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.
(b) The executive director must be a proven, effective administrator with at least 10 years of executive-level experience in either both the public or and private sector sectors in development and implementation of information technology strategic planning; management of enterprise information technology projects, particularly management of large-scale consolidation projects; and development and implementation of fiscal and substantive information technology policy.

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

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

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

(c) Chief operations officer.

(d) Chief information security officer. The executive director of the Agency for State Technology shall appoint a chief information security officer who must have experience and
expertise in security and risk management for communications and information technology resources.

(e) Chief technology officer.

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

Section 216.292 Appropriations nontransferable; exceptions.—

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

Section 3. Section 282.0041, Florida Statutes, is amended to read:
282.0041 Definitions.—As used in this chapter, the term:

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

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

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

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

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

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

(7) "Department" means the Department of Management Services.

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

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

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

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

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

(12) "Information technology policy" means a definite
course or method of action selected from among one or more
alternatives that guide and determine present and future
decisions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Establish and publish information technology architecture standards to provide for the most efficient use of the state's information technology resources and to ensure compatibility and alignment with the needs of state agencies. The agency shall assist state agencies in complying with the standards.
(3) By June 30, 2015, establish project management and oversight standards with which state agencies must comply when implementing information technology projects. The agency shall provide training opportunities to state agencies to assist in the adoption of the project management and oversight standards. To support data-driven decisionmaking, the standards must include, but are not limited to:

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

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

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

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

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

(4) (a) Review state agency project oversight deliverables and provide recommendations as necessary to the Governor, the President of the Senate, and the Speaker of the House of Representatives for the improvement of state agency information
technology projects and project oversight. Except as otherwise provided by law, state agencies shall submit project oversight deliverables to the Agency for State Technology for Beginning January 1, 2015, perform project oversight on all state agency information technology projects that have total project costs of $10 million or more and that are funded in the General Appropriations Act or any other law. The agency shall report at least quarterly to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives on any information technology project that the agency identifies as high-risk due to the project exceeding acceptable variance ranges defined and documented in a project plan. The report must include a risk assessment, including fiscal risks, associated with proceeding to the next stage of the project, and a recommendation for corrective actions required, including suspension or termination of the project.

(b) Review project oversight deliverables that are submitted to the agency by the Department of Financial Services, the Department of Legal Affairs, and the Department of Agriculture and Consumer Services for information technology projects that have total project costs of $25 million or more and that impact one or more other agencies and provide recommendations as necessary to the Governor, the President of the Senate, and the Speaker of the House of Representatives for the improvement of such projects and project oversight.
(c) If an information technology project implemented by a state agency must be connected to or otherwise accommodated by an information technology system administered by the Department of Financial Services, the Department of Legal Affairs, or the Department of Agriculture and Consumer Services, consult with the department regarding the risks and other effects of such project on their information technology system and work cooperatively with the department regarding the connections, interfaces, timing, or accommodations required to implement such project.

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

(6) In collaboration with the Department of Management Services, recommend establish best practices for the procurement of cloud computing services information technology products in order to reduce costs, increase quality of services.
productivity, or improve data center services. Such practices must include a provision requiring the agency to review all information technology purchases made by state agencies that have a total cost of $250,000 or more, unless a purchase is specifically mandated by the Legislature, for compliance with the standards established pursuant to this section.

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

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

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

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

(9)(10) Beginning July 1, 2016, and annually thereafter, conduct annual assessments of state agencies to determine compliance with all information technology standards and guidelines developed and published by the agency, and beginning December 1, 2016, and annually thereafter, provide results of the assessments to the Executive Office of the Governor, the
President of the Senate, and the Speaker of the House of Representatives.

(10) Provide operational management and oversight of the state data center established pursuant to s. 282.201, which includes:

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

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

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

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

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

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

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

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

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

7. Standardizing and consolidating procurement and contracting practices.
(c)(d) In collaboration with the Department of Law Enforcement, developing and implementing a process for detecting, reporting, and responding to information technology security incidents, breaches, and threats.

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

(e)(f) Conduct an annual market analysis to determine whether the state's approach to the provision of data center services is the most effective and efficient manner by which its customer entities can acquire such services, based on federal, state, and local government trends; best practices in service provision; and the acquisition of new and emerging technologies. The results of the market analysis shall assist the state data center in making adjustments to its data center service offerings.

(11)(12) Recommend other information technology services that should be designed, delivered, and managed as enterprise information technology services. Recommendations must include the identification of existing information technology resources associated with the services, if existing services must be transferred as a result of being delivered and managed as enterprise information technology services.
(13) Recommend additional consolidations of agency computing facilities or data centers into the state data center established pursuant to s. 282.201. Such recommendations shall include a proposed timeline for consolidation.

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

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

(b) When performing the project oversight function specified in paragraph (a), report at least quarterly to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives on any information technology project that the agency identifies as high-risk due to the project exceeding acceptable variance ranges defined and documented in the project plan. The report
shall include a risk assessment, including fiscal risks, associated with proceeding to the next stage of the project and a recommendation for corrective actions required, including suspension or termination of the project.

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

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

(14)(18) In collaboration with the Department of
Management Services:

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

1. Identification of the information technology product and service categories to be included in state term contracts.
2. Requirements to be included in solicitations for state term contracts.
3. Evaluation criteria for the award of information technology-related state term contracts.
4. The term of each information technology-related state term contract.
5. The maximum number of vendors authorized on each state term contract.

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

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

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

(15) Adopt rules to administer this section.
Section 5. Section 282.00515, Florida Statutes, is amended to read:

282.00515 Duties of Cabinet agencies.—

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

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

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

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

(1) USE OF THE STATE DATA CENTER.—

(a) The following are exempt from the use of the state data center: 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 that manage the computerized traffic systems and control devices described in s. 335.14(2) and toll operations of the Department of Transportation, the State Board of Administration, state attorneys, public defenders, criminal conflict and civil regional counsels, capital collateral regional counsels, and the Florida Housing Finance Corporation.

(b) Unless exempt from use of the state data center pursuant to this section or as authorized by the Legislature, a
state agency may not:

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

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

(1) INTENT. The Legislature finds that the most efficient and effective means of providing quality utility data processing services to state agencies requires that computing resources be concentrated in quality facilities that provide the proper security, disaster recovery, infrastructure, and staff resources to ensure that the state's data is maintained reliably and safely, and is recoverable in the event of a disaster. Unless otherwise exempt by law, it is the intent of the Legislature that all agency data centers and computing facilities shall be consolidated into the state data center.

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

(a) Develop and implement appropriate operating guidelines and procedures that are necessary for the state data center to perform its duties pursuant to this subsection and that comply with applicable state and federal laws, regulations, and policies and that conform to generally accepted governmental accounting and auditing standards.
(b) Offer, develop, and support the services and applications defined in service-level agreements executed with its customer entities.

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

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

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

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

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

3. Identify the scope of work.

4. Identify the products or services to be delivered with sufficient specificity to permit an external financial or performance audit.
5. Establish the services to be provided, the business standards that must be met for each service, the cost of each service by agency application, and the metrics and processes by which the business standards for each service are to be objectively measured and reported.

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

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

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.

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

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

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

(g) Assume administrative access rights to resources
and equipment, including servers, network components, and other
devices, consolidated into the state data center.

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

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

(h) Use cloud computing services with third-party
providers instead of purchasing, financing, leasing, or
upgrading state data center infrastructure, when a cost benefit analysis verified by the customer entity validates that a cloud computing service provider can reduce customer entity data center costs while delivering the same or improved levels of service and meets or exceeds the applicable state and federal standards for information technology security.

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

(3) STATE AGENCY DUTIES—

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

(b) Each state agency customer of the state data center shall notify the state data center, by May 31 and November 30 of
each year, of any significant changes in anticipated utilization
of state data center services pursuant to requirements
established by the state data center.

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

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

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

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

2. By December 31, 2013, the 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.

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

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

(c) The following are exempt from state data center
consolidation under this section: 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 as described in s. 335.14(2) and the Office of Toll Operations of the Department of Transportation, the State Board of Administration, state attorneys, public defenders, criminal conflict and civil regional counsel, capital collateral regional counsel, and the Florida Housing Finance Corporation.

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

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

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

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

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

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

(f) Each state agency scheduled for consolidation into the
state data center shall 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.

(5) AGENCY LIMITATIONS.

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

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

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

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

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

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

(b) Exceptions to the limitations in subparagraphs (a)1.,
2., 3., and 5. may be granted by the Agency for State Technology
if there is insufficient capacity in the state data center to
absorb the workload associated with agency computing services,
if expenditures are compatible with the standards established
pursuant to s. 282.0051, or if the equipment or resources are
needed to meet a critical agency business need that cannot be
satisfied by the state data center. The Agency for State
Technology shall establish requirements that a state agency must follow when submitting and documenting a request for an exception. The Agency for State Technology shall also publish guidelines for its consideration of exception requests. However, the decision of the Agency for State Technology regarding an exception request is not subject to chapter 120.

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

282.206  Information technology management; state agencies.—

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

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

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

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

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

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

Section 8. Florida Cybersecurity Task Force.—

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

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

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

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

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

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


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

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

(5) The task force shall:

(a) Recommend methods to secure the state's network systems and data, including standardized plans and procedures to identify developing threats and to prevent unauthorized access and destruction of data.
(b) Identify and recommend remediation, if necessary, of high-risk cybersecurity issues facing state government.

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

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

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

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

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

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

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

(8) This section expires January 1, 2019.

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

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

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

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

Remove everything before the enacting clause and insert:

A bill to be entitled
An act relating to state agency information technology
reorganization; amending s. 20.61, F.S.; revising
requirements for the executive director of the Agency
for State Technology; revising positions within the
agency; amending s. 216.292, F.S.; removing obsolete
language; amending s. 282.0041, F.S.; revising and
providing definitions; amending s. 282.0051, F.S.;
revising the powers, duties, and functions of the
Agency for State Technology; requiring the agency to
review state agency project oversight deliverables and
provide certain recommendations to the Governor and
the Legislature; requiring state agencies to submit
project oversight deliverables to the agency for
certain information technology projects; removing
certain reporting requirements; requiring specified
departments to submit project oversight deliverables
to the agency for certain information technology
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projects; requiring the agency, in collaboration with
the department, to recommend best practices for the
procurement of cloud computing services; revising
requirements that the agency make certain
recommendations; removing a requirement that the
agency provide project oversight on certain projects;
amending s. 282.00515, F.S.; requiring specified
departments to provide project oversight deliverables
for certain information technology projects to the
agency; amending s. 282.201, F.S.; revising state data
center duties; revising the method of hosting data
center services; requiring the Executive Director of
the Agency for State Technology to appoint a director
of the state data center; deleting legislative intent;
requiring the state data center to use cloud computing
services in certain circumstances; requiring the state
data center to provide a biennial report on the use of
cloud computing by state agency customer entities to
the Governor, the Legislature, and the Agency for
State Technology; removing certain limitations from
state agencies; removing obsolete language; creating
s. 282.206, F.S.; requiring a state agency customer
entity to notify the state data center biannually of
changes in anticipated use of state data center
services; requiring a state agency customer entity to
develop a plan that includes specified elements to
address its applications located at the state data
center; requiring the use of third-party cloud
computing service providers in certain circumstances;
creating the Florida Cybersecurity Task Force;
providing membership and duties of the task force;
requiring the cooperation of executive branch
departments and agencies; requiring a report to be
submitted to the Governor and the Legislature;
providing for expiration; providing an appropriation;
providing an effective date.