

By Senator Brandes

24-00700-18

2018448\_\_

1                   A bill to be entitled  
2       An act relating to the Agency for State Technology;  
3       amending s. 282.0041, F.S.; revising definitions of  
4       the terms "breach" and "incident"; amending s.  
5       282.0051, F.S.; revising certain powers, duties, and  
6       functions of the agency in collaboration with the  
7       Department of Management Services; amending s.  
8       282.201, F.S.; authorizing the state data center  
9       within the agency to extend, up to a specified  
10      timeframe, certain service-level agreements; requiring  
11      the state data center to submit a specified report to  
12      the Executive Office of the Governor under certain  
13      circumstances; deleting a requirement for a service-  
14      level agreement to provide a certain termination  
15      notice to the agency; requiring the state data center  
16      to plan, design, and conduct certain testing, if cost-  
17      effective; deleting obsolete provisions relating to  
18      the schedule for consolidations of agency data  
19      centers; conforming provisions to changes made by the  
20      act; reenacting s. 943.0415(2) and (3), F.S., relating  
21      to the Cybercrime Office within the Department of Law  
22      Enforcement, to incorporate the amendment made to s.  
23      282.0041, F.S., in references thereto; providing an  
24      effective date.

25  
26   Be It Enacted by the Legislature of the State of Florida:

27  
28       Section 1. Subsections (2) and (10) of section 282.0041,  
29      Florida Statutes, are amended to read:

24-00700-18

2018448\_\_

30 282.0041 Definitions.—As used in this chapter, the term:

31 (2) "Breach" has the same meaning as provided in s.  
32 501.171(1) ~~means a confirmed event that compromises the~~  
33 ~~confidentiality, integrity, or availability of information or~~  
34 ~~data.~~

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

42 Section 2. Subsection (18) of section 282.0051, Florida  
43 Statutes, is amended to read:

44 282.0051 Agency for State Technology; powers, duties, and  
45 functions.—The Agency for State Technology shall have the  
46 following powers, duties, and functions:

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

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

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

56 2. Requirements to be included in solicitations for state  
57 term contracts.

58 3. Evaluation criteria for the award of information

24-00700-18

2018448\_\_

59 technology-related state term contracts.

60 4. The term of each information technology-related state  
61 term contract.

62 5. The maximum number of vendors authorized on each state  
63 term contract.

64 (b) Evaluate vendor responses for information technology-  
65 related state term contract solicitations and invitations to  
66 negotiate.

67 (c) Answer vendor questions on information technology-  
68 related state term contract solicitations.

69 (d) Ensure that all information technology-related  
70 solicitations by the department are procured and state contracts  
71 are managed in accordance with the information technology policy  
72 established under ~~pursuant to~~ paragraph (a) ~~is included in all~~  
73 ~~solicitations and contracts which are administratively executed~~  
74 ~~by the department.~~

75 Section 3. Paragraph (d) of subsection (2) of section  
76 282.201, Florida Statutes, is amended, paragraph (g) is added to  
77 that subsection, and subsection (4) of that section is amended,  
78 to read:

79 282.201 State data center.—The state data center is  
80 established within the Agency for State Technology and shall  
81 provide data center services that are hosted on premises or  
82 externally through a third-party provider as an enterprise  
83 information technology service. The provision of services must  
84 comply with applicable state and federal laws, regulations, and  
85 policies, including all applicable security, privacy, and  
86 auditing requirements.

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

24-00700-18

2018448\_\_

88 (d) Enter into a service-level agreement with each customer  
89 entity to provide the required type and level of service or  
90 services. If a customer entity fails to execute an agreement  
91 within 60 days after commencement of a service, the state data  
92 center may cease service. A service-level agreement may not have  
93 an original ~~a~~ term exceeding 3 years, but the service-level  
94 agreement may be extended for up to 6 months. If the state data  
95 center and an existing customer entity either execute an  
96 extension or fail to execute a new service-level agreement  
97 before the expiration of an existing service-level agreement,  
98 the state data center must submit a report to the Executive  
99 Office of the Governor within 5 days after the date of the  
100 executed extension or 15 days before the scheduled expiration  
101 date of the service-level agreement, as applicable, to explain  
102 the specific issues preventing execution of a new service-level  
103 agreement and to describe the plan and schedule for resolving  
104 those issues. A service-level agreement, ~~and~~ at a minimum, must:

- 105 1. Identify the parties and their roles, duties, and  
106 responsibilities under the agreement.
- 107 2. State the duration of the contract term and specify the  
108 conditions for renewal.
- 109 3. Identify the scope of work.
- 110 4. Identify the products or services to be delivered with  
111 sufficient specificity to permit an external financial or  
112 performance audit.
- 113 5. Establish the services to be provided, the business  
114 standards that must be met for each service, the cost of each  
115 service, and the metrics and processes by which the business  
116 standards for each service are to be objectively measured and

24-00700-18

2018448\_\_

117 reported.

118 6. Provide a timely billing methodology to recover the cost  
 119 of services provided to the customer entity pursuant to s.  
 120 215.422.

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

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

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

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

134 (g) Plan, design, and conduct testing with information  
 135 technology resources to implement services within the scope of  
 136 the services provided by the state data center, if cost-  
 137 effective.

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

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

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

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

24-00700-18

2018448\_\_

146 ~~Opportunity.~~

147 ~~2. By December 31, 2013, the Executive Office of the~~  
148 ~~Governor, to include the Division of Emergency Management except~~  
149 ~~for the Emergency Operation Center's management system in~~  
150 ~~Tallahassee and the Camp Blanding Emergency Operations Center in~~  
151 ~~Starke.~~

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

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

156 ~~(a)-(e)~~ The following agency data centers are exempt from  
157 state data center consolidation under this section: the  
158 Department of Law Enforcement, the Department of the Lottery's  
159 Gaming System, Systems Design and Development in the Office of  
160 Policy and Budget, the regional traffic management centers as  
161 described in s. 335.14(2) and the Office of Toll Operations of  
162 the Department of Transportation, the State Board of  
163 Administration, state attorneys, public defenders, criminal  
164 conflict and civil regional counsel, capital collateral regional  
165 counsel, and the Florida Housing Finance Corporation.

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

24-00700-18

2018448\_\_

175 resolving those issues.

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

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

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

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

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

202 (d)~~(f)~~ Each state agency consolidating ~~scheduled for~~  
203 ~~consolidation~~ into the state data center shall submit with its

24-00700-18

2018448\_\_

204 respective legislative budget request the specific recurring and  
205 nonrecurring budget adjustments of resources by appropriation  
206 category into the appropriate data processing category pursuant  
207 to the legislative budget request instructions in s. 216.023.

208 Section 4. For the purpose of incorporating the amendment  
209 made by this act to section 282.0041, Florida Statutes, in  
210 references thereto, subsections (2) and (3) of section 943.0415,  
211 Florida Statutes, are reenacted to read:

212 943.0415 Cybercrime Office.—There is created within the  
213 Department of Law Enforcement the Cybercrime Office. The office  
214 may:

215 (2) Monitor state information technology resources and  
216 provide analysis on information technology security incidents,  
217 threats, and breaches as defined in s. 282.0041.

218 (3) Investigate violations of state law pertaining to  
219 information technology security incidents pursuant to s.  
220 282.0041 and assist in incident response and recovery.

221 Section 5. This act shall take effect July 1, 2018.