

## CHAPTER 2014-221

### House Bill No. 7073

An act relating to information technology governance; transferring the Agency for Enterprise Information Technology to the Agency for State Technology; voiding certain rules of the Agency for Enterprise Information Technology; transferring the Northwood Shared Resource Center and Southwood Shared Resource Center to the Agency for State Technology; repealing s. 14.204, F.S., relating to creation of the Agency for Enterprise Information Technology; reordering and amending s. 20.055, F.S.; revising the term “state agency” to include the Agency for State Technology for purposes of provisions relating to agency inspectors general; creating s. 20.61, F.S.; creating the Agency for State Technology; providing that executive director shall serve as the state’s chief information officer; establishing certain agency positions; establishing the Technology Advisory Council; providing for membership and duties of the council; providing that members of the council are governed by the Code of Ethics for Public Officers and Employees; amending s. 215.96, F.S.; requiring the executive director of the Agency for State Technology to serve on an information subsystem coordinating council established by the Chief Financial Officer; amending s. 216.023, F.S.; requiring certain legislative budget requests to include certain project management and oversight standards; amending s. 282.0041, F.S.; revising, creating, and deleting definitions used in the Enterprise Information Technology Services Management Act; creating s. 282.0051, F.S.; providing powers, duties, and functions of the Agency for State Technology; authorizing the agency to adopt rules; creating s. 282.00515, F.S.; requiring the Department of Legal Affairs, the Department of Financial Services, and the Department of Agriculture and Consumer Services to adopt certain technical standards or alternatives to those standards and authorizing such departments to contract with the Agency for State Technology for certain purposes; repealing ss. 282.0055 and 282.0056, F.S., relating to various duties of the Agency for Enterprise Information Technology; amending s. 282.201, F.S., relating to the state data center system; establishing a state data center within the Agency for State Technology; requiring the agency to provide data center services; requiring state agencies to provide certain information; revising schedules for consolidation of state agency data centers and computing facilities into the state data center; revising exemptions from consolidation; revising limitations on state agency computing facilities and data centers; repealing s. 48 of chapter 2013-41, Laws of Florida, relating to agency data center consolidation schedules; repealing ss. 282.203, 282.204, and 282.205, F.S., relating to primary data centers, the Northwood Shared Resource Center, and the Southwood Shared Resource Center, respectively; amending s. 282.318, F.S.; changing the name of the Enterprise Security of Data and Information Technology Act; defining the term “agency” as used in the act; requiring the Agency for State Technology to establish and publish certain security standards and processes; requiring state agencies to perform

certain security-related duties; requiring the agency to adopt rules; conforming provisions; repealing s. 282.33, F.S., relating to standards for data center energy efficiency; repealing s. 282.34, F.S., relating to the planning and provision of a statewide e-mail service; creating s. 287.0591, F.S.; limiting the terms of certain competitive solicitations for information technology commodities; providing an exception; amending s. 943.0415, F.S.; providing additional duties of the Cybercrime Office of the Department of Law Enforcement; requiring the office to coordinate with the Agency for State Technology in the adoption of specified rules; amending s. 1004.649, F.S.; revising provisions regarding service-level agreements entered into by the Northwest Regional Data Center; conforming provisions; amending ss. 17.0315, 110.205, 215.322, 287.057, 327.301, 445.011, 445.045, and 668.50, F.S.; conforming provisions to changes made by the act; requiring the Agency for State Technology to conduct a study and submit a report to the Governor and Legislature; creating a state data center task force; providing for membership, duties, and abolishment of the task force; providing appropriations and authorizing positions; requiring the Agency for State Technology to complete an operational assessment; requiring reports to the Governor and Legislature; providing that certain reorganizations within state agencies do not require approval by the Legislative Budget Commission; providing effective dates.

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

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

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

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

Section 3. The Southwood Shared Resource Center is transferred by a type two transfer, pursuant to s. 20.06, Florida Statutes, from the Department of Management Services to the Agency for State Technology. Any

binding contract or interagency agreement entered into and between the Southwood Shared Resource Center or an entity or agent of the center and any other agency, entity, or person shall continue as a binding contract or agreement of the Agency for State Technology for the remainder of the term of such contract or agreement.

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

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

20.055 Agency inspectors general.—

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

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

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

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

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

Section 6. 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 of Management Services, including, but not limited to, purchasing, transactions involving real or personal property, personnel, or budgetary matters.

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

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

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

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

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

(c) Chief operations officer.

(d) Chief information security officer.

(e) Chief technology officer.

(3) The Technology Advisory Council, consisting of seven members, is established within the Agency for State Technology and shall be maintained pursuant to s. 20.052. Four members of the council shall be appointed by the

Governor, two of whom must be from the private sector. The President of the Senate and the Speaker of the House of Representatives shall each appoint one member of the council. The Attorney General, the Commissioner of Agriculture and Consumer Services, and the Chief Financial Officer shall jointly appoint one member by agreement of a majority of these officers. Upon initial establishment of the council, two of the Governor's appointments shall be for 2-year terms. Thereafter, all appointments shall be for 4-year terms.

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

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

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

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

215.96 Coordinating council and design and coordination staff.—

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

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

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

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

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

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

3. Details on trust funds and fees.

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

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

6. Information resource requests.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(6)~~(10) “Department” means the Department of Management Services.

~~(7)~~ “Disaster recovery” means the process, policies, procedures, and infrastructure related to preparing for and implementing recovery or continuation of an agency’s vital technology infrastructure after a natural or human-induced disaster.

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

~~(9)~~ “Event” means an observable occurrence in a system or network.

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

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

~~(13)~~—“Information system utility” means ~~a full-service information processing facility offering hardware, software, operations, integration, networking, and consulting services.~~

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

~~(12)~~(15) “Information technology policy” means a definite course or method of action selected from among one or more alternatives that guide



~~and determine present and future decisions statements that describe clear choices for how information technology will deliver effective and efficient government services to residents and improve state agency operations. A policy may relate to investments, business applications, architecture, or infrastructure. A policy describes its rationale, implications of compliance or noncompliance, the timeline for implementation, metrics for determining compliance, and the accountable structure responsible for its implementation.~~

~~(13)~~ “Information technology resources” has the same meaning as provided in s. 119.011.

~~(14)~~ “Information technology security” means the protection afforded to an automated information system in order to attain the applicable objectives of preserving the integrity, availability, and confidentiality of data, information, and information technology resources.

~~(15)~~~~(16)~~ “Performance metrics” means the measures of an organization’s activities and performance.

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

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

~~(17)~~ “Project oversight” means an independent review and analysis of an information technology project that provides information on the project’s scope, completion timeframes, and budget and that identifies and quantifies issues or risks affecting the successful and timely completion of the project.

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

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

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

~~(21)~~ “Stakeholder” means a person, group, organization, or state agency involved in or affected by a course of action.

(22) “Standards” means required practices, controls, components, or configurations established by an authority.

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

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

(25)(24) “Telecommunications” means the science and technology of communication at a distance, including electronic systems used in the transmission or reception of information.

(26)(25) “Threat” means any circumstance or event that has the potential to adversely impact a state agency’s operations or assets through an information system via unauthorized access, destruction, disclosure, or modification of information or denial of service any circumstance or event that may cause harm to the integrity, availability, or confidentiality of information technology resources.

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

(26) —“Total cost” means all costs associated with information technology projects or initiatives, including, but not limited to, value of hardware, software, service, maintenance, incremental personnel, and facilities. Total cost of a loan or gift of information technology resources to an agency includes the fair market value of the resources.

(27) —“Usage” means the billing amount charged by the primary data center, less any pass-through charges, to the customer entity.

(28) —“Usage rate” means a customer entity’s usage or billing amount as a percentage of total usage.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7. Standardizing and consolidating procurement and contracting practices.

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

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

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

(12) Recommend other information technology services that should be designed, delivered, and managed as enterprise information technology

services. Recommendations must include the identification of existing information technology resources associated with the services, if existing services must be transferred as a result of being delivered and managed as enterprise information technology services.

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

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

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

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

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

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

(18) Adopt rules to administer this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Identify the scope of work.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

~~3. Uniform disaster recovery standards.~~

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

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

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

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

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

~~a. Consolidating purchase decisions.~~

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

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

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

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

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

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

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

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

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

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

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

(3) STATE AGENCY DUTIES.—

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

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

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

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

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

~~1.— The Department of Education’s Knott Data Center in the Turlington Building.~~

~~2.— The Department of Education’s Division of Vocational Rehabilitation.~~

~~3.— The Department of Education’s Division of Blind Services, except for the division’s disaster recovery site in Daytona Beach.~~

~~4.— The FCAT Explorer.~~

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

- ~~1. By September 30, 2011, the Department of Corrections.~~
- ~~2. By March 31, 2012, the Department of Transportation's Burns Building.~~
- ~~3. By March 31, 2012, the Department of Transportation's Survey & Mapping Office.~~

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

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

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

- ~~1. By July 1, 2012, the Agency for Health Care Administration.~~
- ~~2. By August 31, 2012, the Department of Highway Safety and Motor Vehicles.~~
- ~~3. By December 31, 2012, the Department of Environmental Protection's Palmetto Commons.~~
- ~~4. By December 31, 2012, the Department of Health's Test and Development Lab and all remaining data center resources located at the Capital Circle Office Complex.~~

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

- ~~1. By October 31, 2013, the Department of Economic Opportunity.~~
- ~~2. By December 31, 2013, the Executive Office of the Governor, to include the Division of Emergency Management except for the Emergency Operation Center's management system in Tallahassee and the Camp Blanding Emergency Operations Center in Starke.~~
- ~~3. By March 31, 2014, the Department of Elderly Affairs.~~

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

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

- ~~1. The Department of Health's Jacksonville Lab Data Center.~~
- ~~2. The Department of Transportation's district offices, toll offices, and the District Materials Office.~~
- ~~3. The Department of Military Affairs' Camp Blanding Joint Training Center in Starke.~~
- ~~4. The Camp Blanding Emergency Operations Center in Starke.~~
- ~~5. The Department of Education's Division of Blind Services disaster recovery site in Daytona Beach.~~
- ~~6. The Department of Education's disaster recovery site at Santa Fe College.~~
- ~~7. The Fish and Wildlife Conservation Commission's Fish and Wildlife Research Institute in St. Petersburg.~~
- ~~8. The Department of Children and Family Services' Suncoast Data Center in Tampa.~~
- ~~9. The Department of Children and Family Services' Florida State Hospital in Chattahoochee.~~

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

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

~~(d)(4)~~ A state Any agency that is consolidating its agency data center or computing facility centers into the state a primary data center must execute a new or update an existing service-level agreement within 60 days after the commencement of the service specified consolidation date, as required by s. 282.203, in order to specify the services and levels of service it is to receive from the primary data center as a result of the consolidation. If a state an agency and the state primary data center are unable to execute a service-level agreement by that date, the agency and the primary data center shall submit a report to the Executive Office of the Governor and to the chairs of the legislative appropriations committees within 5 working days after that date which explains the specific issues preventing execution and describing the plan and schedule for resolving those issues.

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

- ~~1.~~ Whether the consolidation is on schedule, including progress on achieving the milestones necessary for successful and timely consolidation of scheduled agency data centers and computing facilities.
- ~~2.~~ The risks that may affect the progress or outcome of the consolidation and how these risks are being addressed, mitigated, or managed.

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

1. An inventory of the agency data center's resources being consolidated, including all hardware and its associated life cycle replacement schedule, software, staff, contracted services, and facility resources performing data center management and operations, security, backup and recovery, disaster recovery, system administration, database administration, system programming, job control, production control, print, storage, technical support, help desk, and managed services, but excluding application development, and the agency's costs supporting these resources.
2. A list of contracts in effect, including, but not limited to, contracts for hardware, software, and maintenance, which identifies the expiration date, the contract parties, and the cost of each contract.

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

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

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

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

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

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

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

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

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

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

(5) AGENCY LIMITATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

282.318 Enterprise Security of data and information technology.—

(1) This section may be cited as the “Enterprise Security of Data and Information Technology Security Act.”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Develop, and periodically update, written internal policies and procedures, which include procedures for reporting information technology security incidents and breaches to the Cybercrime Office of the Department of Law Enforcement and notifying the Agency for State Enterprise Information Technology when a suspected or confirmed breach, or an information security incident, occurs. Such policies and procedures must be consistent with the rules, and guidelines, and processes established by the Agency for State Enterprise Information Technology to ensure the security of the data, information, and information technology resources of the agency. The internal policies and procedures that, if disclosed, could facilitate the unauthorized modification, disclosure, or destruction of data or information technology resources are confidential information and exempt from s. 119.07(1), except that such information shall be available to the Auditor General, the Cybercrime Office of the Department of Law Enforcement, and the Agency for State Enterprise Information Technology, and, for state agencies under the jurisdiction of the Governor, the Chief Inspector General for performing postauditing duties.

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

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

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

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

(i) Develop a process for detecting, reporting, and responding to threats, breaches, or information technology security suspected or confirmed security

incidents ~~that are, including suspected or confirmed breaches~~ consistent with the security rules, and guidelines, and processes established by the Agency for State Enterprise Information Technology.

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

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

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

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

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

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

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

287.0591 Information technology.—

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

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

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

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

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

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

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

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

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

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

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

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

1004.649 Northwest Regional Data Center.—

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

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

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

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

1. Identify the parties and their roles, duties, and responsibilities under the agreement;
  2. State the duration of the agreement term and specify the conditions for renewal;
  3. Identify the scope of work;
  4. Establish the services to be provided, the business standards that must be met for each service, the cost of each service, and the process by which the business standards for each service are to be objectively measured and reported;
  5. Provide a timely billing methodology for recovering the cost of services provided pursuant to s. 215.422; ~~and~~
  6. Provide a procedure for modifying the service-level agreement to address any changes in projected costs of service;
  7. Prohibit the transfer of computing services between the Northwest Regional Data Center and the state data center established pursuant to s. 282.201 without at least 180 days' written notification of service cancellation;
  8. Identify the products or services to be delivered with sufficient specificity to permit an external financial or performance audit; and
  9. Provide that the service-level agreement may be terminated by either party for cause only after giving the other party notice in writing of the cause for termination and an opportunity for the other party to resolve the identified cause within a reasonable period.
- (d) Provide to the Board of Governors the total annual budget by major expenditure category, including, but not limited to, salaries, expenses, operating capital outlay, contracted services, or other personnel services by July 30 each fiscal year.
- (e) Provide to each state agency customer its projected annual cost for providing the agreed-upon data center services by September 1 each fiscal year.
- (f) Provide a plan for consideration by the Legislative Budget Commission if the governing body of the center approves the use of a billing rate schedule after the start of the fiscal year that increases any state agency customer's costs for that fiscal year.
- (2) The Northwest Regional Data Center's authority to provide data center services to designation as a primary data center for purposes of serving its state agency customers may be terminated if:
- (a) The center requests such termination to the Board of Governors, the Senate President, and the Speaker of the House of Representatives; or

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

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

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

17.0315 Financial and cash management system; task force.—

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

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

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

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

110.205 Career service; exemptions.—

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

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

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

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



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

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

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

287.057 Procurement of commodities or contractual services.—

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

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

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

1. Determining the requirements and qualification criteria for prequalifying vendors.
2. Establishing the procedures for conducting online procurement.
3. Establishing the criteria for eligible commodities and contractual services.
4. Establishing the procedures for providing access to online procurement.
5. Determining the criteria warranting any exceptions to participation in the online procurement program.

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

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

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

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

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

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

327.301 Written reports of accidents.—

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

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

445.011 Workforce information systems.—

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

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

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

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

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

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

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

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

668.50 Uniform Electronic Transaction Act.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor June 20, 2014.

Filed in Office Secretary of State June 20, 2014.