

SPB 7024 by GO; State Technology

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744548	A	S	FAV	GO, Ring	Delete L.356 - 369:	02/05 03:03 PM
879444	A	S	FAV	GO, Ring	Delete L.465 - 483:	02/05 03:03 PM
708674	A	S	FAV	GO, Ring	Delete L.512:	02/05 03:03 PM
313930	A	S	FAV	GO, Ring	btw L.548 - 549:	02/05 03:03 PM
468956	A	S	FAV	GO, Ring	Delete L.764 - 773:	02/05 03:03 PM
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SB 604 by Ring; Florida State Employees' Charitable Campaign

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
 GOVERNMENTAL OVERSIGHT AND ACCOUNTABILITY
 Senator Ring, Chair
 Senator Hays, Vice Chair

MEETING DATE: Wednesday, February 5, 2014
TIME: 2:00 —4:00 p.m.
PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Ring, Chair; Senator Hays, Vice Chair; Senators Bean, Benacquisto, Bradley, Hukill, Montford, Simmons, and Smith

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
Consideration of proposed committee bill:			
1	SPB 7024	State Technology; Repealing provisions relating to the Agency for Enterprise Information Technology within the Executive Office of the Governor; creating the Agency for State Technology within the Department of Management Services; providing for a state data center and the duties of the center; deleting duties for the Agency for Enterprise Information Technology, etc.	Submitted as Committee Bill Yeas 9 Nays 0
2	SB 604 Ring	Florida State Employees' Charitable Campaign; Providing an exception to the requirement that state officers and employees designate a charitable organization to receive contributions from the Florida State Employees' Charitable Campaign; providing for the distribution of undesignated funds by the fiscal agent; removing the requirement that a local steering committee be established in each fiscal agent area, etc.	Favorable Yeas 9 Nays 0
		GO 02/05/2014 Favorable RC	

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: SPB 7024

INTRODUCER: For consideration by the Governmental Oversight and Accountability Committee

SUBJECT: State Technology

DATE: February 3, 2014

REVISED: 02/07/14

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>McKay</u>	<u>McVaney</u>		GO Submitted as Committee Bill

I. Summary:

SPB 7024 substantially revises how the state establishes information technology (IT) policy and procedures. The bill creates the Agency for State Technology (AST), administratively housed in the Department of Management Services. The defunct Agency for Enterprise Information Technology is abolished by the bill, and its duties are transferred to the AST. The AST is given extensive authority to set state technology policy and perform project oversight of large IT projects. The Northwood and Southwood shared resource centers are transferred to the AST.

For the 2014-2015 fiscal year, \$2,865,108 in recurring general revenue funds, \$2,134,892 in nonrecurring general revenue funds, and 25 full time equivalent positions with associated salary rate of 2,010,951 are appropriated to the AST, in this bill.

Except as otherwise provided, the bill is effective July 1, 2014.

II. Present Situation:

Agency for Enterprise Information Technology

Duties

In 2007, the Florida Legislature created the Agency for Enterprise Information Technology (AEIT) to oversee policies for the design, planning, project management, and implementation of enterprise information technology services, to include information technology security.¹ The AEIT is administratively housed within the Executive Office of the Governor, with the Governor and Cabinet as the head of the agency.

The AEIT is required to²:

- Submit an annual work plan for approval by the Governor and Cabinet ;

¹ 2007-105, Laws of Florida.

² Section 14.204, Florida Statutes.

- Monitor the implementation, delivery, and management of the enterprise information technology services established in law;
- Make recommendations to the agency head and Legislature concerning other information technology services that should be designed, delivered, and managed as enterprise information technology services;
- Plan and establish policies for managing proposed statutorily authorized enterprise information technology services;
- Biennially publish a long-term strategic enterprise information technology plan;
- Perform duties related to enterprise information technology services including the state data center system, information technology security, and the statewide e-mail service;
- Coordinate with the Division of Purchasing in the DMS on the planning and acquisition of information technology products and work with the division in the establishment of best practices for procuring such products;
- Develop information technology standards;
- Submit a comprehensive transition plan for the consolidation of agency data centers into a primary data center; and
- Annually provide the Legislature with recommendations for consolidating the purchase of information technology commodities and contractual services.

Part I of Chapter 282, F.S., specifies the duties of the AEIT and state agencies with regards to IT management. Section 282.0041(1), F.S., defines “agency” as having the same meaning as in s. 216.011(1)(qq), F.S., which defines “state agency” or “agency” as any official, officer, commission, board, authority, council, committee, or department of the executive branch of state government. For purposes of chapter 216 and chapter 215, “state agency” or “agency” includes, but is not limited to, state attorneys, public defenders, criminal conflict and civil regional counsel, capital collateral regional counsel, the Justice Administrative Commission, the Florida Housing Finance Corporation, and the Florida Public Service Commission.

In 2008, specific duties and responsibilities pertaining to information technology security were assigned to the AEIT,³ but the Office of Information Security was housed within the DMS. In 2009, the Office of Information Security was created within the AEIT,⁴ and 8 full-time equivalents (FTE) were transferred from the DMS budget to the AEIT in the Fiscal Year 2009-2010 General Appropriations Act.

Administrative Rules

The AEIT was authorized to adopt rules to carry out its statutory duties⁵ and to specifically adopt rules relating to:

- Information security;⁶ and
- State data center system.⁷

³ 2008-116, Laws of Florida.

⁴ 2009-80, Laws of Florida.

⁵ Section 14.204(7), F.S.

⁶ Section 282.318(6), F.S.

⁷ Section 282.201(2)(e), F.S.

The AEIT adopted 34 administrative rules under the following chapters:

- Chapter 71-1, Florida Administrative Code, *Confirmation and Delegation of Authority*, effective July 13, 2009;
- Chapter 71A-1, Florida Administrative Code, *Florida Information Technology Resource Security Policies and Standards*, effective November 15, 2010; and
- Chapter 71A-2, Florida Administrative Code, *Florida Information Resource Security Policies and Standards*, effective August 10, 2004. These rules were promulgated by the Department of Management Services State Technology Office division.

The AEIT initiated, but never completed, the rule adoption process for two sets of rules:

- Chapter 71B-1, Florida Administrative Code, *Enterprise E-mail Service*; and
- Chapter 71B-2, Florida Administrative Code, *Data Center System*.

Defunding the AEIT

In 2012, the Governor vetoed HB 5011, legislation that abolished the AEIT and transferred some of AEIT's duties to a new agency created in the bill. Because HB 5011 transferred the salary and positions from the AEIT to the new agency, the effect of the veto was the elimination of funding for AEIT, though some of its duties still exist in statute.

Primary Data Centers and Data Center Consolidation

The state data center system was created by the Legislature in 2008.⁸ The system is composed of primary data centers (Southwood Shared Resource Center, Northwood Shared Resource Center, and the Northwest Regional Data Center), other nonprimary data centers, and computing facilities serving state agencies. A "primary data center" is a data center that is a recipient entity for consolidation of nonprimary data centers and computing facilities and that is established by law.⁹ A "computing facility" is an agency space containing fewer than 10 servers, any of which supports a strategic or nonstrategic information technology service, as described in budget instructions developed pursuant to s. 216.023, F.S., but excludes single-server installations that exclusively perform a utility function such as file and print servers.¹⁰ The AEIT is responsible for developing policies for the system.¹¹

As defined by law, Wave 1 of data center consolidation was initiated in 2009 with proviso included in the fiscal year 2009-2010 General Appropriations Act that required the:

- Florida Parole Commission to transfer its information technology services, to include its data center functions, to the Department of Corrections by July 1, 2009;
- Department of Juvenile Justice to consolidate its data center functions into the Northwood Shared Resource Center (NSRC) by July 1, 2010; and

⁸ Chapter 2008-116, L.O.F.

⁹ Section 282.0041(17), F.S.

¹⁰ Section 282.0041(7), F.S.

¹¹ Section 282.201(2), F.S.

- Department of Business and Professional Regulation to consolidate its data center functions into the NSRC by November 30, 2010.

Beginning in 2009, on October 1st of each calendar year, the AEIT is required to recommend to the Governor and Legislature at least two agency data centers or computing facilities for consolidation into a primary data center.¹² The AEIT submitted its recommendations on September 30, 2009,¹³ for the Wave 2 consolidations and the Legislature directed, via proviso in the Fiscal Year 2010-2011 General Appropriations Act, the following consolidations:

- To the Northwood Shared Resource Center (NSRC)
 - Department of Juvenile Justice by July 1, 2010;
 - Department of Business and Professional Regulation by November 30, 2010;
 - Department of Children and Families' Winewood Office Complex by June 30, 2012; and
 - Department of Transportation's Motor Carrier Compliance Office by July 1, 2011.
- To the Southwood Shared Resource Center (SSRC)
 - Department of Transportation Burns Office Building by March 31, 2012; and
 - Department of Transportation Survey and Mapping Office by March 31, 2012.
- To the Northwest Regional Data Center (NWRDC)
 - Department of Education by December 31, 2011;
 - College Center for Library Automation by December 31, 2011; and
 - Florida Center for Library Automation by December 31, 2011.
- To the NSRC or SSRC
- Agency for Health Care Administration by June 30, 2012; and
- Department of Highway Safety and Motor Vehicles by December 31, 2011.

On December 23, 2010, the AEIT submitted a report "*Recommendation of Non-primary Data Centers for Consolidation into Primary Data Centers by 2019.*" The report provides recommendations for the consolidation of the remaining agency data centers and computing facilities after Wave 2. In 2011, the Legislature codified in statute the recommendations included in AEIT's December 23, 2010, report identifying the agencies required to consolidate into a primary data center within that fiscal year.¹⁴

In 2012, the Legislature amended the data center consolidation schedule as follows:¹⁵

- To the NSRC:
 - Department of Highway Safety and Motor Vehicles' Office of Motor Carrier Compliance by July 1, 2012;
 - Department of Highway Safety and Motor Vehicles by August 31, 2012;
 - Department of Health's Test and Development Lab and all remaining data center resources located at the Capital Circle Office Complex by December 31, 2012;
 - Department of Veterans' Affairs by July 1, 2013;

¹² s. 282.201(2), F.S.

¹³ *Recommendation of Non-primary Data Centers for Consolidation into Primary Data Centers.* Agency for Enterprise Information Technology, September 30, 2009.

¹⁴ Chapter 2011-50, L.O.F.

¹⁵ Chapter 2012-142, L.O.F.

- Department of Legal Affairs by December 31, 2013; and
- Department of Agriculture and Consumer Services' Agriculture Management Information Center in the Mayo Building and the Division of Licensing by March 31, 2014.
- To the SSRC:
 - Fish and Wildlife Conservation Commission, except for the commission's Fish and Wildlife Research Institute in St. Petersburg, by July 1, 2013;
 - Department of Economic Opportunity by October 31, 2013;
 - Executive Office of the Governor, to include the Division of Emergency Management except for the Emergency Operation Center's management system in Tallahassee and the Camp Blanding Emergency Operations Center in Starke, by December 31, 2013; and
 - Department of Elderly Affairs by March 31, 2014.
- To the NWRDC:
 - Department of Revenue's Carlton Building and Imaging Center locations by September 30, 2012.

The following entities are exempted from data center consolidation:

- Florida Department of Law Enforcement;
- Department of Lottery's Gaming System and the department's Backup Data Center in Orlando;
- Systems Design and Development in the Office of Policy and Budget;
- State Board of Administration;
- State Attorneys;
- Public Defenders Office;
- Criminal Conflict and Civil Regional Counsel;
- Capital Collateral Regional Counsel;
- Florida Clerks of Court Operations Corporation; and
- Florida Housing Finance Corporation

The Department of Financial Services must consolidate in Fiscal Year 2015-2016.

The Implementing Bill for the 2013-14 General Appropriations Act¹⁶ modified the consolidation schedule in s. 282.201(4), F.S., to require that the Fish and Wildlife Conservation Commission, except for the commission's Fish and Wildlife Research Institute in St. Petersburg, be consolidated into the NSRC by October 30, 2013. The bill also deleted the consolidation schedule for the Department of Veterans' Affairs, the Department of Legal Affairs, and the Department of Agriculture and Consumer Services' Agriculture Management Information Center.¹⁷

Each agency identified for consolidation into a primary data center must submit with its respective legislative budget request the specific recurring and nonrecurring budget adjustments

¹⁶ Senate Bill 1502, section 47.

¹⁷ Pursuant to section 48 of SB 1502, this amendment expires July 1, 2014, and the text of s. 282.201(4), F.S., reverts to the text in effect on June 30, 2013.

of resources by appropriation category into the appropriate data processing category pursuant to the legislative budget request instructions in s. 216.023, F.S.

The Financial Management Information System Act¹⁸

The Florida Financial Management Information System (FFMIS) Act, authorized in ss. 215.90 through 215.96, F.S., was established to plan, implement, and manage a unified information system which provides fiscal, management, and accounting information. The FFMIS Act established the Florida Management Information Board (FMIB) and the FFMIS Coordinating Council. The FMIB is comprised of the Governor and Cabinet and has overall responsibility for managing and overseeing the development of Florida Financial Management Information System pursuant to s. 215.95, F.S., including establishing financial management policies and procedures for executive branch agencies. The Council is comprised of the members of the Cabinet, the secretary of the Department of Management Services, and the director of the Governor's Office of Policy and Budget. Among other duties, the Council is to approve all FFMIS subsystem designs and modifications prior to implementation and to make recommendations to the FMIB on policy alternatives to ensure coordination between the subsystems as defined in ss. 215.93 and 215.96, F.S.

There are five FFMIS subsystems which must be designed, implemented, and operated pursuant to the act. Each has a statutorily-identified functional owner as well as additional statutory requirements as follows:

- Planning and Budgeting – The Executive Office of the Governor is the functional owner. The system must also be designed, implemented, and operated pursuant to ch. 216, F.S.;
- Florida Accounting Information Resource (FLAIR) – The Department of Financial Services is the functional owner. The system must also be designed, implemented, and operated pursuant to ss. 17.03, 215.86, 216.141, and 216.151, F.S.;
- Cash Management System (CMS) – The Chief Financial Officer is the functional owner;
- Purchasing (MyFloridaMarketplace) – The Department of Management Services is the functional owner;
- Personnel Information (PeopleFirst) – The Department of Management Services is the functional owner. The system must also be designed, implemented, and operated pursuant to s. 110.116, F.S.;

The FFMIS Act identifies each subsystem's general functional requirements but allows each functional owner to establish additional functions unless they are specifically prohibited by the FFMIS Act. Functional owners may not establish or maintain additional subsystems which duplicate any of the FFMIS subsystems.

The FMIB approved a strategic plan on March 14, 2000, that authorized the replacement of the FFMIS subsystems with an enterprise-wide financial management system that integrates financial information and standardizes policies and information. This system has never been implemented. The FMIB has not made any decisions relating to policy or the FFMIS subsystems

¹⁸ All the information in this section comes from Florida Senate Issue Brief 2009-321, *Florida Financial Management Information System (FFMIS) Act*, pp. 2-3.

since February 2001 when it modified the strategic plan to allow the use of outsourcing as a means to replace or enhance the functionality of the FFMIS subsystems. No subsystem designs or modifications have been brought to the FMIB for review or approval since that time. As a result, the overall governance and management of each FFMIS subsystem has been “unofficially delegated” to each functional owner and each functional owner has autonomously pursued an independent path for development and enhancement of its subsystem. The FMIB has been inactive since February 2005.

Method of Reorganization for the Executive Branch

Pursuant to s. 20.06, F.S., the executive branch of state government must be reorganized by transferring the specified agencies, programs, and functions to other specified departments, commissions, or offices. Such a transfer does not affect the validity of any judicial or administrative proceeding pending on the day of the transfer, and any agency or department to which are transferred the powers, duties, and functions relating to the pending proceeding must be substituted as a party in interest for the proceeding.

A type one transfer is the transferring intact of an existing agency or department so that the agency or department becomes a unit of another agency or a department. Any agency or department transferred to another agency or department by a type one transfer will exercise its powers, duties, and functions as prescribed by law, subject to review and approval by, and under the direct supervision of, the head of the agency or department to which the transfer is made, unless otherwise provided by law. Any agency or department transferred by a type one transfer has all its statutory powers, duties, and functions, and its records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, transferred to the agency or department to which it is transferred. Unless otherwise provided by law, the administrative rules of any agency or department involved in the transfer which are in effect immediately before the transfer remain in effect until specifically changed in the manner provided by law.

A type two transfer is the merging into another agency or department of an existing agency or department or a program, activity, or function thereof or, if certain identifiable units or subunits, programs, activities, or functions are removed from the existing agency or department, or are abolished, it is the merging into an agency or department of the existing agency or department with the certain identifiable units or subunits, programs, activities, or functions removed therefrom or abolished. Any agency or department or a program, activity, or function transferred by a type two transfer has all its statutory powers, duties, and functions, and its records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, except those transferred elsewhere or abolished, transferred to the agency or department to which it is transferred, unless otherwise provided. Unless otherwise provided, the head of the agency or department to which an existing agency or department or a program, activity, or function thereof is transferred is authorized to establish units or subunits to which the agency or department is assigned, and to assign administrative authority for identifiable programs, activities, or functions. Unless otherwise provided, the administrative rules of any agency or department involved in the transfer which are in effect immediately before the transfer remain in effect until specifically changed in the manner provided by law.

III. Effect of Proposed Changes:

Section 1 repeals s. 14.204, F.S., which creates and provides the duties for the now-defunct Agency for Enterprise Information Technology.

Section 2 creates in s. 20.61, F.S., the Agency for State Technology (AST) within DMS for administrative purposes only. The AST must develop, implement, and manage state enterprise information technology services. The executive director of the agency, who will be the state's Chief Information Officer (CIO), must be appointed by the Governor, and confirmed by the Senate.

The bill creates a Technology Advisory Council to make recommendations to the executive director on enterprise information technology policy and standards. The council must comply with the code of ethics for public officers, and each member must file statements of financial interests.

Section 3 amends the definitions in s. 282.0041, F.S., by modifying, adding, and deleting some definitions, and changing references from the AEIT to the AST.

The bill creates a new definition for "state agency" to mean any official, officer, commission, board, authority, council, committee, or department of the executive branch of state government, and the Justice Administration Commission and the Public Service Commission. This new definition of "state agency" does not link to the definition in Chapter 216, F.S., in an attempt to avoid conflicting interpretations on whether state attorneys, public defenders, criminal conflict and civil regional counsel, and capital collateral regional counsel are to be subject to the authority of the AST. If these entities are not executive branch entities, they are not subject to the authority of the AST.

Section 4 creates s. 282.0051, F.S., to specify the duties and functions of the AST. Specific duties and functions of the AST are as follows:

- Develop state technology policy for the management of state IT services;
- Establish architecture standards for the state's technology infrastructure;
- Establish project management and project oversight standards for IT projects;
- Provide project oversight for all technology projects exceeding 10 million;
- Identify opportunities for standardizing and consolidating IT services;
- Collaborate with DMS in establishing best practices for the procurement of IT products and services;
- Collaborate with DMS in conducting procurement negotiations for IT products and services;
- Encourage state agencies to use public-private partnerships;
- Establish standards for state agency information technology reporting;
- Assist state agencies with legislative budget requests, upon request;
- Conduct annual assessments of state agencies for compliance with statewide IT standards;
- Manage the state data center;
- Recommend other IT services that should be managed at the enterprise level;
- Recommend any further data center consolidations into the state data center;

- Propose methodology for collecting current and planned state agency IT expenditure data; and
- Adopt rules.

The Department of Financial Services, Department of Legal Affairs, and Department of Agriculture and Consumer Services are not subject to the standards, services, and functions established by the AST, but each of these agencies may contract separately with AST to perform any of those services and functions. However, these three agencies must adopt the AST standards with regards to IT architecture standards, project management standards, and IT reporting, or adopt alternative standards based on industry best practices in these three areas. When these three agencies implement a technology project with a total cost of \$50 million or more that affects another state agency, they are also subject to the authority of the AST. If an IT project administered by an agency subject to the authority of the AST will interface with an IT system administered by the Department of Financial Services, Department of Legal Affairs, or Department of Agriculture and Consumer Services, the AST must consult on the project with those three agencies.

Sections 5 and 6 repeal ss. 282.0055 and 282.0056, F.S., which specified AET duties with regards to the assignment of information technology resources, and development of a work plan, respectively.

Section 7 amends s. 282.201, F.S., relating to the state data center system, by deleting duties of AEIT, and creating within AST the state data center, consisting of the Northwood Shared Resource Center (NSRC) and the Southwood Shared Resource Center (SSRC). The state data center must:

- Offer and support the services and applications provided to customer entities;
- Maintain the performance of the state data center;
- Develop a business continuity plan and a disaster recovery plan;
- Enter into a service level agreements with customer entities, which must contain certain provisions;
- Be the custodian of resources and equipment that are located, operated, supported, and managed by the state data center; and
- Assume administrative access rights to the resources and equipment, such as servers, network components, and other devices that are consolidated into the state data center

The bill repeals the current schedule for consolidation of agency data centers, and specifies that the Department of Financial Services, Department of Legal Affairs, Department of Agriculture and Consumer Services, the regional traffic management centers, and the Office of Toll Operations of the Department of Transportation are exempt from data center consolidation.

The bill removes an existing exemption from data center consolidation for state attorneys, public defenders, criminal conflict and civil regional counsel, capital collateral regional counsel, the Florida Clerks of Court Operations Corporation, and the Florida Housing Finance Corporation. Any of these entities that are part of the executive branch are subject to the authority of the AST by operation of the definition of “state agency” in the bill; for entities that are not part of the executive branch, the exemption is no longer needed.

Sections 8, 9, and 10 repeal ss. 282.203, 282.204, and 282.205, F.S., relating to primary data centers, the NSRC, and the SSRC, respectively. The duties under these sections will be subsumed within the duties specified in section 7 of the bill.

Section 11 amends s. 282.318, F.S., relating to enterprise IT security. The bill generally replaces AEIT with AST in regards to existing enterprise IT security duties. The bill supplements existing duties to require AST to publish an information technology security framework for use by state agencies, to include a risk assessment methodology, protection procedures, threat detection, data recovery, procedures for limiting unauthorized access to IT resources, and establishing asset management procedures. The bill also requires AST to train state agency IT security managers in collaboration with the Cybercrime Office in the Department of Law Enforcement.

State agencies must:

- Designate an information security manager who reports to the agency head;
- Submit security plans which include performance metrics;
- Conduct risk assessments consistent with AST risk assessment methodology;
- Develop procedures for reporting IT security incidents to the Cybercrime Office in the Department of Law Enforcement and, for those agencies under the jurisdiction of the Governor, to the Chief Inspector General;
- Require state agency employees to complete security awareness training offered by AST; and
- Report IT security incidents to the Cybercrime Office and AST.

Sections 12 and 13 repeals ss. 282.33 and 282.34, F.S., respectively, relating to energy efficiency standards for data centers, and the implementation of a statewide email service.

Section 14 amends s. 17.0315, F.S., to make terminology changes consistent with shifting duties from AEIT to AST.

Section 15 amends s. 20.055, F.S., to add the AST into the definition of “state agency,” which has the effect of clarifying that the AST must have an Office of Inspector General.

Sections 16 and 17 amend ss. 110.205 and 215.322, F.S., respectively, to make terminology changes.

Section 18 amends s. 215.96 F.S., to add the executive director of the AST to the FMIS coordinating council.

Section 19 amends s. 216.023, F.S., to require that for legislative budget requests for IT projects over \$10 million in total cost, the governance structure must incorporate the applicable project management and oversight standards established by the AST.

Sections 20 through 23 amend ss. 287.057, 445.011, 445.045, and 668.50, F.S., respectively, to change terminology to reflect the transfer of technology duties from the AEIT to the AST.

Section 24 amends s. 943.0415, F.S., to task the Cybercrime Office within the Department of Law Enforcement with the following additional duties:

- Monitor IT resources and provide analysis on information technology security incidents;
- Investigate violations of state law pertaining to IT security incidents, threats, or breaches;
- Provide security awareness training and information to state agency employees; and
- Consult with the AST in the adoption of rules relating to IT security.

Section 25 amends s. 1004.649, F.S., to clarify that the cost-allocation methodology used at the Northwest Regional Data Center at Florida State University must comply with applicable state and federal requirements. The bill also requires that service level agreements between the Northwest Regional Data Center and its state agency customers must:

- Prohibit the transfer of computing services between the Northwest Regional Data Center and the state data center without at least 180 days' notice of service cancellation;
- Identify the products or services to be delivered with sufficient specificity to permit an external financial or performance audit; and
- Provide that the service-level agreement may be terminated by either party for cause only after giving notice to the other party.

Section 26 transfers the AEIT to the AST by a type two transfer. The only rules transferred are chapters 71A-1 and 71A-2 of the Florida Administrative Code, both relating to IT security policies; all other rules adopted by the AEIT are nullified.

Sections 27 and 28 transfer the NSRC and the SSRC to the AST by type two transfer.

Section 29 requires the AST to complete a feasibility study that provides recommendations for managing state government data in a manner that promotes its interoperability and openness and ensures that such data is available to the public if legally permissible and not cost prohibitive. The study must include a clear description of which state government data should be public information, recommended standards for the data, a plan for implementing a single internet website that contains the public information or links to it, and a recommended governance structure. The study must be submitted to legislative leaders and the Executive Office of the Governor by June 1, 2015.

Section 30 creates a State Data Center Task Force comprised of the members of the boards of trustees of the NSRC and SSRC as of June 30, 2014, for the purpose of assisting in the transition of the NSRC and SSRC into the state data center.

Section 31 appropriates for the 2014-2015 fiscal year \$2,865,108 in recurring general revenue funds and, \$2,134,892 in nonrecurring general revenue funds, and authorizes 25 full time equivalent positions with associated salary rate of \$2,010,951 to the AST.

Except as otherwise provided, the bill takes effect July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

For the 2014-15 Fiscal Year, \$2,865,108 in recurring general revenue funds, \$2,134,892 in nonrecurring general revenue funds, and 25 full time equivalent positions with associated salary rate of 2,010,951 are appropriated to the AST.

Department of Management Services Administrative Costs

Currently, the Southwood Shared Resource Center and the Northwood Shared Resource Center are assessed charges for the services they receive from the Department of Management Services. The assessments paid by the centers in the current year are roughly \$100,000.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Absent clarification on the requirement that the executive director of the AST must be a “proven, effective” administrator, the requirement may be subject to differing interpretations.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 282.0041, 282.201, 282.318, 17.0315, 20.055, 110.205, 215.322, 215.96, 216.023, 287.057, 445.011, 445.045, 668.50, 943.0415, and 1004.649.

This bill creates the following sections of the Florida Statutes: 20.61, and 282.0051.

This bill repeals the following sections of the Florida Statutes: 14.204, 282.0055, 282.0056, 282.203, 282.204, 282.205, 282.33, and 282.34.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



525332

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/05/2014	.	
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The Committee on Governmental Oversight and Accountability
(Ring) recommended the following:

Senate Amendment

Delete lines 260 - 262

and insert:

(23) "State Agency" means any official, officer, commission, board, authority, council, committee, or department of the executive branch of state government, and the Justice Administration Commission and the Public Service Commission. For the purpose of this chapter, "agency" does not include university boards of trustees or state universities.



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11 (24) "Information technology security" means the protection
12 afforded to an automated information system in order to attain
13 the applicable objectives of preserving the integrity,
14 availability, and confidentiality of data, information, and
15 information technology resources.



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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/05/2014	.	
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The Committee on Governmental Oversight and Accountability
(Ring) recommended the following:

Senate Amendment

Delete lines 356 - 369
and insert:

(f) In collaboration with the department, establishing best practices for the procurement of information technology products and services in order to reduce costs, increase productivity, or improve services. Such practices must include a provision that requires the agency to review all information technology purchases made by state agencies which have a total cost of



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11 \$250,000 or more, unless a purchase is specifically mandated by
12 the Legislature, for compliance with the standards established
13 pursuant to this section.

14 (g) Advising and collaborating with the department in
15 conducting procurement negotiations for information technology
16 products and services that will be used by multiple state
17 agencies, and collaborating with the department in information
18 technology resource acquisition planning.

19 (h) Encouraging state agencies, when considering technology
20 infrastructure priorities, to actively seek out and identify
21 opportunities that potentially fit into the public-private
22 partnership model, and develop sustainable partnerships between
23 private entities and units of government in order to accelerate
24 project delivery and provide a source of new or increased
25 funding for other infrastructure needs.



879444

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/05/2014	.	
	.	
	.	
	.	

The Committee on Governmental Oversight and Accountability
(Ring) recommended the following:

Senate Amendment

Delete lines 465 - 483
and insert:

(2) Except as provided in subsection (3), the Department of
Financial Services, the Department of Legal Affairs, the
Department of Agriculture and Consumer Services are not subject
to the powers, duties and functions of the Agency for State
Technology established under this section. Each of those
departments shall adopt the standards established in paragraphs



879444

11 (1) (b), (1) (c), and (1) (h) or adopt alternative standards based
12 on best practices or industry standards and may contract
13 separately with the Agency for State Technology to provide and
14 perform any of the services and functions for those Departments.

15 (3) (a) An information technology project administered or
16 implemented by the Department of Financial Services, the
17 Department of Legal Affairs, or the Department of Agriculture
18 and Consumer Services is subject to the powers, duties and
19 functions of the Agency for State Technology if such project is
20 expected to have a total project cost of \$50 million or more;
21 and the project directly affects another state agency or another
22 information technology project that is subject to the powers,
23 duties and functions of the Agency for State Technology.

24 (b) If an information technology project administered by a
25 state agency subject to the powers, duties and functions of the
26 Agency for State Technology must be connected to or otherwise
27 accommodated by an information technology system administered by
28 the Department of Financial Services, the Department of Legal
29 Affairs or the Department of Agriculture and Consumer Services,
30 the Agency for State Technology must consult with those
31 departments regarding the risks and other effects of such
32 projects on those departments' information technology systems
33 and shall work cooperatively with those departments regarding
34 the connections, interfaces, timing or accommodation required to
35 implement such projects.



708674

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/05/2014	.	
	.	
	.	
	.	

The Committee on Governmental Oversight and Accountability
(Ring) recommended the following:

Senate Amendment

Delete line 512
and insert:
consolidated into the state ~~a primary~~ data center ~~by 2019~~.



313930

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/05/2014	.	
	.	
	.	
	.	

The Committee on Governmental Oversight and Accountability
(Ring) recommended the following:

Senate Amendment

Between lines 548 and 549

insert:

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



468956

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/05/2014	.	
	.	
	.	
	.	

The Committee on Governmental Oversight and Accountability
(Ring) recommended the following:

Senate Amendment

Delete lines 764 - 773
and insert:

(b) ~~(*)~~ The Department of Financial Services, the Department of Legal Affairs, the Department of Agriculture and Consumer Services, the Department of Law Enforcement, the Department of the Lottery's Gaming System, Systems Design and Development in the Office of Policy and Budget, the regional traffic management centers and the Office of Toll Operations of the Department of



468956

11 Transportation, and the State Board of Administration, ~~state~~
12 ~~attorneys, public defenders, criminal conflict and civil~~
13 ~~regional counsel, capital collateral regional counsel, the~~
14 ~~Florida Clerks of Court Operations Corporation, and the Florida~~
15 ~~Housing Finance Corporation~~ are exempt from data center
16 consolidation under this section.



122778

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/05/2014	.	
	.	
	.	
	.	

The Committee on Governmental Oversight and Accountability
(Ring) recommended the following:

Senate Amendment (with title amendment)

Delete lines 948 - 1125
and insert:
generally accepted best practices for information technology
security, and adopting rules that safeguard an agency's data,
information, and information technology resources to ensure its
availability, confidentiality, and integrity ~~rules and
publishing guidelines for ensuring an appropriate level of
security for all data and information technology resources for~~



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11 ~~executive branch agencies.~~ The agency shall also ~~perform the~~
12 ~~following duties and responsibilities:~~

13 (a) By June 30, 2015, ~~develop,~~ and annually update a
14 statewide by February 1, ~~an enterprise~~ information technology
15 security strategic plan that includes security goals and
16 objectives for the strategic issues of information technology
17 security policy, risk management, training, incident management,
18 and disaster recovery ~~survivability~~ planning.

19 (b) Develop and publish an information security framework
20 for use by state agencies which, at a minimum, includes
21 guidelines and processes ~~enterprise security rules and published~~
22 ~~guidelines~~ for:

23 1. Developing and using a risk assessment methodology that
24 will apply to state agencies to identify the priorities,
25 constraints, risk tolerance, and assumptions.

26 2.1. ~~Completing~~ comprehensive risk assessments ~~analyses~~ and
27 information technology security audits. Such assessments and
28 audits shall be conducted by state agencies and reviewed by the
29 Agency for State Technology ~~conducted by state agencies.~~

30 3. Identifying protection procedures to manage the
31 protection of a state agency's information, data, and
32 information technology resources.

33 4. Detecting threats through proactive monitoring of
34 events, continuous security monitoring, and specified detection
35 processes.

36 5.2. Responding to ~~suspected or confirmed~~ information
37 technology security incidents, including ~~suspected or confirmed~~
38 breaches of personal information containing confidential or
39 exempt data.



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40 ~~6.3. Developing state agency strategic and operational~~
41 ~~information technology security plans required under this~~
42 ~~section, including strategic security plans and security program~~
43 ~~plans.~~

44 ~~7.4. Recovering~~ ~~The recovery of~~ information technology and
45 data in response to an information technology security incident
46 ~~following a disaster.~~ The recovery may include recommended
47 improvements to the processes, policies, or guidelines.

48 ~~8.5. Establishing~~ ~~The~~ managerial, operational, and
49 technical safeguards for protecting state government data and
50 information technology resources which align with state agency
51 risk management strategies for protecting the confidentiality,
52 integrity, and availability of information technology and data.

53 9. Establishing procedures for accessing information
54 technology resources and data in order to limit authorized
55 users, processes, or devices to authorized activities and
56 transactions to ensure the confidentiality, integrity, and
57 availability of such information and data.

58 10. Establishing asset management procedures to ensure that
59 information technology resources are identified and consistently
60 managed with their relative importance to business objectives.

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

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

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

68 ~~(e)(f)~~ Annually review the strategic and operational



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69 information technology security plans of state ~~executive branch~~
70 agencies.

71 ~~(3)(4) To assist the Agency for Enterprise Information~~
72 ~~Technology in carrying out its responsibilities,~~ Each state
73 agency head shall, at a minimum:

74 (a) Designate an information security manager who, for the
75 purposes of his or her information technology security duties,
76 shall report to the agency head and shall ~~to~~ administer the
77 information technology security program of the agency ~~for its~~
78 ~~data and information technology resources.~~ This designation must
79 be provided annually in writing to the Agency for State
80 ~~Enterprise Information~~ Technology by January 1.

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

86 1. The state agency strategic information technology
87 security plan must cover a 3-year period and, at a minimum,
88 define security goals, intermediate objectives, and projected
89 agency costs for the strategic issues of agency information
90 security policy, risk management, security training, security
91 incident response, and disaster recovery survivability. The plan
92 must be based on the statewide ~~enterprise strategic~~ information
93 security strategic plan created by the Agency for State
94 ~~Enterprise Information~~ Technology and include performance
95 metrics that can be objectively measured in order to gauge the
96 state agency's progress in meeting the security goals and
97 objectives identified in the strategic information technology



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98 security plan. Additional issues may be included.

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

108 (c) Conduct, and update every 3 years, a comprehensive risk
109 assessment analysis to determine the security threats to the
110 data, information, and information technology resources of the
111 state agency. The risk assessment must comply with the risk
112 assessment methodology developed by the Agency for State
113 Technology. The risk assessment ~~analysis~~ information is
114 confidential and exempt from ~~the provisions of~~ s. 119.07(1),
115 except that such information shall be available to the Auditor
116 General, ~~and~~ the Agency for State Enterprise Information
117 Technology, and the Cybercrime Office in the Department of Law
118 Enforcement ~~for performing postauditing duties.~~

119 (d) Develop, and periodically update, written internal
120 policies and procedures, ~~which include procedures for~~ reporting
121 information technology security incidents and breaches to the
122 Cybercrime Office in the Department of Law Enforcement and
123 ~~notifying~~ the Agency for State Enterprise Information
124 Technology, and for those agencies under the jurisdiction of the
125 Governor, to the Chief Inspector General ~~when a suspected or~~
126 ~~confirmed breach, or an information security incident, occurs.~~



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127 Such policies and procedures must be consistent with the rules,
128 ~~and~~ guidelines, and processes established by the Agency for
129 State Enterprise Information Technology to ensure the security
130 of the data, information, and information technology resources
131 of the state agency. The internal policies and procedures that,
132 if disclosed, could facilitate the unauthorized modification,
133 disclosure, or destruction of data or information technology
134 resources are confidential information and exempt from s.
135 119.07(1), except that such information shall be available to
136 the Auditor General, the Cybercrime Office in the Department of
137 Law Enforcement, and the Agency for State Enterprise Information
138 Technology, and for those agencies under the jurisdiction of the
139 Governor, to the Chief Inspector General ~~for performing~~
140 ~~postauditing duties.~~

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

145 (f) Ensure that periodic internal audits and evaluations of
146 the agency's information technology security program for the
147 data, information, and information technology resources of the
148 agency are conducted. The results of such audits and evaluations
149 are confidential ~~information~~ and exempt from s. 119.07(1),
150 except that such information shall be available to the Auditor
151 General, the Cybercrime Office in the Department of Law
152 Enforcement, and the Agency for State Enterprise Information
153 Technology ~~for performing postauditing duties.~~

154 (g) Include appropriate information technology security
155 requirements in the written specifications for the solicitation



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156 of information technology and information technology resources
157 and services, which are consistent with the rules and guidelines
158 established by the Agency for State Enterprise Information
159 Technology in collaboration with the department.

160 (h) Require that state agency employees complete the
161 security awareness training offered by the Agency for State
162 Technology in collaboration with the Cybercrime Office in the
163 Department of Law Enforcement. Coordinate with state agencies to
164 provide agency-specific security training aligned with the
165 agency operational information technology security plan. Provide
166 security awareness training to employees and users of the
167 agency's communication and information resources concerning
168 information security risks and the responsibility of employees
169 and users to comply with policies, standards, guidelines, and
170 operating procedures adopted by the agency to reduce those
171 risks.

172 (i) Develop processes ~~a process~~ for detecting, reporting,
173 and responding to information technology suspected or confirmed
174 security threats or breaches or information technology security
175 incidents which are, including suspected or confirmed breaches
176 consistent with the security rules, and guidelines, and
177 processes established by the Agency for State Enterprise
178 Information Technology.

179 1. All Suspected or confirmed information technology
180 security incidents and breaches must be immediately reported to
181 the Cybercrime Office in the Department of Law Enforcement and
182 the Agency for State Enterprise Information Technology.

183 2. For information technology security incidents involving
184 breaches, agencies shall provide notice in accordance with s.



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185 817.5681 and to the Agency for Enterprise Information Technology
186 in accordance with this subsection.

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

193 (4) ~~(6)~~ The Agency for State Enterprise Information
194 Technology may adopt rules relating to information technology
195 security and

196
197
198 ===== T I T L E A M E N D M E N T =====

199 And the title is amended as follows:

200 Delete line 36

201 and insert:

202 with respect to information technology security; repealing s.

FOR CONSIDERATION By the Committee on Governmental Oversight and Accountability

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1 A bill to be entitled
 2 An act relating to state technology; repealing s.
 3 14.204, F.S., relating to the Agency for Enterprise
 4 Information Technology within the Executive Office of
 5 the Governor; creating s. 20.61, F.S.; creating the
 6 Agency for State Technology within the Department of
 7 Management Services; providing for an executive
 8 director and other permanent positions; creating a
 9 Technology Advisory Council and providing for
 10 membership; amending s. 282.0041, F.S.; revising and
 11 defining terms used in the Enterprise Information
 12 Technology Services Management Act; creating s.
 13 282.0051, F.S.; providing the powers, duties, and
 14 functions of the Agency for State Technology;
 15 authorizing the agency to adopt rules; providing
 16 exceptions for certain departments; repealing s.
 17 282.0055, F.S., relating to the assignment of
 18 information technology resource and service
 19 responsibilities; repealing s. 282.0056, F.S.,
 20 relating to the development of an annual work plan,
 21 the development of implementation plans, and policy
 22 recommendations relating to enterprise information
 23 technology services; amending s. 282.201, F.S.;
 24 providing for a state data center and the duties of
 25 the center; deleting duties for the Agency for
 26 Enterprise Information Technology; revising the
 27 schedule for consolidating agency data centers and
 28 deleting obsolete provisions; revising the limitations
 29 on state agencies; repealing s. 282.203, F.S.,

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 relating to primary data centers; repealing s.
 31 282.204, F.S., relating to the Northwood Shared
 32 Resource Center; repealing s. 282.205, F.S., relating
 33 to the Southwood Shared Resource Center; amending s.
 34 282.318, F.S.; conforming provisions to changes made
 35 by the act; revising the duties of the state agencies
 36 with respect to information security; repealing s.
 37 282.33, F.S., relating to objective standards for data
 38 center energy efficiency; repealing s. 282.34, F.S.,
 39 relating to statewide e-mail service; amending ss.
 40 17.0315, 20.055, 110.205, 215.322, and 215.96, F.S.;
 41 conforming provisions to changes made by the act;
 42 amending s. 216.023, F.S.; requiring the governance
 43 structure of information technology projects to
 44 incorporate certain standards; amending s. 287.057,
 45 F.S.; requiring the Department of Management Services
 46 to consult with the agency with respect to the online
 47 procurement of commodities; amending ss. 445.011,
 48 445.045, and 668.50, F.S.; conforming provisions to
 49 changes made by the act; amending s. 943.0415, F.S.;
 50 providing additional duties for the Cybercrime Office
 51 in the Department of Law Enforcement relating to cyber
 52 security; requiring the office to provide cyber
 53 security training to state agency employees; requiring
 54 the office to consult with the agency; amending s.
 55 1004.649, F.S.; revising provisions relating to the
 56 Northwest Regional Data Center; revising the center's
 57 duties and the content of service-level agreements
 58 with state agency customers; transferring the

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59 components of the Agency for Enterprise Information
 60 Technology to the Agency for State Technology;
 61 providing that certain rules adopted by the Agency for
 62 Enterprise Information Technology are nullified;
 63 transferring the Northwood Shared Resource Center and
 64 the Southwood Shared Resource Center to the Agency for
 65 State Technology; requiring the Agency for State
 66 Technology to complete a feasibility study relating to
 67 managing state government data; specifying the
 68 components of the study; requiring the study to be
 69 submitted to the Governor and Legislature by a certain
 70 date; creating the State Data Center Task Force;
 71 specifying the membership and purpose of the task
 72 force; providing for expiration; providing an
 73 appropriation; providing effective dates.

74
 75 Be It Enacted by the Legislature of the State of Florida:

76
 77 Section 1. Section 14.204, Florida Statutes, is repealed.

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

80 20.61 Agency for State Technology.—The Agency for State
 81 Technology is created within the Department of Management
 82 Services.

83 (1) The agency is a separate budget entity and is not
 84 subject to control, supervision, or direction by the department,
 85 including, but not limited to, purchasing, transactions
 86 involving real or personal property, personnel, or budgetary
 87 matters.

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88 (2) The agency shall be headed by an executive director
 89 appointed by the Governor and subject to the confirmation of the
 90 Senate. The executive director shall be the State Chief
 91 Information Officer.

92 (a) The executive director must be a proven, effective
 93 administrator who preferably has executive-level experience in
 94 both the public and private sectors.

95 (b) The Governor shall conduct a thorough search to find
 96 the most qualified candidate and in conducting such a search,
 97 the Governor shall place emphasis on the development and
 98 implementation of information technology strategic planning;
 99 management of enterprise information technology projects,
 100 particularly management of large-scale consolidation projects;
 101 and development and implementation of fiscal and substantive
 102 information technology policy.

103 (3) The following positions are established within the
 104 agency, all of which shall be appointed by the executive
 105 director:

106 (a) A Deputy State Chief Information Officer.

107 (b) A Chief Planning Officer and six Strategic Planning
 108 Coordinators with one coordinator assigned to each of the
 109 following major program areas: health and human services,
 110 education, government operations, criminal and civil justice,
 111 agriculture and natural resources, and transportation and
 112 economic development.

113 (c) A Chief Operations Officer.

114 (d) A Chief Information Security Officer.

115 (e) A Chief Technology Officer.

116 (4) The Technology Advisory Council, consisting of seven

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117 members, is established and shall be maintained within the
 118 agency pursuant to s. 20.052. Four members, two of whom must be
 119 from the private sector, shall be appointed by the Governor; one
 120 member shall be appointed by the Cabinet; and one member each
 121 shall be appointed by the President of the Senate and the
 122 Speaker of the House of Representatives. Upon initial
 123 establishment of the council, two of the Governor's appointments
 124 shall be for 2-year terms. Thereafter all appointments shall be
 125 for 4-year terms.

126 (a) The council shall consider and make recommendations to
 127 the executive director of the agency on such matters as
 128 enterprise information technology policies, standards, services,
 129 and architecture.

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

134 (c) The council shall be governed by the code of ethics for
 135 public officers and employees as set forth in part III of
 136 chapter 112 and each member must file a statement of financial
 137 interests pursuant to s. 112.3145.

138 Section 3. Section 282.0041, Florida Statutes, is amended
 139 to read:

140 282.0041 Definitions.—As used in this chapter, the term:

141 ~~(1) "Agency" has the same meaning as in s. 216.011(1)(qq),~~
 142 ~~except that for purposes of this chapter, "agency" does not~~
 143 ~~include university boards of trustees or state universities.~~

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

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

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

156 (1)(5) "Breach" has the same meaning as in s. 817.5681(4).

157 (2)(6) "Business continuity plan" means a collection of
 158 procedures and information used to maintain an agency's critical
 159 operations during a period of displacement or interruption of
 160 normal operations plan for disaster recovery which provides for
 161 the continued functioning of a primary data center during and
 162 after a disaster.

163 (3)(7) "Computing facility" means agency space containing
 164 fewer than a total of 10 physical or logical servers, any of
 165 which supports a strategic or nonstrategic information
 166 technology service, as described in budget instructions
 167 developed pursuant to s. 216.023, but excluding single, logical-
 168 server installations that exclusively perform a utility function
 169 such as file and print servers.

170 (4)(8) "Customer entity" means an entity that obtains
 171 services from a state primary data center.

172 (5)(9) "Data center" means agency space containing 10 or
 173 more physical or logical servers any of which supports a
 174 strategic or nonstrategic information technology service, as

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175 described in budget instructions developed pursuant to s.
176 216.023.

177 ~~(6)-(10)~~ "Department" means the Department of Management
178 Services.

179 (7) "Disaster recovery" means the processes, policies,
180 procedures, and infrastructure that relate to preparing for and
181 implementing recovery or continuation of an organization's vital
182 technology infrastructure after a natural or human-induced
183 disaster.

184 ~~(8)-(11)~~ "Enterprise information technology service" means
185 an information technology service that is used in all agencies
186 or a subset of agencies and is established in law to be
187 designed, delivered, and managed at the enterprise level.

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

197 (9) "Event" means an observable occurrence in a system or
198 network.

199 (10) "Incident" means a violation or imminent threat of
200 violation of computer security policies, acceptable use
201 policies, or standard security practices. An imminent threat of
202 violation exists when a state agency has a factual basis for
203 believing that a specific incident is about to occur.

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

207 ~~(11)-(14)~~ "Information technology" means equipment,
208 hardware, software, firmware, programs, systems, networks,
209 infrastructure, media, and related material used to
210 automatically, electronically, and wirelessly collect, receive,
211 access, transmit, display, store, record, retrieve, analyze,
212 evaluate, process, classify, manipulate, manage, assimilate,
213 control, communicate, exchange, convert, converge, interface,
214 switch, or disseminate information of any kind or form.

215 (12)-(15) "Information technology policy" means a specific
216 course or method of action selected from among alternatives that
217 guide and determine present and future decisions statements that
218 describe clear choices for how information technology will
219 deliver effective and efficient government services to residents
220 and improve state agency operations. A policy may relate to
221 investments, business applications, architecture, or
222 infrastructure. A policy describes its rationale, implications
223 of compliance or noncompliance, the timeline for implementation,
224 metrics for determining compliance, and the accountable
225 structure responsible for its implementation.

226 (13) "Information technology resources" has the same
227 meaning as in s. 119.011.

228 ~~(14)-(16)~~ "Performance metrics" means the measures of an
229 organization's activities and performance.

230 ~~(15)-(17)~~ "Primary data center" means a data center that is
231 a recipient entity for consolidation of state agency nonprimary
232 data centers and computing facilities and that is established by

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233 law.

234 ~~(16)-(18)~~ "Project" means an endeavor that has a defined
235 start and end point; is undertaken to create or modify a unique
236 product, service, or result; and has specific objectives that,
237 when attained, signify completion.

238 (17) "Project oversight" means an independent review and
239 analysis of an information technology project in order to
240 provide information on the project's scope, completion
241 timeframes, and budget and should identify and quantify any
242 issues or risks affecting the successful and timely completion
243 of the project.

244 ~~(18)-(19)~~ "Risk assessment analysis" means the process of
245 identifying security risks, determining their magnitude, and
246 identifying areas needing safeguards.

247 ~~(19)-(20)~~ "Service level" means the key performance
248 indicators ~~(KPI)~~ of an organization or service which must be
249 regularly performed, monitored, and achieved.

250 ~~(20)-(21)~~ "Service-level agreement" means a written contract
251 between a data center and a customer entity which specifies the
252 scope of services provided, service level, the duration of the
253 agreement, the responsible parties, and service costs. A
254 service-level agreement is not a rule pursuant to chapter 120.

255 (21) "Stakeholder" means an individual, group,
256 organization, or state agency involved in or affected by a
257 course of action.

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

260 (23) "State agency" has the same meaning as in s. 216.011,
261 but does not include university boards of trustees or state

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262 universities.

263 (24) "State data center" means an enterprise information
264 technology service provider that is the recipient entity for the
265 consolidation of state agency data centers and computing
266 facilities and that establishes, implements, operates, monitors,
267 reviews, maintains, and physically or virtually improves
268 information technology services designated by the Agency for
269 State Technology in compliance with the operating guidelines and
270 procedures set forth by the agency pursuant to s. 282.0051(11).

271 ~~(25)-(23)~~ "SUNCOM Network" means the state enterprise
272 telecommunications system that provides all methods of
273 electronic or optical telecommunications beyond a single
274 building or contiguous building complex and used by entities
275 authorized as network users under this part.

276 (26)-(24) "Telecommunications" means the science and
277 technology of communication at a distance, including electronic
278 systems used in the transmission or reception of information.

279 (27)-(25) "Threat" means any circumstance or event that has
280 the potential to adversely affect a state agency's operation or
281 assets through an information system by means of unauthorized
282 access, destruction, disclosure, modification of information, or
283 denial of service may cause harm to the integrity, availability,
284 or confidentiality of information technology resources.

285 (28) "Variance" means a calculated value that illustrates a
286 positive or negative deviation from a projection measured
287 against documented estimations within a project plan.

288 ~~(26)~~ "Total cost" means ~~all costs associated with~~
289 ~~information technology projects or initiatives, including, but~~
290 ~~not limited to, value of hardware, software, service,~~

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291 ~~maintenance, incremental personnel, and facilities. Total cost~~
 292 ~~of a loan or gift of information technology resources to an~~
 293 ~~agency includes the fair market value of the resources.~~

294 ~~(27) "Usage" means the billing amount charged by the~~
 295 ~~primary data center, less any pass through charges, to the~~
 296 ~~customer entity.~~

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

299 Section 4. Section 282.0051, Florida Statutes, is created
 300 to read:

301 282.0051 Agency for State Technology; powers, duties, and
 302 functions.-

303 (1) The Agency for State Technology has the following
 304 powers, duties, and functions:

305 (a) Developing and publishing information technology policy
 306 for the management of the state's information technology
 307 resources.

308 (b) Establishing and publishing information technology
 309 architecture standards to achieve the most efficient use of the
 310 state's information technology resources and to ensure
 311 compatibility and alignment with the needs of state agencies.
 312 The agency shall assist state agencies in complying with such
 313 standards.

314 (c) By June 30, 2015, establishing project management and
 315 project oversight standards that state agencies must comply with
 316 while implementing information technology projects. The Agency
 317 for State Technology shall provide training opportunities to
 318 state agencies to assist in the adoption of the project
 319 management and oversight standards. To support data-driven

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320 decisionmaking, such standards must include, but are not limited
 321 to:

322 1. Performance measurements and metrics that objectively
 323 reflect the status of an information technology project based on
 324 the defined and documented project scope, cost, and schedule.

325 2. Methodologies for calculating acceptable variance ranges
 326 in the projected versus actual scope, schedule, or cost of an
 327 information technology project.

328 3. Reporting requirements that provide project visibility
 329 to all identified stakeholders, including instances in which an
 330 information technology project exceeds the acceptable variance
 331 ranges as defined and documented in the project plan.

332 4. The content, format, and frequency of project updates.

333 (d) Beginning January 1, 2015, performing project oversight
 334 on all information technology projects that have total project
 335 costs of \$10 million or more and that are funded in the General
 336 Appropriations Act or under state law. The agency shall report
 337 at least quarterly to the Executive Office of the Governor, the
 338 President of the Senate, and the Speaker of the House of
 339 Representatives on any information technology project the agency
 340 identifies as being a high-risk project that may exceed the
 341 acceptable variance ranges as defined and documented in the
 342 project plan. The report must include an assessment of the risk
 343 levels, including fiscal risks, associated with proceeding to
 344 the next stage of the project and a recommendation for requiring
 345 corrective action, which includes suspending or terminating the
 346 project.

347 (e) By October 15, 2015, and biennially thereafter,
 348 identifying opportunities for standardizing and consolidating

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349 information technology services that support business functions
 350 and operations, including administrative functions such as
 351 purchasing, accounting and reporting, cash management, and
 352 personnel, which are common across state agencies, and providing
 353 recommendations for such standardization and consolidation to
 354 the Executive Office of the Governor, the President of the
 355 Senate, and the Speaker of the House of Representatives.

356 (f) In collaboration with the department, establishing best
 357 practices for the procurement of information technology products
 358 in order to reduce costs, increase productivity, or improve
 359 services. Such practices must include a provision that requires
 360 the agency to review all information technology purchases made
 361 by state agencies which have a total cost of \$250,000 or more,
 362 unless a purchase is specifically mandated by the Legislature,
 363 for compliance with the standards established pursuant to this
 364 section.

365 (g) Advising and collaborating with the department in
 366 conducting procurement negotiations for information technology
 367 products that will be used by multiple state agencies, and
 368 collaborating with the department in information technology
 369 resource acquisition planning.

370 (h) Establishing standards for information technology
 371 reports and updates for use by state agencies which include, but
 372 are not limited to, operational work plans, project spending
 373 plans, and project status reports.

374 (i) Upon request, assisting state agencies in the
 375 development of their information technology-related legislative
 376 budget requests.

377 (j) Conducting annual assessments of state agencies to

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378 determine their compliance with information technology standards
 379 and guidelines developed and published by the Agency for State
 380 Technology and provide results of the assessments to the
 381 Executive Office of the Governor, the President of the Senate,
 382 and the Speaker of the House of Representatives.

383 (k) Providing operational management and oversight of the
 384 state data center established pursuant to s. 282.201, which
 385 includes:

386 1. Implementing industry standards and best practices for
 387 the state data center's facilities, operations, maintenance,
 388 planning, and management processes.

389 2. Developing and implementing cost-recovery mechanisms
 390 that recover the full cost of services, including direct and
 391 indirect costs, through charges to applicable customer entities.
 392 Such mechanisms must comply with applicable state and federal
 393 requirements relating to the distribution and use of such funds
 394 and must ensure that for any fiscal year a service or customer
 395 entity is not subsidizing another service or customer entity.

396 3. Establishing operating guidelines and procedures
 397 necessary for the state data center to perform its duties
 398 pursuant to s. 282.201 which comply with applicable state and
 399 federal laws, rules, and policies and are in accordance with
 400 generally accepted governmental accounting and auditing
 401 standards. Such guidelines and procedures must include, but need
 402 not be limited to:

403 a. Implementing a consolidated administrative support
 404 structure that is responsible for the provision of financial
 405 management, procurement, transactions involving real or personal
 406 property, human resources, and operational support.

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407 b. Implementing an annual reconciliation process to ensure
 408 that each customer entity is paying for the full direct and
 409 indirect cost of each service as determined by the customer
 410 entity's use of each service.
 411 c. Providing rebates, which may be credited against future
 412 billings, to customer entities when revenues exceed costs.
 413 d. Requiring a customer entity to validate that sufficient
 414 funds are in or will be transferred into the appropriate data
 415 processing appropriation category before implementing a customer
 416 entity's request for a change in the type or level of service if
 417 such change results in a net increase to the customer entity's
 418 costs for that fiscal year.
 419 e. Providing to each customer entity's agency head by
 420 September 1 of each year the projected costs to provide data
 421 center services for the following fiscal year.
 422 f. Providing a plan for consideration by the Legislative
 423 Budget Commission if the cost of a service is increased for a
 424 reason other than a customer entity's request pursuant to
 425 subparagraph 4. which results in a net increase to the customer
 426 entity for that fiscal year.
 427 g. Standardizing and consolidating procurement and
 428 contracting practices.
 429 4. In collaboration with the Department of Law Enforcement,
 430 developing and implementing a process for detecting, reporting,
 431 and responding to information technology security incidents,
 432 breaches, or threats.
 433 5. Adopting rules relating to the operation of the state
 434 data center, which include, but are not limited to, its
 435 budgeting and accounting procedures, cost-recovery

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436 methodologies, and operating procedures.
 437 6. Consolidating contract practices and coordinating
 438 software, hardware, or other technology-related procurements.
 439 7. Annually conducting a market analysis to determine if
 440 the state's approach to the provision of data center services is
 441 the most effective and efficient manner by which its customer
 442 entities can acquire such services based on federal, state, and
 443 local government trends, best practices in service provision,
 444 and the acquisition of new and emerging technologies. The
 445 results of the market analysis should assist the state data
 446 center in making any necessary adjustments to its data center
 447 service offerings.
 448 (l) Recommending other information technology services that
 449 should be designed, delivered, and managed as enterprise
 450 information technology services. Such recommendations should
 451 include the identification of any existing information
 452 technology resources associated with such services which would
 453 need to be transferred as a result of such services being
 454 delivered and managed as enterprise information technology
 455 services.
 456 (m) Recommending any further agency computing facility or
 457 data center consolidations into the state data center
 458 established pursuant to s. 282.201. Such recommendations should
 459 include the proposed timeline for the consolidation.
 460 (n) In consultation with state agencies, proposing
 461 methodology and approaches for identifying and collecting both
 462 current and planned information technology expenditure data at
 463 the state agency level.
 464 (o) Adopting rules to administer this section.

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465 (2) The Department of Financial Services, the Department of
 466 Legal Affairs, and the Department of Agriculture and Consumer
 467 Services are not subject to the standards, services, and
 468 functions established by the Agency for State Technology under
 469 this section. However:

470 (a) Each department may contract separately with the agency
 471 to provide and perform any of such services and functions for
 472 the department and shall adopt the standards established by the
 473 agency pursuant to paragraphs (1) (b), (1) (c), and (1) (h) or
 474 adopt alternative standards based on best practices or industry
 475 standards.

476 (b) The Department of Financial Services, Department of
 477 Legal Affairs and the Department of Agriculture and Consumer
 478 Services are subject to the authority of the Agency for State
 479 Technology under this section for any technology project whose
 480 project scope affects another state agency and which has a total
 481 project cost of \$50 million or more funded in the General
 482 Appropriations Act or under state law. This authority applies to
 483 the specific technology project.

484 Section 5. Section 282.0055, Florida Statutes, is repealed.

485 Section 6. Section 282.0056, Florida Statutes, is repealed.

486 Section 7. Section 282.201, Florida Statutes, is amended to
 487 read:

488 282.201 State data center system; agency duties and
 489 limitations.—The A state data center system that includes all
 490 primary data centers, other nonprimary data centers, and
 491 computing facilities, and that provides an enterprise
 492 information technology service as defined in s. 282.0041, is
 493 established as a primary data center within the Agency for State

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494 Technology and includes the facilities formerly known as the
 495 Northwood Shared Resource Center and the Southwood Shared
 496 Resource Center.

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

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

514 (a) Offer, develop, and support the services and
 515 applications as provided in the service-level agreements
 516 executed with its customer entities.

517 (b) Maintain the performance of the state data center,
 518 which includes ensuring proper data backup, data backup
 519 recovery, a disaster recovery plan, appropriate security, power,
 520 cooling, fire suppression, and capacity.

521 (c) Develop a business continuity plan and a disaster
 522 recovery plan, and conduct a live exercise of these plans at

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523 least annually.

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

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

532 2. State the duration of the contractual term and specify
 533 the conditions for renewal.

534 3. Identify the scope of work.

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

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

543 6. Provide a timely billing methodology for recovering the
 544 cost of services provided to the customer entity pursuant to s.
 545 215.422.

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

549 8. Provide that a service level agreement may be terminated
 550 by either party for cause only after giving the other party and
 551 the Agency for State Technology notice in writing of the cause

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552 for termination and an opportunity for the other party to
 553 resolve the identified cause within a reasonable period.

554 9. Provide for the mediation of disputes by the Division of
 555 Administrative Hearings pursuant to s. 120.573.

556 (e) Be the custodian of resources and equipment that are
 557 located, operated, supported, and managed by the state data
 558 center for the purposes of chapter 273.

559 (f) Assume administrative access rights to the resources
 560 and equipment, such as servers, network components, and other
 561 devices that are consolidated into the state data center.

562 1. On the date of each consolidation specified in this
 563 section, the General Appropriations Act, or the Laws of Florida,
 564 each state agency shall relinquish all administrative rights to
 565 such resources and equipment. State agencies required to comply
 566 with federal security regulations and policies shall retain
 567 administrative access rights sufficient to comply with the
 568 management control provisions of those regulations and policies;
 569 however, the state data center shall have the appropriate type
 570 or level of rights to allow the center to comply with its duties
 571 pursuant to this section. The Department of Law Enforcement
 572 shall serve as the arbiter of any disputes which may arise
 573 regarding the appropriate type and level of administrative
 574 access rights relating to the provision of management control in
 575 accordance with federal criminal justice information guidelines.

576 2. The state data center shall provide its customer
 577 entities with access to applications, servers, network
 578 components, and other devices necessary for state agencies to
 579 perform business activities and functions, and as defined and
 580 documented in the service level agreement.

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581 ~~(2) AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY DUTIES.~~
 582 The Agency for Enterprise Information Technology shall:
 583 ~~(a) Collect and maintain information necessary for~~
 584 ~~developing policies relating to the data center system,~~
 585 ~~including, but not limited to, an inventory of facilities.~~
 586 ~~(b) Annually approve cost-recovery mechanisms and rate~~
 587 ~~structures for primary data centers which recover costs through~~
 588 ~~charges to customer entities.~~
 589 ~~(c) By September 30 of each year, submit to the~~
 590 ~~Legislature, the Executive Office of the Governor, and the~~
 591 ~~primary data centers recommendations to improve the efficiency~~
 592 ~~and cost effectiveness of computing services provided by state~~
 593 ~~data center system facilities. Such recommendations must~~
 594 ~~include, but need not be limited to:~~
 595 1. Policies for improving the cost-effectiveness and
 596 efficiency of the state data center system, which includes the
 597 primary data centers being transferred to a shared, virtualized
 598 server environment, and the associated cost savings resulting
 599 from the implementation of such policies.
 600 2. Infrastructure improvements supporting the consolidation
 601 of facilities or preempting the need to create additional data
 602 centers or computing facilities.
 603 3. Uniform disaster recovery standards.
 604 4. Standards for primary data centers which provide cost-
 605 effective services and transparent financial data to user
 606 agencies.
 607 5. Consolidation of contract practices or coordination of
 608 software, hardware, or other technology-related procurements and
 609 the associated cost savings.

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610 6. Improvements to data center governance structures.
 611 ~~(d) By October 1 of each year, provide recommendations to~~
 612 ~~the Governor and Legislature relating to changes to the schedule~~
 613 ~~for the consolidations of state agency data centers as provided~~
 614 ~~in subsection (4).~~
 615 1. The recommendations must be based on the goal of
 616 maximizing current and future cost savings by:
 617 a. Consolidating purchase decisions.
 618 b. Leveraging expertise and other resources to gain
 619 economics of scale.
 620 e. Implementing state information technology policies more
 621 effectively.
 622 d. Maintaining or improving the level of service provision
 623 to customer entities.
 624 2. The agency shall establish workgroups as necessary to
 625 ensure participation by affected agencies in the development of
 626 recommendations related to consolidations.
 627 ~~(e) Develop and establish rules relating to the operation~~
 628 ~~of the state data center system which comply with applicable~~
 629 ~~federal regulations, including 2 C.F.R. part 225 and 45 C.F.R.~~
 630 ~~The rules must address:~~
 631 1. Ensuring that financial information is captured and
 632 reported consistently and accurately.
 633 2. Identifying standards for hardware, including standards
 634 for a shared, virtualized server environment, and operations
 635 system software and other operational software, including
 636 security and network infrastructure, for the primary data
 637 centers; requiring compliance with such standards in order to
 638 enable the efficient consolidation of the agency data centers or

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639 ~~computing facilities, and providing an exemption process from~~
 640 ~~compliance with such standards, which must be consistent with~~
 641 ~~paragraph (5)(b).~~

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

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

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

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

660 (3) STATE AGENCY DUTIES.-

661 (a) ~~For the purpose of completing the work activities~~
 662 ~~described in subsections (1) and (2), Each state agency shall~~
 663 ~~provide to the Agency for State Enterprise Information~~
 664 ~~Technology all requested information relating to its data~~
 665 ~~centers and computing facilities and any other information~~
 666 ~~relevant to the effective agency's ability to effectively~~
 667 ~~transition of a state agency data center or computing facility~~

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668 ~~its computer services into the state a primary data center. The~~
 669 ~~agency shall also participate as required in workgroups relating~~
 670 ~~to specific consolidation planning and implementation tasks as~~
 671 ~~assigned by the Agency for Enterprise Information Technology and~~
 672 ~~determined necessary to accomplish consolidation goals.~~

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

679 (4) SCHEDULE FOR CONSOLIDATIONS OF AGENCY DATA CENTERS.-

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

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

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

689 ~~2. The Department of Education's Division of Vocational~~
 690 ~~Rehabilitation.~~

691 ~~3. The Department of Education's Division of Blind~~
 692 ~~Services, except for the division's disaster recovery site in~~
 693 ~~Daytona Beach.~~

694 ~~4. The FCAT Explorer.~~

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

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697 ~~1. By September 30, 2011, the Department of Corrections.~~
 698 ~~2. By March 31, 2012, the Department of Transportation's~~
 699 ~~Burns Building.~~
 700 ~~3. By March 31, 2012, the Department of Transportation's~~
 701 ~~Survey & Mapping Office.~~
 702 ~~(d) By July 1, 2012, the Department of Highway Safety and~~
 703 ~~Motor Vehicles' Office of Commercial Vehicle Enforcement shall~~
 704 ~~be consolidated into the Northwood Shared Resource Center.~~
 705 ~~(e) By September 30, 2012, the Department of Revenue's~~
 706 ~~Carlton Building and Imaging Center locations shall be~~
 707 ~~consolidated into the Northwest Regional Data Center.~~
 708 ~~(f) During the 2012-2013 fiscal year, the following shall~~
 709 ~~be consolidated into the Northwood Shared Resource Center:~~
 710 ~~1. By July 1, 2012, the Agency for Health Care~~
 711 ~~Administration.~~
 712 ~~2. By August 31, 2012, the Department of Highway Safety and~~
 713 ~~Motor Vehicles.~~
 714 ~~3. By December 31, 2012, the Department of Environmental~~
 715 ~~Protection's Palmetto Commons.~~
 716 ~~4. By December 31, 2012, the Department of Health's Test~~
 717 ~~and Development Lab and all remaining data center resources~~
 718 ~~located at the Capital Circle Office Complex.~~
 719 ~~(g) During the 2013-2014 fiscal year, the following shall~~
 720 ~~be consolidated into the Southwood Shared Resource Center:~~
 721 ~~1. By October 31, 2013, the Department of Economic~~
 722 ~~Opportunity.~~
 723 ~~2. By December 31, 2013, the Executive Office of the~~
 724 ~~Governor, to include the Division of Emergency Management except~~
 725 ~~for the Emergency Operation Center's management system in~~

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726 Tallahassee and the Camp Blanding Emergency Operations Center in
 727 Starke.
 728 ~~3. By March 31, 2014, the Department of Elderly Affairs.~~
 729 ~~(h) By October 30, 2013, the Fish and Wildlife Conservation~~
 730 ~~Commission, except for the commission's Fish and Wildlife~~
 731 ~~Research Institute in St. Petersburg, shall be consolidated into~~
 732 ~~the Northwood Shared Resource Center.~~
 733 ~~(i) During the 2014-2015 fiscal year, the following~~
 734 ~~agencies shall work with the Agency for Enterprise Information~~
 735 ~~Technology to begin preliminary planning for consolidation into~~
 736 ~~a primary data center:~~
 737 ~~1. The Department of Health's Jacksonville Lab Data Center.~~
 738 ~~2. The Department of Transportation's district offices,~~
 739 ~~toll offices, and the District Materials Office.~~
 740 ~~3. The Department of Military Affairs' Camp Blanding Joint~~
 741 ~~Training Center in Starke.~~
 742 ~~4. The Camp Blanding Emergency Operations Center in Starke.~~
 743 ~~5. The Department of Education's Division of Blind Services~~
 744 ~~disaster recovery site in Daytona Beach.~~
 745 ~~6. The Department of Education's disaster recovery site at~~
 746 ~~Santa Fe College.~~
 747 ~~7. The Fish and Wildlife Conservation Commission's Fish and~~
 748 ~~Wildlife Research Institute in St. Petersburg.~~
 749 ~~8. The Department of Children and Family Services' Suncoast~~
 750 ~~Data Center in Tampa.~~
 751 ~~9. The Department of Children and Family Services' Florida~~
 752 ~~State Hospital in Chattahoochee.~~
 753 ~~(j) During the 2015-2016 fiscal year, all computing~~
 754 ~~resources remaining within an agency data center or computing~~

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755 ~~facility, to include the Department of Financial Services'~~
 756 ~~Hartman, Larson, and Fletcher Buildings data centers, shall be~~
 757 ~~transferred to a primary data center for consolidation unless~~
 758 ~~otherwise required to remain in the agency for specified~~
 759 ~~financial, technical, or business reasons that must be justified~~
 760 ~~in writing and approved by the Agency for Enterprise Information~~
 761 ~~Technology. Such data centers, computing facilities, and~~
 762 ~~resources must be identified by the Agency for Enterprise~~
 763 ~~Information Technology by October 1, 2014.~~

764 (b)(k) The Department of Law Enforcement, the Department of
 765 the Lottery's Gaming System, Systems Design and Development in
 766 the Office of Policy and Budget, the regional traffic management
 767 centers and the Office of Toll Operations of the Department of
 768 Transportation, and the State Board of Administration, state
 769 attorneys, public defenders, criminal conflict and civil
 770 regional counsel, capital collateral regional counsel, ~~the~~
 771 ~~Florida Clerks of Court Operations Corporation,~~ and the Florida
 772 Housing Finance Corporation are exempt from data center
 773 consolidation under this section.

774 (c)(1) A state ~~any~~ agency that is consolidating its agency
 775 data center or computing facility centers into the state a
 776 primary data center must execute a new or update an existing
 777 service-level agreement within 60 days after the commencement of
 778 service specified consolidation date, as required by s.
 779 282.201(2) s. 282.203, in order to specify the services and
 780 levels of service it is to receive from the state primary data
 781 center as a result of the consolidation. If the state an agency
 782 and the state primary data center are unable to execute a
 783 service-level agreement by that date, the agency ~~and the primary~~

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784 ~~data center~~ shall submit a report to the Executive Office of the
 785 Governor and to the chairs of the legislative appropriations
 786 committees within 5 working days after that date which explains
 787 the specific issues preventing execution and describing the plan
 788 and schedule for resolving those issues.

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

797 1. Whether the consolidation is on schedule, including
 798 progress on achieving the milestones necessary for successful
 799 and timely consolidation of scheduled agency data centers and
 800 computing facilities.

801 2. The risks that may affect the progress or outcome of the
 802 consolidation and how these risks are being addressed,
 803 mitigated, or managed.

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

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813 1. An inventory of the state agency data center's resources
 814 being consolidated, including all hardware and its associated
 815 life cycle replacement schedule, software, staff, contracted
 816 services, and facility resources performing data center
 817 management and operations, security, backup and recovery,
 818 disaster recovery, system administration, database
 819 administration, system programming, job control, production
 820 control, print, storage, technical support, help desk, and
 821 managed services, but excluding application development, and the
 822 state agency's costs supporting these resources.

823 2. A list of contracts in effect, including, but not
 824 limited to, contracts for hardware, software, and maintenance,
 825 which identifies the expiration date, the contract parties, and
 826 the cost of each contract.

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

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

832 4.5- A timetable with significant milestones for the
 833 completion of the consolidation.

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

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842 ~~must include-~~

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

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

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

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

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

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

864 (5) AGENCY LIMITATIONS.-

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

869 1. Create a new computing facility or data center, or
 870 expand the capability to support additional computer equipment

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871 in an existing state agency computing facility or ~~nonprimary~~
 872 data center;

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

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

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

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

888 (b) Exceptions to the limitations in subparagraphs (a)1.,
 889 2., 3., and 5. may be granted by the Agency for State Enterprise
 890 Information Technology if there is insufficient capacity in the
 891 state a ~~primary~~ data center to absorb the workload associated
 892 with agency computing services, if expenditures are compatible
 893 with ~~the scheduled consolidation and the standards established~~
 894 pursuant to s. 282.0051 ~~paragraph (2)(c)~~, or if the equipment or
 895 resources are needed to meet a critical agency business need
 896 that cannot be satisfied by ~~from surplus equipment or resources~~
 897 of the state ~~primary~~ data center until the agency data center is
 898 consolidated. The Agency for State Technology shall develop and
 899 publish the guidelines and required documentation that a state

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900 agency must comply with when requesting an exception. The
 901 agency's decision regarding the exception request is not subject
 902 to chapter 120.

903 ~~1. A request for an exception must be submitted in writing~~
 904 ~~to the Agency for Enterprise Information Technology. The agency~~
 905 ~~must accept, accept with conditions, or deny the request within~~
 906 ~~60 days after receipt of the written request. The agency's~~
 907 ~~decision is not subject to chapter 120.~~

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

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

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

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

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

924 ~~(d) Upon the termination of or transfer of agency computing~~
 925 ~~services from the primary data center, the primary data center~~
 926 ~~shall require information sufficient to determine compliance~~
 927 ~~with this section. If a primary data center determines that an~~
 928 ~~agency is in violation of this section, it shall report the~~

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929 violation to the Agency for Enterprise Information Technology.

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

933 Section 8. Section 282.203, Florida Statutes, is repealed.

934 Section 9. Section 282.204, Florida Statutes, is repealed.

935 Section 10. Section 282.205, Florida Statutes, is repealed.

936 Section 11. Section 282.318, Florida Statutes, is amended
 937 to read:

938 282.318 Enterprise security of data and information
 939 technology.—

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

942 ~~(2) Information technology security is established as an~~
 943 ~~enterprise information technology service as defined in s.~~
 944 ~~282.0041.~~

945 (2)(3) The Agency for State Enterprise Information
 946 Technology is responsible for establishing standards,
 947 guidelines, and processes by rule which are consistent with
 948 generally accepted best practices for information security and
 949 which ensure rules and publishing guidelines for ensuring an
 950 appropriate level of security for all data and information
 951 technology resources for executive branch agencies. The agency
 952 shall also perform the following duties and responsibilities:

953 (a) By June 30, 2015, develop, and annually update a
 954 statewide by February 1, an enterprise information security
 955 strategic plan that includes security goals and objectives for
 956 the strategic issues of information security policy, risk
 957 management, training, incident management, and survivability

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958 planning.

959 (b) Develop and publish an information security framework
 960 for use by state agencies which, at a minimum, includes
 961 guidelines and processes enterprise security rules and published
 962 guidelines for:

963 1. Developing and using a risk assessment methodology that
 964 will apply to state agencies to identify the priorities,
 965 constraints, risk tolerance, and assumptions.

966 2.1- Completing comprehensive risk assessments analyses and
 967 information security audits. Such assessments and audits shall
 968 be conducted by state agencies and reviewed by the Agency for
 969 State Technology conducted by state agencies.

970 3. Identifying protection procedures to manage the
 971 protection of a state agency's information, data, and
 972 information technology resources.

973 4. Detecting threats through proactive monitoring of
 974 events, continuous security monitoring, and specified detection
 975 processes.

976 5.2- Responding to suspected or confirmed information
 977 technology security incidents, including suspected or confirmed
 978 breaches of personal information containing confidential or
 979 exempt data.

980 6.3- Developing state agency strategic and operational
 981 information security plans required under this section,
 982 including strategic security plans and security program plans.

983 7.4- Recovering The recovery of information technology and
 984 data in response to a security incident following a disaster.
 985 The recovery may include recommended improvements to the
 986 processes, policies, or guidelines.

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987 ~~8.5-~~ Establishing The managerial, operational, and
 988 technical safeguards for protecting state government data and
 989 information technology resources which align with state agency
 990 risk management strategies for protecting the confidentiality,
 991 integrity, and availability of information technology and data.

992 9. Establishing procedures for accessing information
 993 technology resources and data in order to limit authorized
 994 users, processes, or devices to authorized activities and
 995 transactions.

996 10. Establishing asset management procedures to ensure that
 997 information technology resources are identified and consistently
 998 managed with their relative importance to business objectives.

999 (c) Assist state agencies in complying with ~~the provisions~~
 1000 ~~of~~ this section.

1001 ~~(d) Pursue appropriate funding for the purpose of enhancing~~
 1002 ~~domestic security.~~

1003 ~~(d)(e)~~ In collaboration with the Cybercrime Office in the
 1004 Department of Law Enforcement, provide training for state agency
 1005 information security managers.

1006 ~~(e)(f)~~ Annually review the strategic and operational
 1007 information security plans of state executive branch agencies.

1008 ~~(3)(4) To assist the Agency for Enterprise Information~~
 1009 ~~Technology in carrying out its responsibilities, Each state~~
 1010 ~~agency head shall, at a minimum:~~

1011 (a) Designate an information security manager who, for the
 1012 purposes of his or her information technology security duties,
 1013 shall report to the agency head and shall to administer the
 1014 information technology security program of the agency for its
 1015 data and information technology resources. This designation must

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1016 be provided annually in writing to the Agency for State
 1017 ~~Enterprise Information~~ Technology by January 1.

1018 (b) Submit annually to the Agency for State Enterprise
 1019 ~~Information~~ Technology ~~annually~~ by July 31, the state agency's
 1020 strategic and operational information security plans developed
 1021 pursuant to the rules and guidelines established by the Agency
 1022 for State Enterprise Information Technology.

1023 1. The state agency strategic information security plan
 1024 must cover a 3-year period and, at a minimum, define security
 1025 goals, intermediate objectives, and projected agency costs for
 1026 the strategic issues of agency information security policy, risk
 1027 management, security training, security incident response, and
 1028 survivability. The plan must be based on the statewide
 1029 ~~enterprise strategic~~ information security strategic plan created
 1030 by the Agency for State Enterprise Information Technology and
 1031 include performance metrics that can be objectively measured in
 1032 order to gauge the state agency's progress in meeting the
 1033 security goals and objectives identified in the strategic
 1034 information security plan. Additional issues may be included.

1035 2. The state agency operational information security plan
 1036 must include a progress report that objectively measures
 1037 progress made toward ~~for~~ the prior operational information
 1038 security plan and a project plan that includes activities,
 1039 timelines, and deliverables for security objectives that,
 1040 ~~subject to current resources,~~ the state agency will implement
 1041 during the current fiscal year. ~~The cost of implementing the~~
 1042 ~~portions of the plan which cannot be funded from current~~
 1043 ~~resources must be identified in the plan.~~

1044 (c) Conduct, and update every 3 years, a comprehensive risk

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1045 ~~assessment analysis~~ to determine the security threats to the
 1046 data, information, and information technology resources of the
 1047 state agency. The risk assessment must comply with the risk
 1048 assessment methodology developed by the Agency for State
 1049 Technology. The risk assessment analysis information is
 1050 confidential and exempt from ~~the provisions of s. 119.07(1),~~
 1051 except that such information shall be available to the Auditor
 1052 General, ~~and the Agency for State Enterprise Information~~
 1053 Technology, and the Cybercrime Office in the Department of Law
 1054 Enforcement for performing postauditing duties.

1055 (d) Develop, and periodically update, written internal
 1056 policies and procedures, ~~which include procedures for reporting~~
 1057 information technology security incidents and breaches to the
 1058 Cybercrime Office in the Department of Law Enforcement and
 1059 ~~notifying the Agency for State Enterprise Information Technology~~
 1060 ~~when a suspected or confirmed breach, or an information security~~
 1061 ~~incident, occurs.~~ Such policies and procedures must be
 1062 consistent with the rules, ~~and guidelines, and processes~~
 1063 established by the Agency for State Enterprise Information
 1064 Technology to ensure the security of the data, information, and
 1065 information technology resources of the state agency. The
 1066 internal policies and procedures that, if disclosed, could
 1067 facilitate the unauthorized modification, disclosure, or
 1068 destruction of data or information technology resources are
 1069 confidential information and exempt from s. 119.07(1), except
 1070 that such information shall be available to the Auditor General,
 1071 the Cybercrime Office in the Department of Law Enforcement, and
 1072 the Agency for State Enterprise Information Technology for
 1073 performing postauditing duties.

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1074 (e) Implement the managerial, operational, and technical
 1075 ~~appropriate cost-effective~~ safeguards established by the Agency
 1076 for State Technology to address identified risks to the data,
 1077 information, and information technology resources of the agency.

1078 (f) Ensure that periodic internal audits and evaluations of
 1079 the agency's security program for the data, information, and
 1080 information technology resources of the agency are conducted.
 1081 The results of such audits and evaluations are confidential
 1082 ~~information~~ and exempt from s. 119.07(1), except that such
 1083 information shall be available to the Auditor General, the
 1084 Cybercrime Office in the Department of Law Enforcement, and the
 1085 Agency for State Enterprise Information Technology for
 1086 performing postauditing duties.

1087 (g) Include appropriate security requirements in the
 1088 written specifications for the solicitation of information
 1089 technology and information technology resources and services,
 1090 which are consistent with the rules and guidelines established
 1091 by the Agency for State Enterprise Information Technology in
 1092 collaboration with the department.

1093 (h) Require that state agency employees complete the
 1094 security awareness training offered by the Agency for State
 1095 Technology in collaboration with the Cybercrime Office in the
 1096 Department of Law Enforcement. Coordinate with state agencies to
 1097 provide agency-specific security training aligned with the
 1098 agency operational information security plan. Provide security
 1099 ~~awareness training to employees and users of the agency's~~
 1100 ~~communication and information resources concerning information~~
 1101 ~~security risks and the responsibility of employees and users to~~
 1102 ~~comply with policies, standards, guidelines, and operating~~

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1103 ~~procedures adopted by the agency to reduce these risks.~~

1104 (i) Develop processes ~~a process~~ for detecting, reporting,
1105 and responding to information suspected or confirmed security
1106 threats or breaches or security incidents which are, ~~including~~
1107 ~~suspected or confirmed breaches~~ consistent with the security
1108 rules, and guidelines, and processes established by the Agency
1109 for State Enterprise Information Technology.

1110 1. All Suspected or confirmed information technology
1111 security incidents and breaches must be ~~immediately~~ reported to
1112 the Cybercrime Office in the Department of Law Enforcement and
1113 the Agency for State Enterprise Information Technology.

1114 2. For information technology security incidents involving
1115 breaches, agencies shall provide notice in accordance with s.
1116 817.5681 and to the Agency for Enterprise Information Technology
1117 in accordance with this subsection.

1118 ~~(5) Each state agency shall include appropriate security~~
1119 ~~requirements in the specifications for the solicitation of~~
1120 ~~contracts for procuring information technology or information~~
1121 ~~technology resources or services which are consistent with the~~
1122 ~~rules and guidelines established by the Agency for Enterprise~~
1123 ~~Information Technology.~~

1124 ~~(4)(6) The Agency for State Enterprise Information~~
1125 ~~Technology may adopt rules relating to information security and~~
1126 ~~to administer the provisions of this section.~~

1127 Section 12. Section 282.33, Florida Statutes, is repealed.

1128 Section 13. Effective upon this act becoming a law, section
1129 282.34, Florida Statutes, is repealed.

1130 Section 14. Subsections (1) and (2) of section 17.0315,
1131 Florida Statutes, are amended to read:

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1132 17.0315 Financial and cash management system; task force.-

1133 (1) The Chief Financial Officer, as the constitutional
1134 officer responsible for settling and approving accounts against
1135 the state and keeping all state funds pursuant to s. 4, Art. IV
1136 of the State Constitution, ~~is shall be~~ the head of and shall
1137 appoint members to a task force established to develop a
1138 strategic business plan for a successor financial and cash
1139 management system. The task force shall include the executive
1140 director of the Agency for State Enterprise Information
1141 Technology and the director of the Office of Policy and Budget
1142 in the Executive Office of the Governor. Any member of the task
1143 force may appoint a designee.

1144 (2) The strategic business plan for a successor financial
1145 and cash management system must:

1146 (a) Permit proper disbursement and auditing controls
1147 consistent with the respective constitutional duties of the
1148 Chief Financial Officer and the Legislature;

1149 (b) Promote transparency in the accounting of public funds;

1150 (c) Provide timely and accurate recording of financial
1151 transactions by agencies and their professional staffs;

1152 (d) Support executive reporting and data analysis
1153 requirements;

1154 (e) Be capable of interfacing with other systems providing
1155 human resource services, procuring goods and services, and
1156 providing other enterprise functions;

1157 (f) Be capable of interfacing with the existing legislative
1158 appropriations, planning, and budgeting systems;

1159 (g) Be coordinated with the information technology strategy
1160 development efforts of the Agency for State Enterprise

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1161 ~~Information Technology;~~

1162 (h) Be coordinated with the revenue estimating conference
1163 process as supported by the Office of Economic and Demographic
1164 Research; and

1165 (i) Address other such issues as the Chief Financial
1166 Officer identifies.

1167 Section 15. Subsection (1) of section 20.055, Florida
1168 Statutes, is reordered and amended to read:

1169 20.055 Agency inspectors general.—

1170 (1) As used in For the purposes of this section, the term:

1171 (d)(a) "State agency" means each department created
1172 pursuant to this chapter, ~~and also includes~~ the Executive Office
1173 of the Governor, the Department of Military Affairs, the Fish
1174 and Wildlife Conservation Commission, the Office of Insurance
1175 Regulation of the Financial Services Commission, the Office of
1176 Financial Regulation of the Financial Services Commission, the
1177 Public Service Commission, the Board of Governors of the State
1178 University System, the Florida Housing Finance Corporation, the
1179 Agency for State Technology, and the state courts system.

1180 (a)(b) "Agency head" means the Governor, a Cabinet officer,
1181 a secretary ~~as defined in s. 20.03(5)~~, or an executive director
1182 as those terms are defined in s. 20.03, 20.03(6). ~~It also~~
1183 ~~includes~~ the chair of the Public Service Commission, the
1184 Director of the Office of Insurance Regulation of the Financial
1185 Services Commission, the Director of the Office of Financial
1186 Regulation of the Financial Services Commission, the board of
1187 directors of the Florida Housing Finance Corporation, and the
1188 Chief Justice of the State Supreme Court.

1189 (c) "Individuals substantially affected" means natural

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1190 persons who have established a real and sufficiently immediate
1191 injury in fact due to the findings, conclusions, or
1192 recommendations of a final report of a state agency inspector
1193 general, who are the subject of the audit or investigation, and
1194 who do not have or are not currently afforded an existing right
1195 to an independent review process. The term does not apply to
1196 employees of the state, including career service, probationary,
1197 other personal service, Selected Exempt Service, and Senior
1198 Management Service employees; ~~are not covered by this~~
1199 ~~definition. This definition also does not cover~~ former employees
1200 of the state if the final report of the state agency inspector
1201 general relates to matters arising during a former employee's
1202 term of state employment; ~~or. This definition does not apply to~~
1203 persons who are the subject of audits or investigations
1204 conducted pursuant to ss. 112.3187-112.31895 or s. 409.913 or
1205 which are otherwise confidential and exempt under s. 119.07.

1206 (b)(d) "Entities contracting with the state" means for-
1207 profit and not-for-profit organizations or businesses that have
1208 ~~having~~ a legal existence, such as corporations or partnerships,
1209 as opposed to natural persons, which have entered into a
1210 relationship with a state agency ~~as defined in paragraph (a)~~ to
1211 provide for consideration certain goods or services to the state
1212 agency or on behalf of the state agency. The relationship may be
1213 evidenced by payment by warrant or purchasing card, contract,
1214 purchase order, provider agreement, or other such mutually
1215 agreed upon relationship. The term This definition does not
1216 apply to entities that which are the subject of audits or
1217 investigations conducted pursuant to ss. 112.3187-112.31895 or
1218 s. 409.913 or which are otherwise confidential and exempt under

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1219 s. 119.07.

1220 Section 16. Paragraph (e) of subsection (2) of section
1221 110.205, Florida Statutes, is amended to read:

1222 110.205 Career service; exemptions.—

1223 (2) EXEMPT POSITIONS.—The exempt positions that are not
1224 covered by this part include the following:

1225 (e) The Chief Information Officer in the Agency for State
1226 ~~Enterprise Information~~ Technology. Unless otherwise fixed by
1227 law, the Agency for State ~~Enterprise Information~~ Technology
1228 shall set the salary and benefits of this position in accordance
1229 with the rules of the Senior Management Service.

1230 Section 17. Subsections (2) and (9) of section 215.322,
1231 Florida Statutes, are amended to read:

1232 215.322 Acceptance of credit cards, charge cards, debit
1233 cards, or electronic funds transfers by state agencies, units of
1234 local government, and the judicial branch.—

1235 (2) A state agency as defined in s. 216.011, or the
1236 judicial branch, may accept credit cards, charge cards, debit
1237 cards, or electronic funds transfers in payment for goods and
1238 services with the prior approval of the Chief Financial Officer.
1239 If the Internet or other related electronic methods are to be
1240 used as the collection medium, the Agency for State ~~Enterprise~~
1241 ~~Information~~ Technology shall review and recommend to the Chief
1242 Financial Officer whether to approve the request with regard to
1243 the process or procedure to be used.

1244 (9) For payment programs in which credit cards, charge
1245 cards, or debit cards are accepted by state agencies, the
1246 judicial branch, or units of local government, the Chief
1247 Financial Officer, in consultation with the Agency for State

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1248 ~~Enterprise Information~~ Technology, may adopt rules to establish
1249 uniform security safeguards for cardholder data and to ensure
1250 compliance with the Payment Card Industry Data Security
1251 Standards.

1252 Section 18. Subsection (2) of section 215.96, Florida
1253 Statutes, is amended to read:

1254 215.96 Coordinating council and design and coordination
1255 staff.—

1256 (2) The coordinating council shall consist of the Chief
1257 Financial Officer; the Commissioner of Agriculture; the Attorney
1258 General; the secretary of the Department of Management Services;
1259 the executive director of the Agency for State Technology ~~the~~
1260 ~~Attorney General~~; and the Director of Planning and Budgeting,
1261 Executive Office of the Governor, or their designees. The Chief
1262 Financial Officer, or his or her designee, shall be chair of the
1263 ~~coordinating~~ council, and the design and coordination staff
1264 shall provide administrative and clerical support to the council
1265 and the board. The design and coordination staff shall maintain
1266 the minutes of each meeting and ~~shall~~ make such minutes
1267 available to any interested person. The Auditor General, the
1268 State Courts Administrator, an executive officer of the Florida
1269 Association of State Agency Administrative Services Directors,
1270 and an executive officer of the Florida Association of State
1271 Budget Officers, or their designees, shall serve without voting
1272 rights as ex officio members ~~of~~ on the ~~coordinating~~ council. The
1273 chair may call meetings of the ~~coordinating~~ council as often as
1274 necessary to transact business; however, the ~~coordinating~~
1275 council ~~must~~ shall meet at least annually once a year. Action of
1276 the ~~coordinating~~ council shall be by motion, duly made, seconded

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1277 and passed by a majority of the ~~coordinating~~ council voting in
1278 the affirmative for approval of items that are to be recommended
1279 for approval to the Financial Management Information Board.

1280 Section 19. Paragraph (a) of subsection (4) of section
1281 216.023, Florida Statutes, is amended to read:

1282 216.023 Legislative budget requests to be furnished to
1283 Legislature by agencies.—

1284 (4) (a) The legislative budget request ~~must contain~~ for each
1285 program must contain:

1286 1. The constitutional or statutory authority for a program,
1287 a brief purpose statement, and approved program components.

1288 2. Information on expenditures for 3 fiscal years (actual
1289 prior-year expenditures, current-year estimated expenditures,
1290 and agency budget requested expenditures for the next fiscal
1291 year) by appropriation category.

1292 3. Details on trust funds and fees.

1293 4. The total number of positions (authorized, fixed, and
1294 requested).

1295 5. An issue narrative describing and justifying changes in
1296 amounts and positions requested for current and proposed
1297 programs for the next fiscal year.

1298 6. Information resource requests.

1299 7. Supporting information, including applicable cost-
1300 benefit analyses, business case analyses, performance
1301 contracting procedures, service comparisons, and impacts on
1302 performance standards for any request to outsource or privatize
1303 agency functions. The cost-benefit and business case analyses
1304 must include an assessment of the impact on each affected
1305 activity from those identified in accordance with paragraph (b).

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1306 Performance standards must include standards for each affected
1307 activity and be expressed in terms of the associated unit of
1308 activity.

1309 8. An evaluation of ~~any~~ major outsourcing and privatization
1310 initiatives undertaken during the last 5 fiscal years having
1311 aggregate expenditures exceeding \$10 million during the term of
1312 the contract. The evaluation must ~~shall~~ include an assessment of
1313 contractor performance, a comparison of anticipated service
1314 levels to actual service levels, and a comparison of estimated
1315 savings to actual savings achieved. Consolidated reports issued
1316 by the Department of Management Services may be used to satisfy
1317 this requirement.

1318 9. Supporting information for any proposed consolidated
1319 financing of deferred-payment commodity contracts including
1320 guaranteed energy performance savings contracts. Supporting
1321 information must also include narrative describing and
1322 justifying the need, baseline for current costs, estimated cost
1323 savings, projected equipment purchases, estimated contract
1324 costs, and return on investment calculation.

1325 10. For projects that exceed \$10 million in total cost, the
1326 statutory reference of the existing policy or the proposed
1327 substantive policy that establishes and defines the project's
1328 governance structure, planned scope, main business objectives
1329 that must be achieved, and estimated completion timeframes. The
1330 governance structure for information technology-related projects
1331 requested by a state agency must incorporate the applicable
1332 project management and oversight standards established under s.
1333 282.0051. Information technology budget requests for the
1334 continuance of existing hardware and software maintenance

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1335 agreements, renewal of existing software licensing agreements,
1336 or the replacement of desktop units with new technology that is
1337 similar to the technology currently in use are exempt from this
1338 requirement.

1339 Section 20. Subsection (22) of section 287.057, Florida
1340 Statutes, is amended to read:

1341 287.057 Procurement of commodities or contractual
1342 services.—

1343 (22) The department, in consultation with the Chief
1344 Financial Officer and the Agency for State Technology, shall
1345 maintain a program for the online procurement of commodities and
1346 contractual services. To enable the state to promote open
1347 competition and leverage its buying power, agencies shall
1348 participate in the online procurement program, and eligible
1349 users may participate in the program. Only vendors prequalified
1350 as meeting mandatory requirements and qualifications criteria
1351 may participate in online procurement.

1352 (a) The department, in consultation with the Agency for
1353 State Technology, may contract for equipment and services
1354 necessary to develop and implement online procurement.

1355 (b) The department shall adopt rules to administer the
1356 program for online procurement. The rules must include, but not
1357 be limited to:

1358 1. Determining the requirements and qualification criteria
1359 for prequalifying vendors.

1360 2. Establishing the procedures for conducting online
1361 procurement.

1362 3. Establishing the criteria for eligible commodities and
1363 contractual services.

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1364 4. Establishing the procedures for providing access to
1365 online procurement.

1366 5. Determining the criteria warranting ~~any~~ exceptions to
1367 participation in the online procurement program.

1368 (c) The department may impose and shall collect all fees
1369 for the use of the online procurement systems.

1370 1. The fees may be imposed on an individual transaction
1371 basis or as a fixed percentage of the cost savings generated. At
1372 a minimum, the fees must be set in an amount sufficient to cover
1373 the projected costs of the services, including administrative
1374 and project service costs in accordance with the policies of the
1375 department.

1376 2. If the department contracts with a provider for online
1377 procurement, the department, pursuant to appropriation, shall
1378 compensate the provider from the fees after the department has
1379 satisfied all ongoing costs. The provider shall report
1380 transaction data to the department each month so that the
1381 department may determine the amount due and payable to the
1382 department from each vendor.

1383 3. All fees that are due and payable to the state on a
1384 transactional basis or as a fixed percentage of the cost savings
1385 generated are subject to s. 215.31 and must be remitted within
1386 40 days after receipt of payment for which the fees are due. For
1387 fees that are not remitted within 40 days, the vendor shall pay
1388 interest at the rate established under s. 55.03(1) on the unpaid
1389 balance from the expiration of the 40-day period until the fees
1390 are remitted.

1391 4. All fees and surcharges collected under this paragraph
1392 shall be deposited in the Operating Trust Fund as provided by

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1393 law.

1394 Section 21. Subsection (4) of section 445.011, Florida

1395 Statutes, is amended to read:

1396 445.011 Workforce information systems.—

1397 (4) Workforce Florida, Inc., shall coordinate development

1398 and implementation of workforce information systems with the

1399 executive director of the Agency for State Enterprise

1400 ~~Information~~ Technology to ensure compatibility with the state's

1401 information system strategy and enterprise architecture.

1402 Section 22. Subsections (2) and (4) of section 445.045,

1403 Florida Statutes, are amended to read:

1404 445.045 Development of an Internet-based system for

1405 information technology industry promotion and workforce

1406 recruitment.—

1407 (2) Workforce Florida, Inc., shall coordinate with the

1408 Agency for State Enterprise Information Technology and the

1409 Department of Economic Opportunity to ensure links, where

1410 feasible and appropriate, to existing job information websites

1411 maintained by the state and state agencies and ~~to ensure~~ that

1412 information technology positions offered by the state and state

1413 agencies are posted on the information technology website.

1414 (4)(a) Workforce Florida, Inc., shall coordinate

1415 development and maintenance of the website under this section

1416 with the executive director of the Agency for State Enterprise

1417 ~~Information~~ Technology to ensure compatibility with the state's

1418 information system strategy and enterprise architecture.

1419 (b) Workforce Florida, Inc., may enter into an agreement

1420 with the Agency for State Enterprise Information Technology, the

1421 Department of Economic Opportunity, or any other public agency

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1422 with the requisite information technology expertise for the

1423 provision of design, operating, or other technological services

1424 necessary to develop and maintain the website.

1425 (c) Workforce Florida, Inc., may procure services necessary

1426 to implement ~~the provisions of~~ this section, if it employs

1427 competitive processes, including requests for proposals,

1428 competitive negotiation, and other competitive processes that ~~to~~

1429 ensure that the procurement results in the most cost-effective

1430 investment of state funds.

1431 Section 23. Paragraph (b) of subsection (18) of section

1432 668.50, Florida Statutes, is amended to read:

1433 668.50 Uniform Electronic Transaction Act.—

1434 (18) ACCEPTANCE AND DISTRIBUTION OF ELECTRONIC RECORDS BY

1435 GOVERNMENTAL AGENCIES.—

1436 (b) To the extent that a governmental agency uses

1437 electronic records and electronic signatures under paragraph

1438 (a), the Agency for State Enterprise Information Technology, in

1439 consultation with the governmental agency, giving due

1440 consideration to security, may specify:

1441 1. The manner and format in which the electronic records

1442 must be created, generated, sent, communicated, received, and

1443 stored and the systems established for those purposes.

1444 2. If electronic records must be signed by electronic

1445 means, the type of electronic signature required, the manner and

1446 format in which the electronic signature must be affixed to the

1447 electronic record, and the identity of, or criteria that must be

1448 met by, any third party used by a person filing a document to

1449 facilitate the process.

1450 3. Control processes and procedures as appropriate to

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1451 ensure adequate preservation, disposition, integrity, security,
1452 confidentiality, and auditability of electronic records.

1453 4. Any other required attributes for electronic records
1454 which are specified for corresponding nonelectronic records or
1455 reasonably necessary under the circumstances.

1456 Section 24. Section 943.0415, Florida Statutes, is amended
1457 to read:

1458 943.0415 Cybercrime Office.—~~The Cybercrime Office~~ There is
1459 created within the Department of Law Enforcement ~~the Cybercrime~~
1460 ~~Office~~. The office may:

1461 (1) Investigate violations of state law pertaining to the
1462 sexual exploitation of children which are facilitated by or
1463 connected to the use of any device capable of storing electronic
1464 data.

1465 (2) Monitor information technology resources and provide
1466 analysis on information technology security incidents, threats,
1467 or breaches as those terms are defined in s. 282.0041.

1468 (3) Investigate violations of state law pertaining to
1469 information technology security incidents, threats, or breaches
1470 pursuant to s. 282.0041 and assist in incident response and
1471 recovery.

1472 (4) Provide security awareness training and information to
1473 state agency employees concerning cyber security, online sexual
1474 exploitation of children, security risks, and the responsibility
1475 of employees to comply with policies, standards, guidelines, and
1476 operating procedures adopted by the Agency for State Technology.

1477 (5) Consult with the Agency for State Technology in the
1478 adoption of rules relating to the information technology
1479 security provisions of s. 282.318.

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1480 Section 25. Section 1004.649, Florida Statutes, is amended
1481 to read:

1482 1004.649 Northwest Regional Data Center.—

1483 (1) For the purpose of providing data center services to
1484 ~~servng~~ its state agency customers, the Northwest Regional Data
1485 Center at Florida State University is designated as a primary
1486 data center and shall:

1487 (a) Operate under a governance structure that represents
1488 its customers proportionally.

1489 (b) Maintain an appropriate cost-allocation methodology
1490 that accurately bills state agency customers based solely on the
1491 actual direct and indirect costs of the services provided to
1492 state agency customers, and ensures that for any fiscal year a
1493 state agency customer is not subsidizing a ~~prohibits the~~
1494 ~~subsidization of~~ nonstate agency customer or another state
1495 agency customer customers' costs by state agency customers. Such
1496 cost-allocation methodology must comply with applicable state
1497 and federal requirements concerning the distribution and use of
1498 state and federal funds.

1499 (c) Enter into a service-level agreement with each state
1500 agency customer to provide services as defined and approved by
1501 the governing board of the center. At a minimum, such service-
1502 level agreements must:

1503 1. Identify the parties and their roles, duties, and
1504 responsibilities under the agreement;

1505 2. State the duration of the agreement term and specify the
1506 conditions for renewal;

1507 3. Identify the scope of work;

1508 4. Establish the services to be provided, the business

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1509 standards that must be met for each service, the cost of each
1510 service, and the process by which the business standards for
1511 each service are to be objectively measured and reported;

1512 5. Provide a timely billing methodology for recovering the
1513 cost of services provided pursuant to s. 215.422; ~~and~~

1514 6. Provide a procedure for modifying the service-level
1515 agreement to address any changes in projected costs of service;

1516 7. Prohibit the transfer of computing services between the
1517 Northwest Regional Data Center and the state data center
1518 established under s. 282.201 without at least 180 days' notice
1519 of service cancellation;

1520 8. Identify the products or services to be delivered with
1521 sufficient specificity to permit an external financial or
1522 performance audit; and

1523 9. Provide that the service-level agreement may be
1524 terminated by either party for cause only after giving the other
1525 party notice in writing of the cause for termination and an
1526 opportunity for the other party to resolve the identified cause
1527 within a reasonable period.

1528 (d) Provide to the Board of Governors the total annual
1529 budget by major expenditure category, including, but not limited
1530 to, salaries, expenses, operating capital outlay, contracted
1531 services, or other personnel services by July 30 each fiscal
1532 year.

1533 (e) Provide to each state agency customer its projected
1534 annual cost for providing the agreed-upon data center services
1535 by September 1 each fiscal year.

1536 (f) Provide a plan for consideration by the Legislative
1537 Budget Commission if the governing body of the center approves

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1538 the use of a billing rate schedule after the start of the fiscal
1539 year that increases any state agency customer's costs for that
1540 fiscal year.

1541 (2) The Northwest Regional Data Center's designation as a
1542 primary data center for purposes of serving its state agency
1543 customers may be terminated if:

1544 (a) The center requests such termination to the Board of
1545 Governors, the Senate President, and the Speaker of the House of
1546 Representatives; or

1547 (b) The center fails to comply with ~~the provisions of this~~
1548 section.

1549 (3) If such designation is terminated, the center shall
1550 have 1 year to provide for the transition of its state agency
1551 customers to the state data center system established under s.
1552 282.201 ~~Southwood Shared Resource Center or the Northwood Shared~~
1553 ~~Resource Center.~~

1554 Section 26. The Agency for Enterprise Information
1555 Technology in the Executive Office of the Governor is
1556 transferred by a type two transfer, pursuant to s. 20.06,
1557 Florida Statutes, to the Agency for State Technology established
1558 pursuant to s. 20.61, Florida Statutes, except that the only
1559 rules that are transferred are chapters 71A-1 and 71A-2, Florida
1560 Administrative Code. All other rules adopted by the Agency for
1561 Enterprise Information Technology are nullified and of no
1562 further force or effect.

1563 Section 27. The Northwood Shared Resource Center in the
1564 Department of Management Services is transferred by a type two
1565 transfer, pursuant to s. 20.06, Florida Statutes, to the Agency
1566 for State Technology established pursuant to s. 20.61, Florida

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1567 Statutes.

1568 Section 28. The Southwood Shared Resource Center in the
 1569 Department of Management Services is transferred by a type two
 1570 transfer, pursuant to s. 20.06, Florida Statutes, to the Agency
 1571 for State Technology established pursuant to s. 20.61, Florida
 1572 Statutes.

1573 Section 29. The Agency for State Technology shall:

1574 (1) Complete a feasibility study that analyzes, evaluates,
 1575 and provides recommendations for managing state government data
 1576 in a manner that promotes its interoperability and openness and,
 1577 if legally permissible and not cost prohibitive, ensures that
 1578 such data is available to the public in ways that make the data
 1579 easy to find and use, and complies with chapter 119, Florida
 1580 Statutes. At a minimum, the feasibility study must include the
 1581 following components:

1582 (a) A clear description of which state government data
 1583 should be public information. The guiding principle for this
 1584 component is a presumption of openness to the extent permitted
 1585 by law but subject to valid restrictions relating to privacy,
 1586 confidentiality, and security, and other fiscal and legal
 1587 restrictions.

1588 (b) Recommended standards for making the format and
 1589 accessibility of public information uniform and ensuring that
 1590 such data is published in a nonproprietary, searchable,
 1591 sortable, platform-independent, and machine-readable format. The
 1592 agency should include the projected cost to state agencies of
 1593 implementing and maintaining such standards.

1594 (c) A project plan for implementing a single Internet
 1595 website that contains public information or links to public

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1596 information. The plan should include a timeline and benchmarks
 1597 for making public information available online and identify any
 1598 costs associated with the development and ongoing maintenance of
 1599 such a website.

1600 (d) A recommended governance structure and review and
 1601 compliance process to ensure accountability on the part of those
 1602 who create, maintain, manage, or store public information or
 1603 post it on the single Internet website. The agency should
 1604 include any associated costs to implement and maintain the
 1605 recommended governance structure and the review and compliance
 1606 process.

1607 (2) Submit the completed feasibility study to the Executive
 1608 Office of the Governor, the President of the Senate, and the
 1609 Speaker of the House of Representatives by June 1, 2015.

1610 Section 30. The State Data Center Task Force is created.
 1611 The task force shall be comprised of those individuals who were
 1612 members of the boards of trustees of the Northwood and Southwood
 1613 Shared Resource Centers as of June 30, 2014. The purpose of the
 1614 task force is to provide assistance in the transition of the
 1615 Northwood and Southwood Shared Resource Centers into the state
 1616 data center established under s. 282.201, Florida Statutes. The
 1617 task force shall identify any operational or fiscal issues
 1618 affecting the transition and provide recommendations to the
 1619 Agency for State Technology for the resolution of such issues.
 1620 The task force may not make decisions regarding the state data
 1621 center or the facilities formerly known as the Northwood and
 1622 Southwood Shared Resource Centers and shall expire on or before
 1623 June 30, 2015.

1624 Section 31. For the 2014-2015 fiscal year, the sum of

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1625 \$2,134,892 in nonrecurring general revenue funds, \$2,865,108 in
1626 recurring general revenue funds, and 25 full-time equivalent
1627 positions and associated salary rate of 2,010,951 are
1628 appropriated to the Agency for State Technology for the purpose
1629 of implementing and administering this act.

1630 Section 32. Except as otherwise expressly provided in this
1631 act and except for this section, which shall take effect upon
1632 this act becoming a law, this act shall take effect July 1,
1633 2014.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/5/04
Meeting Date

Topic Bill

Bill Number 7024
(if applicable)

Name Frank Merrens

Amendment Barcode _____
(if applicable)

Job Title _____

Address PO Box 1633
Street

Phone (850) 591-0177

Tall FL 32301
City State Zip

E-mail frank@chqmail.com

Speaking: For Against Information

Representing Assoc. Incl. of FL

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
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(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/5/14

Meeting Date

Topic State Technology

Bill Number SPB 7024
(if applicable)

Name Leticia M Adams

Amendment Barcode _____
(if applicable)

Job Title Senior Policy Director

Address 136 S. Bronough St.
Street

Phone 850 544-6866

Tall FL 32301
City State Zip

E-mail ladams@flchamber.com

Speaking: For Against Information

Representing Florida Chamber of Commerce

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: SB 604

INTRODUCER: Senator Ring

SUBJECT: Florida State Employees' Charitable Campaign

DATE: February 3, 2014 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McVaney/Jones	McVaney	GO	Favorable
2.			RC	

I. Summary:

SB 604 allows state officers and employees to donate to the Florida State Employees' Charitable Campaign (FSECC) at agency fundraising events without designating specific organizations to receive the funds. The bill provides that the FSECC's fiscal agent must distribute these "undesigned" funds to participating charitable organizations in direct proportion to the percentage of designated funds or pledges received by the organization.

The bill removes the statutory requirement to establish local steering committees in each fiscal agent area.

II. Present Situation:

The FSECC, maintained by the Department of Management Services (DMS), is the annual charitable fundraising drive directed toward state employees.¹ State officers and employees may voluntarily donate moneys, including payroll deductions, to nonprofit charitable organizations participating in the FSECC.²

The FSECC Prior to 2012

Prior to 2012, state law did not require state officers and employees who contribute to the FSECC to designate a specific participating charitable organization to receive the donation. The method to distribute undesigned funds to participating charities required a separate application process. Local steering committees were established to direct the allocation of funds that were not otherwise designated to a specific charitable organization. According to the DMS, this method for distributing "undesigned" funds was administratively complex and inefficient.³

¹ Section 110.181(1)(a), F.S.

² Section 110.181(1)(b), F.S.

³ Department of Management Services, *Senate Bill 604 Agency Analysis* (Jan. 21, 2014) (on file with the Senate Committee on Governmental Oversight and Accountability).

The FSECC Presently

Section 110.181, F.S., was amended in 2012 to eliminate the ability of state officers and employees to contribute funds without designating a specific organization as the recipient. Current law, effective July 1, 2012, requires state officers and employees to designate a specific participating charitable organization to receive such contributions.⁴ No funds should be contributed unless the recipient organization has been designated. As a result, the process to distribute “undesigned” funds is no longer necessary.⁵

Requiring state officers and employees to designate a specific charitable organization as the recipient was expected to reduce litigation and state staff time involved in the process used to allocate “undesigned” funds.⁶ However, the DMS now believes that many of the efficiencies gained by this “designation” requirement have been offset by the need to develop new processes to collect designated funds at agency FSECC fundraising events. At FSECC fundraising events, employees must designate a specific charitable organization as the recipient by filling out a separate form with a minimum donation of five dollars in order to minimize administrative costs of processing the donation.⁷ Since many agency FSECC fundraising events are intended to accommodate the collection of small, one-time contributions, the DMS has determined it is not cost effective to individually track and process these designations.⁸

Current law also requires the creation of local steering committees composed of state employees in each fiscal agent area to assist in conducting the campaign.⁹ While the original role of the local steering committee was to determine how “undesigned” funds raised for the FSECC were distributed, the current statutory role is limited to assist the fiscal agent in conducting the campaign.¹⁰

III. Effect of Proposed Changes:

This bill allows state officers and employees to contribute undesigned funds to the FSECC at agency fundraising events. The bill amends section 110.181(2)(d), F.S., to provide a method to distribute undesigned funds to charitable organizations. It requires the FSECC’s fiscal agent to distribute the undesigned funds to each participating charitable organization in direct proportion to the percentage of designated funds or pledges received by the organization. For example, if a charitable organization receives 15 percent of the designated funds to the FSECC, that charity will receive 15 percent of the undesigned funds.

This bill deletes the requirement that local steering committees be created to assist the fiscal agent in conducting the FSECC.

⁴ *Id.*

⁵ See Chapter 2012-215, s. 9, Laws of Fla.

⁶ Florida House of Representatives, *CS/CS/CS/CS/HB 1261 Final Bill Analysis* (May 11, 2012).

⁷ Rule 60L-39.009, F.A.C.

⁸ DMS Analysis, *supra* note 4.

⁹ Section 110.181(2)(d), F.S.

¹⁰ DMS Analysis, *supra* note 4.

The effective date of the bill is July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 110.181 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Ring

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1 A bill to be entitled
 2 An act relating to the Florida State Employees'
 3 Charitable Campaign; amending s. 110.181, F.S.;
 4 providing an exception to the requirement that state
 5 officers and employees designate a charitable
 6 organization to receive contributions from the Florida
 7 State Employees' Charitable Campaign; providing for
 8 the distribution of undesignated funds by the fiscal
 9 agent; removing the requirement that a local steering
 10 committee be established in each fiscal agent area;
 11 providing an effective date.
 12
 13 Be It Enacted by the Legislature of the State of Florida:
 14
 15 Section 1. Subsections (1) and (2) of section 110.181,
 16 Florida Statutes, are amended to read:
 17 110.181 Florida State Employees' Charitable Campaign.—
 18 (1) CREATION AND ORGANIZATION OF CAMPAIGN.—
 19 (a) The Department of Management Services shall establish
 20 and maintain, in coordination with the payroll system of the
 21 Department of Financial Services, an annual Florida State
 22 Employees' Charitable Campaign. Except as provided in subsection
 23 (5), this annual fundraising drive is the only authorized
 24 charitable fundraising drive directed toward state employees
 25 within work areas during work hours, and for which the state
 26 will provide payroll deduction.
 27 (b) State officers' and employees' contributions toward the
 28 Florida State Employees' Charitable Campaign must be entirely
 29 voluntary. State officers and employees making contributions

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30 ~~shall must~~ designate a charitable organization to receive their
 31 ~~such contributions, unless such contributions are collected as~~
 32 part of a campaign event.
 33 (c) Participation in the annual Florida State Employees'
 34 Charitable Campaign ~~is must be~~ limited to any nonprofit
 35 charitable organization ~~that which~~ has as its principal mission:
 36 1. Public health and welfare;
 37 2. Education;
 38 3. Environmental restoration and conservation;
 39 4. Civil and human rights; or
 40 5. ~~Any nonprofit charitable organization engaged in~~ The
 41 relief of human suffering and poverty.
 42 (d) An independent, unaffiliated agency must be a statewide
 43 entity whose programs provide year-round substantial, direct,
 44 hands-on services that meet basic human or environmental needs
 45 ~~and extend throughout the year and throughout the state.~~
 46 (e) An international service agency must have well-defined
 47 programs that meet basic human or environmental needs outside
 48 the United States with no duplication of existing programs.
 49 (f) A national agency must demonstrate, through a well-
 50 defined program, the provision of direct services that meet
 51 ~~meeting~~ basic human or environmental needs and which are readily
 52 available, being administered, or providing a substantial,
 53 direct benefit to the residents of this state.
 54 (g) The financial records of a ~~Any~~ nonprofit charitable
 55 organization participating in the Florida State Employees'
 56 Charitable Campaign ~~shall be must have its financial records~~
 57 audited annually by an independent public accountant whose
 58 examination conforms to generally accepted accounting

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59 principles.

60 (h) Organizations ineligible to participate in the Florida
61 State Employees' Charitable Campaign include, but are not
62 limited to, the following:

63 1. Organizations whose fundraising and administrative
64 expenses exceed 25 percent, unless extraordinary circumstances
65 can be demonstrated.

66 2. Organizations whose activities contain an element that
67 is more than incidentally political in nature or whose
68 activities are primarily political, religious, professional, or
69 fraternal in nature.

70 3. Organizations that which discriminate against any
71 individual or group on account of race, color, religion, sex,
72 national origin, age, handicap, or political affiliation.

73 4. Organizations not properly registered as a charitable
74 organization as required by the Solicitation of Contributions
75 Act, ss. 496.401-496.424.

76 5. Organizations that which have not received tax-exempt
77 status under s. 501(c)(3) of the, Internal Revenue Code.

78 (2) SELECTION OF FISCAL AGENTS; COST.—

79 (a) The Department of Management Services shall select
80 through the competitive procurement process a fiscal agent or
81 agents to receive, account for, and distribute charitable
82 contributions among participating charitable organizations.

83 (b) The fiscal agent shall withhold the reasonable costs
84 for conducting the campaign and for accounting and distribution
85 to the participating organizations and shall reimburse the
86 department the actual cost for coordinating the campaign in
87 accordance with the rules of the department. In any fiscal year

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88 ~~that in which~~ the Legislature specifically appropriates to the
89 department its total costs for coordinating the campaign from
90 the General Revenue Fund, the fiscal agent is not required to
91 reimburse such costs to the department under this subsection.
92 Otherwise, reimbursement will be the difference between actual
93 costs and the amount appropriated.

94 (c) The fiscal agent shall furnish to the department and
95 participating charitable organizations a report on ~~of~~ the
96 accounting and distribution activities. Records relating to
97 these activities must ~~shall~~ be open for inspection upon
98 reasonable notice and request.

99 (d) The fiscal agent shall distribute undesignated funds to
100 each participating charitable organization in direct proportion
101 to the percentage of designated funds or pledges received by the
102 organization ~~A local steering committee shall be established in~~
103 ~~each fiscal agent area to assist in conducting the campaign. The~~
104 ~~committee shall be composed of state employees selected by the~~
105 ~~fiscal agent from among recommendations provided by interested~~
106 ~~participating organizations, if any, and approved by the~~
107 ~~Statewide Steering Committee.~~

108 Section 2. This act shall take effect July 1, 2014.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/5/14
Meeting Date

Topic FSECC

Bill Number SB 604
(if applicable)

Name Martene Williams

Amendment Barcode _____
(if applicable)

Job Title Legislative Affairs Director

Address 4050 Esplanade Way
Street
Tallahassee FL 32309
City State Zip

Phone 850-487-7001

E-mail martene.williams@dms
myflorida.com

Speaking: For Against Information

Representing Department of Management Services

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

CourtSmart Tag Report

Room: KN 412

Case:

Caption: Senate Governmental Oversight and Accountability Committee

Type:

Judge:

Started: 2/5/2014 2:01:34 PM

Ends: 2/5/2014 2:14:51 PM **Length:** 00:13:18

2:01:36 PM Meeting called to order, roll call
2:02:01 PM Turn meeting over to Sen. Hays
2:02:06 PM Tab 1, SPB 7024 - State Technology (Sen. Ring presenting committee bill)
2:03:55 PM Amendment barcode 525332
2:04:55 PM Amendment adopted
2:05:30 PM Amendment barcode 744548
2:05:39 PM Amendment adopted
2:06:00 PM Amendment barcode 879444
2:06:40 PM Amendment adopted
2:07:03 PM Amendment barcode 708674
2:07:22 PM Amendment adopted
2:07:29 PM Amendment barcode 313930
2:07:41 PM Amendment adopted
2:08:05 PM Amendment barcode 468956
2:08:28 PM Amendment adopted
2:08:45 PM Amendment barcode 122778
2:08:53 PM Amendment adopted
2:09:09 PM Frank Meiners, Associated Industries of Florida
2:10:17 PM Close on bill (Sen. Ring)
2:11:57 PM Roll call on motion to submit as committee bill
2:13:02 PM Tab 2 - SB 604 Florida State Employees Charitable Campaign (Sen. Ring)
2:14:18 PM Waive close
2:14:21 PM Roll call on SB 604
2:14:28 PM Sen. Montford moves we rise