

29 | state data center to cease services to a customer
 30 | entity under certain circumstances; deleting
 31 | provisions relating to primary data centers and boards
 32 | of trustees; repealing ss. 282.204 and 282.205, F.S.,
 33 | relating to the Northwood Shared Resource Center and
 34 | the Southwood Shared Resource Center, respectively;
 35 | amending s. 282.318, F.S.; revising provisions of the
 36 | Enterprise Security of Data and Information Technology
 37 | Act; providing responsibilities of the agency;
 38 | revising and providing duties and responsibilities of
 39 | state agencies; requiring certain employee training;
 40 | authorizing the agency to adopt rules; defining the
 41 | term "agency" for purposes of such act; repealing ss.
 42 | 282.33 and 282.34, F.S., relating to energy efficiency
 43 | standards and statewide e-mail service, respectively;
 44 | amending s. 943.0415, F.S.; authorizing the Cybercrime
 45 | Office of the Department of Law Enforcement to perform
 46 | certain functions relating to information security;
 47 | amending ss. 110.205, 215.322, 287.057, 445.011,
 48 | 445.045, 668.50, and 1004.649, F.S.; conforming
 49 | provisions to changes made by the act; providing
 50 | effective dates.

51 |

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

53 |

54 | Section 1. All of the records and property; funds, trust
 55 | funds, and unexpended balances of appropriations, allocations,
 56 | and other funds; administrative authority; pending issues; and

57 existing contracts of the Agency for Enterprise Information
 58 Technology are transferred by a type two transfer, pursuant to
 59 s. 20.06(2), Florida Statutes, to the Agency for State
 60 Technology. All equipment and assets purchased by the Agency for
 61 Enterprise Information Technology with state or federal funds
 62 and transferred to the Department of Highway Safety and Motor
 63 Vehicles must be transferred to the Department of Law
 64 Enforcement no later than July 31, 2013.

65 Section 2. All rules adopted by the Agency for Enterprise
 66 Information Technology and all proceedings pursuant to s.
 67 120.54, Florida Statutes, of the Agency for Enterprise
 68 Information Technology that are pending on the effective date of
 69 this act are nullified and of no further force or effect.

70 Section 3. The Northwood Shared Resource Center is
 71 transferred by a type two transfer, pursuant to s. 20.06(2),
 72 Florida Statutes, from the Department of Management Services to
 73 the Agency for State Technology. Any binding contract or
 74 interagency agreement entered into between the Northwood Shared
 75 Resource Center or an entity or agent of the center and any
 76 other agency, entity, or person shall continue as a binding
 77 contract or agreement on the Agency for State Technology for the
 78 remainder of the term of such contract or agreement.

79 Section 4. The Southwood Shared Resource Center is
 80 transferred by a type two transfer, pursuant to s. 20.06(2),
 81 Florida Statutes, from the Department of Management Services to
 82 the Agency for State Technology. Any binding contract or
 83 interagency agreement entered into between the Southwood Shared
 84 Resource Center or an entity or agent of the center and any

85 other agency, entity, or person shall continue as a binding
 86 contract or agreement on the Agency for State Technology .

87 Section 5. Section 14.204, Florida Statutes, is repealed.

88 Section 6. Section 14.206, Florida Statutes, is created to
 89 read:

90 14.206 Agency for State Technology.—The Agency for State
 91 Technology is created within the Executive Office of the
 92 Governor.

93 (1) The head of the agency is the Governor and Cabinet.

94 (2) The agency is a separate budget entity and is not
 95 subject to control, supervision, or direction by the Executive
 96 Office of the Governor, including, but not limited to,
 97 purchasing, transactions involving real or personal property,
 98 personnel, or budgetary matters.

99 (3) The agency shall have an executive director who is the
 100 state's Chief Information Officer and who must:

101 (a) Have a degree in computer science, information
 102 technology, information systems, or a related field from an
 103 accredited postsecondary educational institution.

104 (b) Have at least 10 years of executive-level experience
 105 in a combination of both the public and private sectors in the
 106 development and implementation of information technology
 107 strategic planning; management of enterprise information
 108 technology projects, particularly management experience with
 109 large-scale consolidation projects; and development and
 110 implementation of fiscal and substantive information technology
 111 policy.

112 (c) Be appointed by the Governor, subject to confirmation

113 by the Cabinet and the Senate, and serve at the pleasure of the
 114 Governor and Cabinet.

115 (4) The Agency for State Technology shall:

116 (a) Beginning October 1, 2014, and biennially thereafter,
 117 develop and administer a comprehensive long-range plan for the
 118 state's information technology resources that ensures the proper
 119 management of such resources and includes opportunities for
 120 coordinating with other public-sector entities. The plan shall
 121 include, but not be limited to:

122 1. Identification of business functions and operations
 123 that are common across agencies within and among major program
 124 areas and recommendations for standardizing and consolidating
 125 the information technology services that support these common
 126 business functions and operations.

127 2. Identification of opportunities and strategies for
 128 consolidating the purchase of information technology commodities
 129 and contractual services that result in cost savings for the
 130 state.

131 3. Recommendations of other information technology
 132 services that should be designed, delivered, and managed as
 133 enterprise information technology services as defined in s.
 134 282.0041. For each information technology service recommended,
 135 the plan must include the specific business and functional
 136 requirements of the service, the projected costs and cost
 137 savings, and a proposed schedule for statewide implementation.

138 (b) By September 1, 2014, and annually thereafter,
 139 complete an analysis that collects, categorizes, and analyzes
 140 information technology expenditure data for the previous fiscal

141 year for executive branch agencies. A report summarizing the
142 results of the analysis must be submitted to the legislative
143 appropriations committee chairs by September 15 of each year.

144 (c) Develop and maintain an inventory of major information
145 technology projects currently in progress within executive
146 branch agencies. For purposes of this inventory, "major
147 information technology project" means a project that exceeds \$10
148 million in total costs but does not include projects that
149 involve renewing existing software licensing agreements or
150 replacing computers with technology that is similar to the
151 technology currently in use. For each project, the inventory
152 must include, but is not limited to:

153 1. The total projected costs versus actual costs to date
154 reported by the following categories: hardware, software,
155 staffing, and contracted services.

156 2. The original project schedule, any changes made to the
157 schedule, and the reasons for each change.

158 3. The original scope of the project, any changes made to
159 the original scope, and any fiscal impact resulting from such
160 changes.

161 (d) Develop and implement information technology
162 architecture standards that allow for the efficient design,
163 planning, acquisition, implementation, and delivery of
164 information technology services and conduct periodic assessments
165 of agencies to determine their compliance with such standards.

166 (e) Develop and implement project management standards and
167 assist agencies in their use of such standards.

168 (f) Provide project management oversight on all executive

169 branch agencies' information technology projects with total
170 project costs of \$10 million or more.

171 (g) Coordinate information technology resource acquisition
172 planning and assist the Division of Purchasing in the Department
173 of Management Services in using aggregate buying methodologies
174 whenever possible and with procurement negotiations for hardware
175 and software products and services in order to reduce the cost
176 of such products and services.

177 (h) Recommend to the Division of Purchasing in the
178 Department of Management Services strategies and best practices
179 for the procurement of information technology products and
180 services in order to achieve cost savings for the state.

181 (i) With the exception of the Northwest Regional Data
182 Center, provide operational management and oversight of the
183 state data center established pursuant to s. 282.201, which
184 shall include:

185 1. Appointing a director for the state data center.
186 2. Approving cost-recovery mechanisms and cost structures
187 that recover all direct and indirect costs through charges to
188 customer entities.

189 3. Establishing appropriate operating policies necessary
190 for the state data center to perform its duties pursuant to s.
191 282.203. Such policies shall include a process for creating and
192 implementing appropriate advisory committees comprised of
193 customer entities for the purpose of reviewing and analyzing
194 specific issues or activities and providing recommendations to
195 the director of the state data center for addressing the issue
196 or activity.

197 4. Monitoring the operation of the state data center to
 198 ensure compliance with all appropriate laws, rules, and
 199 policies.

200 5. Recommending to the Legislature a schedule that
 201 identifies for each agency data center and computing facility
 202 not yet consolidated into the state data center the recommended
 203 date and facility location for its consolidation.

204 (j) Develop and submit a strategic business plan to the
 205 Governor and Cabinet for implementing a successor financial and
 206 cash management system. The plan should include a recommendation
 207 of:

208 1. The financial business functions that should be
 209 standardized and proposed as enterprise financial business
 210 functions.

211 2. An enterprise financial governance structure that
 212 describes the process for making strategic financial business
 213 decisions and the procedures necessary to implement the
 214 enterprise financial business functions.

215 (k) Operate in a manner that ensures the participation and
 216 representation of state agencies.

217 (5) The Agency for State Technology may adopt rules to
 218 implement this section.

219 Section 7. Section 282.0041, Florida Statutes, is amended
 220 to read:

221 282.0041 Definitions.—As used in this chapter, the term:

222 (1) "Agency" has the same meaning as provided in s.
 223 216.011(1)(qq), except that for purposes of this chapter,
 224 "agency" does not include university boards of trustees or state

225 | universities. For purposes of part I, the term "agency" does not
 226 | include the judicial branch, the Department of Legal Affairs,
 227 | the Department of Financial Services, the Department of
 228 | Agriculture and Consumer Services, state attorneys, public
 229 | defenders, criminal conflict and civil regional counsel, capital
 230 | collateral regional counsel, the Florida Clerks of Court
 231 | Operations Corporation, or the Florida Housing Finance
 232 | Corporation.

233 | ~~(2) "Agency for Enterprise Information Technology" means~~
 234 | ~~the agency created in s. 14.204.~~

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

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

245 | ~~(2)-(5)~~ "Breach" has the same meaning as provided in s.
 246 | 817.5681(4).

247 | ~~(3)-(6)~~ "Business continuity plan" means a plan for
 248 | disaster recovery which provides for the continued functioning
 249 | of a primary data center during and after a disaster.

250 | ~~(4)-(7)~~ "Computing facility" means agency space containing
 251 | fewer than a total of 10 physical or logical servers, any of
 252 | which supports a strategic or nonstrategic information

253 | technology service, as described in budget instructions
 254 | developed pursuant to s. 216.023, but excluding single, logical-
 255 | server installations that exclusively perform a utility function
 256 | such as file and print servers.

257 | (5)~~(8)~~ "Customer entity" means an entity that obtains
 258 | services from a primary data center.

259 | (6)~~(9)~~ "Data center" means agency space containing 10 or
 260 | more physical or logical servers any of which supports a
 261 | strategic or nonstrategic information technology service, as
 262 | described in budget instructions developed pursuant to s.
 263 | 216.023.

264 | (7)~~(10)~~ "Department" means the Department of Management
 265 | Services.

266 | (8)~~(11)~~ "Enterprise information technology service" means
 267 | an information technology service that is used in all agencies
 268 | or a subset of agencies and is established in law to be
 269 | designed, delivered, and managed at the enterprise level.

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

279 | ~~(13) "Information system utility" means a full-service~~
 280 | ~~information processing facility offering hardware, software,~~

281 ~~operations, integration, networking, and consulting services.~~

282 (9)~~(14)~~ "Information technology" means equipment,
 283 hardware, software, firmware, programs, systems, networks,
 284 infrastructure, media, and related material used to
 285 automatically, electronically, and wirelessly collect, receive,
 286 access, transmit, display, store, record, retrieve, analyze,
 287 evaluate, process, classify, manipulate, manage, assimilate,
 288 control, communicate, exchange, convert, converge, interface,
 289 switch, or disseminate information of any kind or form.

290 ~~(15) "Information technology policy" means statements that~~
 291 ~~describe clear choices for how information technology will~~
 292 ~~deliver effective and efficient government services to residents~~
 293 ~~and improve state agency operations. A policy may relate to~~
 294 ~~investments, business applications, architecture, or~~
 295 ~~infrastructure. A policy describes its rationale, implications~~
 296 ~~of compliance or noncompliance, the timeline for implementation,~~
 297 ~~metrics for determining compliance, and the accountable~~
 298 ~~structure responsible for its implementation.~~

299 (10)~~(16)~~ "Performance metrics" means the measures of an
 300 organization's activities and performance.

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

304 (11)~~(18)~~ "Project" means an endeavor that has a defined
 305 start and end point; is undertaken to create or modify a unique
 306 product, service, or result; and has specific objectives that,
 307 when attained, signify completion.

308 (12)~~(19)~~ "Risk analysis" means the process of identifying

309 security risks, determining their magnitude, and identifying
 310 areas needing safeguards.

311 (13)~~(20)~~ "Service level" means the key performance
 312 indicators (KPI) of an organization or service which must be
 313 regularly performed, monitored, and achieved.

314 (14)~~(21)~~ "Service-level agreement" means a written
 315 contract between a data center and a customer entity which
 316 specifies the scope of services provided, service level, the
 317 duration of the agreement, the responsible parties, and service
 318 costs. A service-level agreement is not a rule pursuant to
 319 chapter 120.

320 (15)~~(22)~~ "Standards" means required practices, controls,
 321 components, or configurations established by an authority.

322 (16) "State data center" means a data center that is a
 323 recipient entity for consolidation of agency data centers and
 324 computing facilities and may have more than one facility
 325 location.

326 (17)~~(23)~~ "SUNCOM Network" means the state enterprise
 327 telecommunications system that provides all methods of
 328 electronic or optical telecommunications beyond a single
 329 building or contiguous building complex and used by entities
 330 authorized as network users under this part.

331 (18)~~(24)~~ "Telecommunications" means the science and
 332 technology of communication at a distance, including electronic
 333 systems used in the transmission or reception of information.

334 ~~(25) "Threat" means any circumstance or event that may~~
 335 ~~cause harm to the integrity, availability, or confidentiality of~~
 336 ~~information technology resources.~~

337 ~~(19)-(26)~~ "Total cost" means all costs associated with
 338 information technology projects or initiatives, including, but
 339 not limited to, value of hardware, software, service,
 340 maintenance, incremental personnel, and facilities. Total cost
 341 of a loan or gift of information technology resources to an
 342 agency includes the fair market value of the resources.

343 ~~(20)-(27)~~ "Usage" means the billing amount charged by the
 344 state primary data center, less any pass-through charges, to the
 345 customer entity.

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

348 Section 8. Section 17.0315, Florida Statutes, is repealed.

349 Section 9. Section 282.0055, Florida Statutes, is
 350 repealed.

351 Section 10. Section 282.0056, Florida Statutes, is
 352 repealed.

353 Section 11. Section 282.201, Florida Statutes, is amended
 354 to read:

355 282.201 State data center ~~system~~; creation; agency duties
 356 and limitations.—A state data center ~~system that includes all~~
 357 ~~primary data centers, other nonprimary data centers, and~~
 358 ~~computing facilities, and~~ that provides an enterprise
 359 information technology service as defined in s. 282.0041, is
 360 established. For the 2013-2014 fiscal year, the state data
 361 center shall be comprised of the Northwood Shared Resource
 362 Center, the Southwood Shared Resource Center, and, for purposes
 363 of its state agency customers, the Northwest Regional Data
 364 Center.

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

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

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

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

390 ~~(a)-(e)~~ By January ~~September~~ 30, 2014, and annually
 391 thereafter ~~of each year~~, submit to the Legislature, ~~the~~
 392 ~~Executive Office of the Governor, and the primary data centers~~

393 recommendations to improve the efficiency and cost-effectiveness
 394 of computing services provided by the state data center ~~system~~
 395 ~~facilities~~. Such recommendations must include, but need not be
 396 limited to:

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

402 2. Infrastructure improvements necessary to support
 403 ~~supporting~~ the consolidation of agency facilities ~~or preempting~~
 404 ~~the need to create additional~~ data centers or computing
 405 facilities.

406 3. Uniform disaster recovery standards.

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

410 ~~4.5.~~ Consolidation of contract practices or coordination
 411 of software, hardware, or other technology-related procurements
 412 and the associated cost savings.

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

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

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

420 a. ~~Consolidating purchase decisions.~~

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

423 ~~e. Implementing state information technology policies more~~
 424 ~~effectively.~~

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

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

430 (b)(e) Develop and establish rules relating to the
 431 operation of the state data center ~~system~~ which comply with
 432 applicable federal regulations, including 2 C.F.R. part 225 and
 433 45 C.F.R. The rules must identify standards for a shared,
 434 virtualized or cloud-based environment, including operations
 435 system software, other operational software, security and
 436 network infrastructure, and other infrastructure components as
 437 required; describe a process for complying with such standards;
 438 and provide an exemption process from compliance with such
 439 standards, which must be consistent with paragraph (5) (b).
 440 ~~address.~~

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

443 ~~2. Identifying standards for hardware, including standards~~
 444 ~~for a shared, virtualized server environment, and operations~~
 445 ~~system software and other operational software, including~~
 446 ~~security and network infrastructure, for the primary data~~
 447 ~~centers; requiring compliance with such standards in order to~~
 448 ~~enable the efficient consolidation of the agency data centers or~~

449 ~~computing facilities; and providing an exemption process from~~
450 ~~compliance with such standards, which must be consistent with~~
451 ~~paragraph (5) (b).~~

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

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

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

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

470 (3) STATE AGENCY DUTIES.—

471 (a) For the purpose of completing the work activities
472 described in subsections (1) and (2), each state agency shall
473 provide to the Agency for State Enterprise Information
474 Technology all requested information relating to its data
475 centers and computing facilities and any other information
476 relevant to the agency's ability to effectively transition its

477 computer services into the state a ~~primary~~ data center. The
 478 agency shall also participate as required in workgroups relating
 479 to specific consolidation planning and implementation tasks as
 480 assigned by the Agency for State ~~Enterprise Information~~
 481 Technology and determined necessary to accomplish consolidation
 482 goals.

483 (b) Each ~~state agency~~ customer entity of the state a
 484 ~~primary~~ data center shall notify the data center, by May 31 and
 485 November 30 of each year, of any significant changes in
 486 anticipated utilization of data center services pursuant to
 487 requirements established by the Agency for State Technology
 488 ~~boards of trustees of each primary data center.~~

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

490 (a) Consolidations of agency data centers shall be made by
 491 the date and to the specified state ~~primary~~ data center facility
 492 as provided in this section and in accordance with budget
 493 adjustments contained in the General Appropriations Act.

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

496 1. The Department of Education's Knott Data Center in the
 497 Turlington Building.

498 2. The Department of Education's Division of Vocational
 499 Rehabilitation.

500 3. The Department of Education's Division of Blind
 501 Services, except for the division's disaster recovery site in
 502 Daytona Beach.

503 4. The FCAT Explorer.

504 (c) During the 2011-2012 fiscal year, the following shall

505 | be consolidated into the Southwood Shared Resource Center:

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

507 | 2. By March 31, 2012, the Department of Transportation's
508 | Burns Building.

509 | 3. By March 31, 2012, the Department of Transportation's
510 | Survey & Mapping Office.

511 | (d) By July 1, 2012, the Department of Highway Safety and
512 | Motor Vehicles' Office of Motor Carrier Compliance shall be
513 | consolidated into the Northwood Shared Resource Center.

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

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

519 | 1. By July 1, 2012, the Agency for Health Care
520 | Administration.

521 | 2. By August 31, 2012, the Department of Highway Safety
522 | and Motor Vehicles.

523 | 3. By December 31, 2012, the Department of Environmental
524 | Protection's Palmetto Commons.

525 | 4. By December 31, 2012, the Department of Health's Test
526 | and Development Lab and all remaining data center resources
527 | located at the Capital Circle Office Complex.

528 | (g) During the 2013-2014 fiscal year, the following shall
529 | be consolidated into the Southwood Shared Resource Center:

530 | ~~1. By July 1, 2013, the Fish and Wildlife Conservation~~
531 | ~~Commission, except for the commission's Fish and Wildlife~~
532 | ~~Research Institute in St. Petersburg.~~

533 | ~~1.2.~~ By October 31, 2013, the Department of Economic
534 | Opportunity.

535 | ~~2.3.~~ By December 31, 2013, the Executive Office of the
536 | Governor, to include the Division of Emergency Management except
537 | for the Emergency Operation Center's management system in
538 | Tallahassee and the Camp Blanding Emergency Operations Center in
539 | Starke.

540 | ~~3.4.~~ By March 31, 2014, the Department of Elderly Affairs.

541 | (h) By July 1, 2013 ~~During the 2013-2014 fiscal year,~~ the
542 | Fish and Wildlife Conservation Commission, except for the
543 | commission's Fish and Wildlife Research Institute in St.
544 | Petersburg, ~~following~~ shall be consolidated into the Northwood
545 | Shared Resource Center~~.~~†

546 | ~~1. By July 1, 2013, the Department of Veterans' Affairs.~~

547 | ~~2. By December 31, 2013, the Department of Legal Affairs.~~

548 | ~~3. By March 31, 2014, the Department of Agriculture and~~
549 | ~~Consumer Services' Agriculture Management Information Center in~~
550 | ~~the Mayo Building and the Division of Licensing.~~

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

555 | ~~1. The Department of Health's Jacksonville Lab Data~~
556 | ~~Center.~~

557 | ~~2. The Department of Transportation's district offices,~~
558 | ~~toll offices, and the District Materials Office.~~

559 | ~~3. The Department of Military Affairs' Camp Blanding Joint~~
560 | ~~Training Center in Starke.~~

- 561 4. ~~The Camp Blanding Emergency Operations Center in~~
 562 ~~Starke.~~
- 563 5. ~~The Department of Education's Division of Blind~~
 564 ~~Services disaster recovery site in Daytona Beach.~~
- 565 6. ~~The Department of Education's disaster recovery site at~~
 566 ~~Santa Fe College.~~
- 567 7. ~~The Fish and Wildlife Conservation Commission's Fish~~
 568 ~~and Wildlife Research Institute in St. Petersburg.~~
- 569 8. ~~The Department of Children and Family Services'~~
 570 ~~Suncoast Data Center in Tampa.~~
- 571 9. ~~The Department of Children and Family Services' Florida~~
 572 ~~State Hospital in Chattahoochee.~~
- 573 (j) ~~During the 2015-2016 fiscal year, all computing~~
 574 ~~resources remaining within an agency data center or computing~~
 575 ~~facility, to include the Department of Financial Services'~~
 576 ~~Hartman, Larson, and Fletcher Buildings data centers, shall be~~
 577 ~~transferred to a primary data center for consolidation unless~~
 578 ~~otherwise required to remain in the agency for specified~~
 579 ~~financial, technical, or business reasons that must be justified~~
 580 ~~in writing and approved by the Agency for Enterprise Information~~
 581 ~~Technology. Such data centers, computing facilities, and~~
 582 ~~resources must be identified by the Agency for Enterprise~~
 583 ~~Information Technology by October 1, 2014.~~
- 584 (i) ~~(k)~~ The Department of Law Enforcement, the Department
 585 of the Lottery's Gaming System, Systems Design and Development
 586 in the Office of Policy and Budget, and the regional traffic
 587 management centers and the office of toll operations of the
 588 Department of Transportation, the State Board of Administration,

589 state attorneys, public defenders, criminal conflict and civil
 590 regional counsel, capital collateral regional counsel, the
 591 Florida Clerks of Court Operations Corporation, and the Florida
 592 Housing Finance Corporation are exempt from data center
 593 consolidation under this section.

594 (j)~~(1)~~ Any agency that is consolidating agency data
 595 centers into the state ~~a primary~~ data center must execute a new
 596 or update an existing service-level agreement within 60 days
 597 after the specified consolidation date, as required by s.
 598 282.203, in order to specify the services and levels of service
 599 it is to receive from the state ~~primary~~ data center as a result
 600 of the consolidation. If an agency and state ~~primary~~ data center
 601 are unable to execute a service-level agreement by that date,
 602 the agency and the state ~~primary~~ data center shall submit a
 603 report to the Executive Office of the Governor and to the chairs
 604 of the legislative appropriations committees within 5 working
 605 days after that date which explains the specific issues
 606 preventing execution and describing the plan and schedule for
 607 resolving those issues.

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

616 ~~1. Whether the consolidation is on schedule, including~~

617 ~~progress on achieving the milestones necessary for successful~~
618 ~~and timely consolidation of scheduled agency data centers and~~
619 ~~computing facilities.~~

620 ~~2. The risks that may affect the progress or outcome of~~
621 ~~the consolidation and how these risks are being addressed,~~
622 ~~mitigated, or managed.~~

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

631 1. An inventory of the agency data center's resources
632 being consolidated, including all hardware and its associated
633 life cycle replacement schedule, software, staff, contracted
634 services, and facility resources performing data center
635 management and operations, security, backup and recovery,
636 disaster recovery, system administration, database
637 administration, system programming, job control, production
638 control, print, storage, technical support, help desk, and
639 managed services, but excluding application development, and the
640 agency's costs supporting these resources.

641 2. A list of contracts in effect, including, but not
642 limited to, contracts for hardware, software, and maintenance,
643 which identifies the expiration date, the contract parties, and
644 the cost of each contract.

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

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

650 5. A timetable with significant milestones for the
 651 completion of the consolidation.

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

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

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

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

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

672 5. A description of any issues that must be resolved in

673 | order to accomplish as efficiently and effectively as possible
 674 | all consolidations required during the fiscal year.

675 | ~~(m)-(p)~~ Each agency identified in this subsection for
 676 | consolidation into the state ~~a primary~~ data center shall submit
 677 | with its respective legislative budget request the specific
 678 | recurring and nonrecurring budget adjustments of resources by
 679 | appropriation category into the appropriate data processing
 680 | category pursuant to the legislative budget request instructions
 681 | in s. 216.023.

682 | (5) AGENCY LIMITATIONS.—

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

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

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

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

699 | 4. Terminate services with the state ~~a primary~~ data center
 700 | or transfer services between state ~~primary~~ data center

701 facilities ~~centers~~ without giving written notice of intent to
 702 terminate or transfer services 180 days before such termination
 703 or transfer; or

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

706 (b) Exceptions to the limitations in subparagraphs (a)1.,
 707 2., 3., and 5. may be granted by the Agency for State ~~Enterprise~~
 708 ~~Information~~ Technology if there is insufficient capacity in a
 709 state ~~primary~~ data center facility to absorb the workload
 710 associated with agency computing services, if expenditures are
 711 compatible with the scheduled consolidation and the standards
 712 established pursuant to paragraph (2) (b) ~~(e)~~, or if the equipment
 713 or resources are needed to meet a critical agency business need
 714 that cannot be satisfied by ~~from surplus equipment or resources~~
 715 ~~of~~ the state ~~primary~~ data center facility until the agency data
 716 center is consolidated.

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

722 2. At a minimum, the Agency for State Technology may not
 723 approve a request unless it includes documentation:

724 a. ~~Documentation~~ Approved by the state ~~primary~~ data center
 725 that ~~center's board of trustees which~~ confirms that the center
 726 cannot meet the capacity requirements of the agency requesting
 727 the exception within the current fiscal year.

728 b. Approved by the state data center that confirms the

729 proposed expenditures are compatible with the standards
 730 established pursuant to paragraph (2) (b) ~~A description of the~~
 731 ~~capacity requirements of the agency requesting the exception.~~

732 c. Submitted by Documentation from the agency requesting
 733 the exception that demonstrates ~~demonstrating~~ why it is critical
 734 to the agency's mission that the expansion or transfer ~~must~~ be
 735 completed within the fiscal year rather than when capacity or
 736 resources are available ~~is established~~ at a state primary data
 737 center facility.

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

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

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

752 Section 12. Section 282.203, Florida Statutes, is amended
 753 to read:

754 282.203 State Primary data center ~~centers~~.

755 (1) STATE DATA CENTER DIRECTOR.—The state data center
 756 director shall:

757 (a) Establish procedures for the state data center and its
 758 facilities to ensure that budgeting and accounting procedures,
 759 cost-recovery methodologies, and operational procedures are in
 760 compliance with laws governing the state data center, rules
 761 adopted by the Agency for State Technology, and applicable
 762 federal regulations, including 2 C.F.R. part 225 and 45 C.F.R.

763 Such procedures must address:

764 1. Establishing a consolidated administrative support
 765 structure that is responsible for the provision of financial
 766 management, procurement, transactions involving real or personal
 767 property, human resources, and operational support for the state
 768 data center.

769 2. Requiring cost recovery for the full direct and
 770 indirect cost of services and ensuring that no service is
 771 subsidizing another service.

772 3. Advance invoicing customer entities no later than April
 773 15 of each year an amount that equals each customer entity's
 774 last quarter projected billings to ensure the state data center
 775 has sufficient revenue to operate during the last quarter of the
 776 fiscal year.

777 4. Projecting costs and revenues at the beginning of the
 778 third quarter of each fiscal year through the end of the fiscal
 779 year. If in any given fiscal year the state data center is
 780 projected to earn revenues that are less than the center's costs
 781 for the fiscal year, the Agency for State Technology must submit
 782 a plan for consideration by the Legislative Budget Commission
 783 that:

784 a. Identifies the cause or causes for the revenue

785 shortfall.

786 b. Recommends options for addressing the shortfall,
787 including reducing the state data center's operating costs where
788 possible. If an option includes increasing a customer entity's
789 amount in the appropriate data processing appropriation
790 category, the plan must identify the fund source or sources that
791 the customer entity will use to pay for the increase.

792 5. Implementing a reconciliation process to ensure that
793 each customer entity is paying for the full cost of each service
794 as determined by its use and cost structure.

795 6. Providing rebates to customer entities when revenues
796 exceed costs. Rebates may be credited against future billings.

797 7. Providing a plan for consideration by the Legislative
798 Budget Commission if a cost-recovery methodology is used after
799 the start of a fiscal year that increases the customer entity's
800 costs for that fiscal year.

801 8. Requiring a customer entity to document that sufficient
802 funds are in the appropriate data processing appropriation
803 category before implementing a customer entity's request for a
804 change in the type or level of service provided if such change
805 results in an increase to the customer entity's costs for that
806 fiscal year.

807 (b) Provide each customer entity with full disclosure
808 concerning plans for new, additional, or reduced service
809 requirements, including expected achievable service levels and
810 performance metrics.

811 (c) Approve the catalog of services offered by the state
812 data center.

813 (d) By July 1 of each year, submit to the Agency for State
 814 Technology a proposed cost-recovery methodology and cost
 815 structure for all services offered in the service catalog.

816 (e) Provide to each customer entity's agency head by
 817 September 1 of each year the projected costs to provide data
 818 center services for the following fiscal year. Each agency head
 819 shall use the projected costs for inclusion in his or her
 820 respective legislative budget request for budget adjustments
 821 necessary to fund the agency's data center services.

822 (f) Provide to the Agency for State Technology cost-
 823 reduction proposals, including strategies and timetables for
 824 lowering customer entities' costs without reducing the level of
 825 service.

826 (2)(1) STATE DATA CENTER DUTIES.~~The state~~ ~~Each primary~~
 827 ~~data center shall:~~

828 ~~(a) Serve customer entities as an information system~~
 829 ~~utility.~~

830 ~~(a)(b)~~ Cooperate with customer entities to offer, develop,
 831 and support the services and applications as defined within the
 832 service level agreement executed pursuant to this section and
 833 ~~provided by the center's board of trustees and customer~~
 834 ~~entities.~~

835 ~~(b)(c)~~ Comply with rules adopted by the Agency for State
 836 ~~Enterprise Information Technology for the operation of the state~~
 837 ~~data center, pursuant to this section,~~ and coordinate with the
 838 agency in the consolidation of agency data centers and computing
 839 facilities pursuant to s. 282.201.

840 ~~(d) Provide to each agency head by September 1 of the~~

841 ~~fiscal year before the fiscal year in which the agency's~~
 842 ~~consolidation is scheduled to occur the projected costs to~~
 843 ~~provide data center services. Each agency head shall use the~~
 844 ~~projected cost for inclusion in his or her respective~~
 845 ~~legislative budget request for budget adjustments necessary to~~
 846 ~~fund the agency's data center services.~~

847 ~~(c) Provide transparent financial statements to customer~~
 848 ~~entities and the Agency for Enterprise Information Technology.~~
 849 ~~The financial statements shall be provided as follows:~~

850 ~~1. Annually, by July 30 for the current fiscal year and by~~
 851 ~~December 1 for the subsequent fiscal year, the data center must~~
 852 ~~provide the total annual budgeted costs by major expenditure~~
 853 ~~category, including, but not limited to, salaries, expense,~~
 854 ~~operating capital outlay, contracted services, or other~~
 855 ~~personnel services, which directly relate to the provision of~~
 856 ~~each service and which separately indicate the administrative~~
 857 ~~overhead allocated to each service.~~

858 ~~2. Annually, by July 30 for the current fiscal year and by~~
 859 ~~December 1 for the subsequent fiscal year, the data center must~~
 860 ~~provide total projected billings for each customer entity which~~
 861 ~~are required to recover the costs of the data center.~~

862 ~~3. Annually, by January 31, the data center must provide~~
 863 ~~updates of the financial statements required under subparagraphs~~
 864 ~~1. and 2. for the current fiscal year.~~

865
 866 ~~The financial information required under subparagraphs 1., 2.,~~
 867 ~~and 3. must be based on current law and current appropriations.~~

868 ~~(f) Annually, by October 1, submit to the board of~~

869 ~~trustees cost-reduction proposals, including strategies and~~
 870 ~~timetables for lowering customer entities' costs without~~
 871 ~~reducing the level of services.~~

872 (c) ~~(g)~~ Maintain the performance and the ongoing
 873 sustainability of the facilities of the state data center by
 874 ~~facility, which includes~~ ensuring proper data backup, data
 875 backup recovery, an effective disaster recovery plan, adequate
 876 conditioned floor space, and appropriate security, power,
 877 cooling and fire suppression, and capacity and replacing aging
 878 equipment when necessary.

879 (d) ~~(h)~~ Develop a business continuity plan and conduct a
 880 live exercise of the plan at least annually. The plan must be
 881 approved by the ~~board and the~~ Agency for State Enterprise
 882 ~~Information Technology.~~

883 (e) ~~(i)~~ Enter into a service-level agreement with each
 884 customer entity to provide services as defined and approved by
 885 the Agency for State Technology board. A service-level agreement
 886 may not have a term exceeding 3 years but may include an option
 887 to renew for up to 3 years ~~contingent on approval by the board.~~

888 1. A service-level agreement, at a minimum, must:

889 a. Identify the parties and their roles, duties, and
 890 responsibilities under the agreement.

891 ~~b. Identify the legal authority under which the service-~~
 892 ~~level agreement was negotiated and entered into by the parties.~~

893 b.e. State the duration of the contractual term and
 894 specify the conditions for contract renewal.

895 c.d. Prohibit the transfer of computing services between
 896 state primary data center facilities or the termination of

897 computing services provided by a state data center facility
 898 without at least 180 days' notice of service cancellation.

899 ~~d.e.~~ Identify the scope of work.

900 ~~e.f.~~ Identify the products or services to be delivered
 901 with sufficient specificity to permit an external financial or
 902 performance audit.

903 ~~f.g.~~ Establish the services to be provided, the business
 904 standards that must be met for each service, the cost of each
 905 service, and the process by which the business standards for
 906 each service are to be objectively measured and reported.

907 ~~h.~~ ~~Identify applicable funds and funding streams for the~~
 908 ~~services or products under contract.~~

909 ~~g.i.~~ Provide a timely billing methodology for recovering
 910 the cost of services provided to the customer entity pursuant to
 911 s. 215.422. If a customer entity fails to pay an invoice within
 912 60 days after receipt, the state data center may cease services
 913 to the customer entity.

914 ~~h.j.~~ Provide a procedure for modifying the service-level
 915 agreement to address changes in projected costs of service.

916 ~~i.k.~~ Provide that a service-level agreement may be
 917 terminated by either party for cause only after giving the other
 918 party and the Agency for State Enterprise Information Technology
 919 notice in writing of the cause for termination and an
 920 opportunity for the other party to resolve the identified cause
 921 within a reasonable period.

922 ~~j.l.~~ Provide for mediation of disputes by the Division of
 923 Administrative Hearings pursuant to s. 120.573.

924 2. A service-level agreement may include:

925 a. A dispute resolution mechanism, including alternatives
 926 to administrative or judicial proceedings;

927 b. The setting of a surety or performance bond for
 928 service-level agreements entered into with the state agency
 929 ~~primary data center centers~~ established by law; or

930 c. Additional terms and conditions as determined advisable
 931 by the parties if such additional terms and conditions do not
 932 conflict with the requirements of this section or rules adopted
 933 by the Agency for State Enterprise Information Technology.

934 3. The failure to execute a service-level agreement within
 935 60 days after service commencement shall, in the case of an
 936 existing customer entity, result in a continuation of the terms
 937 of the service-level agreement from the prior fiscal year,
 938 including any amendments that were formally proposed to the
 939 customer entity by the state primary data center within the 3
 940 months before service commencement, and a revised cost-of-
 941 service estimate. If a new customer entity fails to execute an
 942 agreement within 60 days after service commencement, the state
 943 data center may cease services.

944 (f) In collaboration with the Department of Law
 945 Enforcement, develop and implement a process for detecting,
 946 reporting, and responding to suspected or confirmed information
 947 technology security incidents.

948 ~~(j) Plan, design, establish pilot projects for, and~~
 949 ~~conduct experiments with information technology resources, and~~
 950 ~~implement enhancements in services if such implementation is~~
 951 ~~cost-effective and approved by the board.~~

952 ~~(k) Enter into a memorandum of understanding with the~~

953 | ~~agency where the data center is administratively located if the~~
 954 | ~~data center requires the agency to provide any administrative~~
 955 | ~~services to the data center and the cost of such services. Any~~
 956 | ~~administrative overhead costs charged shall require a specific~~
 957 | ~~appropriation in the General Appropriation Act.~~

958 | (g)~~(l)~~ Be the custodian of resources and equipment that
 959 | are located, operated, supported, and managed by the state data
 960 | center for the purposes of chapter 273.

961 | (h)~~(m)~~ Assume administrative access rights to the
 962 | resources and equipment, such as servers, network components,
 963 | and other devices, that are consolidated into the state primary
 964 | data center facility.

965 | 1. Upon the date of each consolidation specified in s.
 966 | 282.201, the General Appropriations Act, or the Laws of Florida,
 967 | each agency shall relinquish all administrative access rights to
 968 | such resources and equipment. Agencies required to comply with
 969 | federal and state criminal justice information security rules
 970 | and policies shall retain administrative access rights
 971 | sufficient to comply with the management control provisions of
 972 | those rules and policies; however, the state data center
 973 | facility shall have the appropriate type and level of rights to
 974 | allow the center to comply with its duties pursuant to this
 975 | section. The Department of Law Enforcement shall serve as the
 976 | arbiter of any disputes that may arise regarding the appropriate
 977 | type and level of administrative access rights pertaining to the
 978 | provision of management control in accordance with federal
 979 | criminal justice information guidelines.

980 | 2. The state ~~Each primary~~ data center shall provide its

981 customer entities ~~agencies~~ with the appropriate level of access
 982 to applications, servers, network components, and other devices
 983 necessary for agencies to perform their core business activities
 984 and functions.

985 ~~(2) BOARD OF TRUSTEES. Each primary data center shall be~~
 986 ~~headed by a board of trustees as defined in s. 20.03.~~

987 ~~(a) The members of the board shall be appointed by the~~
 988 ~~agency head or chief executive officer of the representative~~
 989 ~~customer entities of the primary data center and serve at the~~
 990 ~~pleasure of the appointing customer entity. Each agency head or~~
 991 ~~chief executive officer may appoint an alternate member for each~~
 992 ~~board member appointed pursuant to this subsection.~~

993 ~~1. During the first fiscal year that a state agency is to~~
 994 ~~consolidate its data center operations to a primary data center~~
 995 ~~and for the following full fiscal year, the agency shall have a~~
 996 ~~single trustee having one vote on the board of the state primary~~
 997 ~~data center where it is to consolidate, unless it is entitled in~~
 998 ~~the second year to a greater number of votes as provided in~~
 999 ~~subparagraph 3.~~

1000 ~~2. Board membership shall be as provided in subparagraph~~
 1001 ~~3. based on the most recent estimate of customer entity usage~~
 1002 ~~rates for the prior year and a projection of usage rates for the~~
 1003 ~~first 9 months of the next fiscal year. Such calculation must be~~
 1004 ~~completed before the annual budget meeting held before the~~
 1005 ~~beginning of the next fiscal year so that any decision to add or~~
 1006 ~~remove board members can be voted on at the budget meeting and~~
 1007 ~~become effective on July 1 of the subsequent fiscal year.~~

1008 ~~3. Each customer entity that has a projected usage rate of~~

1009 | ~~4 percent or greater during the fiscal operating year of the~~
 1010 | ~~primary data center shall have one trustee on the board.~~

1011 | ~~4. The total number of votes for each trustee shall be~~
 1012 | ~~apportioned as follows:~~

1013 | ~~a. Customer entities of a primary data center whose usage~~
 1014 | ~~rate represents 4 but less than 15 percent of total usage shall~~
 1015 | ~~have one vote.~~

1016 | ~~b. Customer entities of a primary data center whose usage~~
 1017 | ~~rate represents 15 but less than 30 percent of total usage shall~~
 1018 | ~~have two votes.~~

1019 | ~~e. Customer entities of a primary data center whose usage~~
 1020 | ~~rate represents 30 but less than 50 percent of total usage shall~~
 1021 | ~~have three votes.~~

1022 | ~~d. A customer entity of a primary data center whose usage~~
 1023 | ~~rate represents 50 percent or more of total usage shall have~~
 1024 | ~~four votes.~~

1025 | ~~e. A single trustee having one vote shall represent those~~
 1026 | ~~customer entities that represent less than 4 percent of the~~
 1027 | ~~total usage. The trustee shall be selected by a process~~
 1028 | ~~determined by the board.~~

1029 | ~~(b) Before July 1 of each year, each board of trustees of~~
 1030 | ~~a primary data center shall elect a chair and a vice chair to a~~
 1031 | ~~term of 1 year or until a successor is elected. The vice chair~~
 1032 | ~~shall serve in the absence of the chair. The chair may be~~
 1033 | ~~elected to serve one additional successive term.~~

1034 | ~~(c) Members of the board representing customer entities~~
 1035 | ~~who fail to timely pay for data center services do not have~~
 1036 | ~~voting rights.~~

1037 ~~(d) A majority of the members constitutes a quorum. The~~
 1038 ~~board shall take action by a majority vote of the members if a~~
 1039 ~~quorum is present. If there is a tie, the chair shall be on the~~
 1040 ~~prevailing side.~~

1041 ~~(e) The executive director of the Agency for Enterprise~~
 1042 ~~Information Technology shall be the advisor to the board.~~

1043 ~~(f) To facilitate planned data center consolidations,~~
 1044 ~~board membership may be adjusted as provided in the General~~
 1045 ~~Appropriations Act.~~

1046 ~~(3) BOARD DUTIES. Each board of trustees of a primary data~~
 1047 ~~center shall:~~

1048 ~~(a) Employ an executive director, pursuant to s. 20.05,~~
 1049 ~~who serves at the pleasure of the board. The executive director~~
 1050 ~~is responsible for the daily operation of the primary data~~
 1051 ~~center, ensuring compliance with all laws and rules regulating~~
 1052 ~~the primary data center, managing primary data center employees,~~
 1053 ~~and the performance of the primary data center. The board shall~~
 1054 ~~establish an annual performance evaluation process for the~~
 1055 ~~executive director. The appointment of the executive director~~
 1056 ~~must be reconfirmed by the board biennially.~~

1057 ~~(b) Establish procedures for the primary data center to~~
 1058 ~~ensure that budgeting and accounting procedures, cost-recovery~~
 1059 ~~methodologies, and operating procedures are in compliance with~~
 1060 ~~laws governing the state data center system, rules adopted by~~
 1061 ~~the Agency for Enterprise Information Technology, and applicable~~
 1062 ~~federal regulations, including 2 C.F.R. part 225 and 45 C.F.R.~~

1063 ~~(c) Monitor the operation of the primary data center to~~
 1064 ~~ensure compliance by the executive director and employees with~~

1065 ~~laws and rules governing the primary data center, and ensure~~
 1066 ~~that staff members are accountable for the performance of the~~
 1067 ~~primary data center.~~

1068 ~~(d) Provide each customer entity with full disclosure~~
 1069 ~~concerning plans for new, additional, or reduced service~~
 1070 ~~requirements, including expected achievable service levels and~~
 1071 ~~performance metrics.~~

1072 ~~(e) Ensure the sufficiency and transparency of the primary~~
 1073 ~~data center financial information by:~~

1074 ~~1. Establishing policies that ensure that cost-recovery~~
 1075 ~~methodologies, billings, receivables, expenditure, budgeting,~~
 1076 ~~and accounting data are captured and reported timely,~~
 1077 ~~consistently, accurately, and transparently and, upon adoption~~
 1078 ~~of rules by the Agency for Enterprise Information Technology,~~
 1079 ~~are in compliance with such rules.~~

1080 ~~2. Requiring execution of service level agreements by the~~
 1081 ~~data center and each customer entity for services provided by~~
 1082 ~~the data center to the customer entity.~~

1083 ~~3. Requiring cost recovery for the full cost of services,~~
 1084 ~~including direct and indirect costs. The cost-recovery~~
 1085 ~~methodology must ensure that no service is subsidizing another~~
 1086 ~~service without an affirmative vote of approval by the customer~~
 1087 ~~entity providing the subsidy.~~

1088 ~~4. Establishing special assessments to fund expansions~~
 1089 ~~based on a methodology that apportions the assessment according~~
 1090 ~~to the proportional benefit to each customer entity.~~

1091 ~~5. Providing rebates to customer entities when revenues~~
 1092 ~~exceed costs and offsetting charges to those who have subsidized~~

1093 ~~other customer entity costs based on actual prior year final~~
 1094 ~~expenditures. Rebates may be credited against future billings.~~

1095 ~~6. Approving all expenditures committing over \$50,000 in a~~
 1096 ~~fiscal year.~~

1097 ~~7. Projecting costs and revenues at the beginning of the~~
 1098 ~~third quarter of each fiscal year through the end of the fiscal~~
 1099 ~~year. If in any given fiscal year the primary data center is~~
 1100 ~~projected to earn revenues that are below costs for that fiscal~~
 1101 ~~year after first reducing operating costs where possible, the~~
 1102 ~~board shall implement any combination of the following remedies~~
 1103 ~~to cover the shortfall:~~

1104 ~~a. The board may direct the primary data center to adjust~~
 1105 ~~current year chargeback rates through the end of the fiscal year~~
 1106 ~~to cover the shortfall. The rate adjustments shall be~~
 1107 ~~implemented using actual usage rate and billing data from the~~
 1108 ~~first three quarters of the fiscal year and the same principles~~
 1109 ~~used to set rates for the fiscal year.~~

1110 ~~b. The board may direct the primary data center to levy~~
 1111 ~~one-time charges on all customer entities to cover the~~
 1112 ~~shortfall. The one-time charges shall be implemented using~~
 1113 ~~actual usage rate and billing data from the first three quarters~~
 1114 ~~of the fiscal year and the same principles used to set rates for~~
 1115 ~~the fiscal year.~~

1116 ~~e. The customer entities represented by each board member~~
 1117 ~~may provide payments to cover the shortfall in proportion to the~~
 1118 ~~amounts each entity paid in the prior fiscal year.~~

1119 ~~8. Providing a plan for consideration by the Legislative~~
 1120 ~~Budget Commission if a billing rate schedule is used after the~~

1121 ~~start of the fiscal year which increases any agency's costs for~~
 1122 ~~that fiscal year.~~

1123 ~~(f) Meet as often as necessary, but not less than once per~~
 1124 ~~quarter, and hold the annual budget meeting between April 1 and~~
 1125 ~~June 30 of each year.~~

1126 ~~(g) Approve the portfolio of services offered by the data~~
 1127 ~~center.~~

1128 ~~(h) By July 1 of each year, submit to the Agency for~~
 1129 ~~Enterprise Information Technology proposed cost-recovery~~
 1130 ~~mechanisms and rate structures for all customer entities for the~~
 1131 ~~fiscal year including the cost-allocation methodology for~~
 1132 ~~administrative expenditures and the calculation of~~
 1133 ~~administrative expenditures as a percent of total costs.~~

1134 ~~(i) Consider energy-efficient products and their total~~
 1135 ~~cost of ownership when replacing, upgrading, or expanding:~~

1136 ~~1. Data center facilities, including, but not limited to,~~
 1137 ~~environmental, power, and control systems; and~~

1138 ~~2. Data center network, storage, and computer equipment.~~

1139 ~~If the total cost of ownership, including initial acquisition~~
 1140 ~~cost, is estimated to be equal to or lower than existing~~
 1141 ~~infrastructure, technical specifications for energy-efficient~~
 1142 ~~products should be incorporated into the replacement, upgrade,~~
 1143 ~~or expansion planning and acquisition process.~~

1144 ~~(j) Maintain the capabilities of the primary data center's~~
 1145 ~~facilities. Maintenance responsibilities include, but are not~~
 1146 ~~limited to, ensuring that adequate conditioned floor space, fire~~
 1147 ~~suppression, cooling, and power is in place; replacing aging~~
 1148 ~~equipment when necessary; and making decisions related to data~~

1149 ~~center expansion and renovation, periodic upgrades, and~~
 1150 ~~improvements that are required to ensure the ongoing suitability~~
 1151 ~~of the facility as an enterprise data center consolidation site~~
 1152 ~~in the state data center system. To the extent possible, the~~
 1153 ~~board shall ensure that its approved annual cost-allocation plan~~
 1154 ~~recovers sufficient funds from its customers to provide for~~
 1155 ~~these needs.~~

1156 ~~(k) Coordinate with other primary data centers and the~~
 1157 ~~Agency for Enterprise Information Technology in order to~~
 1158 ~~consolidate purchases of goods and services and lower the cost~~
 1159 ~~of providing services to customer entities.~~

1160 ~~(l) Contract with other primary data centers for the~~
 1161 ~~provision of administrative services or with the agency within~~
 1162 ~~which the primary data center is housed, whichever is most cost-~~
 1163 ~~effective. Any administrative overhead costs require a specific~~
 1164 ~~appropriation in the General Appropriations Act.~~

1165 Section 13. Section 282.204, Florida Statutes, is
 1166 repealed.

1167 Section 14. Section 282.205, Florida Statutes, is
 1168 repealed.

1169 Section 15. Section 282.318, Florida Statutes, is amended
 1170 to read:

1171 282.318 Enterprise security of data and information
 1172 technology.—

1173 (1) This section may be cited as the "Enterprise Security
 1174 of Data and Information Technology Act."

1175 (2) Information technology security is established as an
 1176 enterprise information technology service as defined in s.

1177 282.0041.

1178 (3) The Agency for State ~~Enterprise Information~~ Technology
 1179 is responsible for establishing rules and publishing guidelines
 1180 for ensuring an appropriate level of security for all data and
 1181 information technology resources for executive branch agencies.
 1182 The agency shall also ~~perform the following duties and~~
 1183 ~~responsibilities:~~

1184 (a) Develop, and annually update by February 1, an
 1185 enterprise information security strategic plan that includes
 1186 security goals and objectives for the strategic issues of
 1187 information security policy, risk management, ~~training,~~ incident
 1188 management, and survivability planning.

1189 (b) Develop enterprise security rules and published
 1190 guidelines for:

1191 1. Comprehensive risk analyses and information security
 1192 audits conducted by state agencies.

1193 2. Responding to suspected or confirmed information
 1194 security incidents, including suspected or confirmed breaches of
 1195 confidential ~~personal~~ information or exempt data.

1196 3. Agency security plans, including strategic security
 1197 plans and security program plans.

1198 4. The recovery of information technology and data
 1199 following a disaster.

1200 5. The managerial, operational, and technical safeguards
 1201 for protecting state government data and information technology
 1202 resources.

1203 (c) Assist agencies in complying with ~~the provisions of~~
 1204 this section.

1205 ~~(d) Pursue appropriate funding for the purpose of~~
 1206 ~~enhancing domestic security.~~

1207 ~~(e) Provide training for agency information security~~
 1208 ~~managers.~~

1209 (d)(f) Annually review the strategic and operational
 1210 information security plans of executive branch agencies.

1211 (4) ~~To assist the Agency for Enterprise Information~~
 1212 ~~Technology in carrying out its responsibilities,~~ Each agency
 1213 head shall, at a minimum:

1214 (a) Designate an information security manager to
 1215 administer the security program of the agency for its data and
 1216 information technology resources. This designation must be
 1217 provided annually in writing to the Agency for State Enterprise
 1218 ~~Information~~ Technology by January 1.

1219 (b) Submit to the Agency for State Enterprise ~~Information~~
 1220 ~~Technology~~ annually by July 31, the agency's strategic and
 1221 operational information security plans developed pursuant to the
 1222 rules and guidelines established by the Agency for State
 1223 ~~Enterprise Information~~ Technology.

1224 1. The agency strategic information security plan must
 1225 cover a 3-year period and, at a minimum, define security goals,
 1226 intermediate objectives, and projected agency costs for the
 1227 strategic issues of agency information security policy, risk
 1228 management, security training, security incident response, and
 1229 survivability. The plan must be based on the enterprise
 1230 strategic information security plan created by the Agency for
 1231 State Enterprise ~~Information~~ Technology. ~~Additional issues may~~
 1232 ~~be included.~~

1233 2. The agency operational information security plan must
 1234 include a progress report for the prior operational information
 1235 security plan and a project plan that includes activities,
 1236 timelines, and deliverables for security objectives that,
 1237 subject to current resources, the agency will implement during
 1238 the current fiscal year. ~~The cost of implementing the portions~~
 1239 ~~of the plan which cannot be funded from current resources must~~
 1240 ~~be identified in the plan.~~

1241 (c) Conduct, and update every 3 years, a comprehensive
 1242 risk analysis to determine the security threats to the data,
 1243 information, and information technology resources of the agency.
 1244 The risk analysis information is confidential and exempt from
 1245 ~~the provisions of s. 119.07(1),~~ except that such information
 1246 shall be available to the Auditor General, and the Agency for
 1247 State Enterprise Information Technology, and the Department of
 1248 Law Enforcement for performing postauditing duties.

1249 (d) Develop, and periodically update, written internal
 1250 policies and procedures, which must include procedures for
 1251 notifying all suspected or confirmed information security
 1252 incidents to the Cybercrime Office in the Department of Law
 1253 Enforcement within 24 hours after discovery ~~the Agency for~~
 1254 ~~Enterprise Information Technology when a suspected or confirmed~~
 1255 ~~breach, or an information security incident, occurs.~~ Such
 1256 policies and procedures must be consistent with the rules and
 1257 guidelines established by the Agency for State Enterprise
 1258 ~~Information~~ Technology to ensure the security of the data,
 1259 information, and information technology resources of the agency.
 1260 The internal policies and procedures that, if disclosed, could

1261 facilitate the unauthorized modification, disclosure, or
 1262 destruction of data or information technology resources are
 1263 confidential information and exempt from s. 119.07(1), except
 1264 that such information shall be available to the Auditor General,
 1265 ~~and the Agency for State Enterprise Information Technology, and~~
 1266 the Department of Law Enforcement for performing postauditing
 1267 duties.

1268 (e) Implement appropriate cost-effective safeguards to
 1269 address identified risks to the data, information, and
 1270 information technology resources of the agency.

1271 (f) Ensure that periodic internal audits and evaluations
 1272 of the agency's security program for the data, information, and
 1273 information technology resources of the agency are conducted.
 1274 The results of such audits and evaluations are confidential
 1275 information and exempt from s. 119.07(1), except that such
 1276 information shall be available to the Auditor General, ~~and the~~
 1277 Agency for State Enterprise Information Technology, and the
 1278 Department of Law Enforcement for performing postauditing
 1279 duties.

1280 (g) Include appropriate security requirements in the
 1281 written specifications for the solicitation of information
 1282 technology and information technology resources and services
 1283 that, which are consistent with the rules and guidelines
 1284 established by the Agency for State Enterprise Information
 1285 Technology.

1286 (h) Require that all agency employees complete the
 1287 security awareness training offered by the Cybercrime Office in
 1288 the Department of Law Enforcement. Provide security awareness

1289 ~~training to employees and users of the agency's communication~~
 1290 ~~and information resources concerning information security risks~~
 1291 ~~and the responsibility of employees and users to comply with~~
 1292 ~~policies, standards, guidelines, and operating procedures~~
 1293 ~~adopted by the agency to reduce those risks.~~

1294 (i) Develop a process for detecting, reporting, and
 1295 responding to suspected or confirmed security threats or
 1296 incidents, including suspected or confirmed breaches, consistent
 1297 with the security rules and guidelines established by the Agency
 1298 for State Enterprise Information Technology.

1299 1. Suspected or confirmed information security threats,
 1300 incidents, and breaches must be ~~immediately~~ reported to the
 1301 Cybercrime Office in the Department of Law Enforcement within 24
 1302 hours after discovery ~~Agency for Enterprise Information~~
 1303 ~~Technology.~~

1304 2. For incidents involving breaches, agencies shall
 1305 provide notice in accordance with s. 817.5681 and to the
 1306 Cybercrime Office in the Department of Law Enforcement ~~Agency~~
 1307 ~~for Enterprise Information Technology~~ in accordance with this
 1308 subsection.

1309 (5) Each state agency shall include appropriate security
 1310 requirements in the specifications for the solicitation of
 1311 contracts for procuring information technology or information
 1312 technology resources or services that ~~which~~ are consistent with
 1313 the rules and guidelines established by the Agency for State
 1314 ~~Enterprise Information~~ Technology.

1315 (6) The Agency for State Enterprise Information
 1316 Technology, in consultation with the Cybercrime Office in the

1317 Department of Law Enforcement, may adopt rules relating to
 1318 information security and to administer ~~the provisions of this~~
 1319 section.

1320 (7) For purposes of this section, the term "agency" has
 1321 the same meaning as provided in s. 216.011(1) (qq), except that
 1322 the term "agency" does not include the judicial branch, state
 1323 attorneys, public defenders, criminal conflict and civil
 1324 regional counsel, capital collateral regional counsel, the
 1325 Florida Clerks of Court Operations Corporation, or the Florida
 1326 Housing Finance Corporation.

1327 Section 16. Section 282.33, Florida Statutes, is repealed.

1328 Section 17. Effective upon this act becoming a law,
 1329 section 282.34, Florida Statutes, is repealed.

1330 Section 18. Section 943.0415, Florida Statutes, is amended
 1331 to read:

1332 943.0415 Cybercrime Office.—

1333 (1) There is created within the Department of Law
 1334 Enforcement the Cybercrime Office.

1335 (2) The office may:

1336 (a) Investigate violations of state law pertaining to the
 1337 sexual exploitation of children which are facilitated by or
 1338 connected to the use of any device capable of storing electronic
 1339 data.

1340 (b) Monitor information technology resources and collect
 1341 and analyze potential threats regarding potential cybersecurity
 1342 incidents, including cyber attacks and breaches of personal
 1343 information containing confidential or exempt data.

1344 (c) Investigate violations of state law pertaining to

1345 suspected or confirmed cybersecurity incidents and assist in
 1346 incident response and recovery.

1347 (d) Provide security awareness training and information to
 1348 state agency employees concerning cybersecurity, online sexual
 1349 exploitation of children, and security risks and the
 1350 responsibility of employees to comply with policies, standards,
 1351 guidelines, and operating procedures adopted by the Agency for
 1352 State Technology.

1353 (e) Consult with the Agency for State Technology in the
 1354 adoption of rules relating to the information security
 1355 provisions of s. 282.318.

1356 Section 19. Paragraph (e) of subsection (2) of section
 1357 110.205, Florida Statutes, is amended to read:

1358 110.205 Career service; exemptions.—

1359 (2) EXEMPT POSITIONS.—The exempt positions that are not
 1360 covered by this part include the following:

1361 (e) The Chief Information Officer in the Agency for State
 1362 ~~Enterprise Information~~ Technology. Unless otherwise fixed by
 1363 law, the Agency for State ~~Enterprise Information~~ Technology
 1364 shall set the salary and benefits of this position in accordance
 1365 with the rules of the Senior Management Service.

1366 Section 20. Subsections (2) and (9) of section 215.322,
 1367 Florida Statutes, are amended to read:

1368 215.322 Acceptance of credit cards, charge cards, debit
 1369 cards, or electronic funds transfers by state agencies, units of
 1370 local government, and the judicial branch.—

1371 (2) A state agency as defined in s. 216.011, or the
 1372 judicial branch, may accept credit cards, charge cards, debit

1373 cards, or electronic funds transfers in payment for goods and
 1374 services with the prior approval of the Chief Financial Officer.
 1375 If the Internet or other related electronic methods are to be
 1376 used as the collection medium, the Agency for State Enterprise
 1377 ~~Information~~ Technology shall review and recommend to the Chief
 1378 Financial Officer whether to approve the request with regard to
 1379 the process or procedure to be used.

1380 (9) For payment programs in which credit cards, charge
 1381 cards, or debit cards are accepted by state agencies, the
 1382 judicial branch, or units of local government, the Chief
 1383 Financial Officer, in consultation with the Agency for State
 1384 ~~Enterprise Information~~ Technology, may adopt rules to establish
 1385 uniform security safeguards for cardholder data and to ensure
 1386 compliance with the Payment Card Industry Data Security
 1387 Standards.

1388 Section 21. Subsection (22) of section 287.057, Florida
 1389 Statutes, is amended to read:

1390 287.057 Procurement of commodities or contractual
 1391 services.—

1392 (22) The department, in consultation with the Agency for
 1393 State Enterprise Information Technology and the Comptroller,
 1394 shall develop a program for online procurement of commodities
 1395 and contractual services. To enable the state to promote open
 1396 competition and to leverage its buying power, agencies shall
 1397 participate in the online procurement program, and eligible
 1398 users may participate in the program. Only vendors prequalified
 1399 as meeting mandatory requirements and qualifications criteria
 1400 may participate in online procurement.

1401 (a) The department, in consultation with the agency, may
 1402 contract for equipment and services necessary to develop and
 1403 implement online procurement.

1404 (b) The department, in consultation with the agency, shall
 1405 adopt rules, pursuant to ss. 120.536(1) and 120.54, to
 1406 administer the program for online procurement. The rules shall
 1407 include, but not be limited to:

1408 1. Determining the requirements and qualification criteria
 1409 for prequalifying vendors.

1410 2. Establishing the procedures for conducting online
 1411 procurement.

1412 3. Establishing the criteria for eligible commodities and
 1413 contractual services.

1414 4. Establishing the procedures for providing access to
 1415 online procurement.

1416 5. Determining the criteria warranting any exceptions to
 1417 participation in the online procurement program.

1418 (c) The department may impose and shall collect all fees
 1419 for the use of the online procurement systems.

1420 1. The fees may be imposed on an individual transaction
 1421 basis or as a fixed percentage of the cost savings generated. At
 1422 a minimum, the fees must be set in an amount sufficient to cover
 1423 the projected costs of the services, including administrative
 1424 and project service costs in accordance with the policies of the
 1425 department.

1426 2. If the department contracts with a provider for online
 1427 procurement, the department, pursuant to appropriation, shall
 1428 compensate the provider from the fees after the department has

1429 satisfied all ongoing costs. The provider shall report
 1430 transaction data to the department each month so that the
 1431 department may determine the amount due and payable to the
 1432 department from each vendor.

1433 3. All fees that are due and payable to the state on a
 1434 transactional basis or as a fixed percentage of the cost savings
 1435 generated are subject to s. 215.31 and must be remitted within
 1436 40 days after receipt of payment for which the fees are due. For
 1437 fees that are not remitted within 40 days, the vendor shall pay
 1438 interest at the rate established under s. 55.03(1) on the unpaid
 1439 balance from the expiration of the 40-day period until the fees
 1440 are remitted.

1441 4. All fees and surcharges collected under this paragraph
 1442 shall be deposited in the Operating Trust Fund as provided by
 1443 law.

1444 Section 22. Subsection (4) of section 445.011, Florida
 1445 Statutes, is amended to read:

1446 445.011 Workforce information systems.—

1447 (4) Workforce Florida, Inc., shall coordinate development
 1448 and implementation of workforce information systems with the
 1449 executive director of the Agency for State Enterprise
 1450 ~~Information~~ Technology to ensure compatibility with the state's
 1451 information system strategy and enterprise architecture.

1452 Section 23. Subsections (2) and (4) of section 445.045,
 1453 Florida Statutes, are amended to read:

1454 445.045 Development of an Internet-based system for
 1455 information technology industry promotion and workforce
 1456 recruitment.—

1457 (2) Workforce Florida, Inc., shall coordinate with the
 1458 Agency for State ~~Enterprise Information~~ Technology and the
 1459 Department of Economic Opportunity to ensure links, where
 1460 feasible and appropriate, to existing job information websites
 1461 maintained by the state and state agencies and to ensure that
 1462 information technology positions offered by the state and state
 1463 agencies are posted on the information technology website.

1464 (4) (a) Workforce Florida, Inc., shall coordinate
 1465 development and maintenance of the website under this section
 1466 with the executive director of the Agency for State ~~Enterprise~~
 1467 ~~Information~~ Technology to ensure compatibility with the state's
 1468 information system strategy and enterprise architecture.

1469 (b) Workforce Florida, Inc., may enter into an agreement
 1470 with the Agency for State ~~Enterprise Information~~ Technology, the
 1471 Department of Economic Opportunity, or any other public agency
 1472 with the requisite information technology expertise for the
 1473 provision of design, operating, or other technological services
 1474 necessary to develop and maintain the website.

1475 (c) Workforce Florida, Inc., may procure services
 1476 necessary to implement ~~the provisions of~~ this section, if it
 1477 employs competitive processes, including requests for proposals,
 1478 competitive negotiation, and other competitive processes, to
 1479 ensure that the procurement results in the most cost-effective
 1480 investment of state funds.

1481 Section 24. Paragraph (b) of subsection (18) of section
 1482 668.50, Florida Statutes, is amended to read:

1483 668.50 Uniform Electronic Transaction Act.—

1484 (18) ACCEPTANCE AND DISTRIBUTION OF ELECTRONIC RECORDS BY

1485 GOVERNMENTAL AGENCIES.—

1486 (b) To the extent that a governmental agency uses
 1487 electronic records and electronic signatures under paragraph
 1488 (a), the Agency for State Enterprise Information Technology, in
 1489 consultation with the governmental agency, giving due
 1490 consideration to security, may specify:

1491 1. The manner and format in which the electronic records
 1492 must be created, generated, sent, communicated, received, and
 1493 stored and the systems established for those purposes.

1494 2. If electronic records must be signed by electronic
 1495 means, the type of electronic signature required, the manner and
 1496 format in which the electronic signature must be affixed to the
 1497 electronic record, and the identity of, or criteria that must be
 1498 met by, any third party used by a person filing a document to
 1499 facilitate the process.

1500 3. Control processes and procedures as appropriate to
 1501 ensure adequate preservation, disposition, integrity, security,
 1502 confidentiality, and auditability of electronic records.

1503 4. Any other required attributes for electronic records
 1504 which are specified for corresponding nonelectronic records or
 1505 reasonably necessary under the circumstances.

1506 Section 25. Subsections (1), (2), and (3) of section
 1507 1004.649, Florida Statutes, are amended to read:

1508 1004.649 Northwest Regional Data Center.—

1509 (1) For the purpose of serving its state agency customers
 1510 for the 2013-2014 fiscal year, the Northwest Regional Data
 1511 Center at Florida State University is designated as a state
 1512 ~~primary~~ data center facility and shall:

1513 (a) Operate under a governance structure that represents
 1514 its customers proportionally.

1515 (b) Maintain an appropriate cost-allocation methodology
 1516 that accurately bills state agency customers based solely on the
 1517 actual direct and indirect costs of the services provided to
 1518 state agency customers, and prohibits the subsidization of
 1519 nonstate agency customers' costs by state agency customers.

1520 (c) Enter into a service-level agreement with each state
 1521 agency customer to provide services as defined and approved by
 1522 the governing board of the center. At a minimum, such service-
 1523 level agreements must:

1524 1. Identify the parties and their roles, duties, and
 1525 responsibilities under the agreement;

1526 2. State the duration of the agreement term and specify
 1527 the conditions for renewal;

1528 3. Identify the scope of work;

1529 4. Establish the services to be provided, the business
 1530 standards that must be met for each service, the cost of each
 1531 service, and the process by which the business standards for
 1532 each service are to be objectively measured and reported;

1533 5. Provide a timely billing methodology for recovering the
 1534 cost of services provided; and

1535 6. Provide a procedure for modifying the service-level
 1536 agreement to address any changes in projected costs of service.

1537 (d) Provide to the Board of Governors the total annual
 1538 budget by major expenditure category, including, but not limited
 1539 to, salaries, expenses, operating capital outlay, contracted
 1540 services, or other personnel services by July 30 each fiscal

1541 year.

1542 (e) Provide to each state agency customer its projected
 1543 annual cost for providing the agreed-upon data center services
 1544 by September 1 each fiscal year.

1545 (f) Provide a plan for consideration by the Legislative
 1546 Budget Commission if the governing body of the center approves
 1547 the use of a billing rate schedule after the start of the fiscal
 1548 year that increases any state agency customer's costs for that
 1549 fiscal year.

1550 (2) The Northwest Regional Data Center's designation as a
 1551 state primary data center facility for purposes of serving its
 1552 state agency customers may be terminated if:

1553 (a) The center requests such termination to the Board of
 1554 Governors, the Senate President, and the Speaker of the House of
 1555 Representatives; or

1556 (b) The center fails to comply with the provisions of this
 1557 section.

1558 (3) If such designation is terminated, the center shall
 1559 have 1 year to provide for the transition of its state agency
 1560 customers to the state data ~~Southwood Shared Resource Center or~~
 1561 ~~the Northwood Shared Resource~~ center.

1562 Section 26. Except as otherwise expressly provided in this
 1563 act and except for this section, which shall take effect upon
 1564 this act becoming a law, this act shall take effect July 1,
 1565 2013.