

27 | creating, and deleting definitions used in the
 28 | Enterprise Information Technology Services Management
 29 | Act; creating s. 282.0051, F.S.; providing powers,
 30 | duties, and functions of the Agency for State
 31 | Technology; authorizing the agency to adopt rules;
 32 | repealing ss. 282.0055 and 282.0056, F.S., relating to
 33 | various duties of the Agency for Enterprise
 34 | Information Technology; amending s. 282.201, F.S.,
 35 | relating to the state data center system; establishing
 36 | a state data center within the Agency for State
 37 | Technology; requiring the agency to provide data
 38 | center services; requiring state agencies to provide
 39 | certain information; revising schedules for
 40 | consolidation of state agency data centers and
 41 | computing facilities into the state data center;
 42 | revising exemptions from consolidation; revising
 43 | limitations on state agency computing facilities and
 44 | data centers; repealing ss. 282.203, 282.204, and
 45 | 282.205, F.S., relating to primary data centers, the
 46 | Northwood Shared Resource Center, and the Southwood
 47 | Shared Resource Center, respectively; amending s.
 48 | 282.318, F.S.; changing the name of the Enterprise
 49 | Security of Data and Information Technology Act;
 50 | defining the term "agency" as used in the act;
 51 | requiring the Agency for State Technology to establish
 52 | and publish certain security standards and processes;

53 requiring state agencies to perform certain security-
54 related duties; requiring the agency to adopt rules;
55 conforming provisions; repealing s. 282.33, F.S.,
56 relating to standards for data center energy
57 efficiency; repealing s. 282.34, F.S., relating to the
58 planning and provision of a statewide e-mail service;
59 creating s. 287.0591, F.S.; limiting the terms of
60 certain competitive solicitations for information
61 technology commodities; providing an exception;
62 amending s. 943.0415, F.S.; providing additional
63 duties of the Cybercrime Office of the Department of
64 Law Enforcement; requiring the office to coordinate
65 with the Agency for State Technology in the adoption
66 of specified rules; amending s. 1004.649, F.S.;
67 revising provisions regarding service-level agreements
68 entered into by the Northwest Regional Data Center;
69 conforming provisions; amending ss. 17.0315, 110.205,
70 215.322, 287.057, 327.301, 445.011, 445.045, and
71 668.50, F.S.; conforming provisions to changes made by
72 the act; requiring the Agency for State Technology to
73 conduct a study and submit a report to the Governor
74 and Legislature; creating a state data center task
75 force; providing for membership, duties, and
76 abolishment of the task force; providing
77 appropriations and authorizing positions; providing
78 effective dates.

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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(2), 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

105 transferred by a type two transfer, pursuant to s. 20.06(2),
 106 Florida Statutes, from the Department of Management Services to
 107 the Agency for State Technology. Any binding contract or
 108 interagency agreement entered into and between the Southwood
 109 Shared Resource Center or an entity or agent of the center and
 110 any other agency, entity, or person shall continue as a binding
 111 contract or agreement of the Agency for State Technology for the
 112 remainder of the term of such contract or agreement.

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

114 Section 5. Paragraph (a) of subsection (1) of section
 115 20.055, Florida Statutes, is amended to read:

116 20.055 Agency inspectors general.—

117 (1) For the purposes of this section:

118 (a) "State agency" means each department created pursuant
 119 to this chapter, and also includes the Executive Office of the
 120 Governor, the Department of Military Affairs, the Fish and
 121 Wildlife Conservation Commission, the Office of Insurance
 122 Regulation of the Financial Services Commission, the Office of
 123 Financial Regulation of the Financial Services Commission, the
 124 Public Service Commission, the Board of Governors of the State
 125 University System, the Florida Housing Finance Corporation, the
 126 Agency for State Technology, and the state courts system.

127 Section 6. Section 20.61, Florida Statutes, is created to
 128 read:

129 20.61 Agency for State Technology.—There is created the
 130 Agency for State Technology within the Department of Management

131 Services. The agency is a separate budget program and shall not
 132 be subject to control, supervision, or direction by the
 133 Department of Management Services, including, but not limited
 134 to, purchasing, transactions involving real or personal
 135 property, personnel, or budgetary matters.

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

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

147 (2) The Agency for State Technology shall include the
 148 following positions, all of whom shall be appointed by the
 149 executive director:

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

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

157 economic development.

158 (c) Chief operations officer.

159 (d) Chief information security officer.

160 (e) Chief technology officer.

161 (3) The Technology Advisory Council is established within
 162 the Agency for State Technology pursuant to s. 20.052 and shall
 163 consist of seven members. Four members of the council shall be
 164 appointed by the Governor, two of whom must be from the private
 165 sector, and the Cabinet, the President of the Senate, and the
 166 Speaker of the House of Representatives shall each appoint one
 167 member of the council. Upon initial establishment of the
 168 council, two of the Governor's appointments shall be for 2-year
 169 terms. Thereafter, all appointments shall be for 4-year terms.

170 (a) The Technology Advisory Council shall consider and
 171 make recommendations to the executive director on such matters
 172 as enterprise information technology policies, standards,
 173 services, and architecture.

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

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

180 215.96 Coordinating council and design and coordination
 181 staff.-

182 (2) The coordinating council shall consist of the Chief

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

206 Section 8. Paragraph (a) of subsection (4) of section
 207 216.023, Florida Statutes, is amended to read:

208 216.023 Legislative budget requests to be furnished to

209 Legislature by agencies.—

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

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

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

219 3. Details on trust funds and fees.

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

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

225 6. Information resource requests.

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

235 activity.

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

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

252 10. For projects that exceed \$10 million in total cost,
 253 the statutory reference of the existing policy or the proposed
 254 substantive policy that establishes and defines the project's
 255 governance structure, with the governance structure for
 256 information technology-related projects incorporating the
 257 applicable project management and oversight standards
 258 established pursuant to s. 282.0051; planned scope;~~;~~ main
 259 business objectives that must be achieved;~~;~~ and estimated
 260 completion timeframes. Information technology budget requests

261 for the continuance of existing hardware and software
 262 maintenance agreements, renewal of existing software licensing
 263 agreements, or the replacement of desktop units with new
 264 technology that is similar to the technology currently in use
 265 are exempt from this requirement.

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

268 282.0041 Definitions.—As used in this chapter, the term:

269 (1) "Agency" or "state agency" means any official,
 270 officer, commission, board, authority, council, committee, or
 271 department of the executive branch of state government, and the
 272 Justice Administrative Commission and the Public Service
 273 Commission. The term has the same meaning as in s.
 274 216.011(1)(qq), except that For purposes of this chapter,
 275 "agency" does not include university boards of trustees or state
 276 universities. As used in part I of this chapter, except as
 277 otherwise specifically provided, the term does not include the
 278 Department of Legal Affairs, the Department of Agriculture and
 279 Consumer Services, or the Department of Financial Services.

280 (2) "Agency data center" means agency space containing 10
 281 or more physical or logical servers.

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

284 ~~(3) "Agency information technology service" means a~~
 285 ~~service that directly helps an agency fulfill its statutory or~~
 286 ~~constitutional responsibilities and policy objectives and is~~

287 ~~usually associated with the agency's primary or core business~~
 288 ~~functions.~~

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

294 (3)(5) "Breach" means a confirmed event that compromises
 295 the confidentiality, integrity, or availability of information
 296 or data ~~has the same meaning as in s. 817.5681(4).~~

297 (4)(6) "Business continuity plan" means a collection of
 298 procedures and information designed to keep an agency's critical
 299 operations running during a period of displacement or
 300 interruption of normal operations ~~plan for disaster recovery~~
 301 ~~which provides for the continued functioning of a primary data~~
 302 ~~center during and after a disaster.~~

303 (5)(7) "Computing facility" or "agency computing facility"
 304 ~~means agency space containing fewer than a total of 10 physical~~
 305 ~~or logical servers, any of which supports a strategic or~~
 306 ~~nonstrategic information technology service, as described in~~
 307 ~~budget instructions developed pursuant to s. 216.023, but~~
 308 ~~excluding single, logical-server installations that exclusively~~
 309 ~~perform a utility function such as file and print servers.~~

310 (6)(8) "Customer entity" means an entity that obtains
 311 services from the state ~~a primary data center.~~

312 ~~(9) "Data center" means agency space containing 10 or more~~

313 ~~physical or logical servers any of which supports a strategic or~~
 314 ~~nonstrategic information technology service, as described in~~
 315 ~~budget instructions developed pursuant to s. 216.023.~~

316 ~~(7)(10)~~ "Department" means the Department of Management
 317 Services.

318 (8) "Disaster recovery" means the process, policies,
 319 procedures, and infrastructure related to preparing for and
 320 implementing recovery or continuation of an agency's vital
 321 technology infrastructure after a natural or human-induced
 322 disaster.

323 ~~(9)(11)~~ "Enterprise information technology service" means
 324 an information technology service that is used in all agencies
 325 or a subset of agencies and is established in law to be
 326 designed, delivered, and managed at the enterprise level.

327 (10) "Event" means any observable occurrence in a system
 328 or network.

329 (11) "Incident" means a violation or imminent threat of
 330 violation, whether such violation is accidental or deliberate,
 331 of information technology security policies, acceptable use
 332 policies, or standard security practices. An imminent threat of
 333 violation refers to a situation in which the agency has a
 334 factual basis for believing that a specific incident is about to
 335 occur.

336 ~~(12) "E-mail, messaging, and calendaring service" means~~
 337 ~~the enterprise information technology service that enables users~~
 338 ~~to send, receive, file, store, manage, and retrieve electronic~~

339 ~~messages, attachments, appointments, and addresses. The e-mail,~~
 340 ~~messaging, and calendaring service must include e-mail account~~
 341 ~~management; help desk; technical support and user provisioning~~
 342 ~~services; disaster recovery and backup and restore capabilities;~~
 343 ~~antispam and antivirus capabilities; archiving and e-discovery;~~
 344 ~~and remote access and mobile messaging capabilities.~~

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

348 ~~(12)~~~~(14)~~ "Information technology" means equipment,
 349 hardware, software, firmware, programs, systems, networks,
 350 infrastructure, media, and related material used to
 351 automatically, electronically, and wirelessly collect, receive,
 352 access, transmit, display, store, record, retrieve, analyze,
 353 evaluate, process, classify, manipulate, manage, assimilate,
 354 control, communicate, exchange, convert, converge, interface,
 355 switch, or disseminate information of any kind or form.

356 ~~(13)~~~~(15)~~ "Information technology policy" means a definite
 357 course or method of action selected from among one or more
 358 alternatives that guide and determine present and future
 359 decisions ~~statements that describe clear choices for how~~
 360 ~~information technology will deliver effective and efficient~~
 361 ~~government services to residents and improve state agency~~
 362 ~~operations. A policy may relate to investments, business~~
 363 ~~applications, architecture, or infrastructure. A policy~~
 364 ~~describes its rationale, implications of compliance or~~

365 ~~noncompliance, the timeline for implementation, metrics for~~
 366 ~~determining compliance, and the accountable structure~~
 367 ~~responsible for its implementation.~~

368 (14) "Information technology resources" has the same
 369 meaning as provided in s. 119.011(9).

370 (15) "Information technology security" means the
 371 protection afforded to an automated information system in order
 372 to attain the applicable objectives of preserving the integrity,
 373 availability, and confidentiality of data, information, and
 374 information technology resources.

375 (16) "Performance metrics" means the measures of an
 376 organization's activities and performance.

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

380 (17)~~(18)~~ "Project" means an endeavor that has a defined
 381 start and end point; is undertaken to create or modify a unique
 382 product, service, or result; and has specific objectives that,
 383 when attained, signify completion.

384 (18) "Project oversight" means an independent review and
 385 analysis of an information technology project that provides
 386 information on the project's scope, completion timeframes, and
 387 budget and that identifies and quantifies issues or risks
 388 affecting the successful and timely completion of the project.

389 (19) "Risk assessment analysis" means the process of
 390 identifying security risks, determining their magnitude, and

391 identifying areas needing safeguards.

392 (20) "Service level" means the key performance indicators
 393 (KPI) of an organization or service which must be regularly
 394 performed, monitored, and achieved.

395 (21) "Service-level agreement" means a written contract
 396 between the state a data center and a customer entity which
 397 specifies the scope of services provided, service level, the
 398 duration of the agreement, the responsible parties, and service
 399 costs. A service-level agreement is not a rule pursuant to
 400 chapter 120.

401 (22) "Stakeholder" means a person, group, organization, or
 402 state agency involved in or affected by a course of action.

403 ~~(23)~~ ~~(22)~~ "Standards" means required practices, controls,
 404 components, or configurations established by an authority.

405 ~~(24)~~ ~~(23)~~ "SUNCOM Network" means the state enterprise
 406 telecommunications system that provides all methods of
 407 electronic or optical telecommunications beyond a single
 408 building or contiguous building complex and used by entities
 409 authorized as network users under this part.

410 ~~(25)~~ ~~(24)~~ "Telecommunications" means the science and
 411 technology of communication at a distance, including electronic
 412 systems used in the transmission or reception of information.

413 ~~(26)~~ ~~(25)~~ "Threat" means any circumstance or event with the
 414 potential to adversely impact a state agency's operations or
 415 assets through an information system via unauthorized access,
 416 destruction, disclosure, or modification of information or

417 denial of service ~~any circumstance or event that may cause harm~~
 418 ~~to the integrity, availability, or confidentiality of~~
 419 ~~information technology resources.~~

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

423 ~~(26) "Total cost" means all costs associated with~~
 424 ~~information technology projects or initiatives, including, but~~
 425 ~~not limited to, value of hardware, software, service,~~
 426 ~~maintenance, incremental personnel, and facilities. Total cost~~
 427 ~~of a loan or gift of information technology resources to an~~
 428 ~~agency includes the fair market value of the resources.~~

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

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

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

436 282.0051 Agency for State Technology; powers, duties, and
 437 functions.—The Agency for State Technology shall have the
 438 following powers, duties, and functions:

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

441 (2) Establish and publish information technology
 442 architecture standards to provide for the most efficient use of

443 the state's information technology resources and to ensure
 444 compatibility and alignment with the needs of state agencies.
 445 The Agency for State Technology shall assist agencies in
 446 complying with the standards.

447 (3) By June 30, 2015, establish project management and
 448 oversight standards with which state agencies must comply for
 449 purposes of implementing information technology projects
 450 specifically funded in the General Appropriations Act or any
 451 other law. To support data-driven decisionmaking, the standards
 452 shall include, but are not limited to:

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

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

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

463 (d) Content, format, and frequency of project updates.
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465 The Agency for State Technology shall provide training
 466 opportunities to state agencies to assist in the adoption of
 467 project management and oversight standards.

468 (4) (a) Beginning January 1, 2015, perform project

469 oversight on all information technology projects that have total
 470 project costs of \$10 million or more and that are funded in the
 471 General Appropriations Act or any other law. The Agency for
 472 State Technology shall report at least quarterly to the
 473 Executive Office of the Governor, the President of the Senate,
 474 and the Speaker of the House of Representatives on any
 475 information technology project that the Agency for State
 476 Technology identifies as high-risk due to the project exceeding
 477 acceptable variance ranges defined and documented in a project
 478 plan. The report shall include a risk assessment, including
 479 fiscal risks, associated with proceeding to the next stage of
 480 the project, and a recommendation for corrective actions
 481 required, including suspension or termination of the project.

482 (b) If the information technology project that the Agency
 483 for State Technology is performing project oversight on must be
 484 connected to or otherwise accommodated by an information
 485 technology system administered by the Department of Financial
 486 Services, the Department of Legal Affairs or the Department of
 487 Agriculture and Consumer Services, the agency must consult with
 488 these departments regarding the risks and other effects of such
 489 projects on their information technology systems and must work
 490 cooperatively with these departments regarding the connections,
 491 interfaces, timing or accommodations required to implement such
 492 projects.

493 (5) Beginning October 15, 2016, and biennially thereafter,
 494 identify opportunities for standardization and consolidation of

495 information technology services that support business functions
 496 and operations, including administrative functions such as
 497 purchasing, accounting and reporting, cash management, and
 498 personnel, and that are common across state agencies. The Agency
 499 for State Technology shall provide recommendations for
 500 standardization and consolidation to the Executive Office of the
 501 Governor, the President of the Senate, and the Speaker of the
 502 House of Representatives.

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

513 (7) (a) Advise and collaborate with the Department of
 514 Management Services in conducting competitive solicitations for
 515 state term contracts for information technology commodities,
 516 consultant services, or staff augmentation contractual services
 517 pursuant to s. 287.0591.

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

520 (8) Develop standards for information technology reports

521 and updates, including, but not limited to, operational work
 522 plans, project spend plans, and project status reports, for use
 523 by state agencies.

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

526 (10) Beginning July 1, 2016, and annually thereafter,
 527 conduct annual assessments of state agencies to determine
 528 compliance with all information technology standards and
 529 guidelines developed and published by the Agency for State
 530 Technology, and beginning December 1, 2016, and annually
 531 thereafter, provide results of the assessments to the Executive
 532 Office of the Governor, the President of the Senate, and the
 533 Speaker of the House of Representatives.

534 (11) Provide operational management and oversight of the
 535 state data center established pursuant to s. 282.201, which
 536 shall include:

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

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

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

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

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

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

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

571 5. By September 1 of each year, providing to each customer
 572 entity's agency head the projected costs of providing data

573 center services for the following fiscal year.

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

580 7. Standardizing and consolidating procurement and
 581 contracting practices.

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

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

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

599 (12) Recommend other information technology services that
 600 should be designed, delivered, and managed as enterprise
 601 information technology services, as defined in s. 282.0041.
 602 Recommendations shall include the identification of existing
 603 information technology resources associated with the services,
 604 if existing services must be transferred as a result of being
 605 delivered and managed as enterprise information technology
 606 services.

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

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

615 (15) Beginning January 1, 2015, and notwithstanding any
 616 other provision of law, provide project oversight on any
 617 information technology project of the Department of Financial
 618 Services, the Department of Legal Affairs, and the Department of
 619 Agriculture and Consumer Services that has a total project cost
 620 of \$50 million or more and that impacts one or more other
 621 agencies. When performing this project oversight function, the
 622 Agency for State Technology shall report at least quarterly to
 623 the Executive Office of the Governor, the President of the
 624 Senate, and the Speaker of the House of Representatives on any

625 information technology project that the Agency for State
 626 Technology identifies as high-risk due to the project exceeding
 627 acceptable variance ranges defined and documented in the
 628 project plan. The report shall include a risk assessment,
 629 including fiscal risks, associated with proceeding to the next
 630 stage of the project and a recommendation for corrective actions
 631 required, including suspension or termination of the project.

632 (16) Adopt rules to implement this section.

633 Section 11. Sections 282.0055 and 282.0056, Florida
 634 Statutes, are repealed.

635 Section 12. Section 282.201, Florida Statutes, is amended
 636 to read:

637 282.201 State data center ~~system~~; creation; consolidation
 638 schedule; agency duties and limitations.—The A state data center
 639 system that includes all primary data centers, other nonprimary
 640 data centers, and computing facilities, and that provides an
 641 enterprise information technology service as defined in s.
 642 282.0041, is established within the Agency for State Technology
 643 and shall provide data center services that are hosted on
 644 premises or externally through a third-party provider as an
 645 enterprise information technology service as defined in s.
 646 282.0041. The provision of services must comply with applicable
 647 state and federal laws, regulations, and policies, including all
 648 applicable security, privacy, and auditing requirements.

649 (1) INTENT.—~~The Legislature finds that the most efficient~~
 650 ~~and effective means of providing quality utility data processing~~

651 ~~services to state agencies requires that computing resources be~~
 652 ~~concentrated in quality facilities that provide the proper~~
 653 ~~security, infrastructure, and staff resources to ensure that the~~
 654 ~~state's data is maintained reliably and safely, and is~~
 655 ~~recoverable in the event of a disaster. Efficiencies resulting~~
 656 ~~from such consolidation include the increased ability to~~
 657 ~~leverage technological expertise and hardware and software~~
 658 ~~capabilities; increased savings through consolidated purchasing~~
 659 ~~decisions; and the enhanced ability to deploy technology~~
 660 ~~improvements and implement new policies consistently throughout~~
 661 ~~the consolidated organization. Unless otherwise exempt by law,~~
 662 ~~it is the intent of the Legislature that all agency data centers~~
 663 ~~and computing facilities shall be consolidated into the state a~~
 664 ~~primary data center by 2019.~~

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

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

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

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

676 (d) Enter into a service-level agreement with each

677 customer entity to provide the required type and level of
678 service or services. If a customer entity fails to execute an
679 agreement within 60 days after commencement of a service, the
680 state data center may cease service. A service-level agreement
681 must not have a term exceeding 3 years and at a minimum must:
682 1. Identify the parties and their roles, duties, and
683 responsibilities under the agreement.
684 2. State the duration of the contract term and specify the
685 conditions for renewal.
686 3. Identify the scope of work.
687 4. Identify the products or services to be delivered with
688 sufficient specificity to permit an external financial or
689 performance audit.
690 5. Establish the services to be provided, the business
691 standards that must be met for each service, the cost of each
692 service, and the metrics and processes by which the business
693 standards for each service are to be objectively measured and
694 reported.
695 6. Provide a timely billing methodology to recover the
696 cost of services provided to the customer entity pursuant to s.
697 215.422.
698 7. Provide a procedure for modifying the service-level
699 agreement based on changes in the type, level, and cost of a
700 service.
701 8. Include a right-to-audit clause to ensure that the
702 parties to the agreement have access to records for audit

703 purposes during the term of the service-level agreement.

704 9. Provide that a service-level agreement may be

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

706 party and the Agency for State Technology notice in writing of

707 the cause for termination and an opportunity for the other party

708 to resolve the identified cause within a reasonable period.

709 10. Provide for mediation of disputes by the Division of

710 Administrative Hearings pursuant to s. 120.573.

711 (e) For purposes of chapter 273, be the custodian of

712 resources and equipment located in and operated, supported, and

713 managed by the state data center.

714 (f) Assume administrative access rights to resources and

715 equipment, including servers, network components, and other

716 devices, consolidated into the state data center.

717 1. Upon the date of each consolidation specified in this

718 section, the General Appropriations Act, or any other law, an

719 agency shall relinquish administrative rights to consolidated

720 resources and equipment. Agencies required to comply with

721 federal and state criminal justice information security rules

722 and policies shall retain administrative access rights

723 sufficient to comply with the management control provisions of

724 those rules and policies; however, the state data center shall

725 have the appropriate type or level of rights to allow the center

726 to comply with its duties pursuant to this section. The

727 Department of Law Enforcement shall serve as the arbiter of

728 disputes pertaining to the appropriate type and level of

729 administrative access rights pertaining to the provision of
 730 management control in accordance with the federal criminal
 731 justice information guidelines.

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

737 ~~(2) AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY DUTIES.—~~

738 ~~The Agency for Enterprise Information Technology shall:~~

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

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

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

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

755 ~~from the implementation of such policies.~~

756 ~~2. Infrastructure improvements supporting the~~

757 ~~consolidation of facilities or preempting the need to create~~

758 ~~additional data centers or computing facilities.~~

759 ~~3. Uniform disaster recovery standards.~~

760 ~~4. Standards for primary data centers which provide cost-~~

761 ~~effective services and transparent financial data to user~~

762 ~~agencies.~~

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

764 ~~software, hardware, or other technology related procurements and~~

765 ~~the associated cost savings.~~

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

767 ~~(d) By October 1 of each year, provide recommendations to~~

768 ~~the Governor and Legislature relating to changes to the schedule~~

769 ~~for the consolidations of state agency data centers as provided~~

770 ~~in subsection (4).~~

771 ~~1. The recommendations must be based on the goal of~~

772 ~~maximizing current and future cost savings by:~~

773 ~~a. Consolidating purchase decisions.~~

774 ~~b. Leveraging expertise and other resources to gain~~

775 ~~economies of scale.~~

776 ~~e. Implementing state information technology policies more~~

777 ~~effectively.~~

778 ~~d. Maintaining or improving the level of service provision~~

779 ~~to customer entities.~~

780 ~~2. The agency shall establish workgroups as necessary to~~

781 ~~ensure participation by affected agencies in the development of~~
782 ~~recommendations related to consolidations.~~

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

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

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

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

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

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

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

816 (3) STATE AGENCY DUTIES.—

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

829 (b) Each state agency customer of the state a primary data
 830 center shall notify the state data center, by May 31 and
 831 November 30 of each year, of any significant changes in
 832 anticipated utilization of state data center services pursuant

833 to requirements established by the state ~~boards of trustees of~~
 834 ~~each primary~~ data center.

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

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

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

843 1. ~~The Department of Education's Knott Data Center in the~~
 844 ~~Turlington Building.~~

845 2. ~~The Department of Education's Division of Vocational~~
 846 ~~Rehabilitation.~~

847 3. ~~The Department of Education's Division of Blind~~
 848 ~~Services, except for the division's disaster recovery site in~~
 849 ~~Daytona Beach.~~

850 4. ~~The FCAT Explorer.~~

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

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

854 2. ~~By March 31, 2012, the Department of Transportation's~~
 855 ~~Burns Building.~~

856 3. ~~By March 31, 2012, the Department of Transportation's~~
 857 ~~Survey & Mapping Office.~~

858 ~~(d) By July 1, 2012, the Department of Highway Safety and~~

859 ~~Motor Vehicles' Office of Commercial Vehicle Enforcement shall~~
 860 ~~be consolidated into the Northwood Shared Resource Center.~~

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

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

866 ~~1. By July 1, 2012, the Agency for Health Care~~
 867 ~~Administration.~~

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

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

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

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

878 ~~1. By October 31, 2013, the Department of Economic~~
 879 ~~Opportunity.~~

880 ~~2. By December 31, 2013, the Executive Office of the~~
 881 ~~Governor, to include the Division of Emergency Management except~~
 882 ~~for the Emergency Operation Center's management system in~~
 883 ~~Tallahassee and the Camp Blanding Emergency Operations Center in~~
 884 ~~Starke.~~

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

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

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

894 1. ~~The Department of Health's Jacksonville Lab Data~~
 895 ~~Center.~~

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

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

900 4. ~~The Camp Blanding Emergency Operations Center in~~
 901 ~~Starke.~~

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

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

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

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

910 9. ~~The Department of Children and Family Services' Florida~~

911 ~~State Hospital in Chattahoochee.~~

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

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

935 ~~(d) (1)~~ Any agency that is consolidating its agency data
 936 center or computing facility ~~centers~~ into the state a primary

937 data center must execute a new or update an existing service-
938 level agreement within 60 days after the commencement of the
939 service ~~specified consolidation date, as required by s. 282.203,~~
940 ~~in order to specify the services and levels of service it is to~~
941 ~~receive from the primary data center as a result of the~~
942 ~~consolidation.~~ If an agency and the state ~~primary~~ data center
943 are unable to execute a service-level agreement by that date,
944 the agency ~~and the primary data center~~ shall submit a report to
945 the Executive Office of the Governor ~~and to the chairs of the~~
946 ~~legislative appropriations committees~~ within 5 working days
947 after that date which explains the specific issues preventing
948 execution and describing the plan and schedule for resolving
949 those issues.

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

958 ~~1. Whether the consolidation is on schedule, including~~
959 ~~progress on achieving the milestones necessary for successful~~
960 ~~and timely consolidation of scheduled agency data centers and~~
961 ~~computing facilities.~~

962 ~~2. The risks that may affect the progress or outcome of~~

963 ~~the consolidation and how these risks are being addressed,~~
 964 ~~mitigated, or managed.~~

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

973 1. An inventory of the agency data center's resources
 974 being consolidated, including all hardware and its associated
 975 life cycle replacement schedule, software, staff, contracted
 976 services, and facility resources performing data center
 977 management and operations, security, backup and recovery,
 978 disaster recovery, system administration, database
 979 administration, system programming, job control, production
 980 control, print, storage, technical support, help desk, and
 981 managed services, but excluding application development, and the
 982 agency's costs supporting these resources.

983 2. A list of contracts in effect, including, but not
 984 limited to, contracts for hardware, software, and maintenance,
 985 which identifies the expiration date, the contract parties, and
 986 the cost of each contract.

987 3. A detailed description of the level of services needed
 988 to meet the technical and operational requirements of the

989 platforms being consolidated.

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

992 ~~4.5.~~ A timetable with significant milestones for the
 993 completion of the consolidation.

994 ~~(e) Each primary data center shall develop a transition~~
 995 ~~plan for absorbing the transfer of agency data center resources~~
 996 ~~based upon the timetables for transition as provided in this~~
 997 ~~subsection. The plan shall be submitted to the Agency for~~
 998 ~~Enterprise Information Technology, the Executive Office of the~~
 999 ~~Governor, and the chairs of the legislative appropriations~~
 1000 ~~committees by September 1 of the fiscal year before the fiscal~~
 1001 ~~year in which the scheduled consolidations will occur. Each plan~~
 1002 ~~must include:~~

1003 ~~1. The projected cost to provide data center services for~~
 1004 ~~each agency scheduled for consolidation.~~

1005 ~~2. A staffing plan that identifies the projected staffing~~
 1006 ~~needs and requirements based on the estimated workload~~
 1007 ~~identified in the agency transition plan.~~

1008 ~~3. The fiscal year adjustments to budget categories in~~
 1009 ~~order to absorb the transfer of agency data center resources~~
 1010 ~~pursuant to the legislative budget request instructions provided~~
 1011 ~~in s. 216.023.~~

1012 ~~4. An analysis of the cost effects resulting from the~~
 1013 ~~planned consolidations on existing agency customers.~~

1014 ~~5. A description of any issues that must be resolved in~~

1015 ~~order to accomplish as efficiently and effectively as possible~~
 1016 ~~all consolidations required during the fiscal year.~~

1017 ~~(f) (p)~~ Each agency scheduled ~~identified in this subsection~~
 1018 for consolidation into the state ~~a primary~~ data center shall
 1019 submit with its respective legislative budget request the
 1020 specific recurring and nonrecurring budget adjustments of
 1021 resources by appropriation category into the appropriate data
 1022 processing category pursuant to the legislative budget request
 1023 instructions in s. 216.023.

1024 (5) AGENCY LIMITATIONS.—

1025 (a) Unless exempt from data center consolidation pursuant
 1026 to this section or authorized by the Legislature or as provided
 1027 in paragraph ~~paragraphs~~ (b) ~~and (c)~~, a state agency may not:

1028 1. Create a new agency computing facility or data center,
 1029 or expand the capability to support additional computer
 1030 equipment in an existing agency computing facility or ~~nonprimary~~
 1031 data center;

1032 2. Spend funds before the agency's scheduled consolidation
 1033 into the state ~~a primary~~ data center to purchase or modify
 1034 hardware or operations software that does not comply with
 1035 ~~hardware and software~~ standards established by the Agency for
 1036 State Enterprise Information Technology pursuant to s. 282.0051
 1037 ~~paragraph (2) (c) for the efficient consolidation of the agency~~
 1038 ~~data centers or computing facilities;~~

1039 3. Transfer existing computer services to any data center
 1040 other than the state ~~a primary~~ data center;

1041 4. Terminate services with the state ~~a primary~~ data center
 1042 ~~or transfer services between primary data centers~~ without giving
 1043 written notice of intent to terminate ~~or transfer~~ services 180
 1044 days before such termination ~~or transfer~~; or

1045 5. Initiate a new computer service except with the state ~~a~~
 1046 ~~primary~~ data center.

1047 (b) Exceptions to the limitations in subparagraphs (a)1.,
 1048 2., 3., and 5. may be granted by the Agency for State Enterprise
 1049 ~~Information~~ Technology if there is insufficient capacity in the
 1050 state ~~a primary~~ data center to absorb the workload associated
 1051 with agency computing services, if expenditures are compatible
 1052 with ~~the scheduled consolidation and~~ the standards established
 1053 pursuant to s. 282.0051 ~~paragraph (2)(e)~~, or if the equipment or
 1054 resources are needed to meet a critical agency business need
 1055 that cannot be satisfied by ~~from surplus equipment or resources~~
 1056 ~~of the state primary data center until the agency data center is~~
 1057 ~~consolidated.~~ The Agency for State Technology shall establish
 1058 requirements that a state agency must follow when submitting and
 1059 documenting a request for an exception. The Agency for State
 1060 Technology shall also publish guidelines for its consideration
 1061 of exception requests. However, the decision of the Agency for
 1062 State Technology regarding an exception request is not subject
 1063 to chapter 120.

1064 ~~1. A request for an exception must be submitted in writing~~
 1065 ~~to the Agency for Enterprise Information Technology. The agency~~
 1066 ~~must accept, accept with conditions, or deny the request within~~

1067 ~~60 days after receipt of the written request. The agency's~~
 1068 ~~decision is not subject to chapter 120.~~

1069 ~~2. At a minimum, the agency may not approve a request~~
 1070 ~~unless it includes:~~

1071 ~~a. Documentation approved by the primary data center's~~
 1072 ~~board of trustees which confirms that the center cannot meet the~~
 1073 ~~capacity requirements of the agency requesting the exception~~
 1074 ~~within the current fiscal year.~~

1075 ~~b. A description of the capacity requirements of the~~
 1076 ~~agency requesting the exception.~~

1077 ~~e. Documentation from the agency demonstrating why it is~~
 1078 ~~critical to the agency's mission that the expansion or transfer~~
 1079 ~~must be completed within the fiscal year rather than when~~
 1080 ~~capacity is established at a primary data center.~~

1081 ~~(c) Exceptions to subparagraph (a)4. may be granted by the~~
 1082 ~~board of trustees of the primary data center if the termination~~
 1083 ~~or transfer of services can be absorbed within the current cost-~~
 1084 ~~allocation plan.~~

1085 ~~(d) Upon the termination of or transfer of agency~~
 1086 ~~computing services from the primary data center, the primary~~
 1087 ~~data center shall require information sufficient to determine~~
 1088 ~~compliance with this section. If a primary data center~~
 1089 ~~determines that an agency is in violation of this section, it~~
 1090 ~~shall report the violation to the Agency for Enterprise~~
 1091 ~~Information Technology.~~

1092 ~~(6) RULES. The Agency for Enterprise Information~~

1093 ~~Technology may adopt rules to administer this part relating to~~
 1094 ~~the state data center system including the primary data centers.~~

1095 Section 13. Sections 282.203, 282.204, and 282.205,
 1096 Florida Statutes, are repealed.

1097 Section 14. Section 282.318, Florida Statutes, is amended
 1098 to read:

1099 282.318 ~~Enterprise~~ Security of data and information
 1100 technology.-

1101 (1) This section may be cited as the "~~Enterprise Security~~
 1102 of Data and Information Technology Security Act."

1103 (2) As used in this section, the term "agency" has the
 1104 same meaning as provided in s. 282.0041, except that for
 1105 purposes of this section, the term includes the Department of
 1106 Legal Affairs, the Department of Agriculture and Consumer
 1107 Services, and the Department of Financial Services.

1108 ~~(2) Information technology security is established as an~~
 1109 ~~enterprise information technology service as defined in s.~~
 1110 ~~282.0041.~~

1111 (3) The Agency for State ~~Enterprise Information~~ Technology
 1112 is responsible for establishing standards and processes
 1113 consistent with generally accepted best practices for
 1114 information technology security and adopting rules that
 1115 safeguard an agency's data, information, and information
 1116 technology resources to ensure availability, confidentiality,
 1117 and integrity of data and publishing guidelines for ensuring an
 1118 appropriate level of security for all data and information

1119 ~~technology resources for executive branch agencies.~~ The agency
 1120 shall also ~~perform the following duties and responsibilities:~~

1121 (a) Develop, and annually update by February 1, a
 1122 statewide an enterprise information technology security
 1123 strategic plan that includes security goals and objectives for
 1124 the strategic issues of information technology security policy,
 1125 risk management, training, incident management, and disaster
 1126 recovery survivability planning.

1127 (b) Develop and publish for use by state agencies an
 1128 information technology security framework that, at a minimum,
 1129 includes enterprise security rules and published guidelines and
 1130 processes for:

1131 1. Establishing asset management procedures to ensure that
 1132 an agency's information technology resources are identified and
 1133 managed consistent with their relative importance to the
 1134 agency's business objectives.

1135 2. Using a standard risk assessment methodology that
 1136 includes the identification of an agency's priorities,
 1137 constraints, risk tolerances, and assumptions necessary to
 1138 support operational risk decisions.

1139 3.1. Completing comprehensive risk assessments analyses
 1140 and information technology security audits and submitting
 1141 completed assessments and audits to the Agency for State
 1142 Technology conducted by state agencies.

1143 4. Identifying protection procedures to manage the
 1144 protection of an agency's information, data, and information

1145 technology resources.

1146 5. Establishing procedures for accessing information and
 1147 data to ensure the confidentiality, integrity, and availability
 1148 of such information and data.

1149 6. Detecting threats through proactive monitoring of
 1150 events, continuous security monitoring, and defined detection
 1151 processes.

1152 ~~7.2.~~ Responding to information technology suspected or
 1153 ~~confirmed~~ information security incidents, including suspected or
 1154 ~~confirmed~~ breaches of personal information containing
 1155 confidential or exempt data.

1156 8. Recovering information and data in response to an
 1157 information technology security incident. The recovery may
 1158 include recommended improvements to the agency processes,
 1159 policies, or guidelines.

1160 ~~9.3.~~ Developing agency strategic and operational
 1161 information technology security plans required pursuant to this
 1162 section, including strategic security plans and security program
 1163 plans.

1164 ~~4.~~ The recovery of information technology and data
 1165 following a disaster.

1166 ~~10.5.~~ Establishing the managerial, operational, and
 1167 technical safeguards for protecting state government data and
 1168 information technology resources that align with the state
 1169 agency risk management strategy and that protect the
 1170 confidentiality, integrity, and availability of information and

1171 data.

1172 (c) Assist agencies in complying with ~~the provisions of~~
1173 this section.

1174 ~~(d) Pursue appropriate funding for the purpose of~~
1175 ~~enhancing domestic security.~~

1176 (d)(e) In collaboration with the Cybercrime Office of the
1177 Department of Law Enforcement, provide training for agency
1178 information security managers.

1179 (e)(f) Annually review agency ~~the~~ strategic and
1180 operational information technology security plans of executive
1181 branch agencies.

1182 ~~(4) To assist the Agency for Enterprise Information~~
1183 ~~Technology in carrying out its responsibilities,~~ Each agency
1184 head shall, at a minimum:

1185 (a) Designate an information security manager to
1186 administer the information technology security program of the
1187 agency ~~for its data and information technology resources.~~ This
1188 designation must be provided annually in writing to the Agency
1189 for State Enterprise Information Technology by January 1. An
1190 agency's information security manager, for purposes of these
1191 information security duties, shall report directly to the agency
1192 head.

1193 (b) Submit to the Agency for State Enterprise Information
1194 Technology annually by July 31, the agency's strategic and
1195 operational information technology security plans developed
1196 pursuant to ~~the~~ rules and guidelines established by the Agency

1197 for State ~~Enterprise Information~~ Technology.

1198 1. The agency strategic information technology security
 1199 plan must cover a 3-year period and, at a minimum, define
 1200 security goals, intermediate objectives, and projected agency
 1201 costs for the strategic issues of agency information security
 1202 policy, risk management, security training, security incident
 1203 response, and disaster recovery survivability. The plan must be
 1204 based on the statewide ~~enterprise strategic~~ information
 1205 technology security strategic plan created by the Agency for
 1206 State ~~Enterprise Information~~ Technology and include performance
 1207 metrics that can be objectively measured to reflect the status
 1208 of the agency's progress in meeting security goals and
 1209 objectives identified in the agency's strategic information
 1210 security plan. ~~Additional issues may be included.~~

1211 2. The agency operational information technology security
 1212 plan must include a progress report that objectively measures
 1213 progress made towards ~~for~~ the prior operational information
 1214 technology security plan and a project plan that includes
 1215 activities, timelines, and deliverables for security objectives
 1216 that, ~~subject to current resources~~, the agency will implement
 1217 during the current fiscal year. ~~The cost of implementing the~~
 1218 ~~portions of the plan which cannot be funded from current~~
 1219 ~~resources must be identified in the plan.~~

1220 (c) Conduct, and update every 3 years, a comprehensive
 1221 risk assessment analysis ~~analysis~~ to determine the security threats to
 1222 the data, information, and information technology resources of

1223 the agency. The risk assessment must comply with the risk
 1224 assessment methodology developed by the Agency for State
 1225 Technology and ~~analysis information~~ is confidential and exempt
 1226 from ~~the provisions of~~ s. 119.07(1), except that such
 1227 information shall be available to the Auditor General, ~~and~~ the
 1228 Agency for State Enterprise Information Technology, the
 1229 Cybercrime Office of the Department of Law Enforcement, and, for
 1230 agencies under the jurisdiction of the Governor, the Chief
 1231 Inspector General ~~for performing postauditing duties.~~

1232 (d) Develop, and periodically update, written internal
 1233 policies and procedures, which shall include procedures for
 1234 reporting information technology security incidents and breaches
 1235 to the Cybercrime Office of the Department of Law Enforcement
 1236 and notifying the Agency for State Enterprise Information
 1237 Technology ~~when a suspected or confirmed breach, or an~~
 1238 ~~information security incident, occurs.~~ Such policies and
 1239 procedures must be consistent with the rules, ~~and~~ guidelines,
 1240 and processes established by the Agency for State Enterprise
 1241 ~~Information~~ Technology to ensure the security of the data,
 1242 information, and information technology resources of the agency.
 1243 The internal policies and procedures that, if disclosed, could
 1244 facilitate the unauthorized modification, disclosure, or
 1245 destruction of data or information technology resources are
 1246 confidential information and exempt from s. 119.07(1), except
 1247 that such information shall be available to the Auditor General,
 1248 the Cybercrime Office of the Department of Law Enforcement, and

1249 the Agency for State Enterprise Information Technology, and, for
 1250 agencies under the jurisdiction of the Governor, the Chief
 1251 Inspector General ~~for performing postauditing duties.~~

1252 (e) Implement managerial, operational, and technical
 1253 ~~appropriate cost-effective~~ safeguards established by the Agency
 1254 for State Technology to address identified risks to the data,
 1255 information, and information technology resources of the agency.

1256 (f) Ensure that periodic internal audits and evaluations
 1257 of the agency's information technology security program for the
 1258 data, information, and information technology resources of the
 1259 agency are conducted. The results of such audits and evaluations
 1260 are confidential information and exempt from s. 119.07(1),
 1261 except that such information shall be available to the Auditor
 1262 General, the Cybercrime Office of the Department of Law
 1263 Enforcement, and the Agency for State Enterprise Information
 1264 Technology, and, for agencies under the jurisdiction of the
 1265 Governor, the Chief Inspector General ~~for performing~~
 1266 ~~postauditing duties.~~

1267 (g) Include appropriate information technology security
 1268 requirements in the written specifications for the solicitation
 1269 of information technology and information technology resources
 1270 and services, which are consistent with the rules and guidelines
 1271 established by the Agency for State Enterprise Information
 1272 Technology in collaboration with the Department of Management
 1273 Services.

1274 (h) Provide information technology security awareness

1275 training to all agency employees ~~and users of the agency's~~
 1276 ~~communication and information resources~~ concerning information
 1277 technology security risks and the responsibility of employees
 1278 ~~and users~~ to comply with policies, standards, guidelines, and
 1279 operating procedures adopted by the agency to reduce those
 1280 risks. The training may be provided in collaboration with the
 1281 Cybercrime Office of the Department of Law Enforcement.

1282 (i) Develop a process for detecting, reporting, and
 1283 responding to threats, breaches, or information technology
 1284 security suspected or confirmed security incidents that are,
 1285 ~~including suspected or confirmed breaches~~ consistent with the
 1286 security rules, ~~and~~ guidelines, and processes established by the
 1287 Agency for State Enterprise Information Technology.

1288 1. All information technology Suspected or confirmed
 1289 ~~information~~ security incidents and breaches must be ~~immediately~~
 1290 reported to the Agency for State Enterprise Information
 1291 Technology.

1292 2. For information technology security incidents involving
 1293 breaches, agencies shall provide notice in accordance with s.
 1294 817.5681 ~~and to the Agency for Enterprise Information Technology~~
 1295 ~~in accordance with this subsection.~~

1296 ~~(5) Each state agency shall include appropriate security~~
 1297 ~~requirements in the specifications for the solicitation of~~
 1298 ~~contracts for procuring information technology or information~~
 1299 ~~technology resources or services which are consistent with the~~
 1300 ~~rules and guidelines established by the Agency for Enterprise~~

1301 ~~Information Technology.~~

1302 (5) ~~(6)~~ The Agency for State Enterprise Information
 1303 Technology shall ~~may~~ adopt rules relating to information
 1304 technology security and to administer the provisions of this
 1305 section.

1306 Section 15. Section 282.33, Florida Statutes, is repealed.

1307 Section 16. Effective upon this act becoming a law,
 1308 section 282.34, Florida Statutes, is repealed.

1309 Section 17. Section 287.0591, Florida Statutes, is created
 1310 to read:

1311 287.0591 Information technology.-

1312 (1) Beginning July 1, 2014, any competitive solicitation
 1313 issued by the department for a state term contract for
 1314 information technology commodities must include a term that does
 1315 not exceed 36 months. The department may execute a state term
 1316 contract for information technology commodities that exceeds the
 1317 36-month requirement if the Secretary of Management Services and
 1318 the executive director of the Agency for State Technology
 1319 certify to the Executive Office of the Governor that a longer
 1320 contract term is in the best interest of the state.

1321 (2) Beginning September 1, 2015, any competitive
 1322 solicitation issued by the department for a state term contract
 1323 for information technology consultant services or information
 1324 technology staff augmentation contractual services must include
 1325 a term that does not exceed 36 months.

1326 (3) If the department issues a competitive solicitation

1327 for information technology commodities, consultant services, or
 1328 staff augmentation contractual services, the department shall
 1329 complete such solicitations in consultation with the Agency for
 1330 State Technology.

1331 Section 18. Section 943.0415, Florida Statutes, is amended
 1332 to read:

1333 943.0415 Cybercrime Office.—

1334 (1) There is created within the Department of Law
 1335 Enforcement the Cybercrime Office.

1336 (2) The office may:

1337 (a) Investigate violations of state law pertaining to the
 1338 sexual exploitation of children which are facilitated by or
 1339 connected to the use of any device capable of storing electronic
 1340 data.

1341 (b) Monitor state information technology resources and
 1342 provide analysis on information technology security incidents,
 1343 threats, and breaches as defined in s. 282.0041.

1344 (c) Investigate violations of state law pertaining to
 1345 information technology security incidents pursuant to s.
 1346 282.0041 and assist in 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 technology
 1355 security provisions in s. 282.318.

1356 Section 19. Section 1004.649, Florida Statutes, is amended
 1357 to read:

1358 1004.649 Northwest Regional Data Center.—

1359 (1) For the purpose of providing data center services to
 1360 ~~servicing~~ its state agency customers, the Northwest Regional Data
 1361 Center at Florida State University is designated as a primary
 1362 data center and shall:

1363 (a) Operate under a governance structure that represents
 1364 its customers proportionally.

1365 (b) Maintain an appropriate cost-allocation methodology
 1366 that accurately bills state agency customers based solely on the
 1367 actual direct and indirect costs of the services provided to
 1368 state agency customers, and ensures that for any fiscal year,
 1369 state agency customers do not subsidize other customers of the
 1370 data center prohibits the subsidization of nonstate agency
 1371 customers' costs by state agency customers. Such cost-allocation
 1372 methodology must comply with applicable state and federal
 1373 regulations concerning the distribution and use of state and
 1374 federal funds.

1375 (c) Enter into a service-level agreement with each state
 1376 agency customer to provide services as defined and approved by
 1377 the governing board of the center. At a minimum, such service-
 1378 level agreements must:

- 1379 1. Identify the parties and their roles, duties, and
 1380 responsibilities under the agreement;
 1381 2. State the duration of the agreement term and specify
 1382 the conditions for renewal;
 1383 3. Identify the scope of work;
 1384 4. Establish the services to be provided, the business
 1385 standards that must be met for each service, the cost of each
 1386 service, and the process by which the business standards for
 1387 each service are to be objectively measured and reported;
 1388 5. Provide a timely billing methodology for recovering the
 1389 cost of services provided pursuant to s. 215.422; ~~and~~
 1390 6. Provide a procedure for modifying the service-level
 1391 agreement to address any changes in projected costs of service;
 1392 7. Prohibit the transfer of computing services between the
 1393 Northwest Regional Data Center and the state data center
 1394 established pursuant to s. 282.201 without at least 180 days'
 1395 written notification of service cancellation;
 1396 8. Identify the products or services to be delivered with
 1397 sufficient specificity to permit an external financial or
 1398 performance audit; and
 1399 9. Provide that the service-level agreement may be
 1400 terminated by either party for cause only after giving the other
 1401 party notice in writing of the cause for termination and an
 1402 opportunity for the other party to resolve the identified cause
 1403 within a reasonable period.
 1404 (d) Provide to the Board of Governors the total annual

1405 budget by major expenditure category, including, but not limited
 1406 to, salaries, expenses, operating capital outlay, contracted
 1407 services, or other personnel services by July 30 each fiscal
 1408 year.

1409 (e) Provide to each state agency customer its projected
 1410 annual cost for providing the agreed-upon data center services
 1411 by September 1 each fiscal year.

1412 (f) Provide a plan for consideration by the Legislative
 1413 Budget Commission if the governing body of the center approves
 1414 the use of a billing rate schedule after the start of the fiscal
 1415 year that increases any state agency customer's costs for that
 1416 fiscal year.

1417 (2) The Northwest Regional Data Center's authority to
 1418 provide data center services to ~~designation as a primary data~~
 1419 ~~center for purposes of serving~~ its state agency customers may be
 1420 terminated if:

1421 (a) The center requests such termination to the Board of
 1422 Governors, the Senate President, and the Speaker of the House of
 1423 Representatives; or

1424 (b) The center fails to comply with the provisions of this
 1425 section.

1426 (3) If such authority ~~designation~~ is terminated, the
 1427 center shall have 1 year to provide for the transition of its
 1428 state agency customers to the state data center established
 1429 pursuant to s. 282.201 ~~Southwood Shared Resource Center or the~~
 1430 ~~Northwood Shared Resource Center.~~

1431 Section 20. Subsection (1) and paragraph (g) of subsection
 1432 (2) of section 17.0315, Florida Statutes, are amended to read:

1433 17.0315 Financial and cash management system; task force.—

1434 (1) The Chief Financial Officer, as the constitutional
 1435 officer responsible for settling and approving accounts against
 1436 the state and keeping all state funds pursuant to s. 4, Art. IV
 1437 of the State Constitution, shall be the head of and appoint
 1438 members to a task force established to develop a strategic
 1439 business plan for a successor financial and cash management
 1440 system. The task force shall include the executive director of
 1441 the Agency for State Technology ~~executive director of the Agency~~
 1442 ~~for Enterprise Information Technology~~ and the director of the
 1443 Office of Policy and Budget in the Executive Office of the
 1444 Governor. Any member of the task force may appoint a designee.

1445 (2) The strategic business plan for a successor financial
 1446 and cash management system must:

1447 (g) Be coordinated with the information technology
 1448 strategy development efforts of the Agency for State ~~Enterprise~~
 1449 ~~Information~~ Technology;

1450 Section 21. Paragraph (e) of subsection (2) of section
 1451 110.205, Florida Statutes, is amended to read:

1452 110.205 Career service; exemptions.—

1453 (2) EXEMPT POSITIONS.—The exempt positions that are not
 1454 covered by this part include the following:

1455 (e) The executive director of the Agency for State
 1456 Technology ~~Chief Information Officer in the Agency for~~

1457 ~~Enterprise Information Technology~~. Unless otherwise fixed by
 1458 law, the Agency for State ~~Enterprise Information~~ Technology
 1459 shall set the salary and benefits of this position in accordance
 1460 with the rules of the Senior Management Service.

1461 Section 22. Subsections (2) and (9) of section 215.322,
 1462 Florida Statutes, are amended to read:

1463 215.322 Acceptance of credit cards, charge cards, debit
 1464 cards, or electronic funds transfers by state agencies, units of
 1465 local government, and the judicial branch.-

1466 (2) A state agency as defined in s. 216.011, or the
 1467 judicial branch, may accept credit cards, charge cards, debit
 1468 cards, or electronic funds transfers in payment for goods and
 1469 services with the prior approval of the Chief Financial Officer.
 1470 If the Internet or other related electronic methods are to be
 1471 used as the collection medium, the Agency for State ~~Enterprise~~
 1472 ~~Information~~ Technology shall review and recommend to the Chief
 1473 Financial Officer whether to approve the request with regard to
 1474 the process or procedure to be used.

1475 (9) For payment programs in which credit cards, charge
 1476 cards, or debit cards are accepted by state agencies, the
 1477 judicial branch, or units of local government, the Chief
 1478 Financial Officer, in consultation with the Agency for State
 1479 ~~Enterprise Information~~ Technology, may adopt rules to establish
 1480 uniform security safeguards for cardholder data and to ensure
 1481 compliance with the Payment Card Industry Data Security
 1482 Standards.

1483 Section 23. Subsection (22) of section 287.057, Florida
 1484 Statutes, is amended to read:

1485 287.057 Procurement of commodities or contractual
 1486 services.—

1487 (22) The department, in consultation with the Chief
 1488 Financial Officer and the Agency for State Technology, shall
 1489 maintain a program for online procurement of commodities and
 1490 contractual services. To enable the state to promote open
 1491 competition and leverage its buying power, agencies shall
 1492 participate in the online procurement program, and eligible
 1493 users may participate in the program. Only vendors prequalified
 1494 as meeting mandatory requirements and qualifications criteria
 1495 may participate in online procurement.

1496 (a) The department, in consultation with the Agency for
 1497 State Technology, may contract for equipment and services
 1498 necessary to develop and implement online procurement.

1499 (b) The department shall adopt rules to administer the
 1500 program for online procurement. The rules must include, but not
 1501 be limited to:

1502 1. Determining the requirements and qualification criteria
 1503 for prequalifying vendors.

1504 2. Establishing the procedures for conducting online
 1505 procurement.

1506 3. Establishing the criteria for eligible commodities and
 1507 contractual services.

1508 4. Establishing the procedures for providing access to

1509 | online procurement.

1510 | 5. Determining the criteria warranting any exceptions to
1511 | participation in the online procurement program.

1512 | (c) The department may impose and shall collect all fees
1513 | for the use of the online procurement systems.

1514 | 1. The fees may be imposed on an individual transaction
1515 | basis or as a fixed percentage of the cost savings generated. At
1516 | a minimum, the fees must be set in an amount sufficient to cover
1517 | the projected costs of the services, including administrative
1518 | and project service costs in accordance with the policies of the
1519 | department.

1520 | 2. If the department contracts with a provider for online
1521 | procurement, the department, pursuant to appropriation, shall
1522 | compensate the provider from the fees after the department has
1523 | satisfied all ongoing costs. The provider shall report
1524 | transaction data to the department each month so that the
1525 | department may determine the amount due and payable to the
1526 | department from each vendor.

1527 | 3. All fees that are due and payable to the state on a
1528 | transactional basis or as a fixed percentage of the cost savings
1529 | generated are subject to s. 215.31 and must be remitted within
1530 | 40 days after receipt of payment for which the fees are due. For
1531 | fees that are not remitted within 40 days, the vendor shall pay
1532 | interest at the rate established under s. 55.03(1) on the unpaid
1533 | balance from the expiration of the 40-day period until the fees
1534 | are remitted.

1535 4. All fees and surcharges collected under this paragraph
 1536 shall be deposited in the Operating Trust Fund as provided by
 1537 law.

1538 Section 24. Subsection (5) of section 327.301, Florida
 1539 Statutes, is amended to read:

1540 327.301 Written reports of accidents.—

1541 (5) For the purposes of this section, a written report
 1542 includes a report generated through the use of information
 1543 technology resources as defined in s. 119.011 ~~282.0041~~.

1544 Section 25. Subsection (4) of section 445.011, Florida
 1545 Statutes, is amended to read:

1546 445.011 Workforce information systems.—

1547 (4) Workforce Florida, Inc., shall coordinate development
 1548 and implementation of workforce information systems with the
 1549 executive director of the Agency for State Technology ~~executive~~
 1550 ~~director of the Agency for Enterprise Information Technology~~ to
 1551 ensure compatibility with the state's information system
 1552 strategy and enterprise architecture.

1553 Section 26. Subsections (2) and (4) of section 445.045,
 1554 Florida Statutes, are amended to read:

1555 445.045 Development of an Internet-based system for
 1556 information technology industry promotion and workforce
 1557 recruitment.—

1558 (2) Workforce Florida, Inc., shall coordinate with the
 1559 Agency for State ~~Enterprise Information~~ Technology and the
 1560 Department of Economic Opportunity to ensure links, where

1561 feasible and appropriate, to existing job information websites
 1562 maintained by the state and state agencies and to ensure that
 1563 information technology positions offered by the state and state
 1564 agencies are posted on the information technology website.

1565 (4) (a) Workforce Florida, Inc., shall coordinate
 1566 development and maintenance of the website under this section
 1567 with the executive director of the Agency for State Technology
 1568 ~~executive director of the Agency for Enterprise Information~~
 1569 ~~Technology~~ to ensure compatibility with the state's information
 1570 system strategy and enterprise architecture.

1571 (b) Workforce Florida, Inc., may enter into an agreement
 1572 with the Agency for State Enterprise Information Technology, the
 1573 Department of Economic Opportunity, or any other public agency
 1574 with the requisite information technology expertise for the
 1575 provision of design, operating, or other technological services
 1576 necessary to develop and maintain the website.

1577 (c) Workforce Florida, Inc., may procure services
 1578 necessary to implement ~~the provisions of~~ this section, if it
 1579 employs competitive processes, including requests for proposals,
 1580 competitive negotiation, and other competitive processes to
 1581 ensure that the procurement results in the most cost-effective
 1582 investment of state funds.

1583 Section 27. Paragraph (b) of subsection (18) of section
 1584 668.50, Florida Statutes, is amended to read:

1585 668.50 Uniform Electronic Transaction Act.—

1586 (18) ACCEPTANCE AND DISTRIBUTION OF ELECTRONIC RECORDS BY

1587 GOVERNMENTAL AGENCIES.—

1588 (b) To the extent that a governmental agency uses
 1589 electronic records and electronic signatures under paragraph
 1590 (a), the Agency for State ~~Enterprise Information~~ Technology, in
 1591 consultation with the governmental agency, giving due
 1592 consideration to security, may specify:

1593 1. The manner and format in which the electronic records
 1594 must be created, generated, sent, communicated, received, and
 1595 stored and the systems established for those purposes.

1596 2. If electronic records must be signed by electronic
 1597 means, the type of electronic signature required, the manner and
 1598 format in which the electronic signature must be affixed to the
 1599 electronic record, and the identity of, or criteria that must be
 1600 met by, any third party used by a person filing a document to
 1601 facilitate the process.

1602 3. Control processes and procedures as appropriate to
 1603 ensure adequate preservation, disposition, integrity, security,
 1604 confidentiality, and auditability of electronic records.

1605 4. Any other required attributes for electronic records
 1606 which are specified for corresponding nonelectronic records or
 1607 reasonably necessary under the circumstances.

1608 Section 28. (1) The Agency for State Technology shall
 1609 conduct a feasibility study that analyzes, evaluates, and
 1610 provides recommendations for managing state government data in a
 1611 manner that promotes interoperability and openness; ensures
 1612 that, wherever legally permissible and not cost prohibitive,

1613 such data is available to the public in ways that make the data
1614 easy to find and use; and complies with the provisions of
1615 chapter 119, Florida Statutes.

1616 (2) By January 1, 2015, the Agency for State Technology
1617 shall submit a report on the feasibility study to the Governor,
1618 the President of the Senate, and the Speaker of the House of
1619 Representatives. The report, at a minimum, shall include the
1620 following components:

1621 (a) A clear description of what state government data is
1622 public information. The guiding principle for this component is
1623 a presumption of openness to the extent permitted by law and
1624 subject to privacy, confidentiality, security, and other fiscal
1625 and legal restrictions.

1626 (b) A fiscal analysis that identifies the impact to any
1627 agency that is authorized to assess a fee for providing certain
1628 state government data to the public if the description in
1629 paragraph (a) includes that data.

1630 (c) Recommended standards to make uniform the format and
1631 accessibility of public information and to ensure that the data
1632 is published in a nonproprietary, searchable, sortable,
1633 platform-independent, and machine-readable format. The report
1634 shall include the projected cost to state agencies to implement
1635 and maintain the standards.

1636 (d) A project plan for implementing a single Internet
1637 website that contains the public information or links to the
1638 public information. The plan shall include a timeline and

1639 benchmarks for making public information available online and
 1640 shall identify costs associated with the development and ongoing
 1641 maintenance of the website.

1642 (e) A recommended governance structure and a review and
 1643 compliance process to ensure accountability on the part of those
 1644 who create, maintain, manage, or store public information or
 1645 post it on the single Internet website. The report shall include
 1646 associated costs to implement and maintain the recommended
 1647 governance structure and the review and compliance process.

1648 Section 29. Effective June 30, 2014, there is created the
 1649 state data center task force comprised of all individuals who,
 1650 upon that date are members of the boards of trustees of the
 1651 Northwood Shared Resource Center or the Southwood Shared
 1652 Resource Center, and agree to serve on the task force. The
 1653 members of the task force shall elect a chair. The purpose of
 1654 the task force is to assist with the transfer of the Northwood
 1655 Shared Resource Center and Southwood Shared Resource Center to
 1656 the Agency for State Technology and the transition to the state
 1657 data center established pursuant to s. 282.201, Florida
 1658 Statutes. The task force shall identify any operational or
 1659 fiscal issues impacting the transition and provide
 1660 recommendations to the Agency for State Technology for
 1661 resolution of such issues. The task force does not have
 1662 authority to make decisions regarding the state data center or
 1663 the former Northwood Shared Resource Center or Southwood Shared
 1664 Resource Center. The task force is abolished June 30, 2015, or

1665 at an earlier date as provided by the task force.

1666 Section 30. (1) For the 2014-2015 fiscal year, the sums
 1667 of \$2,944,539 in recurring funds and \$103,045 in nonrecurring
 1668 funds are appropriated from the General Revenue Fund to the
 1669 Agency for State Technology, and 25 full-time equivalent
 1670 positions and associated salary rate of 1,808,373 are
 1671 authorized, for the purpose of implementing this act.

1672 (2) (a) The recurring general revenue funds shall be
 1673 allocated to an Executive Direction and Support Services budget
 1674 entity in specific appropriation categories: \$2,382,181 in
 1675 Salaries and Benefits, \$10,000 in Other Personal Services,
 1676 \$168,197 in Expenses, \$9,000 in Operating Capital Outlay,
 1677 \$358,561 in Contracted Services, \$3,000 in Risk Management,
 1678 \$8,600 in Transfer to Department of Management
 1679 Services/Statewide Human Resources Contract, and \$5,000 in Data
 1680 Processing Services/Southwood Shared Resource Center.

1681 (b) The nonrecurring general revenue funds of \$103,045
 1682 shall be allocated to an Executive Direction and Support
 1683 Services budget entity in the Expenses appropriation category.

1684 Section 31. A Data Center Administration budget entity is
 1685 created within the Agency for State Technology. Appropriations
 1686 to the Data Center Administration budget entity shall reflect
 1687 the indirect data center costs allocated to customer agencies.

1688 Section 32. For the 2014-2015 fiscal year, the Northwood
 1689 Shared Resource Center budget entity is created within the
 1690 Agency for State Technology. Effective July 1, 2014, the

1691 appropriations provided for the Northwood Shared Resource Center
 1692 in the General Appropriations Act for the 2014-2015 fiscal year
 1693 shall be transferred to the Northwood Shared Resource Center
 1694 budget entity within the Agency for State Technology.

1695 Section 33. For the 2014-2015 fiscal year, the Southwood
 1696 Shared Resource Center budget entity is created within the
 1697 Agency for State Technology. Effective July 1, 2014, the
 1698 appropriations provided for the Southwood Shared Resource Center
 1699 in the General Appropriations Act for the 2014-2015 fiscal year
 1700 shall be transferred to the Southwood Shared Resource Center
 1701 budget entity within the Agency for State Technology.

1702 Section 34. (1) For the 2014-2015 fiscal year, the sums
 1703 of \$144,870 in recurring funds and \$7,546 in nonrecurring funds
 1704 are appropriated from the General Revenue Fund to the Department
 1705 of Law Enforcement, and 2 full-time equivalent positions and
 1706 associated salary rate of 93,120 are authorized, for the purpose
 1707 of implementing the sections of this act related to cybercrime
 1708 capacity and capability.

1709 (2) (a) The recurring general revenue funds shall be
 1710 allocated to Provide Investigative Services, budget entity
 1711 #71600200, in specific appropriation categories: \$131,660 in
 1712 Salaries and Benefits, \$12,522 in Expenses, and \$688 in Transfer
 1713 to Department of Management Services/Statewide Human Resources
 1714 Contract.

1715 (b) The nonrecurring general revenue funds of \$7,546 shall
 1716 be allocated to Provide Investigative Services, budget entity

1717 #71600200, in the Expenses appropriation category.

1718 Section 35. Beginning with the 2015-2016 fiscal year, the
 1719 State Data Center budget entity is created within the Agency for
 1720 State Technology. Appropriations to the State Data Center budget
 1721 entity shall reflect the direct data center costs allocated to
 1722 customer agencies.

1723 Section 36. Except as otherwise expressly provided in this
 1724 act and except for this section, which shall take effect upon
 1725 this act becoming a law, this act shall take effect July 1,
 1726 2014.