

1 A bill to be entitled
2 An act relating to state information technology;
3 transferring records, property, funds, trust funds,
4 administrative authority and rules, pending issues,
5 and existing contracts of the Agency for Enterprise
6 Information Technology to the Agency for State
7 Technology; nullifying certain notices and proceedings
8 of the Agency for Enterprise Information Technology;
9 repealing s. 14.204, F.S., relating to the Agency for
10 Enterprise Information Technology, to abolish the
11 agency; creating s. 14.206, F.S.; creating the Agency
12 for State Technology; providing for the head of the
13 agency; providing that the agency is a separate budget
14 entity; providing for the appointment of an executive
15 director who shall be the state's Chief Information
16 Officer; providing for the appointment of a state
17 Chief Information Security Officer; providing
18 responsibilities of the agency; providing for an
19 Information Technology Strategic Plan; authorizing the
20 agency to adopt rules; amending s. 282.0041, F.S.;
21 revising definitions for purposes of provisions
22 relating to information technology services and
23 accessibility of information and technology; repealing
24 ss. 282.0055 and 282.0056, F.S.; removing provisions
25 that assign certain responsibilities and duties to the
26 Agency for Enterprise Information Technology; amending
27 s. 282.201, F.S., relating to the state data center
28 system; providing duties of the Agency for State

29 Technology; directing the agency to develop rules for
 30 certain purposes; revising certain duties of state
 31 agencies; revising provisions for consolidation of
 32 computing facilities into primary data centers;
 33 revising provisions for transition plans; requiring
 34 resources required to remain in an agency center or
 35 computing facility be justified in writing and
 36 approved by the Legislature; removing a provision for
 37 rulemaking; repealing s. 282.33, F.S., relating to
 38 standards for data center energy efficiency; repealing
 39 s. 282.34, F.S., relating to a statewide e-mail
 40 service; amending ss. 17.0315, 110.205, 215.322,
 41 282.203, 282.204, 282.205, 282.318, 287.057, 445.011,
 42 445.045, and 668.50, F.S., relating to a task force
 43 established to develop a strategic business plan,
 44 career service exemptions, acceptance of electronic
 45 payments, primary data centers, the Northwood Shared
 46 Resource Center, the Southwood Shared Resource Center,
 47 enterprise security of data and information
 48 technology, procurement of commodities or contractual
 49 services, workforce information systems, information
 50 technology industry promotion and workforce
 51 recruitment, and acceptance and distribution of
 52 electronic records by governmental agencies;
 53 conforming provisions to changes made by the act;
 54 providing an appropriation; providing effective dates.

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

57
 58 Section 1. All of the records and property; funds, trust
 59 funds, and unexpended balances of appropriations, allocations,
 60 and other funds; administrative authority; the administrative
 61 rules in effect as of November 15, 2010, comprised only of
 62 Chapters 71-1, 71A-1, and 71A-2, Florida Administrative Code;
 63 pending issues; and existing contracts of the Agency for
 64 Enterprise Information Technology are transferred by a type two
 65 transfer, pursuant to s. 20.06(2), Florida Statutes, to the
 66 Agency for State Technology.

67 Section 2. (1) All notices published after November 15,
 68 2010, by the Agency for Enterprise Information Technology
 69 pursuant to s. 120.54, Florida Statutes, are nullified and of no
 70 further force or effect.

71 (2) All proceedings pursuant to s. 120.54, Florida
 72 Statutes, of the Agency for Enterprise Information Technology
 73 that are pending on the effective date of this act or were
 74 initiated after November 15, 2010, are nullified and of no
 75 further force or effect.

76 Section 3. Section 14.204, Florida Statutes, is repealed.

77 Section 4. Section 14.206, Florida Statutes, is created to
 78 read:

79 14.206 Agency for State Technology.—The Agency for State
 80 Technology is created within the Executive Office of the
 81 Governor.

82 (1) The head of the agency shall be the Governor and
 83 Cabinet.

84 (2) The agency is a separate budget entity and is not
 85 subject to control, supervision, or direction by the Executive
 86 Office of the Governor, including, but not limited to,
 87 purchasing, transactions involving real or personal property,
 88 personnel, or budgetary matters.

89 (3) The agency shall have an executive director who is the
 90 state's Chief Information Officer and who must:

91 (a) Have a degree in computer science or information
 92 technology from an accredited postsecondary institution.

93 (b) Have executive-level experience in strategic
 94 information technology planning and project management in both
 95 the public and private sectors.

96 (c) Be appointed by the Governor, subject to confirmation
 97 by the Cabinet and the Senate, and serve at the pleasure of the
 98 Governor and Cabinet.

99 (d) Designate a state Chief Information Security Officer
 100 who shall report directly to the executive director.

101 (4) The Agency for State Technology shall have the
 102 following duties and responsibilities:

103 (a) Provide project management oversight of the agency
 104 data center consolidations authorized pursuant to s. 282.201.
 105 Such project management oversight shall include, but is not
 106 limited to:

107 1. Monitoring the activities of an agency in meeting the
 108 timetable and milestones included in the agency's consolidation
 109 transition plan required pursuant to s. 282.201(4).

110 2. Monitoring the activities of a primary data center in
 111 implementing the staffing plan and resolving any issues included

112 in the primary data center's consolidation transition plan
 113 required pursuant to s. 282.201(4).

114 3. Reporting to the President of the Senate and the
 115 Speaker of the House of Representatives any recommended
 116 corrective actions necessary to resolve policy or fiscal issues
 117 identified as a result of the agency's project monitoring.

118 (b) Beginning October 1, 2012, and biennially thereafter,
 119 develop and submit to the President of the Senate and the
 120 Speaker of the House of Representatives an Information
 121 Technology Strategic Plan that includes, but is not limited to,
 122 the following:

123 1. An inventory of the information technology systems that
 124 are operated and maintained by executive branch agencies. At a
 125 minimum the inventory must include:

126 a. The name of each system, the number of users who must
 127 use the system to perform their job functions, the associated
 128 business processes, and a description of the system
 129 functionality that supports the system.

130 b. The total cost of operating and maintaining each system
 131 on a fiscal-year basis. The total cost must include staffing,
 132 hardware, software, contracted services, and external service
 133 provider costs.

134 2. Identification of strategies and opportunities to
 135 improve the delivery of each system identified in the inventory
 136 that would result in cost efficiencies or service level
 137 improvements.

138 3. Identification of strategies and techniques for
 139 consolidating the purchase of information technology commodities

140 and services which result in savings for the state and for
141 establishing a process to achieve savings through consolidated
142 purchases.

143 4. Recommendations of other information technology
144 services that should be designed, delivered, and managed as
145 enterprise information technology services as defined in s.
146 282.0041. For each information technology service recommended,
147 the plan must include the specific business and functional
148 requirements of the service, the projected costs and cost
149 savings, and a proposed schedule for statewide implementation.

150 5. Recommendations for reducing energy consumption and
151 improving the energy efficiency of the primary data centers.

152 (c) Assist the Division of Purchasing in the Department of
153 Management Services in establishing best practices for the
154 procurement of information technology products that include the
155 use of aggregate buying methodologies whenever possible, and
156 negotiating the procurement of information technology products
157 in order to achieve cost reductions.

158 (d) Develop information technology standards for the
159 efficient design, planning, acquisition, implementation, and
160 delivery of information technology services and conduct periodic
161 assessments of agencies for compliance with such standards.

162 (e) Perform duties related to enterprise information
163 technology services as required pursuant to part I of chapter
164 282.

165 (5) The agency shall operate in a manner that ensures the
166 participation and representation of state agencies.

167 (6) The agency may adopt rules necessary to implement
 168 provisions of law conferring duties upon it.

169 Section 5. Section 282.0041, Florida Statutes, is amended
 170 to read:

171 282.0041 Definitions.—As used in this chapter, the term:

172 (1) "Agency" has the same meaning as in s. 216.011(1)(qq),
 173 except that for purposes of this chapter, "agency" does not
 174 include university boards of trustees or state universities.

175 ~~(2) "Agency for Enterprise Information Technology" means~~
 176 ~~the agency created in s. 14.204.~~

177 ~~(3) "Agency information technology service" means a~~
 178 ~~service that directly helps an agency fulfill its statutory or~~
 179 ~~constitutional responsibilities and policy objectives and is~~
 180 ~~usually associated with the agency's primary or core business~~
 181 ~~functions.~~

182 (2)(4) "Annual budget meeting" means a meeting of the
 183 board of trustees of a primary data center to review data center
 184 usage to determine the apportionment of board members for the
 185 following fiscal year, review rates for each service provided,
 186 and determine any other required changes.

187 (3)(5) "Breach" has the same meaning as in s. 817.5681(4).

188 (4)(6) "Business continuity plan" means a plan for
 189 disaster recovery which provides for the continued functioning
 190 of a primary data center during and after a disaster.

191 (5)(7) "Computing facility" means agency space containing
 192 fewer than a total of 10 physical or logical servers, any of
 193 which supports a strategic or nonstrategic information
 194 technology service, as described in budget instructions

195 developed pursuant to s. 216.023, but excluding single, logical-
 196 server installations that exclusively perform a utility function
 197 such as file and print servers.

198 (6)~~(8)~~ "Customer entity" means an entity that obtains
 199 services from a primary data center.

200 (7)~~(9)~~ "Data center" means agency space containing 10 or
 201 more physical or logical servers any of which supports a
 202 strategic or nonstrategic information technology service, as
 203 described in budget instructions developed pursuant to s.
 204 216.023.

205 (8)~~(10)~~ "Department" means the Department of Management
 206 Services.

207 (9)~~(11)~~ "Enterprise information technology service" means
 208 an information technology service that is used in all agencies
 209 or a subset of agencies and is established in law to be
 210 designed, delivered, and managed at the enterprise level.

211 ~~(12) "E mail, messaging, and calendaring service" means~~
 212 ~~the enterprise information technology service that enables users~~
 213 ~~to send, receive, file, store, manage, and retrieve electronic~~
 214 ~~messages, attachments, appointments, and addresses. The e mail,~~
 215 ~~messaging, and calendaring service must include e mail account~~
 216 ~~management; help desk; technical support and user provisioning~~
 217 ~~services; disaster recovery and backup and restore capabilities;~~
 218 ~~antispam and antivirus capabilities; archiving and e-discovery;~~
 219 ~~and remote access and mobile messaging capabilities.~~

220 (10)~~(13)~~ "Information-system utility" means a full-service
 221 information-processing facility offering hardware, software,
 222 operations, integration, networking, and consulting services.

223 (11)~~(14)~~ "Information technology" means equipment,
 224 hardware, software, firmware, programs, systems, networks,
 225 infrastructure, media, and related material used to
 226 automatically, electronically, and wirelessly collect, receive,
 227 access, transmit, display, store, record, retrieve, analyze,
 228 evaluate, process, classify, manipulate, manage, assimilate,
 229 control, communicate, exchange, convert, converge, interface,
 230 switch, or disseminate information of any kind or form.

231 ~~(15) "Information technology policy" means statements that~~
 232 ~~describe clear choices for how information technology will~~
 233 ~~deliver effective and efficient government services to residents~~
 234 ~~and improve state agency operations. A policy may relate to~~
 235 ~~investments, business applications, architecture, or~~
 236 ~~infrastructure. A policy describes its rationale, implications~~
 237 ~~of compliance or noncompliance, the timeline for implementation,~~
 238 ~~metrics for determining compliance, and the accountable~~
 239 ~~structure responsible for its implementation.~~

240 (12)~~(16)~~ "Performance metrics" means the measures of an
 241 organization's activities and performance.

242 (13)~~(17)~~ "Primary data center" means a data center that is
 243 a recipient entity for consolidation of nonprimary data centers
 244 and computing facilities and that is established by law.

245 (14)~~(18)~~ "Project" means an endeavor that has a defined
 246 start and end point; is undertaken to create or modify a unique
 247 product, service, or result; and has specific objectives that,
 248 when attained, signify completion.

249 (15)~~(19)~~ "Risk analysis" means the process of identifying
 250 security risks, determining their magnitude, and identifying

251 areas needing safeguards.

252 (16)~~(20)~~ "Service level" means the key performance
 253 indicators (KPI) of an organization or service which must be
 254 regularly performed, monitored, and achieved.

255 (17)~~(21)~~ "Service-level agreement" means a written
 256 contract between a data center and a customer entity which
 257 specifies the scope of services provided, service level, the
 258 duration of the agreement, the responsible parties, and service
 259 costs. A service-level agreement is not a rule pursuant to
 260 chapter 120.

261 (18)~~(22)~~ "Standards" means required practices, controls,
 262 components, or configurations established by an authority.

263 (19)~~(23)~~ "SUNCOM Network" means the state enterprise
 264 telecommunications system that provides all methods of
 265 electronic or optical telecommunications beyond a single
 266 building or contiguous building complex and used by entities
 267 authorized as network users under this part.

268 (20)~~(24)~~ "Telecommunications" means the science and
 269 technology of communication at a distance, including electronic
 270 systems used in the transmission or reception of information.

271 ~~(25) "Threat" means any circumstance or event that may
 272 cause harm to the integrity, availability, or confidentiality of
 273 information technology resources.~~

274 (21)~~(26)~~ "Total cost" means all costs associated with
 275 information technology projects or initiatives, including, but
 276 not limited to, value of hardware, software, service,
 277 maintenance, incremental personnel, and facilities. Total cost
 278 of a loan or gift of information technology resources to an

279 agency includes the fair market value of the resources.

280 ~~(22)(27)~~ "Usage" means the billing amount charged by the
 281 primary data center, less any pass-through charges, to the
 282 customer entity.

283 ~~(23)(28)~~ "Usage rate" means a customer entity's usage or
 284 billing amount as a percentage of total usage.

285 Section 6. Section 282.0055, Florida Statutes, is
 286 repealed.

287 Section 7. Section 282.0056, Florida Statutes, is
 288 repealed.

289 Section 8. Subsections (2) and (3), paragraphs (g) through
 290 (o) of subsection (4), and subsections (5) and (6) of section
 291 282.201, Florida Statutes, are amended to read:

292 282.201 State data center system; agency duties and
 293 limitations.—A state data center system that includes all
 294 primary data centers, other nonprimary data centers, and
 295 computing facilities, and that provides an enterprise
 296 information technology service as defined in s. 282.0041, is
 297 established.

298 (2) AGENCY FOR STATE ENTERPRISE INFORMATION TECHNOLOGY
 299 DUTIES.— The Agency for State Enterprise Information Technology
 300 shall:

301 ~~(a) Collect and maintain information necessary for~~
 302 ~~developing policies relating to the data center system,~~
 303 ~~including, but not limited to, an inventory of facilities.~~

304 ~~(a)(b)~~ Annually review ~~approve~~ cost-recovery mechanisms
 305 and rate structures for the primary data centers and provide any
 306 recommendations for changes in the mechanisms and structures to

307 the board of trustees of the primary data centers ~~which recover~~
 308 ~~costs through charges to customer entities.~~

309 (b)(e) By September 30 of each year, submit to the
 310 Legislature, the Executive Office of the Governor, and the
 311 primary data centers recommendations to improve the efficiency
 312 and cost-effectiveness of computing services provided by state
 313 data center system facilities. Such recommendations must
 314 include, but need not be limited to:

315 1. Policies for improving the cost-effectiveness and
 316 efficiency of the state data center system, which includes the
 317 primary data centers being transferred to a shared, virtualized
 318 server environment, and the associated cost savings resulting
 319 from the implementation of such policies.

320 2. Infrastructure improvements supporting the
 321 consolidation of facilities or preempting the need to create
 322 additional data centers or computing facilities.

323 3. Uniform disaster recovery standards.

324 4. Standards for primary data centers which provide cost-
 325 effective services and transparent financial data to user
 326 agencies.

327 5. Consolidation of contract practices or coordination of
 328 software, hardware, or other technology-related procurements and
 329 the associated cost savings.

330 6. Improvements to data center governance structures.

331 ~~(d) By October 1 of each year beginning in 2011, provide~~
 332 ~~recommendations to the Governor and Legislature relating to~~
 333 ~~changes to the schedule for the consolidations of state agency~~
 334 ~~data centers as provided in subsection (4).~~

335 1. ~~The recommendations must be based on the goal of~~
 336 ~~maximizing current and future cost savings by:~~
 337 a. ~~Consolidating purchase decisions;~~
 338 b. ~~Leveraging expertise and other resources to gain~~
 339 ~~economies of scale;~~
 340 c. ~~Implementing state information technology policies more~~
 341 ~~effectively; and~~
 342 d. ~~Maintaining or improving the level of service provision~~
 343 ~~to customer entities.~~
 344 2. ~~The agency shall establish workgroups as necessary to~~
 345 ~~ensure participation by affected agencies in the development of~~
 346 ~~recommendations related to consolidations.~~
 347 (c)~~(e)~~ Develop and establish rules relating to the
 348 operation of the state data center system which comply with
 349 applicable federal regulations, including 2 C.F.R. part 225 and
 350 45 C.F.R. ~~The agency shall publish notice of rule development in~~
 351 ~~the Florida Administrative Weekly by October 1, 2011.~~ The rules
 352 must address:
 353 1. Ensuring that financial information is captured and
 354 reported consistently and accurately.
 355 2. Identifying standards for hardware, including standards
 356 for a shared, virtualized server environment, and operations
 357 system software and other operational software, including
 358 security and network infrastructure, for the primary data
 359 centers; requiring compliance with such standards in order to
 360 enable the efficient consolidation of the agency data centers or
 361 computing facilities; and providing an exemption process from
 362 compliance with such standards, which must be consistent with

363 paragraph (5)(b).

364 3. Requiring annual full cost recovery on an equitable
 365 rational basis. The cost-recovery methodology must ensure that
 366 no service is subsidizing another service and may include
 367 adjusting the subsequent year's rates as a means to recover
 368 deficits or refund surpluses from a prior year.

369 4. Requiring that any special assessment imposed to fund
 370 expansion is based on a methodology that apportions the
 371 assessment according to the proportional benefit to each
 372 customer entity.

373 5. Requiring that rebates be given when revenues have
 374 exceeded costs, that rebates be applied to offset charges to
 375 those customer entities that have subsidized the costs of other
 376 customer entities, and that such rebates may be in the form of
 377 credits against future billings.

378 6. Requiring that all service-level agreements have a
 379 contract term of up to 3 years, but may include an option to
 380 renew for up to 3 additional years contingent on approval by the
 381 board, and require at least a 180-day notice of termination.

382 (3) STATE AGENCY DUTIES.—

383 (a) For the purpose of completing the ~~its~~ work activities
 384 as described in subsections ~~subsection~~ (1) and (2), each state
 385 agency shall provide to the Agency for State Enterprise
 386 ~~Information~~ Technology all requested information relating to its
 387 data centers and computing facilities and any other information
 388 relevant to the agency's ability to effectively transition its
 389 computer services into a primary data center. The agency shall
 390 also participate as required in workgroups relating to specific

391 consolidation planning and implementation tasks as assigned by
 392 the Agency for State Enterprise Information Technology and
 393 determined necessary to accomplish consolidation goals.

394 ~~(b) Each state agency shall submit to the Agency for~~
 395 ~~Enterprise Information Technology information relating to its~~
 396 ~~data centers and computing facilities as required in~~
 397 ~~instructions issued by July 1 of each year by the Agency for~~
 398 ~~Enterprise Information Technology. The information required may~~
 399 ~~include:~~

- 400 ~~1. Amount of floor space used and available.~~
- 401 ~~2. Numbers and capacities of mainframes and servers.~~
- 402 ~~3. Storage and network capacity.~~
- 403 ~~4. Amount of power used and the available capacity.~~
- 404 ~~5. Estimated expenditures by service area, including~~
 405 ~~hardware and software, numbers of full time equivalent~~
 406 ~~positions, personnel turnover, and position reclassifications.~~
- 407 ~~6. A list of contracts in effect for the fiscal year,~~
 408 ~~including, but not limited to, contracts for hardware, software~~
 409 ~~and maintenance, including the expiration date, the contract~~
 410 ~~parties, and the cost of the contract.~~
- 411 ~~7. Service-level agreements by customer entity.~~

412 ~~(b)(e)~~ Each state agency customer of a primary data center
 413 shall notify the data center, by May 31 and November 30 of each
 414 year, of any significant changes in anticipated utilization of
 415 data center services pursuant to requirements established by the
 416 boards of trustees of each primary data center.

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

418 (g) During the 2013-2014 fiscal year, the following

419 agencies shall work with the Agency for State Enterprise
 420 ~~Information~~ Technology to begin preliminary planning for
 421 consolidation into a primary data center:

- 422 1. The Department of the Lottery's headquarters location.
- 423 2. The Department of Legal Affairs.
- 424 3. The Fish and Wildlife Conservation Commission, except
 425 for the commission's Fish and Wildlife Research Institute in St.
 426 Petersburg.
- 427 4. The Executive Office of the Governor.
- 428 5. The Department of Veterans' Affairs.
- 429 6. The Department of Elderly Affairs.
- 430 7. The Department of Financial Services' Hartman, Larson,
 431 and Fletcher Building Data Centers.
- 432 8. The Department of Agriculture and Consumer Services'
 433 Agriculture Management Information Center in the Mayo Building
 434 and Division of Licensing.

435 (h) During the 2014-2015 fiscal year, the following
 436 agencies shall work with the Agency for State Enterprise
 437 ~~Information~~ Technology to begin preliminary planning for
 438 consolidation into a primary data center:

- 439 1. The Department of Health's Jacksonville Lab Data
 440 Center.
- 441 2. The Department of Transportation's district offices,
 442 toll offices, and the District Materials Office.
- 443 3. The Department of Military Affairs' Camp Blanding Joint
 444 Training Center in Starke.
- 445 4. The Department of Community Affairs' Camp Blanding
 446 Emergency Operations Center in Starke.

- 447 5. The Department of Education's Division of Blind
 448 Services disaster recovery site in Daytona Beach.
- 449 6. The Department of Education's disaster recovery site at
 450 Santa Fe College.
- 451 7. The Department of the Lottery's Disaster Recovery
 452 Backup Data Center in Orlando.
- 453 8. The Fish and Wildlife Conservation Commission's Fish
 454 and Wildlife Research Institute in St. Petersburg.
- 455 9. The Department of Children and Family Services'
 456 Suncoast Data Center in Tampa.
- 457 10. The Department of Children and Family Services'
 458 Florida State Hospital in Chattahoochee.
- 459 (i) During the 2015-2016 fiscal year, all computing
 460 resources remaining within an agency ~~nonprimary~~ data center or
 461 computing facility shall be transferred to a primary data center
 462 for consolidation unless otherwise required to remain in the
 463 agency for specified financial, technical, or business reasons
 464 that must be justified in writing and approved by the
 465 Legislature ~~Agency for Enterprise Information Technology~~. Such
 466 ~~data centers, computing facilities, and resources must be~~
 467 ~~identified by the Agency for Enterprise Information Technology~~
 468 ~~by October 1, 2014.~~
- 469 (j) Any agency that is consolidating agency data centers
 470 into a primary data center must execute a new or update an
 471 existing service-level agreement within 60 days after the
 472 specified consolidation date, as required by s. 282.203, in
 473 order to specify the services and levels of service it is to
 474 receive from the primary data center as a result of the

475 consolidation. If an agency is unable to execute a service-level
 476 agreement by that date, the agency shall submit a report to the
 477 Executive Office of the Governor and to the chairs of the
 478 legislative appropriations committees within 5 working days
 479 after that date which explains the specific issues preventing
 480 execution and describing its plan and schedule for resolving
 481 those issues.

482 (k) Beginning September 1, 2011, and every 6 months
 483 thereafter until data center consolidations are complete, the
 484 Agency for State Enterprise Information Technology shall provide
 485 a status report on the implementation of the consolidations that
 486 must be completed during the fiscal year. The report shall be
 487 submitted to the Executive Office of the Governor and the chairs
 488 of the legislative appropriations committees. The report must,
 489 at a minimum, describe:

490 1. Whether the consolidation is on schedule, including
 491 progress on achieving the milestones necessary for successful
 492 and timely consolidation of scheduled agency data centers and
 493 computing facilities; and

494 2. The risks that may affect the progress or outcome of
 495 the consolidation and how these risks are being addressed,
 496 mitigated, or managed.

497 (l) Each agency identified in this subsection for
 498 consolidation into a primary data center shall submit a
 499 transition plan to the appropriate primary data center Agency
 500 ~~for Enterprise Information Technology~~ by July ~~September~~ 1 of the
 501 fiscal year before the fiscal year in which the scheduled
 502 consolidation will occur. Transition plans shall be developed in

503 consultation with the appropriate primary data center ~~centers~~
 504 and the Agency for State ~~Enterprise Information~~ Technology, and
 505 must include:

506 1. An inventory of the agency data center's resources
 507 being consolidated, including all hardware, software, staff, and
 508 contracted services, and the facility resources performing data
 509 center management and operations, security, backup and recovery,
 510 disaster recovery, system administration, database
 511 administration, system programming, job control, production
 512 control, print, storage, technical support, help desk, and
 513 managed services, but excluding application development;

514 2. A description of the level of services needed to meet
 515 the technical and operational requirements of the platforms
 516 being consolidated and an estimate of the primary data center's
 517 cost for the provision of such services;

518 3. A description of resources for computing services
 519 proposed to remain in the department;

520 4. A timetable with significant milestones for the
 521 completion of the consolidation; and

522 5. The specific recurring and nonrecurring budget
 523 adjustments of budget resources by appropriation category into
 524 the appropriate data processing category pursuant to the
 525 legislative budget instructions in s. 216.023 necessary to
 526 support agency costs for the transfer.

527 (m) Each primary data center shall develop a transition
 528 plan for absorbing the transfer of agency data center resources
 529 based upon the timetables for transition as provided in this
 530 subsection. The plan shall be submitted to the Agency for State

531 ~~Enterprise Information~~ Technology, the Executive Office of the
 532 Governor, and the chairs of the legislative appropriations
 533 committees by September 1 ~~30~~ of the fiscal year before the
 534 fiscal year in which the scheduled consolidations will occur.

535 Each plan must include:

536 1. An estimate of the cost to provide data center services
 537 for each agency scheduled for consolidation. +

538 2. A staffing plan that identifies the projected staffing
 539 needs and requirements based on the estimated workload
 540 identified in the agency transition plan. +

541 3. The fiscal year adjustments to budget categories in
 542 order to absorb the transfer of agency data center resources
 543 pursuant to the legislative budget request instructions provided
 544 in s. 216.023. +

545 4. An analysis of the cost effects resulting from the
 546 planned consolidations on existing agency customers. + ~~and~~

547 5. A description of any issues that must be resolved in
 548 order to accomplish as efficiently and effectively as possible
 549 all consolidations required during the fiscal year.

550 ~~(n) The Agency for Enterprise Information Technology shall~~
 551 ~~develop a comprehensive transition plan, which shall be~~
 552 ~~submitted by October 15th of the fiscal year before the fiscal~~
 553 ~~year in which the scheduled consolidations will occur to each~~
 554 ~~primary data center, to the Executive Office of the Governor,~~
 555 ~~and the chairs of the legislative appropriations committees. The~~
 556 ~~transition plan shall be developed in consultation with agencies~~
 557 ~~submitting agency transition plans and with the affected primary~~
 558 ~~data centers. The comprehensive transition plan must include:~~

- 559 1. ~~Recommendations for accomplishing the proposed~~
 560 ~~transitions as efficiently and effectively as possible with~~
 561 ~~minimal disruption to customer agency business processes;~~
 562 2. ~~Strategies to minimize risks associated with any of the~~
 563 ~~proposed consolidations;~~
 564 3. ~~A compilation of the agency transition plans submitted~~
 565 ~~by agencies scheduled for consolidation for the following fiscal~~
 566 ~~year; and~~
 567 4. ~~Revisions to any budget adjustments provided in the~~
 568 ~~agency or primary data center transition plans.~~
 569 ~~(c) Any agency data center scheduled for consolidation~~
 570 ~~after the 2011-2012 fiscal year may consolidate into a primary~~
 571 ~~data center before its scheduled date contingent upon the~~
 572 ~~approval of the Agency for Enterprise Information Technology.~~
 573 (5) AGENCY LIMITATIONS.—
 574 (a) Unless authorized by the Legislature or as provided in
 575 paragraphs (b) and (c), a state agency may not:
 576 1. Create a new computing facility or data center, or
 577 expand the capability to support additional computer equipment
 578 in an existing computing facility or nonprimary data center;
 579 2. Spend funds before the agency's scheduled consolidation
 580 into a primary data center to purchase or modify hardware or
 581 operations software that does not comply with hardware and
 582 software standards established by the Agency for State
 583 ~~Enterprise Information~~ Technology pursuant to paragraph (2)(b)
 584 ~~(2)(e)~~ for the efficient consolidation of the agency data
 585 centers or computing facilities;
 586 3. Transfer existing computer services to any data center

587 other than a primary data center;

588 4. Terminate services with a primary data center or
 589 transfer services between primary data centers without giving
 590 written notice of intent to terminate or transfer services 180
 591 days before such termination or transfer; or

592 5. Initiate a new computer service if it does not
 593 currently have an internal data center except with a primary
 594 data center.

595 (b) Exceptions to the limitations in subparagraphs (a)1.,
 596 2., 3., and 5. may be granted by the Agency for State Enterprise
 597 ~~Information~~ Technology if there is insufficient capacity in a
 598 primary data center to absorb the workload associated with
 599 agency computing services, if expenditures are compatible with
 600 the scheduled consolidation and the standards established
 601 pursuant to paragraph (2)(c) ~~(2)(e)~~, or if the equipment or
 602 resources are needed to meet a critical agency business need
 603 that cannot be satisfied from surplus equipment or resources of
 604 the primary data center until the agency data center is
 605 consolidated.

606 1. A request for an exception must be submitted in writing
 607 to the Agency for State Enterprise ~~Information~~ Technology. The
 608 agency must accept, accept with conditions, or deny the request
 609 within 60 days after receipt of the written request. The
 610 agency's decision is not subject to chapter 120.

611 2. At a minimum, the agency may not approve a request
 612 unless it includes:

613 a. Documentation approved by the primary data center's
 614 board of trustees which confirms that the center cannot meet the

615 capacity requirements of the agency requesting the exception
 616 within the current fiscal year.

617 b. A description of the capacity requirements of the
 618 agency requesting the exception.

619 c. Documentation from the agency demonstrating why it is
 620 critical to the agency's mission that the expansion or transfer
 621 must be completed within the fiscal year rather than when
 622 capacity is established at a primary data center.

623 (c) Exceptions to subparagraph (a)4. may be granted by the
 624 board of trustees of the primary data center if the termination
 625 or transfer of services can be absorbed within the current cost-
 626 allocation plan.

627 (d) Upon the termination of or transfer of agency
 628 computing services from the primary data center, the primary
 629 data center shall require information sufficient to determine
 630 compliance with this section. If a primary data center
 631 determines that an agency is in violation of this section, it
 632 shall report the violation to the Agency for State Enterprise
 633 Information Technology.

634 ~~(6) RULES. The Agency for Enterprise Information~~
 635 ~~Technology may adopt rules to administer this part relating to~~
 636 ~~the state data center system including the primary data centers.~~

637 Section 9. Section 282.33, Florida Statutes, is repealed.

638 Section 10. Effective upon this act becoming a law,
 639 section 282.34, Florida Statutes, is repealed.

640 Section 11. Subsection (1) and paragraph (g) of subsection
 641 (2) of section 17.0315, Florida Statutes, are amended to read:

642 17.0315 Financial and cash management system; task force.-

643 (1) The Chief Financial Officer, as the constitutional
 644 officer responsible for settling and approving accounts against
 645 the state and keeping all state funds pursuant to s. 4, Art. IV
 646 of the State Constitution, shall be the head of and appoint
 647 members to a task force established to develop a strategic
 648 business plan for a successor financial and cash management
 649 system. The task force shall include the executive director of
 650 the Agency for State ~~Enterprise Information~~ Technology and the
 651 director of the Office of Policy and Budget in the Executive
 652 Office of the Governor. Any member of the task force may appoint
 653 a designee.

654 (2) The strategic business plan for a successor financial
 655 and cash management system must:

656 (g) Be coordinated with the information technology
 657 strategy development efforts of the Agency for State ~~Enterprise~~
 658 ~~Information~~ Technology;

659 Section 12. Paragraph (e) of subsection (2) of section
 660 110.205, Florida Statutes, is amended to read:

661 110.205 Career service; exemptions.—

662 (2) EXEMPT POSITIONS.—The exempt positions that are not
 663 covered by this part include the following:

664 (e) The Chief Information Officer in the Agency for State
 665 ~~Enterprise Information~~ Technology. Unless otherwise fixed by
 666 law, the Agency for State ~~Enterprise Information~~ Technology
 667 shall set the salary and benefits of this position in accordance
 668 with the rules of the Senior Management Service.

669 Section 13. Subsections (2) and (9) of section 215.322,
 670 Florida Statutes, are amended to read:

671 215.322 Acceptance of credit cards, charge cards, debit
 672 cards, or electronic funds transfers by state agencies, units of
 673 local government, and the judicial branch.—

674 (2) A state agency as defined in s. 216.011, or the
 675 judicial branch, may accept credit cards, charge cards, debit
 676 cards, or electronic funds transfers in payment for goods and
 677 services with the prior approval of the Chief Financial Officer.
 678 If the Internet or other related electronic methods are to be
 679 used as the collection medium, the Agency for State Enterprise
 680 ~~Information~~ Technology shall review and recommend to the Chief
 681 Financial Officer whether to approve the request with regard to
 682 the process or procedure to be used.

683 (9) For payment programs in which credit cards, charge
 684 cards, or debit cards are accepted by state agencies, the
 685 judicial branch, or units of local government, the Chief
 686 Financial Officer, in consultation with the Agency for State
 687 ~~Enterprise Information~~ Technology, may adopt rules to establish
 688 uniform security safeguards for cardholder data and to ensure
 689 compliance with the Payment Card Industry Data Security
 690 Standards.

691 Section 14. Paragraphs (c), (d), (g), and (h) of
 692 subsection (1), paragraph (e) of subsection (2), and paragraphs
 693 (b), (e), (h), and (k) of subsection (3) of section 282.203,
 694 Florida Statutes, are amended to read:

695 282.203 Primary data centers.—

696 (1) DATA CENTER DUTIES.—Each primary data center shall:

697 (c) Comply with rules adopted by the Agency for State
 698 ~~Enterprise Information~~ Technology, pursuant to this section, and

699 coordinate with the agency in the consolidation of data centers.

700 (d) Provide transparent financial statements to customer
 701 entities, the center's board of trustees, and the Agency for
 702 State Enterprise Information Technology. The financial
 703 statements shall be provided as follows:

704 1. Annually, by July 30 for the current fiscal year and by
 705 December 1 for the subsequent fiscal year, the data center must
 706 provide the total annual budgeted costs by major expenditure
 707 category, including, but not limited to, salaries, expense,
 708 operating capital outlay, contracted services, or other
 709 personnel services, which directly relate to the provision of
 710 each service and which separately indicate the administrative
 711 overhead allocated to each service.

712 2. Annually, by July 30 for the current fiscal year and by
 713 December 1 for the subsequent fiscal year, the data center must
 714 provide total projected billings for each customer entity which
 715 are required to recover the costs of the data center.

716 3. Annually, by January 31, the data center must provide
 717 updates of the financial statements required under subparagraphs
 718 1. and 2. for the current fiscal year.

719 4. By February 15, for proposed legislative budget
 720 increases, the data center must provide updates of the financial
 721 statements required under subparagraphs 1. and 2. for the
 722 subsequent fiscal year.

723
 724 The financial information required under subparagraphs 1., 2.,
 725 and 3. must be based on current law and current appropriations.

726 (g) Develop a business continuity plan and conduct a live

727 exercise of the plan at least annually. The plan must be
 728 approved by the board and the Agency for State Enterprise
 729 ~~Information~~ Technology.

730 (h) Enter into a service-level agreement with each customer
 731 entity to provide services as defined and approved by the board.
 732 A service-level agreement may not have a term exceeding 3 years
 733 but may include an option to renew for up to 3 years contingent
 734 on approval by the board.

735 1. A service-level agreement, at a minimum, must:

736 a. Identify the parties and their roles, duties, and
 737 responsibilities under the agreement;

738 b. Identify the legal authority under which the service-
 739 level agreement was negotiated and entered into by the parties;

740 c. State the duration of the contractual term and specify
 741 the conditions for contract renewal;

742 d. Prohibit the transfer of computing services between
 743 primary data center facilities without at least 180 days' notice
 744 of service cancellation;

745 e. Identify the scope of work;

746 f. Identify the products or services to be delivered with
 747 sufficient specificity to permit an external financial or
 748 performance audit;

749 g. Establish the services to be provided, the business
 750 standards that must be met for each service, the cost of each
 751 service, and the process by which the business standards for
 752 each service are to be objectively measured and reported;

753 h. Identify applicable funds and funding streams for the
 754 services or products under contract;

755 i. Provide a timely billing methodology for recovering the
756 cost of services provided to the customer entity;

757 j. Provide a procedure for modifying the service-level
758 agreement to address changes in projected costs of service;

759 k. Provide that a service-level agreement may be
760 terminated by either party for cause only after giving the other
761 party and the Agency for State ~~Enterprise Information~~ Technology
762 notice in writing of the cause for termination and an
763 opportunity for the other party to resolve the identified cause
764 within a reasonable period; and

765 1. Provide for mediation of disputes by the Division of
766 Administrative Hearings pursuant to s. 120.573.

767 2. A service-level agreement may include:

768 a. A dispute resolution mechanism, including alternatives
769 to administrative or judicial proceedings;

770 b. The setting of a surety or performance bond for
771 service-level agreements entered into with agency primary data
772 centers established by law; or

773 c. Additional terms and conditions as determined advisable
774 by the parties if such additional terms and conditions do not
775 conflict with the requirements of this section or rules adopted
776 by the Agency for State ~~Enterprise Information~~ Technology.

777 3. The failure to execute a service-level agreement within
778 60 days after service commencement shall, in the case of an
779 existing customer entity, result in a continuation of the terms
780 of the service-level agreement from the prior fiscal year,
781 including any amendments that were formally proposed to the
782 customer entity by the primary data center within the 3 months

783 before service commencement, and a revised cost-of-service
 784 estimate. If a new customer entity fails to execute an agreement
 785 within 60 days after service commencement, the data center may
 786 cease services.

787 (2) BOARD OF TRUSTEES.—Each primary data center shall be
 788 headed by a board of trustees as defined in s. 20.03.

789 (e) The executive director of the Agency for State
 790 ~~Enterprise Information~~ Technology shall be the advisor to the
 791 board.

792 (3) BOARD DUTIES.—Each board of trustees of a primary data
 793 center shall:

794 (b) Establish procedures for the primary data center to
 795 ensure that budgeting and accounting procedures, cost-recovery
 796 methodologies, and operating procedures are in compliance with
 797 laws governing the state data center system, rules adopted by
 798 the Agency for State ~~Enterprise Information~~ Technology, and
 799 applicable federal regulations, including 2 C.F.R. part 225 and
 800 45 C.F.R.

801 (e) Ensure the sufficiency and transparency of the primary
 802 data center financial information by:

803 1. Establishing policies that ensure that cost-recovery
 804 methodologies, billings, receivables, expenditure, budgeting,
 805 and accounting data are captured and reported timely,
 806 consistently, accurately, and transparently and, upon adoption
 807 of rules by the Agency for State ~~Enterprise Information~~
 808 Technology, are in compliance with such rules.

809 2. Requiring execution of service-level agreements by the
 810 data center and each customer entity for services provided by

811 the data center to the customer entity.

812 3. Requiring cost recovery for the full cost of services,
 813 including direct and indirect costs. The cost-recovery
 814 methodology must ensure that no service is subsidizing another
 815 service without an affirmative vote of approval by the customer
 816 entity providing the subsidy.

817 4. Establishing special assessments to fund expansions
 818 based on a methodology that apportions the assessment according
 819 to the proportional benefit to each customer entity.

820 5. Providing rebates to customer entities when revenues
 821 exceed costs and offsetting charges to those who have subsidized
 822 other customer entity costs based on actual prior year final
 823 expenditures. Rebates may be credited against future billings.

824 6. Approving all expenditures committing over \$50,000 in a
 825 fiscal year.

826 7. Projecting costs and revenues at the beginning of the
 827 third quarter of each fiscal year through the end of the fiscal
 828 year. If in any given fiscal year the primary data center is
 829 projected to earn revenues that are below costs for that fiscal
 830 year after first reducing operating costs where possible, the
 831 board shall implement any combination of the following remedies
 832 to cover the shortfall:

833 a. The board may direct the primary data center to adjust
 834 current year chargeback rates through the end of the fiscal year
 835 to cover the shortfall. The rate adjustments shall be
 836 implemented using actual usage rate and billing data from the
 837 first three quarters of the fiscal year and the same principles
 838 used to set rates for the fiscal year.

839 b. The board may direct the primary data center to levy
 840 one-time charges on all customer entities to cover the
 841 shortfall. The one-time charges shall be implemented using
 842 actual usage rate and billing data from the first three quarters
 843 of the fiscal year and the same principles used to set rates for
 844 the fiscal year.

845 c. The customer entities represented by each board member
 846 may provide payments to cover the shortfall in proportion to the
 847 amounts each entity paid in the prior fiscal year.

848 (h) By July 1 of each year, submit to the Agency for State
 849 ~~Enterprise Information~~ Technology proposed cost-recovery
 850 mechanisms and rate structures for all customer entities for the
 851 fiscal year including the cost-allocation methodology for
 852 administrative expenditures and the calculation of
 853 administrative expenditures as a percent of total costs.

854 (k) Coordinate with other primary data centers and the
 855 Agency for State ~~Enterprise Information~~ Technology in order to
 856 consolidate purchases of goods and services and lower the cost
 857 of providing services to customer entities.

858 Section 15. Subsection (2) of section 282.204, Florida
 859 Statutes, is amended to read:

860 282.204 Northwood Shared Resource Center.—The Northwood
 861 Shared Resource Center is an agency established within the
 862 Department of Management Services for administrative purposes
 863 only.

864 (2) The center shall be headed by a board of trustees as
 865 provided in s. 282.203, who shall comply with all requirements
 866 of that section related to the operation of the center and with

867 the rules of the Agency for State ~~Enterprise Information~~
 868 Technology related to the design and delivery of enterprise
 869 information technology services.

870 Section 16. Subsection (2) of section 282.205, Florida
 871 Statutes, is amended to read:

872 282.205 Southwood Shared Resource Center.—The Southwood
 873 Shared Resource Center is an agency established within the
 874 department for administrative purposes only.

875 (2) The center shall be headed by a board of trustees as
 876 provided in s. 282.203, who shall comply with all requirements
 877 of that section related to the operation of the center and with
 878 the rules of the Agency for State ~~Enterprise Information~~
 879 Technology related to the design and delivery of enterprise
 880 information technology services.

881 Section 17. Subsections (3), (4), (5), and (6) of section
 882 282.318, Florida Statutes, are amended to read:

883 282.318 Enterprise security of data and information
 884 technology.—

885 (3) The Agency for State ~~Enterprise Information~~ Technology
 886 is responsible for establishing rules and publishing guidelines
 887 for ensuring an appropriate level of security for all data and
 888 information technology resources for executive branch agencies.
 889 The agency shall also perform the following duties and
 890 responsibilities:

891 (a) Develop, and annually update by February 1, an
 892 enterprise information security strategic plan that includes
 893 security goals and objectives for the strategic issues of
 894 information security policy, risk management, training, incident

895 management, and survivability planning.

896 (b) Develop enterprise security rules and published
897 guidelines for:

898 1. Comprehensive risk analyses and information security
899 audits conducted by state agencies.

900 2. Responding to suspected or confirmed information
901 security incidents, including suspected or confirmed breaches of
902 personal information or exempt data.

903 3. Agency security plans, including strategic security
904 plans and security program plans.

905 4. The recovery of information technology and data
906 following a disaster.

907 5. The managerial, operational, and technical safeguards
908 for protecting state government data and information technology
909 resources.

910 (c) Assist agencies in complying with the provisions of
911 this section.

912 (d) Pursue appropriate funding for the purpose of
913 enhancing domestic security.

914 (e) Provide training for agency information security
915 managers.

916 (f) Annually review the strategic and operational
917 information security plans of executive branch agencies.

918 (4) To assist the Agency for State ~~Enterprise Information~~
919 Technology in carrying out its responsibilities, each agency
920 head shall, at a minimum:

921 (a) Designate an information security manager to
922 administer the security program of the agency for its data and

923 information technology resources. This designation must be
 924 provided annually in writing to the Agency for State Enterprise
 925 ~~Information~~ Technology by January 1.

926 (b) Submit to the Agency for State Enterprise~~Information~~
 927 Technology annually by July 31, the agency's strategic and
 928 operational information security plans developed pursuant to the
 929 rules and guidelines established by the Agency for State
 930 ~~Enterprise Information~~ Technology.

931 1. The agency strategic information security plan must
 932 cover a 3-year period and define security goals, intermediate
 933 objectives, and projected agency costs for the strategic issues
 934 of agency information security policy, risk management, security
 935 training, security incident response, and survivability. The
 936 plan must be based on the enterprise strategic information
 937 security plan created by the Agency for State Enterprise
 938 ~~Information~~ Technology. Additional issues may be included.

939 2. The agency operational information security plan must
 940 include a progress report for the prior operational information
 941 security plan and a project plan that includes activities,
 942 timelines, and deliverables for security objectives that,
 943 subject to current resources, the agency will implement during
 944 the current fiscal year. The cost of implementing the portions
 945 of the plan which cannot be funded from current resources must
 946 be identified in the plan.

947 (c) Conduct, and update every 3 years, a comprehensive
 948 risk analysis to determine the security threats to the data,
 949 information, and information technology resources of the agency.
 950 The risk analysis information is confidential and exempt from

951 the provisions of s. 119.07(1), except that such information
952 shall be available to the Auditor General and the Agency for
953 State ~~Enterprise Information~~ Technology for performing
954 postauditing duties.

955 (d) Develop, and periodically update, written internal
956 policies and procedures, which include procedures for notifying
957 the Agency for State ~~Enterprise Information~~ Technology when a
958 suspected or confirmed breach, or an information security
959 incident, occurs. Such policies and procedures must be
960 consistent with the rules and guidelines established by the
961 Agency for State ~~Enterprise Information~~ Technology to ensure the
962 security of the data, information, and information technology
963 resources of the agency. The internal policies and procedures
964 that, if disclosed, could facilitate the unauthorized
965 modification, disclosure, or destruction of data or information
966 technology resources are confidential information and exempt
967 from s. 119.07(1), except that such information shall be
968 available to the Auditor General and the Agency for State
969 ~~Enterprise Information~~ Technology for performing postauditing
970 duties.

971 (e) Implement appropriate cost-effective safeguards to
972 address identified risks to the data, information, and
973 information technology resources of the agency.

974 (f) Ensure that periodic internal audits and evaluations
975 of the agency's security program for the data, information, and
976 information technology resources of the agency are conducted.
977 The results of such audits and evaluations are confidential
978 information and exempt from s. 119.07(1), except that such

979 information shall be available to the Auditor General and the
 980 Agency for State Enterprise Information Technology for
 981 performing postauditing duties.

982 (g) Include appropriate security requirements in the
 983 written specifications for the solicitation of information
 984 technology and information technology resources and services,
 985 which are consistent with the rules and guidelines established
 986 by the Agency for State Enterprise Information Technology.

987 (h) Provide security awareness training to employees and
 988 users of the agency's communication and information resources
 989 concerning information security risks and the responsibility of
 990 employees and users to comply with policies, standards,
 991 guidelines, and operating procedures adopted by the agency to
 992 reduce those risks.

993 (i) Develop a process for detecting, reporting, and
 994 responding to suspected or confirmed security incidents,
 995 including suspected or confirmed breaches consistent with the
 996 security rules and guidelines established by the Agency for
 997 State Enterprise Information Technology.

998 1. Suspected or confirmed information security incidents
 999 and breaches must be immediately reported to the Agency for
 1000 State Enterprise Information Technology.

1001 2. For incidents involving breaches, agencies shall
 1002 provide notice in accordance with s. 817.5681 and to the Agency
 1003 for State Enterprise Information Technology in accordance with
 1004 this subsection.

1005 (5) Each state agency shall include appropriate security
 1006 requirements in the specifications for the solicitation of

1007 contracts for procuring information technology or information
 1008 technology resources or services which are consistent with the
 1009 rules and guidelines established by the Agency for State
 1010 ~~Enterprise Information~~ Technology.

1011 (6) The Agency for State ~~Enterprise Information~~ Technology
 1012 may adopt rules relating to information security and to
 1013 administer the provisions of this section.

1014 Section 18. Subsection (22) of section 287.057, Florida
 1015 Statutes, is amended to read:

1016 287.057 Procurement of commodities or contractual
 1017 services.—

1018 (22) The department, in consultation with the Agency for
 1019 State ~~Enterprise Information~~ Technology and the Chief Financial
 1020 Officer ~~Comptroller~~, shall develop a program for online
 1021 procurement of commodities and contractual services. To enable
 1022 the state to promote open competition and to leverage its buying
 1023 power, agencies shall participate in the online procurement
 1024 program, and eligible users may participate in the program. Only
 1025 vendors prequalified as meeting mandatory requirements and
 1026 qualifications criteria may participate in online procurement.

1027 (a) The department, in consultation with the agency, may
 1028 contract for equipment and services necessary to develop and
 1029 implement online procurement.

1030 (b) The department, in consultation with the agency, shall
 1031 adopt rules, pursuant to ss. 120.536(1) and 120.54, to
 1032 administer the program for online procurement. The rules shall
 1033 include, but not be limited to:

1034 1. Determining the requirements and qualification criteria

1035 for prequalifying vendors.

1036 2. Establishing the procedures for conducting online
1037 procurement.

1038 3. Establishing the criteria for eligible commodities and
1039 contractual services.

1040 4. Establishing the procedures for providing access to
1041 online procurement.

1042 5. Determining the criteria warranting any exceptions to
1043 participation in the online procurement program.

1044 (c) The department may impose and shall collect all fees
1045 for the use of the online procurement systems.

1046 1. The fees may be imposed on an individual transaction
1047 basis or as a fixed percentage of the cost savings generated. At
1048 a minimum, the fees must be set in an amount sufficient to cover
1049 the projected costs of the services, including administrative
1050 and project service costs in accordance with the policies of the
1051 department.

1052 2. If the department contracts with a provider for online
1053 procurement, the department, pursuant to appropriation, shall
1054 compensate the provider from the fees after the department has
1055 satisfied all ongoing costs. The provider shall report
1056 transaction data to the department each month so that the
1057 department may determine the amount due and payable to the
1058 department from each vendor.

1059 3. All fees that are due and payable to the state on a
1060 transactional basis or as a fixed percentage of the cost savings
1061 generated are subject to s. 215.31 and must be remitted within
1062 40 days after receipt of payment for which the fees are due. For

1063 fees that are not remitted within 40 days, the vendor shall pay
 1064 interest at the rate established under s. 55.03(1) on the unpaid
 1065 balance from the expiration of the 40-day period until the fees
 1066 are remitted.

1067 4. All fees and surcharges collected under this paragraph
 1068 shall be deposited in the Operating Trust Fund as provided by
 1069 law.

1070 Section 19. Subsection (4) of section 445.011, Florida
 1071 Statutes, is amended to read:

1072 445.011 Workforce information systems.—

1073 (4) Workforce Florida, Inc., shall coordinate development
 1074 and implementation of workforce information systems with the
 1075 executive director of the Agency for State Enterprise
 1076 ~~Information~~ Technology to ensure compatibility with the state's
 1077 information system strategy and enterprise architecture.

1078 Section 20. Subsections (2) and (4) of section 445.045,
 1079 Florida Statutes, are amended to read:

1080 445.045 Development of an Internet-based system for
 1081 information technology industry promotion and workforce
 1082 recruitment.—

1083 (2) Workforce Florida, Inc., shall coordinate with the
 1084 Agency for State Enterprise ~~Information~~ Technology and the
 1085 Department of Economic Opportunity to ensure links, where
 1086 feasible and appropriate, to existing job information websites
 1087 maintained by the state and state agencies and to ensure that
 1088 information technology positions offered by the state and state
 1089 agencies are posted on the information technology website.

1090 (4)(a) Workforce Florida, Inc., shall coordinate

1091 development and maintenance of the website under this section
 1092 with the executive director of the Agency for State Enterprise
 1093 ~~Information~~ Technology to ensure compatibility with the state's
 1094 information system strategy and enterprise architecture.

1095 (b) Workforce Florida, Inc., may enter into an agreement
 1096 with the Agency for State Enterprise~~Information~~ Technology, the
 1097 Department of Economic Opportunity, or any other public agency
 1098 with the requisite information technology expertise for the
 1099 provision of design, operating, or other technological services
 1100 necessary to develop and maintain the website.

1101 (c) Workforce Florida, Inc., may procure services
 1102 necessary to implement the provisions of this section, if it
 1103 employs competitive processes, including requests for proposals,
 1104 competitive negotiation, and other competitive processes to
 1105 ensure that the procurement results in the most cost-effective
 1106 investment of state funds.

1107 Section 21. Subsection (18) of section 668.50, Florida
 1108 Statutes, is amended to read:

1109 668.50 Uniform Electronic Transaction Act.—

1110 (18) ACCEPTANCE AND DISTRIBUTION OF ELECTRONIC RECORDS BY
 1111 GOVERNMENTAL AGENCIES.—

1112 (a) Except as otherwise provided in paragraph (12)(f),
 1113 each governmental agency shall determine whether, and the extent
 1114 to which, such agency will send and accept electronic records
 1115 and electronic signatures to and from other persons and
 1116 otherwise create, generate, communicate, store, process, use,
 1117 and rely upon electronic records and electronic signatures.

1118 (b) To the extent that a governmental agency uses

1119 | electronic records and electronic signatures under paragraph
 1120 | (a), the Agency for State ~~Enterprise Information~~ Technology, in
 1121 | consultation with the governmental agency, giving due
 1122 | consideration to security, may specify:

1123 | 1. The manner and format in which the electronic records
 1124 | must be created, generated, sent, communicated, received, and
 1125 | stored and the systems established for those purposes.

1126 | 2. If electronic records must be signed by electronic
 1127 | means, the type of electronic signature required, the manner and
 1128 | format in which the electronic signature must be affixed to the
 1129 | electronic record, and the identity of, or criteria that must be
 1130 | met by, any third party used by a person filing a document to
 1131 | facilitate the process.

1132 | 3. Control processes and procedures as appropriate to
 1133 | ensure adequate preservation, disposition, integrity, security,
 1134 | confidentiality, and auditability of electronic records.

1135 | 4. Any other required attributes for electronic records
 1136 | which are specified for corresponding nonelectronic records or
 1137 | reasonably necessary under the circumstances.

1138 | (c) Except as otherwise provided in paragraph (12)(f),
 1139 | this section does not require a governmental agency of this
 1140 | state to use or permit the use of electronic records or
 1141 | electronic signatures.

1142 | (d) Service charges and fees otherwise established by law
 1143 | applicable to the filing of nonelectronic records shall apply in
 1144 | kind to the filing of electronic records.

1145 | Section 22. For the 2012-2013 fiscal year, there is
 1146 | appropriated to the Agency for State Technology the sum of

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1147 | \$1,597,866 in recurring general revenue funds, and 16 full-time
1148 | equivalent positions and associated salary rate of 1,165,386 are
1149 | authorized for the purpose of implementing this act.

1150 | Section 23. Except as otherwise expressly provided in this
1151 | act, this act shall take effect July 1, 2012.