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

Section 1. Subsections (2) and (10) of section 282.0041, Florida Statutes, are amended to read:
282.0041 Definitions.—As used in this chapter, the term:

(2) “Breach” has the same meaning as provided in s. 501.171(1) means a confirmed event that compromises the confidentiality, integrity, or availability of information or data.

(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.

Section 2. Subsection (18) of 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:

(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 information technology-related state term contract solicitations and invitations to negotiate.

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

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

Section 3. Paragraph (d) of subsection (2) of section 282.201, Florida Statutes, is amended, paragraph (g) is added to that subsection, and subsection (4) of that section 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 hosted on premises or externally through a third-party provider 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.

(2) STATE DATA CENTER DUTIES.—The state data center shall:
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 of a service, the state data center may cease service. A service-level agreement may not have an original term exceeding 3 years, but the service-level agreement may be extended for up to 6 months. If the state data center and an existing customer entity either execute an extension or fail to execute a new service-level agreement before the expiration of an existing service-level agreement, the state data center must submit a report to the Executive Office of the Governor within 5 days after the date of the executed extension or 15 days before the scheduled expiration date of the service-level agreement, as applicable, to explain the specific issues preventing execution of a new service-level agreement and to describe the plan and schedule for resolving those issues. A service-level agreement, 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, and the metrics and processes by which the business standards for each service are to be objectively measured and
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.

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

(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 date:

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.

(a) The following agency data centers 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.

(b) 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.

(c)(e) Each state agency consolidating 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 must 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.

(d)(f) Each state agency consolidating 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.

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

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

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

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

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