

Amendment No.

CHAMBER ACTION

Senate

House

.

The Conference Committee on HB 5301 offered the following:

Conference Committee Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (1) and subsection (2) of section 20.61, Florida Statutes, is amended to read:

20.61 Agency for State Technology.—The Agency for State Technology is created within the Department of Management Services. The agency is a separate budget program and is not subject to control, supervision, or direction by the Department of Management Services, including, but not limited to, purchasing, transactions involving real or personal property, personnel, or budgetary matters.

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14 (1)

15 (b) The executive director must be a proven, effective
16 administrator with at least 10 years of ~~who preferably has~~
17 executive-level experience in either ~~both~~ the public or ~~and~~
18 private sector ~~sectors~~ in development and implementation of
19 information technology strategic planning; management of
20 enterprise information technology projects, particularly
21 management of large-scale consolidation projects; and
22 development and implementation of fiscal and substantive
23 information technology policy.

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

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

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

35 ~~(c) Chief operations officer.~~

36 ~~(b)-(d)~~ Chief information security officer. The executive
37 director of the Agency for State Technology shall appoint a
38 chief information security officer who must have experience and

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39 expertise in security and risk management for communications and
40 information technology resources.

41 ~~(c) Chief technology officer.~~

42 Section 2. Subsection (9) of section 216.292, Florida
43 Statutes, is renumbered as subsection (8), and present
44 subsection (8) of that section is amended to read:

45 216.292 Appropriations nontransferable; exceptions.—

46 ~~(8) Notwithstanding subsections (2), (3), and (4), and for~~
47 ~~the 2015-2016 fiscal year only, the Agency for State Technology,~~
48 ~~with the approval of the Executive Office of the Governor, and~~
49 ~~after 14 days prior notice, may transfer up to \$2.5 million of~~
50 ~~recurring funds from the Working Capital Trust Fund within the~~
51 ~~Agency for State Technology between appropriations categories~~
52 ~~for operations, as needed, to realign funds, based upon the~~
53 ~~final report of the third party assessment required by January~~
54 ~~15, 2016, to begin migration of cloud-ready applications at the~~
55 ~~State Data Center to a cloud solution that complies with all~~
56 ~~applicable federal and state security and privacy requirements,~~
57 ~~to the extent feasible within available resources, while~~
58 ~~continuing to provide computing services for existing data~~
59 ~~center applications, until those applications can be cloud-~~
60 ~~ready. Such transfers are subject to the notice and objection~~
61 ~~provisions of s. 216.177. This subsection expires July 1, 2016.~~

62 Section 3. Section 282.0041, Florida Statutes, is amended
63 to read:

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64 282.0041 Definitions.—As used in this chapter, the term:

65 (1) "Agency data center" means agency space containing 10
66 or more physical or logical servers.

67 (2) "Breach" has the same meaning as provided in s.
68 501.171 ~~means a confirmed event that compromises the~~
69 ~~confidentiality, integrity, or availability of information or~~
70 ~~data.~~

71 (3) "Business continuity plan" means a collection of
72 procedures and information designed to keep an agency's critical
73 operations running during a period of displacement or
74 interruption of normal operations.

75 (4) "Cloud computing" has the same meaning as provided in
76 Special Publication 800-145 issued by the National Institute of
77 Standards and Technology.

78 (5) "Computing facility" or "agency computing facility"
79 means agency space containing fewer than a total of 10 physical
80 or logical servers, but excluding single, logical-server
81 installations that exclusively perform a utility function such
82 as file and print servers.

83 (6)~~(5)~~ "Customer entity" means an entity that obtains
84 services from the Agency for State Technology ~~state data center.~~

85 (7)~~(6)~~ "Department" means the Department of Management
86 Services.

87 (8)~~(7)~~ "Disaster recovery" means the process, policies,
88 procedures, and infrastructure related to preparing for and

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89 implementing recovery or continuation of an agency's vital
90 technology infrastructure after a natural or human-induced
91 disaster.

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

96 (9) "Event" means an observable occurrence in a system or
97 network.

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

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

113 (12) "Information technology policy" means a definite

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114 course or method of action selected from among one or more
115 alternatives that guide and determine present and future
116 decisions.

117 (13) "Information technology resources" has the same
118 meaning as provided in s. 119.011.

119 (14) "Information technology security" means the
120 protection afforded to an automated information system in order
121 to attain the applicable objectives of preserving the integrity,
122 availability, and confidentiality of data, information, and
123 information technology resources.

124 (15) "Performance metrics" means the measures of an
125 organization's activities and performance.

126 (16) "Project" means an endeavor that has a defined start
127 and end point; is undertaken to create or modify a unique
128 product, service, or result; and has specific objectives that,
129 when attained, signify completion.

130 (17) "Project oversight" means an independent review and
131 analysis of an information technology project that provides
132 information on the project's scope, completion timeframes, and
133 budget and that identifies and quantifies issues or risks
134 affecting the successful and timely completion of the project.

135 (18) "Risk assessment" means the process of identifying
136 security risks, determining their magnitude, and identifying
137 areas needing safeguards.

138 (19) "Service level" means the key performance indicators

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139 (KPI) of an organization or service which must be regularly
140 performed, monitored, and achieved.

141 (20) "Service-level agreement" means a written contract
142 between the Agency for State Technology ~~state data center~~ and a
143 customer entity which specifies the scope of services provided,
144 service level, the duration of the agreement, the responsible
145 parties, and service costs. A service-level agreement is not a
146 rule pursuant to chapter 120.

147 (21) "Stakeholder" means a person, group, organization, or
148 state agency involved in or affected by a course of action.

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

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

160 (24) "SUNCOM Network" means the state enterprise
161 telecommunications system that provides all methods of
162 electronic or optical telecommunications beyond a single
163 building or contiguous building complex and used by entities

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164 authorized as network users under this part.

165 (25) "Telecommunications" means the science and technology
166 of communication at a distance, including electronic systems
167 used in the transmission or reception of information.

168 (26) "Threat" means any circumstance or event that has the
169 potential to adversely impact a state agency's operations or
170 assets through an information system via unauthorized access,
171 destruction, disclosure, or modification of information or
172 denial of service.

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

176 Section 4. Section 282.0051, Florida Statutes, is amended
177 to read:

178 282.0051 Agency for State Technology; powers, duties, and
179 functions.—The Agency for State Technology shall have the
180 following powers, duties, and functions:

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

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

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

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

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

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

206 (d) Project management documentation, including, but not
207 limited to, operational work plans, project spend plans, and
208 project status reports, for use by state agencies.

209 (e) Content, format, and frequency of project updates.

210 (4) (a) Review state agency project oversight deliverables
211 and provide recommendations as necessary to the Governor, the
212 President of the Senate, and the Speaker of the House of
213 Representatives for the improvement of state agency information

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214 technology projects and project oversight. Except as otherwise
215 provided by law, state agencies shall submit project oversight
216 deliverables to the Agency for State Technology for Beginning
217 ~~January 1, 2015, perform project oversight on all state agency~~
218 ~~information technology projects that have total project costs of~~
219 ~~\$10 million or more and that are funded in the General~~
220 ~~Appropriations Act or any other law. The agency shall report at~~
221 ~~least quarterly to the Executive Office of the Governor, the~~
222 ~~President of the Senate, and the Speaker of the House of~~
223 ~~Representatives on any information technology project that the~~
224 ~~agency identifies as high risk due to the project exceeding~~
225 ~~acceptable variance ranges defined and documented in a project~~
226 ~~plan. The report must include a risk assessment, including~~
227 ~~fiscal risks, associated with proceeding to the next stage of~~
228 ~~the project, and a recommendation for corrective actions~~
229 ~~required, including suspension or termination of the project.~~

230 (b) Review project oversight deliverables that are
231 submitted to the agency by the Department of Financial Services,
232 the Department of Legal Affairs, and the Department of
233 Agriculture and Consumer Services for information technology
234 projects that have total project costs of \$25 million or more
235 and that impact one or more other agencies and provide
236 recommendations as necessary to the Governor, the President of
237 the Senate, and the Speaker of the House of Representatives for
238 the improvement of such projects and project oversight.

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239 (c) If an information technology project implemented by a
240 state agency must be connected to or otherwise accommodated by
241 an information technology system administered by the Department
242 of Financial Services, the Department of Legal Affairs, or the
243 Department of Agriculture and Consumer Services, consult with
244 the department regarding the risks and other effects of such
245 project on their information technology system and work
246 cooperatively with the department regarding the connections,
247 interfaces, timing, or accommodations required to implement such
248 project.

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

260 (6) In collaboration with the Department of Management
261 Services, recommend ~~establish~~ best practices for the procurement
262 of cloud computing services ~~information technology products~~ in
263 order to reduce costs, increase quality of services

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264 ~~productivity, or improve data center services. Such practices~~
265 ~~must include a provision requiring the agency to review all~~
266 ~~information technology purchases made by state agencies that~~
267 ~~have a total cost of \$250,000 or more, unless a purchase is~~
268 ~~specifically mandated by the Legislature, for compliance with~~
269 ~~the standards established pursuant to this section.~~

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

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

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

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

283 ~~(9)(10) Beginning July 1, 2016, and annually thereafter,~~
284 Conduct annual assessments of state agencies to determine
285 compliance with all information technology standards and
286 guidelines developed and published by the agency, and ~~beginning~~
287 ~~December 1, 2016, and annually thereafter,~~ provide results of
288 the assessments to the Executive Office of the Governor, the

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289 President of the Senate, and the Speaker of the House of
290 Representatives.

291 ~~(10)-(11)~~ Provide operational management and oversight of
292 the state data center established pursuant to s. 282.201, which
293 includes:

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

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

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

311 1. Implementing a consolidated administrative support
312 structure responsible for providing financial management,
313 procurement, transactions involving real or personal property,

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314 human resources, and operational support.

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

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

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

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

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

337 7. Standardizing and consolidating procurement and
338 contracting practices.

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

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

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

357 ~~(11)-(12)~~ Recommend other information technology services
358 that should be designed, delivered, and managed as enterprise
359 information technology services. Recommendations must include
360 the identification of existing information technology resources
361 associated with the services, if existing services must be
362 transferred as a result of being delivered and managed as
363 enterprise information technology services.

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

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

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

382 ~~(b) When performing the project oversight function~~
383 ~~specified in paragraph (a), report at least quarterly to the~~
384 ~~Executive Office of the Governor, the President of the Senate,~~
385 ~~and the Speaker of the House of Representatives on any~~
386 ~~information technology project that the agency identifies as~~
387 ~~high-risk due to the project exceeding acceptable variance~~
388 ~~ranges defined and documented in the project plan. The report~~

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389 ~~shall include a risk assessment, including fiscal risks,~~
390 ~~associated with proceeding to the next stage of the project and~~
391 ~~a recommendation for corrective actions required, including~~
392 ~~suspension or termination of the project.~~

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

403 ~~(13)(17)~~ If adherence to standards or policies adopted by
404 or established pursuant to this section causes conflict with
405 federal regulations or requirements imposed on a state agency
406 and results in adverse action against the state agency or
407 federal funding, work with the state agency to provide
408 alternative standards, policies, or requirements that do not
409 conflict with the federal regulation or requirement. Each
410 ~~Beginning July 1, 2015,~~ the agency shall ~~annually~~ report such
411 alternative standards to the Governor, the President of the
412 Senate, and the Speaker of the House of Representatives.

413 ~~(14)(18)~~ In collaboration with the Department of

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414 Management Services:

415 (a) Establish an information technology policy for all
416 information technology-related state contracts, including state
417 term contracts for information technology commodities,
418 consultant services, and staff augmentation services. The
419 information technology policy must include:

420 1. Identification of the information technology product
421 and service categories to be included in state term contracts.

422 2. Requirements to be included in solicitations for state
423 term contracts.

424 3. Evaluation criteria for the award of information
425 technology-related state term contracts.

426 4. The term of each information technology-related state
427 term contract.

428 5. The maximum number of vendors authorized on each state
429 term contract.

430 (b) Evaluate vendor responses for state term contract
431 solicitations and invitations to negotiate.

432 (c) Answer vendor questions on state term contract
433 solicitations.

434 (d) Ensure that the information technology policy
435 established pursuant to paragraph (a) is included in all
436 solicitations and contracts which are administratively executed
437 by the department.

438 ~~(15)-(19)~~ Adopt rules to administer this section.

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439 Section 5. Section 282.00515, Florida Statutes, is amended
440 to read:

441 282.00515 Duties of Cabinet agencies.—

442 (1) The Department of Legal Affairs, the Department of
443 Financial Services, and the Department of Agriculture and
444 Consumer Services shall adopt the standards established in s.
445 282.0051(2) and, (3), ~~and (8)~~ or adopt alternative standards
446 based on best practices and industry standards, and may contract
447 with the Agency for State Technology to provide or perform any
448 of the services and functions described in s. 282.0051 for the
449 Department of Legal Affairs, the Department of Financial
450 Services, or the Department of Agriculture and Consumer
451 Services.

452 (2) Beginning January 1, 2018, and notwithstanding any
453 other law, the Department of Financial Services, the Department
454 of Legal Affairs, and the Department of Agriculture and Consumer
455 Services shall submit project oversight deliverables to the
456 Agency for State Technology for all information technology
457 projects with a total project cost of \$25 million or more and
458 which impact one or more other agencies. Such information
459 technology projects must also comply with the project management
460 and oversight standards established by the agency.

461 Section 6. Section 282.201, Florida Statutes, is amended
462 to read:

463 282.201 State data center.—The state data center is

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464 established within the Agency for State Technology and shall
465 provide data center services that are either hosted on premises
466 or hosted externally through a third-party cloud computing
467 provider, whichever option meets the operational needs at the
468 best cost and service levels as verified by a customer entity ~~as~~
469 ~~an enterprise information technology service~~. The provision of
470 services must comply with applicable state and federal laws,
471 regulations, and policies, including all applicable security,
472 privacy, and auditing requirements. The Executive Director of
473 the Agency for State Technology shall appoint a director of the
474 state data center who has experience in leading data center
475 facilities and expertise in cloud computing management.

476 (1) USE OF THE STATE DATA CENTER.—

477 (a) The following are exempt from the use of the state
478 data center: the Department of Law Enforcement, the Department
479 of the Lottery's gaming system, systems design and development
480 in the Office of Policy and Budget, the regional traffic
481 management centers that manage the computerized traffic systems
482 and control devices described in s. 335.14(2) and toll
483 operations of the Department of Transportation, the State Board
484 of Administration, state attorneys, public defenders, criminal
485 conflict and civil regional counsels, capital collateral
486 regional counsels, and the Florida Housing Finance Corporation.

487 (b) Unless exempt from use of the state data center
488 pursuant to this section or as authorized by the Legislature, a

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489 state agency may not:

490 1. Create a new agency computing facility or data center
491 or expand the capability to support additional computer
492 equipment in an existing agency computing facility or data
493 center; or

494 2. Terminate services with the state data center without
495 giving written notice to the center of intent to terminate
496 services at least 180 days before such termination.

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. Unless~~
504 ~~otherwise exempt by law, it is the intent of the Legislature~~
505 ~~that all agency data centers and computing facilities shall be~~
506 ~~consolidated into the state data center.~~

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

508 (a) Develop and implement appropriate operating guidelines
509 and procedures that are necessary for the state data center to
510 perform its duties pursuant to this subsection and that comply
511 with applicable state and federal laws, regulations, and
512 policies and that conform to generally accepted governmental
513 accounting and auditing standards.

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

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

521 (d)~~(e)~~ Develop and implement a business continuity plan
522 and a disaster recovery plan, and each ~~beginning~~ July 1, 2015,
523 ~~and annually thereafter,~~ conduct a live exercise of each plan.

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

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

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

535 3. Identify the scope of work.

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

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

544 6. Provide a timely billing methodology to recover the
545 cost of services provided to the customer entity pursuant to s.
546 215.422.

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

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

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

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

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

563 ~~(g)(f)~~ Assume administrative access rights to resources

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564 and equipment, including servers, network components, and other
565 devices, consolidated into the state data center.

566 1. Upon consolidating into the state data center ~~the date~~
567 ~~of each consolidation specified in this section, the General~~
568 ~~Appropriations Act, or any other law,~~ a state agency shall
569 relinquish administrative rights to consolidated resources and
570 equipment. State agencies required to comply with federal and
571 state criminal justice information security rules and policies
572 shall retain administrative access rights sufficient to comply
573 with the management control provisions of those rules and
574 policies; however, the state data center shall have the
575 appropriate type or level of rights to allow the center to
576 comply with its duties pursuant to this section. The Department
577 of Law Enforcement shall serve as the arbiter of disputes
578 pertaining to the appropriate type and level of administrative
579 access rights pertaining to the provision of management control
580 in accordance with the federal criminal justice information
581 guidelines.

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

587 (h) Use cloud computing services with third-party
588 providers instead of purchasing, financing, leasing, or

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589 upgrading state data center infrastructure, when a cost benefit
590 analysis verified by the customer entity validates that a cloud
591 computing service provider can reduce customer entity data
592 center costs while delivering the same or improved levels of
593 service and meets or exceeds the applicable state and federal
594 standards for information technology security.

595 (i) Submit a report on the use of cloud computing by state
596 agency customer entities no later than November 15 of each even-
597 numbered year to the Governor, the President of the Senate, the
598 Speaker of the House of Representatives, and the Agency for
599 State Technology. The report must include cloud computing usage
600 by customer entity that provided cost savings and other
601 benefits, such as improved service levels and security
602 enhancements. Each state agency shall cooperate with the Agency
603 for State Technology in the creation of the report by providing
604 timely and accurate information and any assistance required by
605 the department.

606 ~~(3) STATE AGENCY DUTIES.—~~

607 ~~(a) Each state agency shall provide to the Agency for~~
608 ~~State Technology all requested information relating to its data~~
609 ~~centers and computing facilities and any other information~~
610 ~~relevant to the effective transition of an agency data center or~~
611 ~~computing facility into the state data center.~~

612 ~~(b) Each state agency customer of the state data center~~
613 ~~shall notify the state data center, by May 31 and November 30 of~~

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614 ~~each year, of any significant changes in anticipated utilization~~
615 ~~of state data center services pursuant to requirements~~
616 ~~established by the state data center.~~

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

618 ~~(a) Consolidations of agency data centers and computing~~
619 ~~facilities into the state data center shall be made by the dates~~
620 ~~specified in this section and in accordance with budget~~
621 ~~adjustments contained in the General Appropriations Act.~~

622 ~~(b) During the 2013-2014 fiscal year, the following state~~
623 ~~agencies shall be consolidated by the specified date:~~

624 ~~1. By October 31, 2013, the Department of Economic~~
625 ~~Opportunity.~~

626 ~~2. By December 31, 2013, the Executive Office of the~~
627 ~~Governor, to include the Division of Emergency Management except~~
628 ~~for the Emergency Operation Center's management system in~~
629 ~~Tallahassee and the Camp Blanding Emergency Operations Center in~~
630 ~~Starke.~~

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

632 ~~4. By October 30, 2013, the Fish and Wildlife Conservation~~
633 ~~Commission, except for the commission's Fish and Wildlife~~
634 ~~Research Institute in St. Petersburg.~~

635 ~~(c) The following are exempt from state data center~~
636 ~~consolidation under this section: the Department of Law~~
637 ~~Enforcement, the Department of the Lottery's Gaming System,~~
638 ~~Systems Design and Development in the Office of Policy and~~

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639 ~~Budget, the regional traffic management centers as described in~~
640 ~~s. 335.14(2) and the Office of Toll Operations of the Department~~
641 ~~of Transportation, the State Board of Administration, state~~
642 ~~attorneys, public defenders, criminal conflict and civil~~
643 ~~regional counsel, capital collateral regional counsel, and the~~
644 ~~Florida Housing Finance Corporation.~~

645 ~~(d) A state agency that is consolidating its agency data~~
646 ~~center or computing facility into the state data center must~~
647 ~~execute a new or update an existing service-level agreement~~
648 ~~within 60 days after the commencement of the service. If a state~~
649 ~~agency and the state data center are unable to execute a~~
650 ~~service-level agreement by that date, the agency shall submit a~~
651 ~~report to the Executive Office of the Governor within 5 working~~
652 ~~days after that date which explains the specific issues~~
653 ~~preventing execution and describing the plan and schedule for~~
654 ~~resolving those issues.~~

655 ~~(e) Each state agency scheduled for consolidation into the~~
656 ~~state data center shall submit a transition plan to the Agency~~
657 ~~for State Technology by July 1 of the fiscal year before the~~
658 ~~fiscal year in which the scheduled consolidation will occur.~~
659 ~~Transition plans shall be developed in consultation with the~~
660 ~~state data center and must include:~~

661 ~~1. An inventory of the agency data center's resources~~
662 ~~being consolidated, including all hardware and its associated~~
663 ~~life cycle replacement schedule, software, staff, contracted~~

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664 ~~services, and facility resources performing data center~~
665 ~~management and operations, security, backup and recovery,~~
666 ~~disaster recovery, system administration, database~~
667 ~~administration, system programming, job control, production~~
668 ~~control, print, storage, technical support, help desk, and~~
669 ~~managed services, but excluding application development, and the~~
670 ~~agency's costs supporting these resources.~~

671 ~~2. A list of contracts in effect, including, but not~~
672 ~~limited to, contracts for hardware, software, and maintenance,~~
673 ~~which identifies the expiration date, the contract parties, and~~
674 ~~the cost of each contract.~~

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

678 ~~4. A timetable with significant milestones for the~~
679 ~~completion of the consolidation.~~

680 ~~(f) Each state agency scheduled for consolidation into the~~
681 ~~state data center shall submit with its respective legislative~~
682 ~~budget request the specific recurring and nonrecurring budget~~
683 ~~adjustments of resources by appropriation category into the~~
684 ~~appropriate data processing category pursuant to the legislative~~
685 ~~budget request instructions in s. 216.023.~~

686 ~~(5) AGENCY LIMITATIONS.—~~

687 ~~(a) Unless exempt from data center consolidation pursuant~~
688 ~~to this section or authorized by the Legislature or as provided~~

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689 ~~in paragraph (b), a state agency may not:~~

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

694 ~~2. Spend funds before the state agency's scheduled~~
695 ~~consolidation into the state data center to purchase or modify~~
696 ~~hardware or operations software that does not comply with~~
697 ~~standards established by the Agency for State Technology~~
698 ~~pursuant to s. 282.0051;~~

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

701 ~~4. Terminate services with the state data center without~~
702 ~~giving written notice of intent to terminate services 180 days~~
703 ~~before such termination; or~~

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

706 ~~(b) Exceptions to the limitations in subparagraphs (a)1.,~~
707 ~~2., 3., and 5. may be granted by the Agency for State Technology~~
708 ~~if there is insufficient capacity in the state data center to~~
709 ~~absorb the workload associated with agency computing services,~~
710 ~~if expenditures are compatible with the standards established~~
711 ~~pursuant to s. 282.0051, or if the equipment or resources are~~
712 ~~needed to meet a critical agency business need that cannot be~~
713 ~~satisfied by the state data center. The Agency for State~~

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714 ~~Technology shall establish requirements that a state agency must~~
715 ~~follow when submitting and documenting a request for an~~
716 ~~exception. The Agency for State Technology shall also publish~~
717 ~~guidelines for its consideration of exception requests. However,~~
718 ~~the decision of the Agency for State Technology regarding an~~
719 ~~exception request is not subject to chapter 120.~~

720 Section 7. Section 282.206, Florida Statutes, is created
721 to read:

722 282.206 Information technology management; state
723 agencies.—

724 (1) By May 31 and November 30 of each year, each state
725 agency customer entity shall notify the state data center of any
726 significant changes in anticipated use of state data center
727 services, including the status of agency applications supported
728 by the state data center which are planned for replacement or
729 migration to cloud computing service providers, pursuant to
730 requirements established by the state data center.

731 (2) Each state agency customer entity shall develop a plan
732 to be updated annually to address its applications located at
733 the state data center. Each agency shall submit the plan by
734 November 1 of each year to the Office of Policy and Budget in
735 the Executive Office of the Governor and to the chair of the
736 appropriations committee of each house of the Legislature. The
737 plan must include an inventory of its applications at the state
738 data center, and, for each application that may begin migration

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739 activities, the plan shall include:

740 (a) The recommended strategy for migration to a third party
741 cloud computing service provider.

742 (b) A proposed project and budget estimate to implement
743 the migration.

744 (c) Validation in a cost benefit analysis that a third-
745 party cloud computing service provider can reduce customer
746 entity data center costs, deliver the same or improved levels of
747 service, and meet or exceed the applicable state and federal
748 standards for information technology security.

749 (3) A state agency customer entity shall use a third-party
750 cloud computing service provider in developing, upgrading, or
751 purchasing software when a cost benefit analysis confirms that a
752 cloud computing service can deliver the same or improved levels
753 of service and meets or exceeds the applicable state and federal
754 standards for information technology security.

755 Section 8. Florida Cybersecurity Task Force.-

756 (1) There is created the Florida Cybersecurity Task Force
757 to review and conduct an assessment of the state's cybersecurity
758 infrastructure, governance, and operations.

759 (2) The Florida Cybersecurity Task Force shall consist of
760 the following members:

761 (a) A representative of the computer crime center of the
762 Florida Department of Law Enforcement who shall be appointed by
763 the executive director of the department.

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764 (b) A representative of the fusion center of the Florida
765 Department of Law Enforcement who shall be appointed by the
766 executive director of the department.

767 (c) The chief information security officer of the Agency
768 for State Technology.

769 (d) A representative of the Division of Telecommunications
770 of the Department of Management Services who shall be appointed
771 by the secretary of the department.

772 (e) A representative of the Division of Emergency
773 Management in the Executive Office of the Governor who shall be
774 appointed by the director of the division.

775 (f) A representative of the Office of the Chief Inspector
776 General in the Executive Office of the Governor who shall be
777 appointed by the Chief Inspector General.

778 (3) The task force shall elect a chair from among its
779 members.

780 (4) The task force shall convene by October 1, 2017, and
781 shall meet as necessary, but at least quarterly, at the call of
782 the chair. The Department of Law Enforcement shall provide
783 administrative support to the task force.

784 (5) The task force shall:

785 (a) Recommend methods to secure the state's network
786 systems and data, including standardized plans and procedures to
787 identify developing threats and to prevent unauthorized access
788 and destruction of data.

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789 (b) Identify and recommend remediation, if necessary, of
790 high-risk cybersecurity issues facing state government.

791 (c) Recommend a process to regularly assess cybersecurity
792 infrastructure and activities of executive branch agencies.

793 (d) Identify gaps in the state's overall cybersecurity
794 infrastructure, governance, and current operations. Based on any
795 findings of gaps or deficiencies, the task force shall make
796 recommendations for improvement.

797 (e) Recommend cybersecurity improvements for the state's
798 emergency management and disaster response systems.

799 (f) Recommend cybersecurity improvements for the state
800 data center.

801 (g) Review and recommend improvements relating to the
802 state's current operational plans for the response,
803 coordination, and recovery from a cybersecurity attack.

804 (6) All executive branch departments and agencies shall
805 cooperate fully with requests for information by the task force.

806 (7) On or before November 1, 2018, the Florida
807 Cybersecurity Task Force shall submit a final report of its
808 findings and recommendations to the Governor, the President of
809 the Senate, and the Speaker of the House of Representatives.

810 (8) This section expires January 1, 2019.

811 Section 9. For the 2017-2018 fiscal year, the sum of
812 \$100,000 in nonrecurring funds is appropriated from the General
813 Revenue Fund to the Florida Department of Law Enforcement to

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814 cover the administrative costs associated with the Florida
815 Cybersecurity Task Force provisions of this act.

816 Section 10. This act shall take effect July 1, 2017.

817

818 -----

819 **T I T L E A M E N D M E N T**

820 Remove everything before the enacting clause and insert:

821 A bill to be entitled

822 An act relating to state agency information technology
823 reorganization; amending s. 20.61, F.S.; revising
824 requirements for the executive director of the Agency
825 for State Technology; revising positions within the
826 agency; amending s. 216.292, F.S.; removing obsolete
827 language; amending s. 282.0041, F.S.; revising and
828 providing definitions; amending s. 282.0051, F.S.;
829 revising the powers, duties, and functions of the
830 Agency for State Technology; requiring the agency to
831 review state agency project oversight deliverables and
832 provide certain recommendations to the Governor and
833 the Legislature; requiring state agencies to submit
834 project oversight deliverables to the agency for
835 certain information technology projects; removing
836 certain reporting requirements; requiring specified
837 departments to submit project oversight deliverables
838 to the agency for certain information technology

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839 projects; requiring the agency, in collaboration with
840 the department, to recommend best practices for the
841 procurement of cloud computing services; revising
842 requirements that the agency make certain
843 recommendations; removing a requirement that the
844 agency provide project oversight on certain projects;
845 amending s. 282.00515, F.S.; requiring specified
846 departments to provide project oversight deliverables
847 for certain information technology projects to the
848 agency; amending s. 282.201, F.S.; revising state data
849 center duties; revising the method of hosting data
850 center services; requiring the Executive Director of
851 the Agency for State Technology to appoint a director
852 of the state data center; deleting legislative intent;
853 requiring the state data center to use cloud computing
854 services in certain circumstances; requiring the state
855 data center to provide a biennial report on the use of
856 cloud computing by state agency customer entities to
857 the Governor, the Legislature, and the Agency for
858 State Technology; removing certain limitations from
859 state agencies; removing obsolete language; creating
860 s. 282.206, F.S.; requiring a state agency customer
861 entity to notify the state data center biannually of
862 changes in anticipated use of state data center
863 services; requiring a state agency customer entity to

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864 | develop a plan that includes specified elements to
865 | address its applications located at the state data
866 | center; requiring the use of third-party cloud
867 | computing service providers in certain circumstances;
868 | creating the Florida Cybersecurity Task Force;
869 | providing membership and duties of the task force;
870 | requiring the cooperation of executive branch
871 | departments and agencies; requiring a report to be
872 | submitted to the Governor and the Legislature;
873 | providing for expiration; providing an appropriation;
874 | providing an effective date.

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