

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 Appropriations

BILL: CS/SB 928

INTRODUCER: Appropriations Committee (Recommended by Appropriations Subcommittee on General Government) and Governmental Oversight and Accountability Committee

SUBJECT: State Technology

DATE: March 13, 2014 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	McKay	McVaney		GO SPB 7024 as introduced
1.	Wilson	DeLoach	AGG	Fav/CS
2.	Wilson	Kynoch	AP	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 928 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, \$3,563,573 in recurring general revenue funds, \$1,095,005 in nonrecurring general revenue funds, and 25 full time equivalent positions with associated salary rate of 2,083,481 are appropriated to the AST, in this bill.

For the 2014-2015 fiscal year, \$144,870 in recurring general revenue funds, \$7,546 in nonrecurring general revenue funds, and 2 full time equivalent positions with associated salary rate of 93,120 are appropriated to the Florida Department of Law Enforcement, 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;
- 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 ch. 282, F.S., specifies the duties of the AEIT and state agencies regarding IT management. Section 282.0041(1), F.S., defines “agency” the same as ins. 216.011(1)(qq), F.S.:

“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.

¹ Chapter 2007-105, Laws of Florida.

² Section 14.204, Florida Statutes.

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

The AEIT adopted 34 administrative rules under the following chapters:

- Chapter 71-1, F.A.C., *Confirmation and Delegation of Authority*, effective July 13, 2009;
- Chapter 71A-1, F.A.C., *Florida Information Technology Resource Security Policies and Standards*, effective November 15, 2010; and
- Chapter 71A-2, F.A.C., *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, F.A.C., *Enterprise E-mail Service*; and
- Chapter 71B-2, F.A.C., *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 that 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

³ Chapter 2008-116, Laws of Florida.

⁴ Chapter 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.

⁸ Chapter 2008-116, L.O.F.

⁹ Section 282.0041(17), F.S.

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
- 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

¹⁰ Section 282.0041(7), F.S.

¹¹ Section 282.201(2), F.S.

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.

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;
 - 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.

¹⁴ Chapter 2011-50, L.O.F.

¹⁵ Chapter 2012-142, L.O.F.

The Implementing Bill for the 2013-2014 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 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;

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.

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.

- 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 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 (AEIT).

Section 2 creates in s. 20.61, F.S., the Agency for State Technology (AST) within the Department of Management Services (DMS) for administrative purposes only. The AST must develop, implement, and manage state enterprise information technology services. The executive director of the AST, 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, standards and opportunities for public-private partnerships. 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. The definition excludes the university boards and state universities. For part I of chapter 282, F.S., only, the definition excludes the Department of Legal Affairs, the Department of Agriculture and Consumer Affairs and the Department of Financial Services. This new definition of "state agency" is not linked to the definition in Chapter 216, F.S., 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. The bill revises and adds technology definitions.

Section 4 creates s. 282.0051, F.S., to specify the duties and functions of the AST. Specific duties, functions and in some cases, specific delivery dates of the AST are as follows:

- Develop state technology policy for the management of state information technology (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 the DMS in establishing best practices for the procurement of IT products and services;
- Review all information technology purchases over \$250,000;
- Participate by evaluating, conducting, and negotiating competitive solicitations for state term contracts with the DMS for IT products and services;
- Establish standards for state agency IT 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;
- Collaborate with the Department of Law Enforcement to develop a process to manage information technology security issues;
- Conduct an annual market analysis of IT services;
- 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;
- Provide alternatives for state agencies where compliance with AST standards, policies or requirements risk loss of federal funding; and
- Adopt rules.

If the Department of Financial Services, Department of Legal Affairs, and Department of Agriculture and Consumer Services implement a technology project with a total cost of \$25 million or more that affects another state agency, they are subject to the oversight IT architecture standards, project management standards, and IT reporting standards 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.

Section 5 creates s. 282.0515, F.S., and provides 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 regard to IT architecture standards, project management standards, and IT reporting, or adopt alternative standards based on industry best practices in these three areas.

Section 6 creates s. 282.0591, F.S., which specifies that the term for IT consultant services, staff augmentations, or commodities state term contracts will not exceed 48 months unless the AST, Department of Management Services and the Executive Office of the Governor determine a longer term is in the best interest of the state.

Sections 7 and 8 repeal ss. 282.0055 and 282.0056, F.S., which specified AEIT duties with regards to the assignment of information technology resources, and development of a work plan, respectively.

Section 9 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 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 10, 11, and 12 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 13 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 14 and 15 repeal 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 16 amends s. 17.0315, F.S., to make terminology changes consistent with shifting duties from AEIT to AST.

Section 17 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 18 and 19 amend ss. 110.205 and 215.322, F.S., respectively, to make terminology changes.

Section 20 amends s. 215.96 F.S., to add the executive director of the AST to the FMIS coordinating council.

Section 21 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 22 through 25 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 26 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 27 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 28 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 29 and 30 transfer the NSRC and the SSRC to the AST by type two transfer.

Section 31 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 32 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.

Sections 33 through 38 appropriate funds and create budget entities, for the 2014-2015 fiscal year; appropriations are provided for \$3,563,573 in recurring general revenue funds and \$1,095,005 in nonrecurring general revenue funds, and 25 full time equivalent positions are authorized with associated salary rate of 2,083,481 to the AST. For the 2014-2015 fiscal year; appropriations are made for \$144,870 in recurring general revenue funds and \$7,546 in nonrecurring general revenue funds, and two full time equivalent positions are authorized with associated salary rate of 93,120 to the Department of Law Enforcement.

Section 39 requires the AST to contract with a third party to complete a security risk assessment of the State Data Center and state agency customers. The assessment must include existing security practices, evaluate industry best practices, provide recommendations and prioritize the identified gaps in order of relative importance to the state agency customers' business objectives. The assessment will be funded \$500,000 from nonrecurring general revenue and must be submitted to legislative leaders and the Executive Office of the Governor by June 30, 2015.

Section 40 requires the AST to complete an operational assessment that standardizes the operational processes, identifies staff resource duplication, and provide recommendation for reorganization of the State Data Center. The recommendation must be submitted to legislative leaders and the Executive Office of the Governor by February 1, 2015.

Section 41 specifies that the transfers of the NSRC and SSRC authorized in Sections 29 and 30 do not require Legislative Budget Approval.

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 2014-2015 fiscal year, CS/SB 928 appropriates to the AST \$3,563,573 in recurring general revenue funds, \$1,095,005 in nonrecurring general revenue funds, and 25 full time equivalent positions with associated salary rate of 2,083,481.

For the 2014-2015 fiscal year, \$144,870 in recurring general revenue funds, \$7,546 in nonrecurring general revenue funds, and two full time equivalent positions with associated salary rate of 93,120 are appropriated to the Florida Department of Law Enforcement, in this bill.

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: 17.0315, 20.055, 110.205, 215.322, 215.96, 216.023, 282.0041, 282.201, 282.318, 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 Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Appropriations on March 13, 2014:

The CS:

- Clarifies and specifies the funding approach for the AST; appropriates recurring general revenue of \$3,563,573, non-recurring general revenue of \$1,095,005 and 25 full time positions to the AST.
- Appropriates \$144,870 of recurring general revenue, \$7,546 of nonrecurring general revenue, and two positions to the Florida Department of Law Enforcement to support new duties defined in the bill related to cybercrime.
- Provides for the AST to complete an operational assessment of the state data center and a security risk assessment on state information technology resources by June 2015.
- Revises the duties of the Technology Advisory Council to include the consideration of private-public partnerships and defines a process for the cabinet to appoint a member to the council.
- Revises the definition of “State Agency” to exclude the Department of Financial Services, Department of Legal Affairs, and the Department of Agriculture and Consumer Services. Clarifies technical definitions.
- Requires AST provide project oversight for any information technology projects of the Department of Financial Services, Department of Legal Affairs, or Department of

Agriculture and Consumer Services that have a total project cost of \$25 million or more.

- Provides the time frames by which certain new duties of the agency are to be completed.
- Clarifies the responsibilities of the agency as related to the procurement of information technology products and services.
- Provides that state term contracts for information technology commodities, consultant services, or staff augmentation services will not exceed 48 months unless a longer term is in the best interest of the state.

B. Amendments:

None.