessment" means the process of
70 identifying operational risks and security risks, determining
71 their magnitude, and identifying areas needing safeguards.

72 **Section 3. Section 282.0051, Florida Statutes, is amended**
73 **to read:**

74 282.0051 Department of Management Services; Florida
75 Digital Service; powers, duties, and functions.—

76 (1) The Florida Digital Service is ~~has been~~ created within
 77 the department to propose innovative solutions that securely
 78 modernize state government, including technology and information
 79 services, to achieve value through digital transformation and
 80 interoperability, and to fully support the cloud-first policy as
 81 specified in s. 282.206. The ~~department, through the~~ Florida
 82 Digital Service, shall ~~have the following powers, duties, and~~
 83 ~~functions:~~

84 (a) Develop and publish information technology policy for
 85 the management of the state's information technology resources.

86 (b) Develop an enterprise architecture that:

87 1. Acknowledges the unique needs of the entities within
 88 the enterprise in the development and publication of standards
 89 and terminologies to facilitate digital interoperability;

90 2. Supports the cloud-first policy as specified in s.
 91 282.206; and

92 3. Addresses how information technology infrastructure may
 93 be modernized to achieve cloud-first objectives.

94 (c) Establish project management and oversight standards
 95 with which state agencies must comply when implementing
 96 information technology projects. The ~~department, acting through~~
 97 ~~the~~ Florida Digital Service, shall update the ~~provide training~~
 98 ~~opportunities to state agencies to assist in the adoption of the~~
 99 ~~project management and oversight standards~~ by July 1, 2027, and
 100 at least once every 2 years thereafter, incorporating best

101 practices from the public and private sectors, as well as any
102 lessons learned by state agencies. When updating the standards,
103 the Florida Digital Service shall solicit input from all state
104 agencies. To support data-driven decisionmaking, the standards
105 must include, but are not limited to:

106 1. Performance measurements and metrics that objectively
107 assess ~~reflect~~ the progress and risks ~~status~~ of an information
108 technology project through performance baselines and monitoring
109 mechanisms to determine whether the project is performing as
110 planned and delivering the intended outcomes ~~based on a defined~~
111 ~~and documented project scope, cost, and schedule.~~

112 2. Methodologies for calculating acceptable variances
113 between the planned and ~~in the projected versus~~ actual scope of
114 a technology project which provide clear thresholds to guide
115 corrective actions. Such methodologies must account for project
116 complexity and scale, schedule, performance, quality, and the ~~or~~
117 cost of an information technology project.

118 3. Reporting requirements, including requirements designed
119 to alert all defined stakeholders and the chairs of the
120 legislative appropriations committees when ~~that~~ an information
121 technology project has exceeded acceptable variances and
122 specifying procedures for escalating critical issues to
123 appropriate individuals ~~defined and documented in a project~~
124 ~~plan.~~

125 4. Content, format, and frequency of project updates.

126 5. Technical standards to ensure an information technology
127 project complies with the enterprise architecture, including
128 interoperability, security, scalability, and data management
129 requirements.

130 6. Mechanisms for engaging stakeholders throughout a
131 project's life cycle.

132 (d) Provide training opportunities to state agencies
133 regarding the information technology project management and
134 oversight standards.

135 (e) ~~(d)~~ Perform project oversight on all state agency
136 information technology projects that have total project costs of
137 \$10 million or more and that are funded in the General
138 Appropriations Act or any other law. The ~~department, acting~~
139 ~~through the~~ Florida Digital Service, shall report at least
140 quarterly to the ~~Executive Office of the~~ Governor, the President
141 of the Senate, and the Speaker of the House of Representatives
142 on any information technology project that the Florida Digital
143 Service ~~department~~ identifies as high-risk due to the project
144 exceeding the acceptable project variance thresholds provided in
145 the project management and oversight standards ~~ranges defined~~
146 ~~and documented in a project plan.~~ The report must include:

147 1. A risk assessment, including fiscal risks, associated
148 with proceeding to the next stage of the project.

149 2. Recommendations, ~~and a recommendation~~ for corrective
150 actions required, including suspension or termination of the

151 project.

152 3. A list of all projects with a performance deficiency,
153 reported pursuant to s. 287.057(26)(d)1., which has not been
154 corrected by the vendor as of the end of the reporting period.

155 (f)(e) Identify opportunities for standardization and
156 consolidation of information technology services that support
157 interoperability and the cloud-first policy, as specified in s.
158 282.206, and business functions and operations, including
159 administrative functions such as purchasing, accounting and
160 reporting, cash management, and personnel, and that are common
161 across state agencies. The ~~department, acting through the~~
162 Florida Digital Service~~7~~, shall biennially on January 15 ~~1~~ of
163 each odd-numbered ~~even-numbered~~ year provide recommendations for
164 standardization and consolidation to the ~~Executive Office of the~~
165 Governor, the President of the Senate, and the Speaker of the
166 House of Representatives.

167 (g)(f) Establish best practices for the procurement of
168 information technology products and cloud-computing services in
169 order to reduce costs, increase the quality of data center
170 services, or improve government services.

171 (h)(g) Develop standards for information technology
172 reports and updates, including, but not limited to, operational
173 work plans, project spend plans, and project status reports, for
174 use by state agencies.

175 (i)(h) Upon request, assist state agencies in the

176 development of information technology-related legislative budget
177 requests.

178 (j)~~(i)~~ Conduct annual assessments of state agencies to
179 determine compliance with all information technology standards
180 and guidelines developed and published by the department and
181 provide results of the assessments to ~~the Executive Office of~~
182 the Governor, the President of the Senate, and the Speaker of
183 the House of Representatives.

184 ~~(j)~~ Conduct a market analysis not less frequently than
185 every 3 years beginning in 2021 to determine whether the
186 information technology resources within the enterprise are
187 utilized in the most cost-effective and cost-efficient manner,
188 while recognizing that the replacement of certain legacy
189 information technology systems within the enterprise may be cost
190 prohibitive or cost-inefficient due to the remaining useful life
191 of those resources; whether the enterprise is complying with the
192 cloud-first policy specified in s. 282.206; and whether the
193 enterprise is utilizing best practices with respect to
194 information technology, information services, and the
195 acquisition of emerging technologies and information services.
196 Each market analysis shall be used to prepare a strategic plan
197 for continued and future information technology and information
198 services for the enterprise, including, but not limited to,
199 proposed acquisition of new services or technologies and
200 approaches to the implementation of any new services or

201 ~~technologies. Copies of each market analysis and accompanying~~
202 ~~strategic plan must be submitted to the Executive Office of the~~
203 ~~Governor, the President of the Senate, and the Speaker of the~~
204 ~~House of Representatives not later than December 31 of each year~~
205 ~~that a market analysis is conducted.~~

206 (k) Recommend ~~other~~ information technology services that
207 should be designed, delivered, and managed as enterprise
208 information technology services. Recommendations must include
209 the identification of existing information technology resources
210 associated with the services, if existing services must be
211 transferred as a result of being delivered and managed as
212 enterprise information technology services. The recommendations
213 must be submitted to the Governor, the President of the Senate,
214 and the Speaker of the House of Representatives no later than
215 January 15 of each odd-numbered year.

216 (l) In consultation with state agencies, propose a
217 methodology and approach for identifying and collecting both
218 current and planned information technology expenditure data at
219 the state agency level.

220 (m)1. Notwithstanding any other law, provide project
221 oversight on any information technology project of the
222 Department of Financial Services, the Department of Legal
223 Affairs, and the Department of Agriculture and Consumer Services
224 which has a total project cost of \$20 million or more. Such
225 information technology projects must also comply with the

226 applicable information technology architecture, project
227 management and oversight, and reporting standards established by
228 the ~~department, acting through the~~ Florida Digital Service.

229 2. When performing the project oversight function
230 specified in subparagraph 1., report at least quarterly to the
231 ~~Executive Office of the~~ Governor, the President of the Senate,
232 and the Speaker of the House of Representatives on any
233 information technology project that the ~~department, acting~~
234 ~~through the~~ Florida Digital Service, identifies as high-risk due
235 to the project exceeding the established acceptable project
236 variance thresholds ~~ranges defined and documented in the project~~
237 ~~plan~~. The report shall include a risk assessment, including
238 fiscal risks, associated with proceeding to the next stage of
239 the project and a recommendation for corrective actions
240 required, including suspension or termination of the project.

241 ~~(n) If an information technology project implemented by a~~
242 ~~state agency must be connected to or otherwise accommodated by~~
243 ~~an information technology system administered by the Department~~
244 ~~of Financial Services, the Department of Legal Affairs, or the~~
245 ~~Department of Agriculture and Consumer Services, consult with~~
246 ~~these departments regarding the risks and other effects of such~~
247 ~~projects on their information technology systems and work~~
248 ~~cooperatively with these departments regarding the connections,~~
249 ~~interfaces, timing, or accommodations required to implement such~~
250 ~~projects.~~

251 (n)~~(e)~~ If adherence to standards or policies adopted by or
252 established pursuant to this section causes conflict with
253 federal regulations or requirements imposed on an entity within
254 the enterprise and results in adverse action against an entity
255 or federal funding, work with the entity to provide alternative
256 standards, policies, or requirements that do not conflict with
257 the federal regulation or requirement. The ~~department, acting~~
258 ~~through the Florida Digital Service,~~ shall ~~annually~~ report each
259 January 15 such alternative standards to the ~~Executive Office of~~
260 ~~the~~ Governor, the President of the Senate, and the Speaker of
261 the House of Representatives.

262 (o)~~(p)~~1. Establish an information technology policy for
263 all information technology-related state contracts, including
264 state term contracts for information technology commodities,
265 consultant services, and staff augmentation services. The
266 information technology policy must include:

267 a. Identification of the information technology product
268 and service categories to be included in state term contracts.

269 b. Requirements to be included in solicitations for ~~state~~
270 ~~term~~ contracts.

271 c. Evaluation criteria for the award of information
272 technology-related ~~state term~~ contracts.

273 d. The term of each information technology-related state
274 term contract.

275 e. The maximum number of vendors authorized on each state

276 term contract.

277 f. At a minimum, a requirement that any contract for
278 information technology commodities or services meet the National
279 Institute of Standards and Technology Cybersecurity Framework.

280 g. For an information technology project wherein project
281 oversight is required pursuant to paragraph (e) ~~(d)~~ or paragraph
282 (m), a requirement that independent verification and validation
283 be employed throughout the project life cycle with the primary
284 objective of independent verification and validation being to
285 provide an objective assessment of products and processes
286 throughout the project life cycle. An entity providing
287 independent verification and validation may not have technical,
288 managerial, or financial interest in the project and may not
289 have responsibility for, or participate in, any other aspect of
290 the project.

291 2. Evaluate vendor responses for information technology-
292 related state term contract solicitations and invitations to
293 negotiate.

294 3. Answer vendor questions on information technology-
295 related state term contract solicitations.

296 4. Ensure that the information technology policy
297 established pursuant to subparagraph 1. is included in all
298 solicitations and contracts that are ~~administratively~~ executed
299 by the department.

300 (p) ~~(q)~~ Recommend potential methods for standardizing data

301 across state agencies which will promote interoperability and
302 reduce the collection of duplicative data.

303 (q)~~(r)~~ Recommend open data technical standards and
304 terminologies for use by the enterprise.

305 (r)~~(s)~~ Ensure that enterprise information technology
306 solutions are capable of utilizing an electronic credential and
307 comply with the enterprise architecture standards.

308 (s) Review all state agency information technology
309 legislative budget requests to identify compliance issues
310 related to the enterprise architecture, project planning
311 standards, data interoperability, and cybersecurity.

312 (t) Identify efficiency opportunities in the use of
313 information technology resources.

314 (u) Submit recommendations for improvement or any
315 statutory changes necessary to implement the improvements to the
316 Governor, the President of the Senate, and the Speaker of the
317 House of Representatives no later than November 15 of each year.

318 (v) Develop, maintain, and publish, in collaboration with
319 the enterprise, a data dictionary for each agency that reflects
320 the nomenclature in the comprehensive indexed data catalog.

321 (w) Each December 1, compile an enterprise report of major
322 information technology systems approaching end-of-life within 5
323 fiscal years after such December 1, and submit the report to the
324 Governor, the President of the Senate, and the Speaker of the
325 House of Representatives. For purposes of this paragraph, "end-

326 of-life" means the point at which an information technology
327 resource no longer receives vendor support, uses obsolete
328 technology, cannot be adequately maintained, or fails to meet
329 enterprise architecture standards. The report must:

330 1. Describe each major information technology system,
331 including its primary functions, user base, and interconnections
332 or dependencies with other systems.

333 2. Provide the age, projected end-of-life date, technology
334 platform, and vendor support status of such system.

335 3. Identify the risks to operations, service delivery, or
336 cybersecurity if such system reaches end-of-life without
337 replacement.

338 4. Describe the plan for such system's replacement,
339 modernization, or retirement.

340 (2) (a) The Secretary of Management Services shall
341 designate a state chief information officer, who shall
342 administer the Florida Digital Service. The state chief
343 information officer, prior to appointment, must have at least 5
344 years of experience in the development of information system
345 strategic planning and development or information technology
346 policy, and, preferably, have leadership-level experience in the
347 design, development, and deployment of interoperable software
348 and data solutions.

349 (b) The state chief information officer, in consultation
350 with the Secretary of Management Services, shall designate a

351 state chief data officer. The chief data officer must be a
352 proven and effective administrator who must have significant and
353 substantive experience in data management, data governance,
354 interoperability, and security.

355 ~~(3) The department, acting through the Florida Digital~~
356 ~~Service and from funds appropriated to the Florida Digital~~
357 ~~Service, shall:~~

358 ~~(a) Create, not later than December 1, 2022,~~ and maintain
359 a comprehensive indexed data catalog in collaboration with the
360 enterprise that lists the data elements housed within the
361 enterprise and the legacy system or application in which these
362 data elements are located. The data catalog must, at a minimum,
363 specifically identify all data that is restricted from public
364 disclosure based on federal or state laws and regulations and
365 require that all such information be protected in accordance
366 with s. 282.318.

367 (4) The Florida Digital Service shall procure, execute,
368 and manage all independent verification and validation contracts
369 for state agencies entered into or amended on or after July 1,
370 2026.

371 ~~(b) Develop and publish, not later than December 1, 2022,~~
372 ~~in collaboration with the enterprise, a data dictionary for each~~
373 ~~agency that reflects the nomenclature in the comprehensive~~
374 ~~indexed data catalog.~~

375 ~~(c) Adopt, by rule, standards that support the creation~~

376 ~~and deployment of an application programming interface to~~
377 ~~facilitate integration throughout the enterprise.~~

378 ~~(d) Adopt, by rule, standards necessary to facilitate a~~
379 ~~secure ecosystem of data interoperability that is compliant with~~
380 ~~the enterprise architecture.~~

381 ~~(e) Adopt, by rule, standards that facilitate the~~
382 ~~deployment of applications or solutions to the existing~~
383 ~~enterprise system in a controlled and phased approach.~~

384 ~~(f) After submission of documented use cases developed in~~
385 ~~conjunction with the affected agencies, assist the affected~~
386 ~~agencies with the deployment, contingent upon a specific~~
387 ~~appropriation therefor, of new interoperable applications and~~
388 ~~solutions:~~

389 ~~1. For the Department of Health, the Agency for Health~~
390 ~~Care Administration, the Agency for Persons with Disabilities,~~
391 ~~the Department of Education, the Department of Elderly Affairs,~~
392 ~~and the Department of Children and Families.~~

393 ~~2. To support military members, veterans, and their~~
394 ~~families.~~

395 ~~(5)(4)~~ For information technology projects that have a
396 total project cost of \$10 million or more, the Florida Digital
397 Service shall:

398 (a) No later than January 1, 2027, establish a
399 presolicitation planning framework that includes standards,
400 procedures, forms, and guidance that state agencies must follow

401 before issuing a competitive solicitation ~~provide the Florida~~
 402 ~~Digital Service with written notice of any planned procurement~~
 403 ~~of an information technology project.~~

404 (b) ~~The Florida Digital Service must~~ Participate in the
 405 development of specifications and recommend modifications to any
 406 planned procurement of an information technology project by
 407 state agencies so that the procurement complies with the
 408 enterprise architecture and the presolicitation planning
 409 framework.

410 (c) Certify that a state agency has complied with the
 411 presolicitation planning framework and is ready to initiate the
 412 planned procurement. The Florida Digital Service shall withhold
 413 certification for any procurement that does not comply with the
 414 established presolicitation planning framework.

415 (d) ~~(e)~~ ~~The Florida Digital Service must~~ Participate in
 416 post-award contract monitoring, including risk oversight and
 417 monitoring for issues or situations that should be elevated to
 418 ensure timely resolution of the issue or situation.

419 (6) ~~(5)~~ ~~The department, acting through the Florida Digital~~
 420 ~~Service,~~ may not retrieve or disclose any data without a shared-
 421 data agreement in place between the Florida Digital Service
 422 ~~department~~ and the enterprise entity that has primary custodial
 423 responsibility of, or data-sharing responsibility for, that
 424 data. The Florida Digital Service shall report to the Governor,
 425 the President of the Senate, and the Speaker of the House of

426 Representatives each January 15 any failure to reach a shared-
427 data agreement with a state agency that prevents the Florida
428 Digital Service from fulfilling its duties and responsibilities.

429 (7) ~~(6)~~ The department, acting through the Florida Digital
430 Service, shall adopt rules:

431 (a) To administer this section and s. 282.00513.

432 (b) To support the creation and deployment of an
433 application programming interface to facilitate integration
434 throughout the enterprise.

435 (c) Necessary to facilitate a secure ecosystem of data
436 interoperability which is compliant with the enterprise
437 architecture.

438 (d) To facilitate the deployment of applications or
439 solutions to the existing enterprise system in a controlled and
440 phased approach.

441 **Section 4. Section 282.00513, Florida Statutes, is created**
442 **to read:**

443 282.00513 Bureau of Enterprise Project Management and
444 Oversight; duties.—

445 (1) There is created a Bureau of Enterprise Project
446 Management and Oversight within the Florida Digital Service,
447 which shall:

448 (a) Oversee the procurement of information technology
449 commodities and services by state agencies related to
450 information technology projects.

451 (b) Oversee the performance of vendors under information
452 technology contracts for commodities or services entered into by
453 state agencies related to information technology projects.

454 (c) Develop a framework that provides processes,
455 activities, and deliverables state agencies must comply with
456 when planning an information technology project. The processes,
457 activities, and deliverables must include, but are not limited
458 to:

459 1. Business case development. The business case
460 development must include the information required by s.
461 287.0571(4), the expected business outcomes, full life cycle
462 cost estimates, governance structure, system interoperability
463 goals, data management plans, scalability approach, evaluation
464 of cybersecurity and data privacy risks, technology-specific
465 performance metrics and service levels, and outcome-based
466 performance indicators.

467 2. Market research, including the use of a request for
468 information, as defined in s. 287.012, to solicit information
469 about industry approaches and to view live demonstrations that
470 may enable the agency's business outcomes. Market research may
471 not be conducted in a manner that confers an unfair competitive
472 advantage including, but not limited to, the use of nonpublic
473 information, preferential access, or conducting evaluative
474 activities that may favor a specific vendor or group of vendors.

475 3. Planning and scheduling.

- 476 4. Stakeholder engagement.
- 477 5. Risk assessment.
- 478 6. Procurement strategy.
- 479 7. Project governance definition.
- 480 8. System design and requirements.
- 481 9. Change management.
- 482 10. Monitoring and reporting.
- 483 11. Postimplementation review and planning.
- 484 12. Solicitation documentation.
- 485 (d) Develop a standardized governance structure with
486 clearly defined roles and decisionmaking authority a state
487 agency must use for an information technology project. The
488 governance structure must incorporate approval processes and
489 ongoing interagency engagement throughout the project lifecycle
490 for an information technology project that integrates with one
491 or more state agencies. The governance structure must also
492 include an executive steering committee responsible for:
- 493 1. Approving the project charter, scope, budget, and
494 schedule.
- 495 2. Approving changes to project scope, budget, or schedule
496 that exceed the variance thresholds established in the project
497 management and oversight standards adopted pursuant to s.
498 282.0051(1)(c).
- 499 3. Monitoring project progress and addressing risks.
- 500 4. Reviewing, evaluating, and determining whether to

501 proceed with or suspend a project phase at major project
502 milestones.

503 5. Providing oversight of vendor performance.

504 6. Meeting at least quarterly and documenting decisions
505 and actionable items.

506 7. Notifying the chairs of the legislative appropriations
507 committees, in a timely manner, of any actual or forecasted
508 risks that exceed the established variance thresholds or impede
509 the ability to achieve the project's intended business outcomes
510 or overall success.

511 (e) Develop forms for state agencies to use to evaluate
512 and report the performance of information technology vendors in
513 the delivery of information technology commodities or services
514 on or before January 1, 2027.

515 (f) Develop trainings specific to information technology
516 that supplement and enhance the trainings offered by the
517 department under s. 287.057(15)(c) and (17)(b) and the Chief
518 Financial Officer under s. 287.057(15)(b). The bureau shall
519 evaluate such training at least once every 4 years to assess the
520 effectiveness and update the training curriculum. The training
521 must be designed to:

522 1. Address the unique requirements and risk profiles of
523 state information technology projects, procurements, contract
524 management, and vendor management.

525 2. Improve the technical understanding of the job

526 requirements, certifications, and skill sets required by state
527 agencies recruiting for information technology roles.

528 (2) The state chief information officer, in consultation
529 with the Secretary of Management Services, shall designate a
530 chief of the Bureau of Enterprise Project Management and
531 Oversight. The chief must have demonstrable experience in the
532 governance of large-scale public sector information technology
533 initiatives and portfolios, negotiation and management of
534 information technology contracts, modular contracting and
535 delivery, and performance management.

536 **Section 5. Section 282.00514, Florida Statutes, is created**
537 **to read:**

538 282.00514 Duties of state agencies.-

539 (1) State agencies must include the information technology
540 policy adopted pursuant to s. 282.0051(1)(o) in all
541 solicitations and contracts for information technology
542 commodities or services.

543 (2) State agencies must follow the processes and use the
544 forms developed by the Bureau of Enterprise Project Management
545 and Oversight to evaluate and report the performance of
546 information technology vendors in the delivery of information
547 technology commodities or services.

548 (3) If an information technology project implemented by a
549 state agency must be connected to or otherwise accommodated by
550 an information technology system administered by the Department

551 of Financial Services, the Department of Legal Affairs, or the
552 Department of Agriculture and Consumer Services, the state
553 agency must consult with the Florida Digital Service and with
554 such departments regarding the risks and other effects of such
555 projects on their information technology systems and work
556 cooperatively with these departments regarding the connections,
557 interfaces, timing, or accommodations required to implement such
558 projects.

559 (4) For information technology projects that have a total
560 project cost of \$10 million or more, state agencies must:

561 (a) Provide the Florida Digital Service with written
562 notice of any planned procurement of an information technology
563 project, the proposed scope, the project specifications, and the
564 project business case at least 90 days before the planned
565 publication date of the competitive solicitation.

566 (b) Receive certification by the Florida Digital Service
567 that the project planning complies with the presolicitation
568 planning framework established by the Florida Digital Service
569 before any competitive solicitation related to an information
570 technology project may be issued.

571 (c) Comply with the governance framework established by
572 the Bureau of Enterprise Project Management and Oversight when
573 implementing an information technology project.

574 (d) Provide the Florida Digital Service all information
575 necessary for the Florida Digital Service to fulfill its project

576 oversight responsibilities.

577 (5) State agencies must provide the information required
 578 to complete the report in s. 282.0051(1)(w) in a format and
 579 manner prescribed by the Florida Digital Service and must
 580 certify the information provided is accurate and complete to the
 581 best of their knowledge as of the submission date.

582 **Section 6. Subsections (1) and (3) and paragraph (b) of**
 583 **subsection (4) of section 282.00515, Florida Statutes, are**
 584 **amended to read:**

585 282.00515 Duties of Cabinet agencies.—

586 (1) The Department of Legal Affairs, the Department of
 587 Financial Services, and the Department of Agriculture and
 588 Consumer Services shall adopt the standards established in s.
 589 282.0051(1)(b), (c), and (q) and (7)(d) ~~s. 282.0051(1)(b), (c),~~
 590 ~~and (r) and (3)(e)~~ or adopt alternative standards based on best
 591 practices and industry standards that allow for open data
 592 interoperability.

593 (3) The Department of Legal Affairs, the Department of
 594 Financial Services, and the Department of Agriculture and
 595 Consumer Services may contract with the Florida Digital Service
 596 ~~department~~ to provide or perform any of the services and
 597 functions described in s. 282.0051.

598 (4)

599 (b) The ~~department, acting through the~~ Florida Digital
 600 Service, may not retrieve or disclose any data without a shared-

601 data agreement in place between the Florida Digital Service
602 ~~department~~ and the Department of Legal Affairs, the Department
603 of Financial Services, or the Department of Agriculture and
604 Consumer Services.

605 **Section 7. Paragraph (e) is added to subsection (26) of**
606 **section 287.057, Florida Statutes, to read:**

607 287.057 Procurement of commodities or contractual
608 services.—

609 (26)

610 (e) The department must maintain a centralized repository
611 of vendor performance records developed by the continuing
612 oversight teams for information technology services contracts.

613 **Section 8. Section 287.0583, Florida Statutes, is created**
614 **to read:**

615 287.0583 Contract requirements for information technology
616 commodities or services.—A contract for information technology
617 commodities or services entered into on or after October 1,
618 2026, involving the development, customization, implementation,
619 integration, support or maintenance of software systems,
620 applications, platforms, or related services must ensure the
621 following:

622 (1) Any data created, processed, or maintained under the
623 contract is portable and can be extracted in a machine-readable
624 format upon request.

625 (2) The vendor will provide, upon request, comprehensive

626 operational documentation sufficient to allow continued
627 operation and maintenance by the agency or a new vendor.

628 (3) The vendor will provide, upon request, reasonable
629 assistance and support during a transition to the agency or to a
630 new vendor.

631 (4) All anticipated software license fees, license renewal
632 fees, and operation and maintenance costs are documented in
633 detail. If exact figures are not feasible, the vendor must
634 provide a reasonable cost range.

635 **Section 9. Section 287.0591, Florida Statutes, is amended**
636 **to read:**

637 287.0591 Information technology competitive solicitations;
638 vendor performance disqualification.—

639 (1) (a) Any competitive solicitation issued by the
640 department for a state term contract for information technology
641 commodities must include a term that does not exceed 48 months.

642 (b) ~~(2)~~ Any competitive solicitation issued by the
643 department for a state term contract for information technology
644 consultant services or information technology staff augmentation
645 contractual services must include a term that does not exceed 48
646 months.

647 (c) ~~(3)~~ The department may execute a state term contract
648 for information technology commodities, consultant services, or
649 staff augmentation contractual services that exceeds the 48-
650 month requirement if the Secretary of Management Services and

651 the state chief information officer certify in writing to the
652 ~~Executive Office of the~~ Governor that a longer contract term is
653 in the best interest of the state.

654 ~~(2)(4) If the department issues a competitive solicitation~~
655 ~~for information technology commodities, consultant services, or~~
656 ~~staff augmentation contractual services,~~ The Florida Digital
657 Service ~~within the department~~ shall participate in ~~such~~
658 competitive solicitations for information technology
659 commodities, consultant services, or staff augmentation
660 contractual services issued by the department, which shall
661 include reviewing the solicitation specifications to verify
662 compliance with enterprise architecture and cybersecurity
663 standards, evaluating vendor responses under established
664 criteria, answering vendor questions, and providing any other
665 technical expertise necessary.

666 ~~(3)(a)(5)~~ If an agency issues a request for quote to
667 purchase information technology commodities, information
668 technology consultant services, or information technology staff
669 augmentation contractual services from the state term contract,
670 the agency must maintain a copy of the request for quote, the
671 identity of the vendor that was sent the request for quote, and
672 any vendor responses to the request for quote for 2 years after
673 the date of issuance of the purchase order ~~for any contract with~~
674 ~~25 approved vendors or fewer, the agency must issue a request~~
675 ~~for quote to all vendors approved to provide such commodity or~~

676 ~~service. For any contract with more than 25 approved vendors,~~
677 ~~the agency must issue a request for quote to at least 25 of the~~
678 ~~vendors approved to provide such commodity or contractual~~
679 ~~service.~~

680 (b) Use of a request for quote does not constitute a
681 decision or intended decision that is subject to protest under
682 s. 120.57(3).

683 (4) (a) An agency purchasing information technology
684 commodities, information technology consultant services, or
685 information technology staff augmentation contractual services
686 through a state term contract or through any other contract
687 vehicle as authorized by law that meet or exceed the CATEGORY
688 FOUR threshold amount must publish on a searchable and publicly
689 available system of record maintained by the department:

690 1. The written request for vendor pricing and services
691 information for at least 5 business days before executing a
692 contract or purchase order.

693 2. The name of the selected vendor and, for commodities,
694 the name of the commodity manufacturer.

695 (b) The agency must maintain a copy of the request for
696 vendor pricing and services information, the identity of the
697 vendors to whom the request was sent, and any vendor responses
698 for 2 years after the date of issuance of the purchase order.

699 (5) Agencies issuing a competitive solicitation to
700 purchase information technology services must consult the

701 repository of vendor performance records developed under s.
702 287.057(26)(e), and consider any relevant records when
703 evaluating vendor responses to the competitive solicitation.

704 (6) To the extent practicable, an agency's contract for
705 the procurement of a major information technology system must be
706 divided into increments that:

707 (a) Address complex information technology objectives
708 incrementally to enhance the likelihood of attaining those
709 objectives.

710 (b) Provide for delivery, implementation, and testing of
711 workable systems or solutions in discrete increments, each of
712 which comprises a system or solution that is not dependent on a
713 subsequent increment in order to perform its principal
714 functions.

715 (c) Provide an opportunity for subsequent increments of
716 the acquisition to take advantage of any evolution in technology
717 or needs that occurs during the implementation of earlier
718 increments.

719 (7) (a) ~~(6)~~ Beginning October 1, 2021, and Each October 1
720 ~~thereafter,~~ the department shall prequalify firms and
721 individuals to provide information technology staff augmentation
722 contractual services and information technology commodities on
723 state term contract.

724 (b) In order to prequalify a firm or individual for
725 participation on the state term contract, the department must

726 consider, at a minimum, the capability, experience, and past
727 performance record of the firm or individual.

728 (c) A firm or individual removed from the source of supply
729 pursuant to s. 287.042(1)(b) or placed on a disqualified vendor
730 list pursuant to s. 287.133 or s. 287.134 is immediately
731 disqualified from state term contract eligibility.

732 (d) Once a firm or individual has been prequalified to
733 provide information technology staff augmentation contractual
734 services or information technology commodities on state term
735 contract, the firm or individual may respond to requests for
736 quotes from an agency to provide such services.

737 (8) Notwithstanding s. 287.057, a competitive solicitation
738 is required for the procurement of information technology, as
739 defined in s. 282.0041, only when the total contract value
740 exceeds the CATEGORY FOUR threshold. Except as expressly
741 provided in this subsection, all other requirements continue to
742 apply to the procurement of information technology.

743 **Section 10.** This act shall take effect July 1, 2026.