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1
2 An act relating to state agency information technology
3 reorganization; amending s. 20.61, F.S.; revising
4 requirements for the executive director of the Agency
5 for State Technology; revising positions within the
6 agency; amending s. 216.292, F.S.; removing obsolete
7 language; amending s. 282.0041, F.S.; revising and
8 providing definitions; amending s. 282.0051, F.S.;
9 revising the powers, duties, and functions of the
10 Agency for State Technology; requiring the agency to
11 review state agency project oversight deliverables and
12 provide certain recommendations to the Governor and
13 the Legislature; requiring state agencies to submit
14 project oversight deliverables to the agency for
15 certain information technology projects; removing
16 certain reporting requirements; requiring specified
17 departments to submit project oversight deliverables
18 to the agency for certain information technology
19 projects; requiring the agency, in collaboration with
20 the department, to recommend best practices for the
21 procurement of cloud computing services; revising
22 requirements that the agency make certain
23 recommendations; removing a requirement that the
24 agency provide project oversight on certain projects;
25 amending s. 282.00515, F.S.; requiring specified

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26 | departments to provide project oversight deliverables
27 | for certain information technology projects to the
28 | agency; amending s. 282.201, F.S.; revising state data
29 | center duties; revising the method of hosting data
30 | center services; requiring the Executive Director of
31 | the Agency for State Technology to appoint a director
32 | of the state data center; deleting legislative intent;
33 | requiring the state data center to use cloud computing
34 | services in certain circumstances; requiring the state
35 | data center to provide a biennial report on the use of
36 | cloud computing by state agency customer entities to
37 | the Governor, the Legislature, and the Agency for
38 | State Technology; removing certain limitations from
39 | state agencies; removing obsolete language; creating
40 | s. 282.206, F.S.; requiring a state agency customer
41 | entity to notify the state data center biannually of
42 | changes in anticipated use of state data center
43 | services; requiring a state agency customer entity to
44 | develop a plan that includes specified elements to
45 | address its applications located at the state data
46 | center; requiring the use of third-party cloud
47 | computing service providers in certain circumstances;
48 | creating the Florida Cybersecurity Task Force;
49 | providing membership and duties of the task force;
50 | requiring the cooperation of executive branch

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51 departments and agencies; requiring a report to be
 52 submitted to the Governor and the Legislature;
 53 providing for expiration; providing an appropriation;
 54 providing an effective date.

55
 56 Be It Enacted by the Legislature of the State of Florida:

57
 58 Section 1. Paragraph (b) of subsection (1) and subsection
 59 (2) of section 20.61, Florida Statutes, is amended to read:

60 20.61 Agency for State Technology.—The Agency for State
 61 Technology is created within the Department of Management
 62 Services. The agency is a separate budget program and is not
 63 subject to control, supervision, or direction by the Department
 64 of Management Services, including, but not limited to,
 65 purchasing, transactions involving real or personal property,
 66 personnel, or budgetary matters.

- 67 (1)
- 68 (b) The executive director must be a proven, effective
 69 administrator with at least 10 years of ~~who preferably has~~
 70 executive-level experience in either ~~both~~ the public or ~~and~~
 71 private sector ~~sectors~~ in development and implementation of
 72 information technology strategic planning; management of
 73 enterprise information technology projects, particularly
 74 management of large-scale consolidation projects; and
 75 development and implementation of fiscal and substantive

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

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76 information technology policy.

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

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

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

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

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

94 ~~(e) Chief technology officer.~~

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

98 216.292 Appropriations nontransferable; exceptions.—

99 ~~(8) Notwithstanding subsections (2), (3), and (4), and for~~
100 ~~the 2015–2016 fiscal year only, the Agency for State Technology,~~

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101 ~~with the approval of the Executive Office of the Governor, and~~
 102 ~~after 14 days prior notice, may transfer up to \$2.5 million of~~
 103 ~~recurring funds from the Working Capital Trust Fund within the~~
 104 ~~Agency for State Technology between appropriations categories~~
 105 ~~for operations, as needed, to realign funds, based upon the~~
 106 ~~final report of the third-party assessment required by January~~
 107 ~~15, 2016, to begin migration of cloud-ready applications at the~~
 108 ~~State Data Center to a cloud solution that complies with all~~
 109 ~~applicable federal and state security and privacy requirements,~~
 110 ~~to the extent feasible within available resources, while~~
 111 ~~continuing to provide computing services for existing data~~
 112 ~~center applications, until those applications can be cloud-~~
 113 ~~ready. Such transfers are subject to the notice and objection~~
 114 ~~provisions of s. 216.177. This subsection expires July 1, 2016.~~

115 Section 3. Section 282.0041, Florida Statutes, is amended
 116 to read:

117 282.0041 Definitions.—As used in this chapter, the term:

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

120 (2) "Breach" has the same meaning as provided in s.
 121 501.171 ~~means a confirmed event that compromises the~~
 122 ~~confidentiality, integrity, or availability of information or~~
 123 ~~data.~~

124 (3) "Business continuity plan" means a collection of
 125 procedures and information designed to keep an agency's critical

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126 | operations running during a period of displacement or
 127 | interruption of normal operations.

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

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

136 | (6)~~(5)~~ "Customer entity" means an entity that obtains
 137 | services from the Agency for State Technology ~~state data center.~~

138 | (7)~~(6)~~ "Department" means the Department of Management
 139 | Services.

140 | (8)~~(7)~~ "Disaster recovery" means the process, policies,
 141 | procedures, and infrastructure related to preparing for and
 142 | implementing recovery or continuation of an agency's vital
 143 | technology infrastructure after a natural or human-induced
 144 | disaster.

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

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

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

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

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

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

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

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176 information technology resources.

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

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

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

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

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

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

200 (21) "Stakeholder" means a person, group, organization, or

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201 state agency involved in or affected by a course of action.

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

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

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

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

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

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

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

231 282.0051 Agency for State Technology; powers, duties, and
 232 functions.—The Agency for State Technology shall have the
 233 following powers, duties, and functions:

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

236 (2) Establish and publish information technology
 237 architecture standards to provide for the most efficient use of
 238 the state's information technology resources and to ensure
 239 compatibility and alignment with the needs of state agencies.
 240 The agency shall assist state agencies in complying with the
 241 standards.

242 (3) ~~By June 30, 2015,~~ Establish project management and
 243 oversight standards with which state agencies must comply when
 244 implementing information technology projects. The agency shall
 245 provide training opportunities to state agencies to assist in
 246 the adoption of the project management and oversight standards.
 247 To support data-driven decisionmaking, the standards must
 248 include, but are not limited to:

249 (a) Performance measurements and metrics that objectively
 250 reflect the status of an information technology project based on

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251 a defined and documented project scope, cost, and schedule.

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

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

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

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

263 (4) (a) Review state agency project oversight deliverables
 264 and provide recommendations as necessary to the Governor, the
 265 President of the Senate, and the Speaker of the House of
 266 Representatives for the improvement of state agency information
 267 technology projects and project oversight. Except as otherwise
 268 provided by law, state agencies shall submit project oversight
 269 deliverables to the Agency for State Technology for ~~Beginning~~
 270 January 1, 2015, perform project oversight on all state agency
 271 information technology projects that have total project costs of
 272 \$10 million or more and that are funded in the General
 273 Appropriations Act or any other law. ~~The agency shall report at~~
 274 ~~least quarterly to the Executive Office of the Governor, the~~
 275 ~~President of the Senate, and the Speaker of the House of~~

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276 ~~Representatives on any information technology project that the~~
277 ~~agency identifies as high risk due to the project exceeding~~
278 ~~acceptable variance ranges defined and documented in a project~~
279 ~~plan. The report must include a risk assessment, including~~
280 ~~fiscal risks, associated with proceeding to the next stage of~~
281 ~~the project, and a recommendation for corrective actions~~
282 ~~required, including suspension or termination of the project.~~

283 (b) Review project oversight deliverables that are
284 submitted to the agency by the Department of Financial Services,
285 the Department of Legal Affairs, and the Department of
286 Agriculture and Consumer Services for information technology
287 projects that have total project costs of \$25 million or more
288 and that impact one or more other agencies and provide
289 recommendations as necessary to the Governor, the President of
290 the Senate, and the Speaker of the House of Representatives for
291 the improvement of such projects and project oversight.

292 (c) If an information technology project implemented by a
293 state agency must be connected to or otherwise accommodated by
294 an information technology system administered by the Department
295 of Financial Services, the Department of Legal Affairs, or the
296 Department of Agriculture and Consumer Services, consult with
297 the department regarding the risks and other effects of such
298 project on their information technology system and work
299 cooperatively with the department regarding the connections,
300 interfaces, timing, or accommodations required to implement such

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301 project.

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

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

323 (7) (a) Participate with the Department of Management
324 Services in evaluating, conducting, and negotiating competitive
325 solicitations for state term contracts for information

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326 | technology commodities, consultant services, or staff
 327 | augmentation contractual services pursuant to s. 287.0591.

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

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

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

336 | (9) ~~(10)~~ ~~Beginning July 1, 2016, and annually thereafter,~~
 337 | Conduct annual assessments of state agencies to determine
 338 | compliance with all information technology standards and
 339 | guidelines developed and published by the agency, and ~~beginning~~
 340 | ~~December 1, 2016, and annually thereafter,~~ provide results of
 341 | the assessments to the Executive Office of the Governor, the
 342 | President of the Senate, and the Speaker of the House of
 343 | Representatives.

344 | (10) ~~(11)~~ Provide operational management and oversight of
 345 | the state data center established pursuant to s. 282.201, which
 346 | includes:

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

350 | ~~(b)~~ Developing and implementing cost-recovery mechanisms

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351 that recover the full direct and indirect cost of services
352 through charges to applicable customer entities. Such cost-
353 recovery mechanisms must comply with applicable state and
354 federal regulations concerning distribution and use of funds and
355 must ensure that, for any fiscal year, no service or customer
356 entity subsidizes another service or customer entity.

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

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

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

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

374 4. Requiring customer entities to validate that sufficient
375 funds exist in the appropriate data processing appropriation

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376 category or will be transferred into the appropriate data
 377 processing appropriation category before implementation of a
 378 customer entity's request for a change in the type or level of
 379 service provided, if such change results in a net increase to
 380 the customer entity's costs for that fiscal year.

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

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

390 7. Standardizing and consolidating procurement and
 391 contracting practices.

392 (c)~~(d)~~ In collaboration with the Department of Law
 393 Enforcement, developing and implementing a process for
 394 detecting, reporting, and responding to information technology
 395 security incidents, breaches, and threats.

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

400 (e)~~(f)~~ Conduct an annual ~~Beginning May 1, 2016, and~~

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401 ~~annually thereafter, conducting a~~ market analysis to determine
402 whether the state's approach to the provision of data center
403 services is the most effective and efficient manner by which its
404 customer entities can acquire such services, based on federal,
405 state, and local government trends; best practices in service
406 provision; and the acquisition of new and emerging technologies.
407 The results of the market analysis shall assist the state data
408 center in making adjustments to its data center service
409 offerings.

410 (11) ~~(12)~~ Recommend other information technology services
411 that should be designed, delivered, and managed as enterprise
412 information technology services. Recommendations must include
413 the identification of existing information technology resources
414 associated with the services, if existing services must be
415 transferred as a result of being delivered and managed as
416 enterprise information technology services.

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

421 (12) ~~(14)~~ In consultation with state agencies, propose a
422 methodology and approach for identifying and collecting both
423 current and planned information technology expenditure data at
424 the state agency level.

425 ~~(15) (a) Beginning January 1, 2015, and notwithstanding any~~

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426 ~~other law, provide project oversight on any information~~
427 ~~technology project of the Department of Financial Services, the~~
428 ~~Department of Legal Affairs, and the Department of Agriculture~~
429 ~~and Consumer Services that has a total project cost of \$25~~
430 ~~million or more and that impacts one or more other agencies.~~
431 ~~Such information technology projects must also comply with the~~
432 ~~applicable information technology architecture, project~~
433 ~~management and oversight, and reporting standards established by~~
434 ~~the agency.~~

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

446 ~~(16) If an information technology project implemented by a~~
447 ~~state agency must be connected to or otherwise accommodated by~~
448 ~~an information technology system administered by the Department~~
449 ~~of Financial Services, the Department of Legal Affairs, or the~~
450 ~~Department of Agriculture and Consumer Services, consult with~~

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451 ~~these departments regarding the risks and other effects of such~~
452 ~~projects on their information technology systems and work~~
453 ~~cooperatively with these departments regarding the connections,~~
454 ~~interfaces, timing, or accommodations required to implement such~~
455 ~~projects.~~

456 (13) ~~(17)~~ If adherence to standards or policies adopted by
457 or established pursuant to this section causes conflict with
458 federal regulations or requirements imposed on a state agency
459 and results in adverse action against the state agency or
460 federal funding, work with the state agency to provide
461 alternative standards, policies, or requirements that do not
462 conflict with the federal regulation or requirement. Each
463 ~~Beginning~~ July 1, 2015, the agency shall ~~annually~~ report such
464 alternative standards to the Governor, the President of the
465 Senate, and the Speaker of the House of Representatives.

466 (14) ~~(18)~~ In collaboration with the Department of
467 Management Services:

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

- 473 1. Identification of the information technology product
474 and service categories to be included in state term contracts.
475 2. Requirements to be included in solicitations for state

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476 term contracts.

477 3. Evaluation criteria for the award of information
478 technology-related state term contracts.

479 4. The term of each information technology-related state
480 term contract.

481 5. The maximum number of vendors authorized on each state
482 term contract.

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

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

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

491 (15) ~~(19)~~ Adopt rules to administer this section.

492 Section 5. Section 282.00515, Florida Statutes, is amended
493 to read:

494 282.00515 Duties of Cabinet agencies.—

495 (1) The Department of Legal Affairs, the Department of
496 Financial Services, and the Department of Agriculture and
497 Consumer Services shall adopt the standards established in s.
498 282.0051(2) and, ~~(3)~~, ~~and~~ ~~(8)~~ or adopt alternative standards
499 based on best practices and industry standards, and may contract
500 with the Agency for State Technology to provide or perform any

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501 of the services and functions described in s. 282.0051 for the
 502 Department of Legal Affairs, the Department of Financial
 503 Services, or the Department of Agriculture and Consumer
 504 Services.

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

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

516 282.201 State data center.—The state data center is
 517 established within the Agency for State Technology and shall
 518 provide data center services that are either hosted on premises
 519 or hosted externally through a third-party cloud computing
 520 provider, whichever option meets the operational needs at the
 521 best cost and service levels as verified by a customer entity ~~as~~
 522 ~~an enterprise information technology service~~. The provision of
 523 services must comply with applicable state and federal laws,
 524 regulations, and policies, including all applicable security,
 525 privacy, and auditing requirements. The Executive Director of

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526 | the Agency for State Technology shall appoint a director of the
 527 | state data center who has experience in leading data center
 528 | facilities and expertise in cloud computing management.

529 | (1) USE OF THE STATE DATA CENTER.—

530 | (a) The following are exempt from the use of the state
 531 | data center: the Department of Law Enforcement, the Department
 532 | of the Lottery's gaming system, systems design and development
 533 | in the Office of Policy and Budget, the regional traffic
 534 | management centers that manage the computerized traffic systems
 535 | and control devices described in s. 335.14(2) and toll
 536 | operations of the Department of Transportation, the State Board
 537 | of Administration, state attorneys, public defenders, criminal
 538 | conflict and civil regional counsels, capital collateral
 539 | regional counsels, and the Florida Housing Finance Corporation.

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

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

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

550 | ~~(1) INTENT.—The Legislature finds that the most efficient~~

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551 ~~and effective means of providing quality utility data processing~~
552 ~~services to state agencies requires that computing resources be~~
553 ~~concentrated in quality facilities that provide the proper~~
554 ~~security, disaster recovery, infrastructure, and staff resources~~
555 ~~to ensure that the state's data is maintained reliably and~~
556 ~~safely, and is recoverable in the event of a disaster. Unless~~
557 ~~otherwise exempt by law, it is the intent of the Legislature~~
558 ~~that all agency data centers and computing facilities shall be~~
559 ~~consolidated into the state data center.~~

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

561 (a) Develop and implement appropriate operating guidelines
562 and procedures that are necessary for the state data center to
563 perform its duties pursuant to this subsection and that comply
564 with applicable state and federal laws, regulations, and
565 policies and that conform to generally accepted governmental
566 accounting and auditing standards.

567 (b) Offer, develop, and support the services and
568 applications defined in service-level agreements executed with
569 its customer entities.

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

574 (d) ~~(c)~~ Develop and implement a business continuity plan
575 and a disaster recovery plan, and each ~~beginning~~ July 1, 2015,

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576 | ~~and annually thereafter,~~ conduct a live exercise of each plan.

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

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

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

588 | 3. Identify the scope of work.

589 | 4. Identify the products or services to be delivered with
 590 | sufficient specificity to permit an external financial or
 591 | performance audit.

592 | 5. Establish the services to be provided, the business
 593 | standards that must be met for each service, the cost of each
 594 | service by agency application, and the metrics and processes by
 595 | which the business standards for each service are to be
 596 | objectively measured and reported.

597 | 6. Provide a timely billing methodology to recover the
 598 | cost of services provided to the customer entity pursuant to s.
 599 | 215.422.

600 | 7. Provide a procedure for modifying the service-level

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601 agreement based on changes in the type, level, and cost of a
 602 service.

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

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

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

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

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

619 1. Upon consolidating into the state data center ~~the date~~
 620 ~~of each consolidation specified in this section, the General~~
 621 ~~Appropriations Act, or any other law,~~ a state agency shall
 622 relinquish administrative rights to consolidated resources and
 623 equipment. State agencies required to comply with federal and
 624 state criminal justice information security rules and policies
 625 shall retain administrative access rights sufficient to comply

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626 | with the management control provisions of those rules and
 627 | policies; however, the state data center shall have the
 628 | appropriate type or level of rights to allow the center to
 629 | comply with its duties pursuant to this section. The Department
 630 | of Law Enforcement shall serve as the arbiter of disputes
 631 | pertaining to the appropriate type and level of administrative
 632 | access rights pertaining to the provision of management control
 633 | in accordance with the federal criminal justice information
 634 | guidelines.

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

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

648 | (i) Submit a report on the use of cloud computing by state
 649 | agency customer entities no later than November 15 of each even-
 650 | numbered year to the Governor, the President of the Senate, the

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651 Speaker of the House of Representatives, and the Agency for
 652 State Technology. The report must include cloud computing usage
 653 by customer entity that provided cost savings and other
 654 benefits, such as improved service levels and security
 655 enhancements. Each state agency shall cooperate with the Agency
 656 for State Technology in the creation of the report by providing
 657 timely and accurate information and any assistance required by
 658 the department.

659 ~~(3) STATE AGENCY DUTIES.—~~

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

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

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

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

675 ~~(b) During the 2013-2014 fiscal year, the following state~~

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676 ~~agencies shall be consolidated by the specified date:~~

677 ~~1. By October 31, 2013, the Department of Economic~~

678 ~~Opportunity.~~

679 ~~2. By December 31, 2013, the Executive Office of the~~

680 ~~Governor, to include the Division of Emergency Management except~~

681 ~~for the Emergency Operation Center's management system in~~

682 ~~Tallahassee and the Camp Blanding Emergency Operations Center in~~

683 ~~Starke.~~

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

685 ~~4. By October 30, 2013, the Fish and Wildlife Conservation~~

686 ~~Commission, except for the commission's Fish and Wildlife~~

687 ~~Research Institute in St. Petersburg.~~

688 ~~(c) The following are exempt from state data center~~

689 ~~consolidation under this section: the Department of Law~~

690 ~~Enforcement, the Department of the Lottery's Gaming System,~~

691 ~~Systems Design and Development in the Office of Policy and~~

692 ~~Budget, the regional traffic management centers as described in~~

693 ~~s. 335.14(2) and the Office of Toll Operations of the Department~~

694 ~~of Transportation, the State Board of Administration, state~~

695 ~~attorneys, public defenders, criminal conflict and civil~~

696 ~~regional counsel, capital collateral regional counsel, and the~~

697 ~~Florida Housing Finance Corporation.~~

698 ~~(d) A state agency that is consolidating its agency data~~

699 ~~center or computing facility into the state data center must~~

700 ~~execute a new or update an existing service-level agreement~~

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701 ~~within 60 days after the commencement of the service. If a state~~
702 ~~agency and the state data center are unable to execute a~~
703 ~~service-level agreement by that date, the agency shall submit a~~
704 ~~report to the Executive Office of the Governor within 5 working~~
705 ~~days after that date which explains the specific issues~~
706 ~~preventing execution and describing the plan and schedule for~~
707 ~~resolving those issues.~~

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

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

724 ~~2. A list of contracts in effect, including, but not~~
725 ~~limited to, contracts for hardware, software, and maintenance,~~

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726 ~~which identifies the expiration date, the contract parties, and~~
727 ~~the cost of each contract.~~

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

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

733 ~~(f) Each state agency scheduled for consolidation into the~~
734 ~~state data center shall submit with its respective legislative~~
735 ~~budget request the specific recurring and nonrecurring budget~~
736 ~~adjustments of resources by appropriation category into the~~
737 ~~appropriate data processing category pursuant to the legislative~~
738 ~~budget request instructions in s. 216.023.~~

739 ~~(5) AGENCY LIMITATIONS.—~~

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

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

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

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751 ~~pursuant to s. 282.0051;~~

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

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

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

759 ~~(b) Exceptions to the limitations in subparagraphs (a)1.,~~
760 ~~2., 3., and 5. may be granted by the Agency for State Technology~~
761 ~~if there is insufficient capacity in the state data center to~~
762 ~~absorb the workload associated with agency computing services,~~
763 ~~if expenditures are compatible with the standards established~~
764 ~~pursuant to s. 282.0051, or if the equipment or resources are~~
765 ~~needed to meet a critical agency business need that cannot be~~
766 ~~satisfied by the state data center. The Agency for State~~
767 ~~Technology shall establish requirements that a state agency must~~
768 ~~follow when submitting and documenting a request for an~~
769 ~~exception. The Agency for State Technology shall also publish~~
770 ~~guidelines for its consideration of exception requests. However,~~
771 ~~the decision of the Agency for State Technology regarding an~~
772 ~~exception request is not subject to chapter 120.~~

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

775 282.206 Information technology management; state

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776 | agencies.-

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

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

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

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

797 | (c) Validation in a cost benefit analysis that a third-
798 | party cloud computing service provider can reduce customer
799 | entity data center costs, deliver the same or improved levels of
800 | service, and meet or exceed the applicable state and federal

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801 standards for information technology security.

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

808 Section 8. Florida Cybersecurity Task Force.—

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

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

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

817 (b) A representative of the fusion center of the Florida
 818 Department of Law Enforcement who shall be appointed by the
 819 executive director of the department.

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

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

825 (e) A representative of the Division of Emergency

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826 Management in the Executive Office of the Governor who shall be
 827 appointed by the director of the division.

828 (f) A representative of the Office of the Chief Inspector
 829 General in the Executive Office of the Governor who shall be
 830 appointed by the Chief Inspector General.

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

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

837 (5) The task force shall:

838 (a) Recommend methods to secure the state's network
 839 systems and data, including standardized plans and procedures to
 840 identify developing threats and to prevent unauthorized access
 841 and destruction of data.

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

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

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

850 (e) Recommend cybersecurity improvements for the state's

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851 emergency management and disaster response systems.

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

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

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

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

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

864 Section 9. For the 2017-2018 fiscal year, the sum of
 865 \$100,000 in nonrecurring funds is appropriated from the General
 866 Revenue Fund to the Florida Department of Law Enforcement to
 867 cover the administrative costs associated with the Florida
 868 Cybersecurity Task Force provisions of this act.

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