

1 A bill to be entitled
 2 An act relating to information technology;
 3 transferring certain powers and duties of specified
 4 sections within the Agency for State Technology to the
 5 Department of Management Services; amending s. 20.22,
 6 F.S.; requiring the department to provide the agency
 7 with financial management oversight and specifying
 8 duties therefor; amending s. 20.255, F.S.; requiring
 9 the Department of Environmental Protection to act as
 10 the lead agency for certain geospatial data
 11 responsibilities; amending s. 20.61, F.S.; requiring
 12 the Department of Management Services to provide
 13 financial management for the agency; revising
 14 provisions relating to the executive director of the
 15 agency; repealing provisions that establish positions
 16 for appointment by the executive director; amending s.
 17 282.0041, F.S.; revising, providing, and deleting
 18 definitions; amending s. 282.0051, F.S.; revising the
 19 powers, duties, and functions of the agency; deleting
 20 obsolete dates and certain provisions relating to
 21 agency reconciliation and procurement processes;
 22 requiring the agency to develop an enterprise data
 23 inventory and providing requirements therefor;
 24 amending s. 282.201, F.S.; revising provisions
 25 relating to the state data center; deleting

26 legislative intent and obsolete dates; requiring the
 27 state data center to show preference for cloud
 28 computing solutions and assist customer entities in
 29 transitioning to cloud computing services; repealing a
 30 requirement that each state agency provide specified
 31 information to the agency; repealing the schedule for
 32 agency data center consolidations and certain
 33 provisions relating thereto; repealing certain
 34 limitations, and a related exception, on state
 35 agencies spending certain funds and taking certain
 36 actions with respect to computer services; creating s.
 37 282.206, F.S.; providing legislative findings and
 38 intent; requiring state agencies to show preference
 39 for certain cloud computing solutions; providing
 40 notice requirements; amending s. 282.318, F.S.;
 41 requiring state agency heads to ensure that certain
 42 cybersecurity requirements meet specified standards;
 43 providing requirements for certain service level
 44 agreements; providing an effective date.

45
 46 Be It Enacted by the Legislature of the State of Florida:

47
 48 Section 1. All powers, duties, functions, records,
 49 personnel, property, pending issues and existing contracts,
 50 administrative authority, and administrative rules in chapter

51 74-3, Florida Administrative Code, of the Budget and Policy
 52 Section and the Cost Recovery and Billing Section within the
 53 Agency for State Technology are transferred by a type two
 54 transfer, as defined in s. 20.06(2), Florida Statutes, to the
 55 Department of Management Services.

56 Section 2. Subsection (4) is added to section 20.22,
 57 Florida Statutes, to read:

58 20.22 Department of Management Services.—There is created
 59 a Department of Management Services.

60 (4) The Department of Management Services shall provide
 61 the Agency for State Technology with financial management
 62 oversight. The agency shall provide the department all documents
 63 and necessary information, as requested, to meet the
 64 requirements of this section. The department's financial
 65 management oversight includes:

66 (a) Developing and implementing cost-recovery mechanisms
 67 for the administrative and data center costs of services through
 68 agency assessments to applicable customer entities. Such cost-
 69 recovery mechanisms must comply with applicable state and
 70 federal regulations concerning the distribution and use of funds
 71 and must ensure that, for each fiscal year, no service or
 72 customer entity subsidizes another service or customer entity.

73 (b) Implementing an annual reconciliation process to
 74 ensure that each customer entity is paying for the full direct
 75 and indirect cost of each service as determined by the customer

76 | entity's use of each service.

77 | (c) Providing rebates that may be credited against future

78 | billings to customer entities when revenues exceed costs.

79 | (d) Requiring customer entities to transfer sufficient

80 | funds into the appropriate data processing appropriation

81 | category before implementing a customer entity's request for a

82 | change in the type or level of service provided, if such change

83 | results in a net increase to the customer entity's costs for

84 | that fiscal year.

85 | (e) By October 1 annually, providing to each customer

86 | entity's agency head the estimated agency assessment cost by the

87 | Agency for State Technology for the following fiscal year. The

88 | agency assessment cost of each customer entity includes

89 | administrative and data center services costs of the agency.

90 | (f) Preparing the legislative budget request for the

91 | Agency for State Technology based on the issues requested and

92 | approved by the executive director of the Agency for State

93 | Technology. Upon the approval of the agency's executive

94 | director, the Department of Management Services shall transmit

95 | the agency's legislative budget request to the Governor and the

96 | Legislature pursuant to s. 216.023.

97 | (g) Providing a plan for consideration by the Legislative

98 | Budget Commission if the Agency for State Technology increases

99 | the cost of a service for a reason other than a customer

100 | entity's request made pursuant to paragraph (d). Such a plan is

101 required only if the service cost increase results in a net
 102 increase to a customer entity.

103 (h) Providing a timely invoicing methodology to recover
 104 the cost of services provided to the customer entity pursuant to
 105 s. 215.422.

106 (i) Providing an annual reconciliation process of prior
 107 year expenditures completed on a timely basis and overall budget
 108 management pursuant to chapter 216.

109 Section 3. Subsection (9) is added to section 20.255,
 110 Florida Statutes, to read:

111 20.255 Department of Environmental Protection.—There is
 112 created a Department of Environmental Protection.

113 (9) The department shall act as the lead agency of the
 114 executive branch for the development and review of policies,
 115 practices, and standards related to geospatial data. The
 116 department shall coordinate and promote geospatial data sharing
 117 throughout the state government and serve as the primary point
 118 of contact for statewide geographic information systems
 119 projects, grants, and resources.

120 Section 4. Section 20.61, Florida Statutes, is amended to
 121 read:

122 20.61 Agency for State Technology.—The Agency for State
 123 Technology is created within the Department of Management
 124 Services. The agency is a separate budget program and is not
 125 subject to control, supervision, or direction by the Department

126 of Management Services, including, but not limited to,
 127 purchasing, transactions involving real or personal property, or
 128 personnel, with the exception of financial management, which
 129 shall be provided by the Department of Management Services
 130 pursuant to s. 20.22 ~~or budgetary matters.~~

131 (1) (a) The executive director of the agency shall serve as
 132 the state's chief information officer and shall be appointed by
 133 the Governor, subject to confirmation by the Senate. The
 134 executive director position shall be funded within the agency's
 135 executive direction budget entity.

136 (b) Effective January 8, 2019, the executive director must
 137 be a proven, effective administrator who must have at least 10
 138 years of ~~preferably has~~ executive-level experience in ~~both~~ the
 139 public or ~~and~~ private sector ~~sectors~~ in development and
 140 implementation of information technology strategic planning;
 141 management of enterprise information technology projects,
 142 particularly management of large-scale consolidation projects;
 143 and development and implementation of fiscal and substantive
 144 information technology policy.

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

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

150 ~~(b) Chief planning officer and six strategic planning~~

151 ~~coordinators. One coordinator shall be assigned to each of the~~
152 ~~following major program areas: health and human services,~~
153 ~~education, government operations, criminal and civil justice,~~
154 ~~agriculture and natural resources, and transportation and~~
155 ~~economic development.~~

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

157 ~~(d) Chief information security officer.~~

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

159 (2)~~(3)~~ The Technology Advisory Council, consisting of
160 seven members, is established within the Agency for State
161 Technology and shall be maintained pursuant to s. 20.052. Four
162 members of the council shall be appointed by the Governor, two
163 of whom must be from the private sector and one of whom must be
164 a cybersecurity expert. The President of the Senate and the
165 Speaker of the House of Representatives shall each appoint one
166 member of the council. The Attorney General, the Commissioner of
167 Agriculture and Consumer Services, and the Chief Financial
168 Officer shall jointly appoint one member by agreement of a
169 majority of these officers. Upon initial establishment of the
170 council, two of the Governor's appointments shall be for 2-year
171 terms. Thereafter, all appointments shall be for 4-year terms.

172 (a) The council shall consider and make recommendations to
173 the executive director on such matters as enterprise information
174 technology policies, standards, services, and architecture. The
175 council may also identify and recommend opportunities for the

176 establishment of public-private partnerships when considering
 177 technology infrastructure and services in order to accelerate
 178 project delivery and provide a source of new or increased
 179 project funding.

180 (b) The executive director shall consult with the council
 181 with regard to executing the duties and responsibilities of the
 182 agency related to statewide information technology strategic
 183 planning and policy.

184 (c) The council shall be governed by the Code of Ethics
 185 for Public Officers and Employees as set forth in part III of
 186 chapter 112, and each member must file a statement of financial
 187 interests pursuant to s. 112.3145.

188 Section 5. Section 282.0041, Florida Statutes, is amended
 189 to read:

190 282.0041 Definitions.—As used in this chapter, the term:

191 (1) "Agency assessment" means the amount each customer
 192 entity shall pay annually for services from the Agency for State
 193 Technology and includes administrative and data center services
 194 costs.

195 (2)~~(1)~~ "Agency data center" means agency space containing
 196 10 or more physical or logical servers.

197 (3) "Application programming interface" means a set of
 198 programming instructions and standards for accessing a web-based
 199 software application.

200 (4)~~(2)~~ "Breach" has the same meaning as in s. 501.171

201 ~~means a confirmed event that compromises the confidentiality,~~
202 ~~integrity, or availability of information or data.~~

203 (5)~~(3)~~ "Business continuity plan" means a collection of
204 procedures and information designed to keep an agency's critical
205 operations running during a period of displacement or
206 interruption of normal operations.

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

210 (7)~~(4)~~ "Computing facility" or "agency computing facility"
211 means agency space containing fewer than a total of 10 physical
212 or logical servers, but excluding single, logical-server
213 installations that exclusively perform a utility function such
214 as file and print servers.

215 (8)~~(5)~~ "Customer entity" means an entity that obtains
216 services from the Agency for State Technology ~~state data center.~~

217 (9) "Data" means a subset of structured information in a
218 format that allows such information to be electronically
219 retrieved and transmitted.

220 (10) "Data catalog" means a collection of descriptions of
221 datasets.

222 (11) "Dataset" means an organized collection of related
223 data held in an electronic format.

224 (12)~~(6)~~ "Department" means the Department of Management
225 Services.

226 (13)~~(7)~~ "Disaster recovery" means the process, policies,
 227 procedures, and infrastructure related to preparing for and
 228 implementing recovery or continuation of an agency's vital
 229 technology infrastructure after a natural or human-induced
 230 disaster.

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

235 (14)~~(9)~~ "Event" means an observable occurrence in a system
 236 or network.

237 (15)~~(10)~~ "Incident" means a violation or imminent threat
 238 of violation, whether such violation is accidental or
 239 deliberate, of information technology resources or security
 240 ~~policies, acceptable use policies, or standard security~~
 241 practices. An imminent threat of violation refers to a situation
 242 in which the state agency has a factual basis for believing that
 243 a specific incident is about to occur.

244 (16)~~(11)~~ "Information technology" means equipment,
 245 hardware, software, firmware, programs, systems, networks,
 246 infrastructure, media, and related material used to
 247 automatically, electronically, and wirelessly collect, receive,
 248 access, transmit, display, store, record, retrieve, analyze,
 249 evaluate, process, classify, manipulate, manage, assimilate,
 250 control, communicate, exchange, convert, converge, interface,

251 switch, or disseminate information of any kind or form.

252 (17)~~(12)~~ "Information technology policy" means a definite
 253 course or method of action selected from among one or more
 254 alternatives that guide and determine present and future
 255 decisions.

256 (18)~~(13)~~ "Information technology resources" has the same
 257 meaning as provided in s. 119.011.

258 (19)~~(14)~~ "Information technology security" means the
 259 protection afforded to an automated information system in order
 260 to attain the applicable objectives of preserving the integrity,
 261 availability, and confidentiality of data, information, and
 262 information technology resources.

263 (20) "Machine-readable" means data that is in a format
 264 that can be easily processed by a computer without human
 265 intervention.

266 (21) "Open data" means data collected or created by a
 267 state agency and structured in a way that enables the data to be
 268 fully discoverable and usable by the public. The term does not
 269 include data that is restricted from public distribution based
 270 on federal or state privacy, confidentiality, and security laws
 271 and regulations or data for which a state agency is statutorily
 272 authorized to assess a fee for its distribution.

273 (22)~~(15)~~ "Performance metrics" means the measures of an
 274 organization's activities and performance.

275 (23)~~(16)~~ "Project" means an endeavor that has a defined

276 start and end point; is undertaken to create or modify a unique
 277 product, service, or result; and has specific objectives that,
 278 when attained, signify completion.

279 (24)~~(17)~~ "Project oversight" means an independent review
 280 and analysis of an information technology project that provides
 281 information on the project's scope, completion timeframes, and
 282 budget and that identifies and quantifies issues or risks
 283 affecting the successful and timely completion of the project.

284 (25)~~(18)~~ "Risk assessment" means the process of
 285 identifying security risks, determining their magnitude, and
 286 identifying areas needing safeguards.

287 (26)~~(19)~~ "Service level" means the key performance
 288 indicators (KPI) of an organization or service which must be
 289 regularly performed, monitored, and achieved.

290 (27)~~(20)~~ "Service-level agreement" means a written
 291 contract between the Agency for State Technology ~~state data~~
 292 ~~center~~ and a customer entity which specifies the scope of
 293 services provided, service level, the duration of the agreement,
 294 the responsible parties, and agency assessment ~~service~~ costs,
 295 which include administrative and data center costs. A service-
 296 level agreement is not a rule pursuant to chapter 120.

297 (28)~~(21)~~ "Stakeholder" means a person, group,
 298 organization, or state agency involved in or affected by a
 299 course of action.

300 (29)~~(22)~~ "Standards" means required practices, controls,

301 components, or configurations established by an authority.
 302 (30)~~(23)~~ "State agency" means any official, officer,
 303 commission, board, authority, council, committee, or department
 304 of the executive branch of state government; the Justice
 305 Administrative Commission; and the Public Service Commission.
 306 The term does not include university boards of trustees or state
 307 universities. As used in part I of this chapter, except as
 308 otherwise specifically provided, the term does not include the
 309 Department of Legal Affairs, the Department of Agriculture and
 310 Consumer Services, or the Department of Financial Services.
 311 (31)~~(24)~~ "SUNCOM Network" means the state enterprise
 312 telecommunications system that provides all methods of
 313 electronic or optical telecommunications beyond a single
 314 building or contiguous building complex and used by entities
 315 authorized as network users under this part.
 316 (32)~~(25)~~ "Telecommunications" means the science and
 317 technology of communication at a distance, including electronic
 318 systems used in the transmission or reception of information.
 319 (33)~~(26)~~ "Threat" means any circumstance or event that has
 320 the potential to adversely impact a state agency's operations or
 321 assets through an information system via unauthorized access,
 322 destruction, disclosure, or modification of information or
 323 denial of service.
 324 (34)~~(27)~~ "Variance" means a calculated value that
 325 illustrates how far positive or negative a projection has

326 deviated when measured against documented estimates within a
 327 project plan.

328 Section 6. Subsections (14) through (19) of section
 329 282.0051, Florida Statutes, are renumbered as subsections (13)
 330 through (18), respectively, subsections (3), (4), (5), (6),
 331 (10), (11), and (13) and present subsection (17) are amended,
 332 and a new subsection (19) is added to that section, to read:

333 282.0051 Agency for State Technology; powers, duties, and
 334 functions.—The Agency for State Technology shall have the
 335 following powers, duties, and functions:

336 (3) ~~By June 30, 2015,~~ Establish and update project
 337 management and oversight standards with which state agencies
 338 must comply when implementing information technology projects.
 339 The agency shall provide training opportunities to state
 340 agencies to assist in the adoption of the project management and
 341 oversight standards. To support data-driven decisionmaking, the
 342 standards must include, but are not limited to:

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

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

349 (c) Reporting requirements, including requirements
 350 designed to alert all defined stakeholders that an information

351 technology project has exceeded acceptable variances defined and
 352 documented in a project plan.

353 (d) Content, format, and frequency of project updates.

354 (4) ~~Beginning January 1, 2015,~~ Perform project oversight
 355 on all state agency information technology projects that have
 356 total project costs of \$10 million or more and that are funded
 357 in the General Appropriations Act or any other law. The agency
 358 shall report at least quarterly to the Executive Office of the
 359 Governor, the President of the Senate, and the Speaker of the
 360 House of Representatives on any information technology project
 361 that the agency identifies as high-risk due to the project
 362 exceeding acceptable variance ranges defined and documented in a
 363 project plan. The report must include a risk assessment,
 364 including fiscal risks, associated with proceeding to the next
 365 stage of the project, and a recommendation for corrective
 366 actions required, including suspension or termination of the
 367 project.

368 (5) ~~By April 1, 2016, and biennially thereafter,~~ Identify
 369 opportunities for standardization and consolidation of
 370 information technology services that support business functions
 371 and operations, including administrative functions such as
 372 purchasing, accounting and reporting, cash management, and
 373 personnel, and that are common across state agencies. The agency
 374 shall biennially on April 1 provide recommendations for
 375 standardization and consolidation to the Executive Office of the

376 Governor, the President of the Senate, and the Speaker of the
 377 House of Representatives. ~~The agency is not precluded from~~
 378 ~~providing recommendations before April 1, 2016.~~

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

389 (10) ~~Beginning July 1, 2016, and annually thereafter,~~
 390 Conduct annual assessments of state agencies to determine
 391 compliance with all information technology standards and
 392 guidelines developed and published by the agency, and ~~beginning~~
 393 ~~December 1, 2016, and annually thereafter,~~ provide results of
 394 the assessments to the Executive Office of the Governor, the
 395 President of the Senate, and the Speaker of the House of
 396 Representatives.

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

400 (a) Implementing industry standards and best practices for

401 the state data center's facilities, operations, maintenance,
 402 planning, and management processes.

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

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

417 1. implementing a consolidated administrative support
 418 structure responsible for providing ~~financial management,~~
 419 procurement, transactions involving real or personal property,
 420 human resources, and operational support.

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

425 3. ~~Providing rebates that may be credited against future~~

426 ~~billings to customer entities when revenues exceed costs.~~

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

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

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

443 ~~7. Standardizing and consolidating procurement and~~
444 ~~contracting practices.~~

445 (c)~~(d)~~ In collaboration with the Department of Law
446 Enforcement, developing and implementing a process for
447 detecting, reporting, and responding to information technology
448 security incidents, breaches, and threats.

449 (d)~~(e)~~ Adopting rules relating to the operation of the
450 state data center, ~~including, but not limited to, budgeting and~~

451 ~~accounting procedures, cost-recovery methodologies, and~~
 452 ~~operating procedures.~~

453 ~~(e)-(f) Beginning May 1, 2016, and annually thereafter,~~
 454 Conducting an annual a market analysis to determine whether the
 455 state's approach to the provision of data center services is the
 456 most effective and cost-efficient ~~efficient~~ manner by which its
 457 customer entities can acquire such services, based on federal,
 458 state, and local government trends; best practices in service
 459 provision; and the acquisition of new and emerging technologies.
 460 The results of the market analysis shall assist the state data
 461 center in making adjustments to its data center service
 462 offerings.

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

467 ~~(16)-(17)~~ If adherence to standards or policies adopted by
 468 or established pursuant to this section causes conflict with
 469 federal regulations or requirements imposed on a state agency
 470 and results in adverse action against the state agency or
 471 federal funding, work with the state agency to provide
 472 alternative standards, policies, or requirements that do not
 473 conflict with the federal regulation or requirement. Beginning
 474 ~~July 1, 2015,~~ The agency shall annually report such alternative
 475 standards to the Governor, the President of the Senate, and the

476 Speaker of the House of Representatives.

477 (19) In consultation with state agencies, develop an
478 enterprise data inventory that describes the data created or
479 collected by a state agency and recommend options and associated
480 costs for developing and maintaining an open data catalog that
481 is machine-readable. For purposes of developing the inventory,
482 the agency shall:

483 (a) Establish a process and a reporting format for state
484 agencies to provide an inventory that describes all current
485 datasets aggregated or stored by the state agency. The inventory
486 shall include, but is not limited to:

487 1. A title and description of the information contained
488 within the dataset.

489 2. A description of how the data is maintained, including
490 standards or terminologies used to structure the data.

491 3. Any existing or planned application programming
492 interface used to publish the data, a description of the data
493 contained in any such existing interface, and a description of
494 the data expected to be contained in any currently planned
495 interface.

496 (b) Recommend any potential methods for standardizing data
497 across state agencies that will promote interoperability and
498 reduce the collection of duplicative data.

499 (c) Identify state agency data that may be considered open
500 data.

501 (d) Recommend open data technical standards and
 502 terminologies for use by state agencies.

503 (e) Recommend options and associated costs for the state
 504 to develop and maintain an open data catalog.

505 Section 7. Section 282.201, Florida Statutes, is amended
 506 to read:

507 282.201 State data center.—The state data center is
 508 established within the Agency for State Technology and shall
 509 ~~provide data center services that are hosted on premises or~~
 510 ~~externally through a third-party provider as an enterprise~~
 511 ~~information technology service.~~ The provision of data center
 512 services must comply with applicable state and federal laws,
 513 regulations, and policies, including all applicable security,
 514 privacy, and auditing requirements.

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

525 (1)(2) STATE DATA CENTER DUTIES.—The state data center

526 shall:

527 (a) Offer, develop, and support the services and
 528 applications defined in service-level agreements executed with
 529 its customer entities.

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

534 (c) Develop and implement ~~a business continuity plan and a~~
 535 disaster recovery plans ~~plan, and beginning July 1, 2015, and~~
 536 annually ~~thereafter,~~ conduct a live exercise of each plan.

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

- 543 1. Identify the parties and their roles, duties, and
 544 responsibilities under the agreement.
- 545 2. State the duration of the contract term and specify the
 546 conditions for renewal.
- 547 3. Identify the scope of work.
- 548 4. Identify the products or services to be delivered with
 549 sufficient specificity to permit an external financial or
 550 performance audit.

551 5. Establish the services to be provided, the business
 552 standards that must be met for each service, the cost of each
 553 service by agency application, and the metrics and processes by
 554 which the business standards for each service are to be
 555 objectively measured and reported.

556 ~~6. Provide a timely billing methodology to recover the~~
 557 ~~cost of services provided to the customer entity pursuant to s.~~
 558 ~~215.422.~~

559 6.7. Provide a procedure for modifying the service-level
 560 agreement based on changes in the type, level, and cost of a
 561 service.

562 ~~7.8.~~ Include a right-to-audit clause to ensure that the
 563 parties to the agreement have access to records for audit
 564 purposes during the term of the service-level agreement.

565 ~~8.9.~~ Provide that a service-level agreement may be
 566 terminated by either party for cause only after giving the other
 567 party and the Agency for State Technology notice in writing of
 568 the cause for termination and an opportunity for the other party
 569 to resolve the identified cause within a reasonable period.

570 ~~9.10.~~ Provide for mediation of disputes by the Division of
 571 Administrative Hearings pursuant to s. 120.573.

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

575 (f) Assume administrative access rights to resources and

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

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

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

598 (g) In its procurement process, show preference for cloud
599 computing solutions that minimize or do not require the
600 purchase, financing, or leasing of state data center

601 infrastructure, and that meet the needs of customer agencies,
 602 reduce costs, and meet or exceed the applicable state and
 603 federal standards for information technology security.

604 (h) Assist customer entities in transitioning from state
 605 data center services to third-party cloud computing services
 606 procured by a customer entity.

607 ~~(3) STATE AGENCY DUTIES.—~~

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

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

618 ~~(3)(4) USE OF THE STATE DATA CENTER SCHEDULE FOR~~
 619 ~~CONSOLIDATIONS OF AGENCY DATA CENTERS.—~~

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

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

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

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

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

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

637 ~~(c)~~ The following are exempt from the use of the state
 638 data center ~~consolidation under this section~~: the Department of
 639 Law Enforcement, the Department of the Lottery's Gaming System,
 640 Systems Design and Development in the Office of Policy and
 641 Budget, the regional traffic management centers as described in
 642 s. 335.14(2) and the Office of Toll Operations of the Department
 643 of Transportation, the State Board of Administration, state
 644 attorneys, public defenders, criminal conflict and civil
 645 regional counsel, capital collateral regional counsel, and the
 646 Florida Housing Finance Corporation.

647 ~~(d)~~ A state agency that is consolidating its agency data
 648 center or computing facility into the state data center must
 649 execute a new or update an existing service-level agreement
 650 within 60 days after the commencement of the service. If a state

651 ~~agency and the state data center are unable to execute a~~
652 ~~service-level agreement by that date, the agency shall submit a~~
653 ~~report to the Executive Office of the Governor within 5 working~~
654 ~~days after that date which explains the specific issues~~
655 ~~preventing execution and describing the plan and schedule for~~
656 ~~resolving those issues.~~

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

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

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

676 | ~~the cost of each contract.~~

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

680 | ~~4. A timetable with significant milestones for the~~
 681 | ~~completion of the consolidation.~~

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

688 | ~~(4)~~(5) AGENCY LIMITATIONS.—

689 | ~~(a)~~ Unless exempt from the use of the state data center
 690 | ~~consolidation~~ pursuant to this section or authorized by the
 691 | Legislature ~~or as provided in paragraph (b)~~, a state agency may
 692 | not:

693 | ~~(a)1.~~ (a)1. Create a new agency computing facility or data
 694 | center, or expand the capability to support additional computer
 695 | equipment in an existing agency computing facility or data
 696 | center; or

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

701 ~~pursuant to s. 282.0051;~~

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

704 ~~(b)4. Terminate services with the state data center~~
 705 ~~without giving written notice of intent to terminate services~~
 706 ~~180 days before such termination; or~~

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

709 ~~(b) Exceptions to the limitations in subparagraphs (a)1.,~~
 710 ~~2., 3., and 5. may be granted by the Agency for State Technology~~
 711 ~~if there is insufficient capacity in the state data center to~~
 712 ~~absorb the workload associated with agency computing services,~~
 713 ~~if expenditures are compatible with the standards established~~
 714 ~~pursuant to s. 282.0051, or if the equipment or resources are~~
 715 ~~needed to meet a critical agency business need that cannot be~~
 716 ~~satisfied by the state data center. The Agency for State~~
 717 ~~Technology shall establish requirements that a state agency must~~
 718 ~~follow when submitting and documenting a request for an~~
 719 ~~exception. The Agency for State Technology shall also publish~~
 720 ~~guidelines for its consideration of exception requests. However,~~
 721 ~~the decision of the Agency for State Technology regarding an~~
 722 ~~exception request is not subject to chapter 120.~~

723 Section 8. Section 282.206, Florida Statutes, is created
 724 to read:

725 282.206 Cloud-first policy in state agencies.-

726 (1) The Legislature finds that the most efficient and
 727 effective means of providing quality data processing services is
 728 through the use of cloud computing. It is the intent of the
 729 Legislature that each state agency adopt a cloud-first policy
 730 that first considers cloud computing solutions in its technology
 731 sourcing strategy for technology initiatives or upgrades
 732 whenever possible and feasible.

733 (2) In its procurement process, each state agency shall
 734 show preference for cloud computing solutions that either
 735 minimize or do not require the use of state data center
 736 infrastructure when cloud computing solutions meet the needs of
 737 the agency, reduce costs, and meet or exceed the applicable
 738 state and federal standards for information technology security.

739 (3) Each state agency customer of the state data center
 740 shall notify the state data center by May 31 and November 30
 741 annually of any significant changes in its anticipated
 742 utilization of state data center services pursuant to
 743 requirements established by the state data center.

744 Section 9. Paragraph (h) of subsection (4) of section
 745 282.318, Florida Statutes, is amended to read:

746 282.318 Security of data and information technology.—

747 (4) Each state agency head shall, at a minimum:

748 (h) Ensure that the ~~include appropriate~~ information
 749 technology security and cybersecurity requirements in both the
 750 written specifications for the solicitation and service level

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751 agreement of information technology and information technology
752 resources and services meet or exceed the applicable state and
753 federal standards for information technology security and
754 cybersecurity. Service level agreements shall identify service
755 provider and state agency responsibilities for privacy and
756 security, protection of government data, personnel background
757 screening, and security deliverables with associated
758 frequencies, ~~which are consistent with the rules and guidelines~~
759 ~~established by the Agency for State Technology in collaboration~~
760 ~~with the Department of Management Services.~~

761 Section 10. This act shall take effect July 1, 2018.