

ENROLLED

HB 5301

2019 Legislature

1
2 An act relating to information technology
3 reorganization; transferring all powers, duties,
4 functions, records, offices, personnel, associated
5 administrative support positions, property, pending
6 issues and existing contracts, administrative
7 authority, certain administrative rules, trust funds,
8 and unexpended balances of appropriations,
9 allocations, and other funds of the Agency for State
10 Technology to the Department of Management Services by
11 a type two transfer; providing for the continuation of
12 certain contracts and interagency agreements; amending
13 s. 20.22, F.S.; establishing the Division of State
14 Technology within the Department of Management
15 Services to supersede the Technology Program;
16 establishing the position of state chief information
17 officer and providing qualifications thereof; amending
18 s. 20.255, F.S.; removing the expiration for
19 provisions designating the Department of Environmental
20 Protection as the lead agency for geospatial data;
21 authorizing the department to adopt rules for
22 specified purposes; repealing s. 20.61, F.S., relating
23 to the Agency for State Technology; amending s.
24 112.061, F.S.; authorizing the Department of
25 Management Services to adopt rules for certain

ENROLLED

HB 5301

2019 Legislature

26 | purposes; defining the term "statewide travel
27 | management system"; specifying reporting requirements
28 | for executive branch agencies and the judicial branch
29 | through the statewide travel management system;
30 | specifying that travel reports on the system may not
31 | reveal confidential or exempt information; amending s.
32 | 282.003, F.S.; revising a short title; reordering and
33 | amending s. 282.0041, F.S.; revising and providing
34 | definitions; amending s. 282.0051, F.S.; transferring
35 | powers, duties, and functions of the Agency for State
36 | Technology to the Department of Management Services
37 | and revising such powers, duties, and functions;
38 | removing certain project oversight requirements;
39 | requiring agency projected costs for data center
40 | services to be provided to the Governor and the
41 | Legislature on an annual basis; requiring the
42 | department to provide certain recommendations;
43 | amending s. 282.201, F.S.; transferring the state data
44 | center from the Agency for State Technology to the
45 | Department of Management Services; requiring the
46 | department to appoint a director of the state data
47 | center; deleting legislative intent; revising duties
48 | of the state data center; requiring the state data
49 | center to show preference for cloud-computing
50 | solutions in its procurement process; revising the use

ENROLLED

HB 5301

2019 Legislature

51 of the state data center and certain consolidation
 52 requirements; removing obsolete language; revising
 53 agency limitations; creating s. 282.206, F.S.;
 54 providing legislative intent regarding the use of
 55 cloud computing; requiring each state agency to adopt
 56 formal procedures for cloud-computing options;
 57 requiring a state agency to develop, and update
 58 annually, a strategic plan for submission to the
 59 Governor and the Legislature; specifying requirements
 60 for the strategic plan; requiring a state agency
 61 customer entity to notify the state data center
 62 biannually of changes in anticipated use of state data
 63 center services; specifying requirements and
 64 limitations as to cloud-computing services for the
 65 Department of Law Enforcement; amending s. 282.318,
 66 F.S.; requiring the Department of Management Services
 67 to appoint a state chief information security officer;
 68 revising and specifying requirements for service-level
 69 agreements for information technology and information
 70 technology resources and services; conforming
 71 provisions to changes made by the act; amending ss.
 72 17.0315, 20.055, 97.0525, 110.205, 215.322, 215.96,
 73 287.057, 282.00515, 287.0591, 365.171, 365.172,
 74 365.173, 445.011, 445.045, 668.50, and 943.0415, F.S.;
 75 conforming provisions and a cross-reference to changes

ENROLLED

HB 5301

2019 Legislature

76 | made by the act; creating the Florida Cybersecurity
 77 | Task Force; providing for the membership, meeting
 78 | requirements, and duties of the task force; providing
 79 | for administrative and staff support; requiring
 80 | executive branch departments and agencies to cooperate
 81 | with information requests made by the task force;
 82 | providing reporting requirements; providing for
 83 | expiration of the task force; providing an effective
 84 | date.

85 |

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

87 |

88 | Section 1. All powers; duties; functions; records;
 89 | offices; personnel; associated administrative support positions;
 90 | property; pending issues and existing contracts; administrative
 91 | authority; administrative rules in chapter 74, Florida
 92 | Administrative Code, in effect as of July 1, 2019; trust funds;
 93 | and unexpended balances of appropriations, allocations, and
 94 | other funds of the Agency for State Technology are transferred
 95 | by a type two transfer pursuant to s. 20.06(2), Florida
 96 | Statutes, to the Department of Management Services.

97 |

98 | Section 2. Any contract or interagency agreement existing
 99 | before July 1, 2019, between the Agency for State Technology, or
 100 | any entity or agent of the agency, and any other agency, entity,
 100 | or person shall continue as a contract or agreement on the

ENROLLED

HB 5301

2019 Legislature

101 successor department or entity responsible for the program,
102 activity, or function relative to the contract or agreement.

103 Section 3. Paragraph (b) of subsection (2) and subsection
104 (4) of section 20.22, Florida Statutes, are amended to read:

105 20.22 Department of Management Services.—There is created
106 a Department of Management Services.

107 (2) The following divisions and programs within the
108 Department of Management Services are established:

109 (b) Division of State Technology, the director of which is
110 appointed by the secretary of the department and shall serve as
111 the state chief information officer. The state chief information
112 officer must be a proven, effective administrator who must have
113 at least 10 years of executive-level experience in the public or
114 private sector, preferably with experience in the development of
115 information technology strategic planning and the development
116 and implementation of fiscal and substantive information
117 technology policy and standards Technology Program.

118 ~~(4) The Department of Management Services shall provide~~
119 ~~the Agency for State Technology with financial management~~
120 ~~oversight. The agency shall provide the department all documents~~
121 ~~and necessary information, as requested, to meet the~~
122 ~~requirements of this section. The department's financial~~
123 ~~management oversight includes:~~

124 ~~(a) Developing and implementing cost-recovery mechanisms~~
125 ~~for the administrative and data center costs of services through~~

ENROLLED

HB 5301

2019 Legislature

126 ~~agency assessments of applicable customer entities. Such cost-~~
127 ~~recovery mechanisms must comply with applicable state and~~
128 ~~federal regulations concerning the distribution and use of funds~~
129 ~~and must ensure that, for each fiscal year, no service or~~
130 ~~customer entity subsidizes another service or customer entity.~~

131 ~~(b) Implementing an annual reconciliation process to~~
132 ~~ensure that each customer entity is paying for the full direct~~
133 ~~and indirect cost of each service as determined by the customer~~
134 ~~entity's use of each service.~~

135 ~~(c) Providing rebates that may be credited against future~~
136 ~~billings to customer entities when revenues exceed costs.~~

137 ~~(d) Requiring each customer entity to transfer sufficient~~
138 ~~funds into the appropriate data processing appropriation~~
139 ~~category before implementing a customer entity's request for a~~
140 ~~change in the type or level of service provided, if such change~~
141 ~~results in a net increase to the customer entity's costs for~~
142 ~~that fiscal year.~~

143 ~~(e) By October 1, 2018, providing to each customer~~
144 ~~entity's agency head the estimated agency assessment cost by the~~
145 ~~Agency for State Technology for the following fiscal year. The~~
146 ~~agency assessment cost of each customer entity includes~~
147 ~~administrative and data center services costs of the agency.~~

148 ~~(f) Preparing the legislative budget request for the~~
149 ~~Agency for State Technology based on the issues requested and~~
150 ~~approved by the executive director of the Agency for State~~

ENROLLED

HB 5301

2019 Legislature

151 ~~Technology. Upon the approval of the agency's executive~~
152 ~~director, the Department of Management Services shall transmit~~
153 ~~the agency's legislative budget request to the Governor and the~~
154 ~~Legislature pursuant to s. 216.023.~~

155 ~~(g) Providing a plan for consideration by the Legislative~~
156 ~~Budget Commission if the Agency for State Technology increases~~
157 ~~the cost of a service for a reason other than a customer~~
158 ~~entity's request made under paragraph (d). Such a plan is~~
159 ~~required only if the service cost increase results in a net~~
160 ~~increase to a customer entity.~~

161 ~~(h) Providing a timely invoicing methodology to recover~~
162 ~~the cost of services provided to the customer entity pursuant to~~
163 ~~s. 215.422.~~

164 ~~(i) Providing an annual reconciliation process of prior~~
165 ~~year expenditures completed on a timely basis and overall budget~~
166 ~~management pursuant to chapter 216.~~

167 ~~(j) This subsection expires July 1, 2019.~~

168 Section 4. Subsection (9) of section 20.255, Florida
169 Statutes, is amended to read:

170 20.255 Department of Environmental Protection.—There is
171 created a Department of Environmental Protection.

172 (9) The department shall act as the lead agency of the
173 executive branch for the development and review of policies,
174 practices, and standards related to geospatial data managed by
175 state agencies and water management districts. The department

ENROLLED

HB 5301

2019 Legislature

176 shall coordinate and promote geospatial data sharing throughout
 177 ~~the~~ state government and serve as the primary point of contact
 178 for statewide geographic information systems projects, grants,
 179 and resources. The department may adopt rules pursuant to ss.
 180 120.536(1) and 120.54 to implement this subsection ~~This~~
 181 ~~subsection expires July 1, 2019.~~

182 Section 5. Section 20.61, Florida Statutes, is repealed.

183 Section 6. Paragraph (c) is added to subsection (9) of
 184 section 112.061, Florida Statutes, and subsection (16) is added
 185 to that section, to read:

186 112.061 Per diem and travel expenses of public officers,
 187 employees, and authorized persons; statewide travel management
 188 system.-

189 (9) RULES.-

190 (c) The Department of Management Services may adopt rules
 191 to administer the provisions of this section which relate to the
 192 statewide travel management system.

193 (16) STATEWIDE TRAVEL MANAGEMENT SYSTEM.-

194 (a) For purposes of this subsection, "statewide travel
 195 management system" means the system developed by the Department
 196 of Management Services to:

197 1. Collect and store information relating to public
 198 officer or employee travel information;

199 2. Standardize and automate agency travel management;

200 3. Allow for travel planning and approval, expense

ENROLLED

HB 5301

2019 Legislature

201 reporting, and reimbursement; and

202 4. Allow travel information queries.

203 (b) Each executive branch state government agency and the
 204 judicial branch must report on the statewide travel management
 205 system all public officer and employee travel information,
 206 including, but not limited to, name and position title; purpose
 207 of travel; dates and location of travel; mode of travel;
 208 confirmation from the head of the agency or designee
 209 authorization, if required; and total travel cost. Each
 210 executive branch state government agency and the judicial branch
 211 must use the statewide travel management system for purposes of
 212 travel authorization and reimbursement.

213 (c) Travel reports made available on the statewide travel
 214 management system may not reveal information made confidential
 215 or exempt by law.

216 Section 7. Section 282.003, Florida Statutes, is amended
 217 to read:

218 282.003 Short title.—This part may be cited as the
 219 "~~Enterprise Information Technology Services~~ Management Act."

220 Section 8. Effective July 1, 2019, and upon the expiration
 221 of the amendment to that section made by chapter 2018-10, Laws
 222 of Florida, section 282.0041, Florida Statutes, is reordered and
 223 amended to read:

224 282.0041 Definitions.—As used in this chapter, the term:

225 (1) "Agency assessment" means the amount each customer

ENROLLED

HB 5301

2019 Legislature

226 entity must pay annually for services from the Department of
 227 Management Services and includes administrative and data center
 228 services costs.

229 (2)~~(1)~~ "Agency data center" means agency space containing
 230 10 or more physical or logical servers.

231 (3)~~(2)~~ "Breach" has the same meaning as provided in s.
 232 501.171 means a confirmed event that compromises the
 233 confidentiality, integrity, or availability of information or
 234 data.

235 (4)~~(3)~~ "Business continuity plan" means a collection of
 236 procedures and information designed to keep an agency's critical
 237 operations running during a period of displacement or
 238 interruption of normal operations.

239 (5) "Cloud computing" has the same meaning as provided in
 240 Special Publication 800-145 issued by the National Institute of
 241 Standards and Technology.

242 (6)~~(4)~~ "Computing facility" or "agency computing facility"
 243 means agency space containing fewer than a total of 10 physical
 244 or logical servers, but excluding single, logical-server
 245 installations that exclusively perform a utility function such
 246 as file and print servers.

247 (7)~~(5)~~ "Customer entity" means an entity that obtains
 248 services from the Department of Management Services ~~state data~~
 249 ~~center.~~

250 (8) "Data" means a subset of structured information in a

ENROLLED

HB 5301

2019 Legislature

251 format that allows such information to be electronically
 252 retrieved and transmitted.

253 (9)~~(6)~~ "Department" means the Department of Management
 254 Services.

255 (10)~~(7)~~ "Disaster recovery" means the process, policies,
 256 procedures, and infrastructure related to preparing for and
 257 implementing recovery or continuation of an agency's vital
 258 technology infrastructure after a natural or human-induced
 259 disaster.

260 (11)~~(8)~~ "Enterprise information technology service" means
 261 an information technology service that is used in all agencies
 262 or a subset of agencies and is established in law to be
 263 designed, delivered, and managed at the enterprise level.

264 (12)~~(9)~~ "Event" means an observable occurrence in a system
 265 or network.

266 (13)~~(10)~~ "Incident" means a violation or imminent threat
 267 of violation, whether such violation is accidental or
 268 deliberate, of information technology resources, security
 269 ~~policies, acceptable use policies, or standard security~~
 270 practices. An imminent threat of violation refers to a situation
 271 in which the state agency has a factual basis for believing that
 272 a specific incident is about to occur.

273 (14)~~(11)~~ "Information technology" means equipment,
 274 hardware, software, firmware, programs, systems, networks,
 275 infrastructure, media, and related material used to

ENROLLED

HB 5301

2019 Legislature

276 automatically, electronically, and wirelessly collect, receive,
277 access, transmit, display, store, record, retrieve, analyze,
278 evaluate, process, classify, manipulate, manage, assimilate,
279 control, communicate, exchange, convert, converge, interface,
280 switch, or disseminate information of any kind or form.

281 (15)~~(12)~~ "Information technology policy" means a definite
282 course or method of action selected from among one or more
283 alternatives that guide and determine present and future
284 decisions.

285 (16)~~(13)~~ "Information technology resources" has the same
286 meaning as provided in s. 119.011.

287 (17)~~(14)~~ "Information technology security" means the
288 protection afforded to an automated information system in order
289 to attain the applicable objectives of preserving the integrity,
290 availability, and confidentiality of data, information, and
291 information technology resources.

292 (18) "Open data" means data collected or created by a
293 state agency and structured in a way that enables the data to be
294 fully discoverable and usable by the public. The term does not
295 include data that are restricted from public distribution based
296 on federal or state privacy, confidentiality, and security laws
297 and regulations or data for which a state agency is statutorily
298 authorized to assess a fee for its distribution.

299 (19)~~(15)~~ "Performance metrics" means the measures of an
300 organization's activities and performance.

ENROLLED

HB 5301

2019 Legislature

301 (20)~~(16)~~ "Project" means an endeavor that has a defined
 302 start and end point; is undertaken to create or modify a unique
 303 product, service, or result; and has specific objectives that,
 304 when attained, signify completion.

305 (21)~~(17)~~ "Project oversight" means an independent review
 306 and analysis of an information technology project that provides
 307 information on the project's scope, completion timeframes, and
 308 budget and that identifies and quantifies issues or risks
 309 affecting the successful and timely completion of the project.

310 (22)~~(18)~~ "Risk assessment" means the process of
 311 identifying security risks, determining their magnitude, and
 312 identifying areas needing safeguards.

313 (23)~~(19)~~ "Service level" means the key performance
 314 indicators (KPI) of an organization or service which must be
 315 regularly performed, monitored, and achieved.

316 (24)~~(20)~~ "Service-level agreement" means a written
 317 contract between the Department of Management Services ~~state~~
 318 ~~data center~~ and a customer entity which specifies the scope of
 319 services provided, service level, the duration of the agreement,
 320 the responsible parties, and service costs. A service-level
 321 agreement is not a rule pursuant to chapter 120.

322 (25)~~(21)~~ "Stakeholder" means a person, group,
 323 organization, or state agency involved in or affected by a
 324 course of action.

325 (26)~~(22)~~ "Standards" means required practices, controls,

ENROLLED

HB 5301

2019 Legislature

326 components, or configurations established by an authority.
 327 (27)~~(23)~~ "State agency" means any official, officer,
 328 commission, board, authority, council, committee, or department
 329 of the executive branch of state government; the Justice
 330 Administrative Commission; and the Public Service Commission.
 331 The term does not include university boards of trustees or state
 332 universities. As used in part I of this chapter, except as
 333 otherwise specifically provided, the term does not include the
 334 Department of Legal Affairs, the Department of Agriculture and
 335 Consumer Services, or the Department of Financial Services.
 336 (28)~~(24)~~ "SUNCOM Network" means the state enterprise
 337 telecommunications system that provides all methods of
 338 electronic or optical telecommunications beyond a single
 339 building or contiguous building complex and used by entities
 340 authorized as network users under this part.
 341 (29)~~(25)~~ "Telecommunications" means the science and
 342 technology of communication at a distance, including electronic
 343 systems used in the transmission or reception of information.
 344 (30)~~(26)~~ "Threat" means any circumstance or event that has
 345 the potential to adversely impact a state agency's operations or
 346 assets through an information system via unauthorized access,
 347 destruction, disclosure, or modification of information or
 348 denial of service.
 349 (31)~~(27)~~ "Variance" means a calculated value that
 350 illustrates how far positive or negative a projection has

ENROLLED

HB 5301

2019 Legislature

351 deviated when measured against documented estimates within a
352 project plan.

353 Section 9. Effective July 1, 2019, and upon the expiration
354 of the amendment to that section made by chapter 2018-10, Laws
355 of Florida, section 282.0051, Florida Statutes, is amended to
356 read:

357 282.0051 Department of Management Services ~~Agency for~~
358 ~~State Technology~~; powers, duties, and functions.—The department
359 ~~Agency for State Technology~~ shall have the following powers,
360 duties, and functions:

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

363 (2) Establish and publish information technology
364 architecture standards to provide for the most efficient use of
365 the state's information technology resources and to ensure
366 compatibility and alignment with the needs of state agencies.
367 The department ~~agency~~ shall assist state agencies in complying
368 with the standards.

369 (3) ~~By June 30, 2015,~~ Establish project management and
370 oversight standards with which state agencies must comply when
371 implementing information technology projects. The department
372 ~~agency~~ shall provide training opportunities to state agencies to
373 assist in the adoption of the project management and oversight
374 standards. To support data-driven decisionmaking, the standards
375 must include, but are not limited to:

ENROLLED

HB 5301

2019 Legislature

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

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

382 (c) Reporting requirements, including requirements
383 designed to alert all defined stakeholders that an information
384 technology project has exceeded acceptable variances defined and
385 documented in a project plan.

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

387 (4) ~~Beginning January 1, 2015,~~ Perform project oversight
388 on all state agency information technology projects that have
389 total project costs of \$10 million or more and that are funded
390 in the General Appropriations Act or any other law. The
391 department ~~agency~~ shall report at least quarterly to the
392 Executive Office of the Governor, the President of the Senate,
393 and the Speaker of the House of Representatives on any
394 information technology project that the department ~~agency~~
395 identifies as high-risk due to the project exceeding acceptable
396 variance ranges defined and documented in a project plan. The
397 report must include a risk assessment, including fiscal risks,
398 associated with proceeding to the next stage of the project, and
399 a recommendation for corrective actions required, including
400 suspension or termination of the project.

ENROLLED

HB 5301

2019 Legislature

401 (5) ~~By April 1, 2016, and biennially thereafter,~~ Identify
402 opportunities for standardization and consolidation of
403 information technology services that support business functions
404 and operations, including administrative functions such as
405 purchasing, accounting and reporting, cash management, and
406 personnel, and that are common across state agencies. The
407 department agency shall biennially on April 1 provide
408 recommendations for standardization and consolidation to the
409 Executive Office of the Governor, the President of the Senate,
410 and the Speaker of the House of Representatives. ~~The agency is~~
411 ~~not precluded from providing recommendations before April 1,~~
412 ~~2016.~~

413 (6) ~~In collaboration with the Department of Management~~
414 ~~Services,~~ Establish best practices for the procurement of
415 information technology products and cloud-computing services in
416 order to reduce costs, increase the quality of data center
417 services productivity, or improve government services. Such
418 ~~practices must include a provision requiring the agency to~~
419 ~~review all information technology purchases made by state~~
420 ~~agencies that have a total cost of \$250,000 or more, unless a~~
421 ~~purchase is specifically mandated by the Legislature, for~~
422 ~~compliance with the standards established pursuant to this~~
423 ~~section.~~

424 (7) (a) ~~Participate with the Department of Management~~
425 ~~Services in evaluating, conducting, and negotiating competitive~~

ENROLLED

HB 5301

2019 Legislature

426 ~~solicitations for state term contracts for information~~
 427 ~~technology commodities, consultant services, or staff~~
 428 ~~augmentation contractual services pursuant to s. 287.0591.~~

429 ~~(b) Collaborate with the Department of Management Services~~
 430 ~~in information technology resource acquisition planning.~~

431 ~~(8)~~ Develop standards for information technology reports
 432 and updates, including, but not limited to, operational work
 433 plans, project spend plans, and project status reports, for use
 434 by state agencies.

435 ~~(8)~~(9) Upon request, assist state agencies in the
 436 development of information technology-related legislative budget
 437 requests.

438 ~~(9)~~ ~~(10)~~ ~~Beginning July 1, 2016, and annually thereafter,~~
 439 Conduct annual assessments of state agencies to determine
 440 compliance with all information technology standards and
 441 guidelines developed and published by the department ~~agency,~~ and
 442 ~~beginning December 1, 2016, and annually thereafter,~~ and provide
 443 results of the assessments to the Executive Office of the
 444 Governor, the President of the Senate, and the Speaker of the
 445 House of Representatives.

446 ~~(10)~~(11) Provide operational management and oversight of
 447 the state data center established pursuant to s. 282.201, which
 448 includes:

449 (a) Implementing industry standards and best practices for
 450 the state data center's facilities, operations, maintenance,

ENROLLED

HB 5301

2019 Legislature

451 | planning, and management processes.

452 | (b) Developing and implementing cost-recovery mechanisms
 453 | that recover the full direct and indirect cost of services
 454 | through charges to applicable customer entities. Such cost-
 455 | recovery mechanisms must comply with applicable state and
 456 | federal regulations concerning distribution and use of funds and
 457 | must ensure that, for any fiscal year, no service or customer
 458 | entity subsidizes another service or customer entity.

459 | (c) Developing and implementing appropriate operating
 460 | guidelines and procedures necessary for the state data center to
 461 | perform its duties pursuant to s. 282.201. The guidelines and
 462 | procedures must comply with applicable state and federal laws,
 463 | regulations, and policies and conform to generally accepted
 464 | governmental accounting and auditing standards. The guidelines
 465 | and procedures must include, but need not be limited to:

466 | 1. Implementing a consolidated administrative support
 467 | structure responsible for providing financial management,
 468 | procurement, transactions involving real or personal property,
 469 | human resources, and operational support.

470 | 2. Implementing an annual reconciliation process to ensure
 471 | that each customer entity is paying for the full direct and
 472 | indirect cost of each service as determined by the customer
 473 | entity's use of each service.

474 | 3. Providing rebates that may be credited against future
 475 | billings to customer entities when revenues exceed costs.

ENROLLED

HB 5301

2019 Legislature

476 4. Requiring customer entities to validate that sufficient
477 funds exist in the appropriate data processing appropriation
478 category or will be transferred into the appropriate data
479 processing appropriation category before implementation of a
480 customer entity's request for a change in the type or level of
481 service provided, if such change results in a net increase to
482 the customer entity's cost for that fiscal year.

483 5. By November 15 ~~September 1~~ of each year, providing to
484 the Office of Policy and Budget in the Executive Office of the
485 Governor and to the chairs of the legislative appropriations
486 committees ~~each customer entity's agency head~~ the projected
487 costs of providing data center services for the following fiscal
488 year.

489 6. Providing a plan for consideration by the Legislative
490 Budget Commission if the cost of a service is increased for a
491 reason other than a customer entity's request made pursuant to
492 subparagraph 4. Such a plan is required only if the service cost
493 increase results in a net increase to a customer entity for that
494 fiscal year.

495 7. Standardizing and consolidating procurement and
496 contracting practices.

497 (d) In collaboration with the Department of Law
498 Enforcement, developing and implementing a process for
499 detecting, reporting, and responding to information technology
500 security incidents, breaches, and threats.

ENROLLED

HB 5301

2019 Legislature

501 (e) Adopting rules relating to the operation of the state
502 data center, including, but not limited to, budgeting and
503 accounting procedures, cost-recovery methodologies, and
504 operating procedures.

505 ~~(f) Beginning May 1, 2016, and annually thereafter,~~
506 Conducting an annual ~~a~~ market analysis to determine whether the
507 state's approach to the provision of data center services is the
508 most effective and cost-efficient ~~efficient~~ manner by which its
509 customer entities can acquire such services, based on federal,
510 state, and local government trends; best practices in service
511 provision; and the acquisition of new and emerging technologies.
512 The results of the market analysis shall assist the state data
513 center in making adjustments to its data center service
514 offerings.

515 ~~(11)-(12)~~ Recommend other information technology services
516 that should be designed, delivered, and managed as enterprise
517 information technology services. Recommendations must include
518 the identification of existing information technology resources
519 associated with the services, if existing services must be
520 transferred as a result of being delivered and managed as
521 enterprise information technology services.

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

ENROLLED

HB 5301

2019 Legislature

526 (12) ~~(14)~~ In consultation with state agencies, propose a
527 methodology and approach for identifying and collecting both
528 current and planned information technology expenditure data at
529 the state agency level.

530 (13) (a) ~~(15) (a)~~ ~~Beginning January 1, 2015, and~~
531 Notwithstanding any other law, provide project oversight on any
532 information technology project of the Department of Financial
533 Services, the Department of Legal Affairs, and the Department of
534 Agriculture and Consumer Services which ~~that~~ has a total project
535 cost of \$25 million or more and which ~~that~~ impacts one or more
536 other agencies. Such information technology projects must also
537 comply with the applicable information technology architecture,
538 project management and oversight, and reporting standards
539 established by the department ~~agency~~.

540 (b) When performing the project oversight function
541 specified in paragraph (a), report at least quarterly to the
542 Executive Office of the Governor, the President of the Senate,
543 and the Speaker of the House of Representatives on any
544 information technology project that the department ~~agency~~
545 identifies as high-risk due to the project exceeding acceptable
546 variance ranges defined and documented in the project plan. The
547 report shall include a risk assessment, including fiscal risks,
548 associated with proceeding to the next stage of the project and
549 a recommendation for corrective actions required, including
550 suspension or termination of the project.

ENROLLED

HB 5301

2019 Legislature

551 (14) ~~(16)~~ If an information technology project implemented
552 by a state agency must be connected to or otherwise accommodated
553 by an information technology system administered by the
554 Department of Financial Services, the Department of Legal
555 Affairs, or the Department of Agriculture and Consumer Services,
556 consult with these departments regarding the risks and other
557 effects of such projects on their information technology systems
558 and work cooperatively with these departments regarding the
559 connections, interfaces, timing, or accommodations required to
560 implement such projects.

561 (15) ~~(17)~~ If adherence to standards or policies adopted by
562 or established pursuant to this section causes conflict with
563 federal regulations or requirements imposed on a state agency
564 and results in adverse action against the state agency or
565 federal funding, work with the state agency to provide
566 alternative standards, policies, or requirements that do not
567 conflict with the federal regulation or requirement. ~~Beginning~~
568 ~~July 1, 2015,~~ The department ~~agency~~ shall annually report such
569 alternative standards to the Governor, the President of the
570 Senate, and the Speaker of the House of Representatives.

571 (16) ~~(18)~~ ~~In collaboration with the Department of~~
572 ~~Management Services:~~

573 (a) Establish an information technology policy for all
574 information technology-related state contracts, including state
575 term contracts for information technology commodities,

ENROLLED

HB 5301

2019 Legislature

576 consultant services, and staff augmentation services. The
 577 information technology policy must include:

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

580 2. Requirements to be included in solicitations for state
 581 term contracts.

582 3. Evaluation criteria for the award of information
 583 technology-related state term contracts.

584 4. The term of each information technology-related state
 585 term contract.

586 5. The maximum number of vendors authorized on each state
 587 term contract.

588 (b) Evaluate vendor responses for information technology-
 589 related state term contract solicitations and invitations to
 590 negotiate.

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

593 (d) Ensure that the information technology policy
 594 established pursuant to paragraph (a) is included in all
 595 solicitations and contracts that ~~which~~ are administratively
 596 executed by the department.

597 (17) Recommend potential methods for standardizing data
 598 across state agencies which will promote interoperability and
 599 reduce the collection of duplicative data.

600 (18) Recommend open data technical standards and

ENROLLED

HB 5301

2019 Legislature

601 terminologies for use by state agencies.

602 (19) Adopt rules to administer this section.

603 Section 10. Effective July 1, 2019, and upon the
 604 expiration of the amendment to that section made by chapter
 605 2018-10, Laws of Florida, section 282.201, Florida Statutes, is
 606 amended to read:

607 282.201 State data center.—The state data center is
 608 established within the department ~~Agency for State Technology~~
 609 ~~and shall provide data center services that are hosted on~~
 610 ~~premises or externally through a third-party provider as an~~
 611 ~~enterprise information technology service.~~ The provision of data
 612 center services must comply with applicable state and federal
 613 laws, regulations, and policies, including all applicable
 614 security, privacy, and auditing requirements. The department
 615 shall appoint a director of the state data center, preferably an
 616 individual who has experience in leading data center facilities
 617 and has expertise in cloud-computing management.

618 ~~(1) INTENT. The Legislature finds that the most efficient~~
 619 ~~and effective means of providing quality utility data processing~~
 620 ~~services to state agencies requires that computing resources be~~
 621 ~~concentrated in quality facilities that provide the proper~~
 622 ~~security, disaster recovery, infrastructure, and staff resources~~
 623 ~~to ensure that the state's data is maintained reliably and~~
 624 ~~safely, and is recoverable in the event of a disaster. Unless~~
 625 ~~otherwise exempt by law, it is the intent of the Legislature~~

ENROLLED

HB 5301

2019 Legislature

626 ~~that all agency data centers and computing facilities shall be~~
627 ~~consolidated into the state data center.~~

628 (1)~~(2)~~ STATE DATA CENTER DUTIES.—The state data center
629 shall:

630 (a) Offer, develop, and support the services and
631 applications defined in service-level agreements executed with
632 its customer entities.

633 (b) Maintain performance of the state data center by
634 ensuring proper data backup, data backup recovery, disaster
635 recovery, and appropriate security, power, cooling, fire
636 suppression, and capacity.

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

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

- 646 1. Identify the parties and their roles, duties, and
647 responsibilities under the agreement.
- 648 2. State the duration of the contract term and specify the
649 conditions for renewal.
- 650 3. Identify the scope of work.

ENROLLED

HB 5301

2019 Legislature

651 4. Identify the products or services to be delivered with
652 sufficient specificity to permit an external financial or
653 performance audit.

654 5. Establish the services to be provided, the business
655 standards that must be met for each service, the cost of each
656 service by agency application, and the metrics and processes by
657 which the business standards for each service are to be
658 objectively measured and reported.

659 6. Provide a timely billing methodology to recover the
660 costs of services provided to the customer entity pursuant to s.
661 215.422.

662 7. Provide a procedure for modifying the service-level
663 agreement based on changes in the type, level, and cost of a
664 service.

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

668 9. Provide that a service-level agreement may be
669 terminated by either party for cause only after giving the other
670 party and the department ~~Agency for State Technology~~ notice in
671 writing of the cause for termination and an opportunity for the
672 other party to resolve the identified cause within a reasonable
673 period.

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

ENROLLED

HB 5301

2019 Legislature

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

679 (f) Assume administrative access rights to resources and
680 equipment, including servers, network components, and other
681 devices, consolidated into the state data center.

682 1. ~~Upon the date of each consolidation specified in this~~
683 ~~section, the General Appropriations Act, or any other law, a~~
684 state agency shall relinquish administrative rights to
685 consolidated resources and equipment. State agencies required to
686 comply with federal and state criminal justice information
687 security rules and policies shall retain administrative access
688 rights sufficient to comply with the management control
689 provisions of those rules and policies; however, the state data
690 center shall have the appropriate type or level of rights to
691 allow the center to comply with its duties pursuant to this
692 section. The Department of Law Enforcement shall serve as the
693 arbiter of disputes pertaining to the appropriate type and level
694 of administrative access rights pertaining to the provision of
695 management control in accordance with the federal criminal
696 justice information guidelines.

697 2. The state data center shall provide customer entities
698 with access to applications, servers, network components, and
699 other devices necessary for entities to perform business
700 activities and functions, and as defined and documented in a

ENROLLED

HB 5301

2019 Legislature

701 service-level agreement.

702 (g) In its procurement process, show preference for cloud-
703 computing solutions that minimize or do not require the
704 purchasing, financing, or leasing of state data center
705 infrastructure, and that meet the needs of customer agencies,
706 that reduce costs, and that meet or exceed the applicable state
707 and federal laws, regulations, and standards for information
708 technology security.

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

712 ~~(3) STATE AGENCY DUTIES.—~~

713 ~~(a) Each state agency shall provide to the Agency for~~
714 ~~State Technology all requested information relating to its data~~
715 ~~centers and computing facilities and any other information~~
716 ~~relevant to the effective transition of an agency data center or~~
717 ~~computing facility into the state data center.~~

718 ~~(b) Each state agency customer of the state data center~~
719 ~~shall notify the state data center, by May 31 and November 30 of~~
720 ~~each year, of any significant changes in anticipated utilization~~
721 ~~of state data center services pursuant to requirements~~
722 ~~established by the state data center.~~

723 ~~(2)(4) USE OF THE STATE DATA CENTER SCHEDULE FOR~~
724 ~~CONSOLIDATIONS OF AGENCY DATA CENTERS.—~~

725 ~~(a) Consolidations of agency data centers and computing~~

ENROLLED

HB 5301

2019 Legislature

726 ~~facilities into the state data center shall be made by the dates~~
727 ~~specified in this section and in accordance with budget~~
728 ~~adjustments contained in the General Appropriations Act.~~

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

731 ~~1. By October 31, 2013, the Department of Economic~~
732 ~~Opportunity.~~

733 ~~2. By December 31, 2013, the Executive Office of the~~
734 ~~Governor, to include the Division of Emergency Management except~~
735 ~~for the Emergency Operation Center's management system in~~
736 ~~Tallahassee and the Camp Blanding Emergency Operations Center in~~
737 ~~Starke.~~

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

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

742 ~~(c) The following are exempt from the use of the state~~
743 ~~data center consolidation under this section: the Department of~~
744 ~~Law Enforcement, the Department of the Lottery's Gaming System,~~
745 ~~Systems Design and Development in the Office of Policy and~~
746 ~~Budget, the regional traffic management centers as described in~~
747 ~~s. 335.14(2) and the Office of Toll Operations of the Department~~
748 ~~of Transportation, the State Board of Administration, state~~
749 ~~attorneys, public defenders, criminal conflict and civil~~
750 ~~regional counsel, capital collateral regional counsel, and the~~

ENROLLED

HB 5301

2019 Legislature

751 Florida Housing Finance Corporation.

752 ~~(d) A state agency that is consolidating its agency data~~
753 ~~center or computing facility into the state data center must~~
754 ~~execute a new or update an existing service-level agreement~~
755 ~~within 60 days after the commencement of the service. If a state~~
756 ~~agency and the state data center are unable to execute a~~
757 ~~service-level agreement by that date, the agency shall submit a~~
758 ~~report to the Executive Office of the Governor within 5 working~~
759 ~~days after that date which explains the specific issues~~
760 ~~preventing execution and describing the plan and schedule for~~
761 ~~resolving those issues.~~

762 ~~(e) Each state agency scheduled for consolidation into the~~
763 ~~state data center shall submit a transition plan to the Agency~~
764 ~~for State Technology by July 1 of the fiscal year before the~~
765 ~~fiscal year in which the scheduled consolidation will occur.~~
766 ~~Transition plans shall be developed in consultation with the~~
767 ~~state data center and must include:~~

768 ~~1. An inventory of the agency data center's resources~~
769 ~~being consolidated, including all hardware and its associated~~
770 ~~life cycle replacement schedule, software, staff, contracted~~
771 ~~services, and facility resources performing data center~~
772 ~~management and operations, security, backup and recovery,~~
773 ~~disaster recovery, system administration, database~~
774 ~~administration, system programming, job control, production~~
775 ~~control, print, storage, technical support, help desk, and~~

ENROLLED

HB 5301

2019 Legislature

776 ~~managed services, but excluding application development, and the~~
777 ~~agency's costs supporting these resources.~~

778 ~~2. A list of contracts in effect, including, but not~~
779 ~~limited to, contracts for hardware, software, and maintenance,~~
780 ~~which identifies the expiration date, the contract parties, and~~
781 ~~the cost of each contract.~~

782 ~~3. A detailed description of the level of services needed~~
783 ~~to meet the technical and operational requirements of the~~
784 ~~platforms being consolidated.~~

785 ~~4. A timetable with significant milestones for the~~
786 ~~completion of the consolidation.~~

787 ~~(f) Each state agency scheduled for consolidation into the~~
788 ~~state data center shall submit with its respective legislative~~
789 ~~budget request the specific recurring and nonrecurring budget~~
790 ~~adjustments of resources by appropriation category into the~~
791 ~~appropriate data processing category pursuant to the legislative~~
792 ~~budget request instructions in s. 216.023.~~

793 ~~(3)(5)~~ AGENCY LIMITATIONS.-

794 ~~(a)~~ Unless exempt from the use of the state data center
795 ~~consolidation~~ pursuant to this section or authorized by the
796 Legislature ~~or as provided in paragraph (b)~~, a state agency may
797 not:

798 (a)1. Create a new agency computing facility or data
799 center, or expand the capability to support additional computer
800 equipment in an existing agency computing facility or data

ENROLLED

HB 5301

2019 Legislature

801 center; or
802 ~~2. Spend funds before the state agency's scheduled~~
803 ~~consolidation into the state data center to purchase or modify~~
804 ~~hardware or operations software that does not comply with~~
805 ~~standards established by the Agency for State Technology~~
806 ~~pursuant to s. 282.0051;~~
807 ~~3. Transfer existing computer services to any data center~~
808 ~~other than the state data center;~~
809 (b)4. Terminate services with the state data center
810 without giving written notice of intent to terminate services
811 180 days before such termination; ~~or~~
812 ~~5. Initiate a new computer service except with the state~~
813 ~~data center.~~
814 ~~(b) Exceptions to the limitations in subparagraphs (a)1.,~~
815 ~~2., 3., and 5. may be granted by the Agency for State Technology~~
816 ~~if there is insufficient capacity in the state data center to~~
817 ~~absorb the workload associated with agency computing services,~~
818 ~~if expenditures are compatible with the standards established~~
819 ~~pursuant to s. 282.0051, or if the equipment or resources are~~
820 ~~needed to meet a critical agency business need that cannot be~~
821 ~~satisfied by the state data center. The Agency for State~~
822 ~~Technology shall establish requirements that a state agency must~~
823 ~~follow when submitting and documenting a request for an~~
824 ~~exception. The Agency for State Technology shall also publish~~
825 ~~guidelines for its consideration of exception requests. However,~~

ENROLLED

HB 5301

2019 Legislature

826 | ~~the decision of the Agency for State Technology regarding an~~
827 | ~~exception request is not subject to chapter 120.~~

828 | Section 11. Section 282.206, Florida Statutes, is created
829 | to read:

830 | 282.206 Cloud-first policy in state agencies.—

831 | (1) The Legislature finds that the most efficient and
832 | effective means of providing quality data processing services is
833 | through the use of cloud computing. It is the intent of the
834 | Legislature that each state agency adopt a cloud-first policy
835 | that first considers cloud-computing solutions in its technology
836 | sourcing strategy for technology initiatives or upgrades
837 | whenever possible and feasible.

838 | (2) In its procurement process, each state agency shall
839 | show a preference for cloud-computing solutions that either
840 | minimize or do not require the use of state data center
841 | infrastructure when cloud-computing solutions meet the needs of
842 | the agency, reduce costs, and meet or exceed the applicable
843 | state and federal laws, regulations, and standards for
844 | information technology security.

845 | (3) Each state agency shall adopt formal procedures for
846 | the evaluation of cloud-computing options for existing
847 | applications, technology initiatives, or upgrades.

848 | (4) Each state agency shall develop a strategic plan to be
849 | updated annually to address its inventory of applications
850 | located at the state data center. Each agency shall submit the

ENROLLED

HB 5301

2019 Legislature

851 plan by October 15 of each year to the Office of Policy and
 852 Budget in the Executive Office of the Governor and the chairs of
 853 the legislative appropriations committees. For each application,
 854 the plan must identify and document the readiness, appropriate
 855 strategy, and high-level timeline for transition to a cloud-
 856 computing service based on the application's quality, cost, and
 857 resource requirements. This information must be used to assist
 858 the state data center in making adjustments to its service
 859 offerings.

860 (5) Each state agency customer of the state data center
 861 shall notify the state data center by May 31 and November 30
 862 annually of any significant changes in its anticipated
 863 utilization of state data center services pursuant to
 864 requirements established by the state data center.

865 (6) Unless authorized by the Legislature, the Department
 866 of Law Enforcement, as the state's lead Criminal Justice
 867 Information Services Systems Agency, may not impose more
 868 stringent protection measures than outlined in the federal
 869 Criminal Justice Information Services Security Policy relating
 870 to the use of cloud-computing services.

871 Section 12. Section 282.318, Florida Statutes, is amended
 872 to read:

873 282.318 Security of data and information technology.—

874 (1) This section may be cited as the "Information
 875 Technology Security Act."

ENROLLED

HB 5301

2019 Legislature

876 (2) As used in this section, the term "state agency" has
 877 the same meaning as provided in s. 282.0041, except that the
 878 term includes the Department of Legal Affairs, the Department of
 879 Agriculture and Consumer Services, and the Department of
 880 Financial Services.

881 (3) The department ~~Agency for State Technology~~ is
 882 responsible for establishing standards and processes consistent
 883 with generally accepted best practices for information
 884 technology security, to include cybersecurity, and adopting
 885 rules that safeguard an agency's data, information, and
 886 information technology resources to ensure availability,
 887 confidentiality, and integrity and to mitigate risks. The
 888 department ~~agency~~ shall also:

889 (a) Designate a state chief information security officer
 890 who must have experience and expertise in security and risk
 891 management for communications and information technology
 892 resources.

893 ~~(b)~~ (a) Develop, and annually update by February 1, a
 894 statewide information technology security strategic plan that
 895 includes security goals and objectives for the strategic issues
 896 of information technology security policy, risk management,
 897 training, incident management, and disaster recovery planning.

898 ~~(c)~~ (b) Develop and publish for use by state agencies an
 899 information technology security framework that, at a minimum,
 900 includes guidelines and processes for:

ENROLLED

HB 5301

2019 Legislature

901 1. Establishing asset management procedures to ensure that
902 an agency's information technology resources are identified and
903 managed consistent with their relative importance to the
904 agency's business objectives.

905 2. Using a standard risk assessment methodology that
906 includes the identification of an agency's priorities,
907 constraints, risk tolerances, and assumptions necessary to
908 support operational risk decisions.

909 3. Completing comprehensive risk assessments and
910 information technology security audits, which may be completed
911 by a private sector vendor, and submitting completed assessments
912 and audits to the department ~~Agency for State Technology~~.

913 4. Identifying protection procedures to manage the
914 protection of an agency's information, data, and information
915 technology resources.

916 5. Establishing procedures for accessing information and
917 data to ensure the confidentiality, integrity, and availability
918 of such information and data.

919 6. Detecting threats through proactive monitoring of
920 events, continuous security monitoring, and defined detection
921 processes.

922 7. Establishing agency computer security incident response
923 teams and describing their responsibilities for responding to
924 information technology security incidents, including breaches of
925 personal information containing confidential or exempt data.

ENROLLED

HB 5301

2019 Legislature

926 8. Recovering information and data in response to an
 927 information technology security incident. The recovery may
 928 include recommended improvements to the agency processes,
 929 policies, or guidelines.

930 9. Establishing an information technology security
 931 incident reporting process that includes procedures and tiered
 932 reporting timeframes for notifying the department ~~Agency for~~
 933 ~~State Technology~~ and the Department of Law Enforcement of
 934 information technology security incidents. The tiered reporting
 935 timeframes shall be based upon the level of severity of the
 936 information technology security incidents being reported.

937 10. Incorporating information obtained through detection
 938 and response activities into the agency's information technology
 939 security incident response plans.

940 11. Developing agency strategic and operational
 941 information technology security plans required pursuant to this
 942 section.

943 12. Establishing the managerial, operational, and
 944 technical safeguards for protecting state government data and
 945 information technology resources that align with the state
 946 agency risk management strategy and that protect the
 947 confidentiality, integrity, and availability of information and
 948 data.

949 (d) ~~(e)~~ Assist state agencies in complying with this
 950 section.

ENROLLED

HB 5301

2019 Legislature

951 (e)~~(d)~~ In collaboration with the Cybercrime Office of the
 952 Department of Law Enforcement, annually provide training for
 953 state agency information security managers and computer security
 954 incident response team members that contains training on
 955 information technology security, including cybersecurity,
 956 threats, trends, and best practices.

957 (f)~~(e)~~ Annually review the strategic and operational
 958 information technology security plans of executive branch
 959 agencies.

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

961 (a) Designate an information security manager to
 962 administer the information technology security program of the
 963 state agency. This designation must be provided annually in
 964 writing to the department ~~Agency for State Technology~~ by January
 965 1. A state agency's information security manager, for purposes
 966 of these information security duties, shall report directly to
 967 the agency head.

968 (b) In consultation with the department ~~Agency for State~~
 969 ~~Technology~~ and the Cybercrime Office of the Department of Law
 970 Enforcement, establish an agency computer security incident
 971 response team to respond to an information technology security
 972 incident. The agency computer security incident response team
 973 shall convene upon notification of an information technology
 974 security incident and must comply with all applicable guidelines
 975 and processes established pursuant to paragraph (3) (c) ~~paragraph~~

ENROLLED

HB 5301

2019 Legislature

976 ~~(3)(b).~~

977 (c) Submit to the department ~~Agency for State Technology~~
 978 annually by July 31, the state agency's strategic and
 979 operational information technology security plans developed
 980 pursuant to rules and guidelines established by the department
 981 ~~Agency for State Technology~~.

982 1. The state agency strategic information technology
 983 security plan must cover a 3-year period and, at a minimum,
 984 define security goals, intermediate objectives, and projected
 985 agency costs for the strategic issues of agency information
 986 security policy, risk management, security training, security
 987 incident response, and disaster recovery. The plan must be based
 988 on the statewide information technology security strategic plan
 989 created by the department ~~Agency for State Technology~~ and
 990 include performance metrics that can be objectively measured to
 991 reflect the status of the state agency's progress in meeting
 992 security goals and objectives identified in the agency's
 993 strategic information security plan.

994 2. The state agency operational information technology
 995 security plan must include a progress report that objectively
 996 measures progress made towards the prior operational information
 997 technology security plan and a project plan that includes
 998 activities, timelines, and deliverables for security objectives
 999 that the state agency will implement during the current fiscal
 1000 year.

ENROLLED

HB 5301

2019 Legislature

1001 (d) Conduct, and update every 3 years, a comprehensive
 1002 risk assessment, which may be completed by a private sector
 1003 vendor, to determine the security threats to the data,
 1004 information, and information technology resources, including
 1005 mobile devices and print environments, of the agency. The risk
 1006 assessment must comply with the risk assessment methodology
 1007 developed by the department ~~Agency for State Technology~~ and is
 1008 confidential and exempt from s. 119.07(1), except that such
 1009 information shall be available to the Auditor General, the
 1010 Division of State Technology within the department ~~Agency for~~
 1011 ~~State Technology~~, the Cybercrime Office of the Department of Law
 1012 Enforcement, and, for state agencies under the jurisdiction of
 1013 the Governor, the Chief Inspector General.

1014 (e) Develop, and periodically update, written internal
 1015 policies and procedures, which include procedures for reporting
 1016 information technology security incidents and breaches to the
 1017 Cybercrime Office of the Department of Law Enforcement and the
 1018 Division of State Technology within the department ~~Agency for~~
 1019 ~~State Technology~~. Such policies and procedures must be
 1020 consistent with the rules, guidelines, and processes established
 1021 by the department ~~Agency for State Technology~~ to ensure the
 1022 security of the data, information, and information technology
 1023 resources of the agency. The internal policies and procedures
 1024 that, if disclosed, could facilitate the unauthorized
 1025 modification, disclosure, or destruction of data or information

ENROLLED

HB 5301

2019 Legislature

1026 | technology resources are confidential information and exempt
 1027 | from s. 119.07(1), except that such information shall be
 1028 | available to the Auditor General, the Cybercrime Office of the
 1029 | Department of Law Enforcement, the Division of State Technology
 1030 | within the department ~~Agency for State Technology~~, and, for
 1031 | state agencies under the jurisdiction of the Governor, the Chief
 1032 | Inspector General.

1033 | (f) Implement managerial, operational, and technical
 1034 | safeguards and risk assessment remediation plans recommended by
 1035 | the department ~~Agency for State Technology~~ to address identified
 1036 | risks to the data, information, and information technology
 1037 | resources of the agency.

1038 | (g) Ensure that periodic internal audits and evaluations
 1039 | of the agency's information technology security program for the
 1040 | data, information, and information technology resources of the
 1041 | agency are conducted. The results of such audits and evaluations
 1042 | are confidential information and exempt from s. 119.07(1),
 1043 | except that such information shall be available to the Auditor
 1044 | General, the Cybercrime Office of the Department of Law
 1045 | Enforcement, the Division of State Technology within the
 1046 | department ~~Agency for State Technology~~, and, for agencies under
 1047 | the jurisdiction of the Governor, the Chief Inspector General.

1048 | (h) Ensure that the ~~include appropriate~~ information
 1049 | technology security and cybersecurity requirements in both the
 1050 | written specifications for the solicitation and service-level

ENROLLED

HB 5301

2019 Legislature

1051 agreement of information technology and information technology
 1052 resources and services meet or exceed the applicable state and
 1053 federal laws, regulations, and standards for information
 1054 technology security and cybersecurity. Service-level agreements
 1055 must identify service provider and state agency responsibilities
 1056 for privacy and security, protection of government data,
 1057 personnel background screening, and security deliverables with
 1058 associated frequencies, ~~which are consistent with the rules and~~
 1059 ~~guidelines established by the Agency for State Technology in~~
 1060 ~~collaboration with the Department of Management Services.~~

1061 (i) Provide information technology security and
 1062 cybersecurity awareness training to all state agency employees
 1063 in the first 30 days after commencing employment concerning
 1064 information technology security risks and the responsibility of
 1065 employees to comply with policies, standards, guidelines, and
 1066 operating procedures adopted by the state agency to reduce those
 1067 risks. The training may be provided in collaboration with the
 1068 Cybercrime Office of the Department of Law Enforcement.

1069 (j) Develop a process for detecting, reporting, and
 1070 responding to threats, breaches, or information technology
 1071 security incidents which is consistent with the security rules,
 1072 guidelines, and processes established by the Agency for State
 1073 Technology.

1074 1. All information technology security incidents and
 1075 breaches must be reported to the Division of State Technology

ENROLLED

HB 5301

2019 Legislature

1076 | within the department ~~Agency for State Technology~~ and the
 1077 | Cybercrime Office of the Department of Law Enforcement and must
 1078 | comply with the notification procedures and reporting timeframes
 1079 | established pursuant to paragraph (3) (c) ~~paragraph (3) (b)~~.

1080 | 2. For information technology security breaches, state
 1081 | agencies shall provide notice in accordance with s. 501.171.

1082 | 3. Records held by a state agency which identify
 1083 | detection, investigation, or response practices for suspected or
 1084 | confirmed information technology security incidents, including
 1085 | suspected or confirmed breaches, are confidential and exempt
 1086 | from s. 119.07(1) and s. 24(a), Art. I of the State
 1087 | Constitution, if the disclosure of such records would facilitate
 1088 | unauthorized access to or the unauthorized modification,
 1089 | disclosure, or destruction of:

1090 | a. Data or information, whether physical or virtual; or

1091 | b. Information technology resources, which includes:

1092 | (I) Information relating to the security of the agency's
 1093 | technologies, processes, and practices designed to protect
 1094 | networks, computers, data processing software, and data from
 1095 | attack, damage, or unauthorized access; or

1096 | (II) Security information, whether physical or virtual,
 1097 | which relates to the agency's existing or proposed information
 1098 | technology systems.

1099 |
 1100 | Such records shall be available to the Auditor General, the

ENROLLED

HB 5301

2019 Legislature

1101 Division of State Technology within the department ~~Agency for~~
 1102 ~~State Technology~~, the Cybercrime Office of the Department of Law
 1103 Enforcement, and, for state agencies under the jurisdiction of
 1104 the Governor, the Chief Inspector General. Such records may be
 1105 made available to a local government, another state agency, or a
 1106 federal agency for information technology security purposes or
 1107 in furtherance of the state agency's official duties. This
 1108 exemption applies to such records held by a state agency before,
 1109 on, or after the effective date of this exemption. This
 1110 subparagraph is subject to the Open Government Sunset Review Act
 1111 in accordance with s. 119.15 and shall stand repealed on October
 1112 2, 2021, unless reviewed and saved from repeal through
 1113 reenactment by the Legislature.

1114 (5) The portions of risk assessments, evaluations,
 1115 external audits, and other reports of a state agency's
 1116 information technology security program for the data,
 1117 information, and information technology resources of the state
 1118 agency which are held by a state agency are confidential and
 1119 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 1120 Constitution if the disclosure of such portions of records would
 1121 facilitate unauthorized access to or the unauthorized
 1122 modification, disclosure, or destruction of:

- 1123 (a) Data or information, whether physical or virtual; or
- 1124 (b) Information technology resources, which include:
 - 1125 1. Information relating to the security of the agency's

ENROLLED

HB 5301

2019 Legislature

1126 technologies, processes, and practices designed to protect
 1127 networks, computers, data processing software, and data from
 1128 attack, damage, or unauthorized access; or

1129 2. Security information, whether physical or virtual,
 1130 which relates to the agency's existing or proposed information
 1131 technology systems.

1132
 1133 Such portions of records shall be available to the Auditor
 1134 General, the Cybercrime Office of the Department of Law
 1135 Enforcement, the Division of State Technology within the
 1136 department ~~Agency for State Technology~~, and, for agencies under
 1137 the jurisdiction of the Governor, the Chief Inspector General.
 1138 Such portions of records may be made available to a local
 1139 government, another state agency, or a federal agency for
 1140 information technology security purposes or in furtherance of
 1141 the state agency's official duties. For purposes of this
 1142 subsection, "external audit" means an audit that is conducted by
 1143 an entity other than the state agency that is the subject of the
 1144 audit. This exemption applies to such records held by a state
 1145 agency before, on, or after the effective date of this
 1146 exemption. This subsection is subject to the Open Government
 1147 Sunset Review Act in accordance with s. 119.15 and shall stand
 1148 repealed on October 2, 2021, unless reviewed and saved from
 1149 repeal through reenactment by the Legislature.

1150 (6) The department ~~Agency for State Technology~~ shall adopt

ENROLLED

HB 5301

2019 Legislature

1151 rules relating to information technology security and to
 1152 administer this section.

1153 Section 13. Subsections (1) and (2) of section 17.0315,
 1154 Florida Statutes, are amended to read:

1155 17.0315 Financial and cash management system; task force.—

1156 (1) The Chief Financial Officer, as the constitutional
 1157 officer responsible for settling and approving accounts against
 1158 the state and keeping all state funds pursuant to s. 4, Art. IV
 1159 of the State Constitution, is the head of and shall appoint
 1160 members to a task force established to develop a strategic
 1161 business plan for a successor financial and cash management
 1162 system. The task force shall include the state chief information
 1163 officer ~~executive director of the Agency for State Technology~~
 1164 and the director of the Office of Policy and Budget in the
 1165 Executive Office of the Governor. Any member of the task force
 1166 may appoint a designee.

1167 (2) The strategic business plan for a successor financial
 1168 and cash management system must:

1169 (a) Permit proper disbursement and auditing controls
 1170 consistent with the respective constitutional duties of the
 1171 Chief Financial Officer and the Legislature;

1172 (b) Promote transparency in the accounting of public
 1173 funds;

1174 (c) Provide timely and accurate recording of financial
 1175 transactions by agencies and their professional staffs;

ENROLLED

HB 5301

2019 Legislature

1176 (d) Support executive reporting and data analysis
 1177 requirements;
 1178 (e) Be capable of interfacing with other systems providing
 1179 human resource services, procuring goods and services, and
 1180 providing other enterprise functions;
 1181 (f) Be capable of interfacing with the existing
 1182 legislative appropriations, planning, and budgeting systems;
 1183 (g) Be coordinated with the information technology
 1184 strategy development efforts of the Department of Management
 1185 Services Agency for State Technology;
 1186 (h) Be coordinated with the revenue estimating conference
 1187 process as supported by the Office of Economic and Demographic
 1188 Research; and
 1189 (i) Address other such issues as the Chief Financial
 1190 Officer identifies.
 1191 Section 14. Paragraph (d) of subsection (1) of section
 1192 20.055, Florida Statutes, is amended to read:
 1193 20.055 Agency inspectors general.—
 1194 (1) As used in this section, the term:
 1195 (d) "State agency" means each department created pursuant
 1196 to this chapter and the Executive Office of the Governor, the
 1197 Department of Military Affairs, the Fish and Wildlife
 1198 Conservation Commission, the Office of Insurance Regulation of
 1199 the Financial Services Commission, the Office of Financial
 1200 Regulation of the Financial Services Commission, the Public

ENROLLED

HB 5301

2019 Legislature

1201 Service Commission, the Board of Governors of the State
 1202 University System, the Florida Housing Finance Corporation, ~~the~~
 1203 ~~Agency for State Technology~~, the Office of Early Learning, and
 1204 the state courts system.

1205 Section 15. Paragraph (b) of subsection (3) of section
 1206 97.0525, Florida Statutes, is amended to read:

1207 97.0525 Online voter registration.—

1208 (3)

1209 (b) The division shall conduct a comprehensive risk
 1210 assessment of the online voter registration system before making
 1211 the system publicly available and every 2 years thereafter. The
 1212 comprehensive risk assessment must comply with the risk
 1213 assessment methodology developed by the Department of Management
 1214 Services ~~Agency for State Technology~~ for identifying security
 1215 risks, determining the magnitude of such risks, and identifying
 1216 areas that require safeguards.

1217 Section 16. Paragraph (e) of subsection (2) of section
 1218 110.205, Florida Statutes, is amended to read:

1219 110.205 Career service; exemptions.—

1220 (2) EXEMPT POSITIONS.—The exempt positions that are not
 1221 covered by this part include the following:

1222 (e) The state chief information officer ~~executive director~~
 1223 ~~of the Agency for State Technology~~. Unless otherwise fixed by
 1224 law, the Department of Management Services ~~Agency for State~~
 1225 ~~Technology~~ shall set the salary and benefits of this position in

ENROLLED

HB 5301

2019 Legislature

1226 | accordance with the rules of the Senior Management Service.

1227 | Section 17. Subsections (2) and (9) of section 215.322,
1228 | Florida Statutes, are amended to read:

1229 | 215.322 Acceptance of credit cards, charge cards, debit
1230 | cards, or electronic funds transfers by state agencies, units of
1231 | local government, and the judicial branch.—

1232 | (2) A state agency as defined in s. 216.011, or the
1233 | judicial branch, may accept credit cards, charge cards, debit
1234 | cards, or electronic funds transfers in payment for goods and
1235 | services with the prior approval of the Chief Financial Officer.
1236 | If the Internet or other related electronic methods are to be
1237 | used as the collection medium, the state chief information
1238 | officer ~~Agency for State Technology~~ shall review and recommend
1239 | to the Chief Financial Officer whether to approve the request
1240 | with regard to the process or procedure to be used.

1241 | (9) For payment programs in which credit cards, charge
1242 | cards, or debit cards are accepted by state agencies, the
1243 | judicial branch, or units of local government, the Chief
1244 | Financial Officer, in consultation with the state chief
1245 | information officer ~~Agency for State Technology~~, may adopt rules
1246 | to establish uniform security safeguards for cardholder data and
1247 | to ensure compliance with the Payment Card Industry Data
1248 | Security Standards.

1249 | Section 18. Subsection (2) of section 215.96, Florida
1250 | Statutes, is amended to read:

ENROLLED

HB 5301

2019 Legislature

1251 215.96 Coordinating council and design and coordination
 1252 staff.—
 1253 (2) The coordinating council shall consist of the Chief
 1254 Financial Officer; the Commissioner of Agriculture; the Attorney
 1255 General; the Secretary of Management Services; the state chief
 1256 information officer ~~executive director of the Agency for State~~
 1257 ~~Technology~~; and the Director of Planning and Budgeting,
 1258 Executive Office of the Governor, or their designees. The Chief
 1259 Financial Officer, or his or her designee, shall be chair of the
 1260 council, and the design and coordination staff shall provide
 1261 administrative and clerical support to the council and the
 1262 board. The design and coordination staff shall maintain the
 1263 minutes of each meeting and make such minutes available to any
 1264 interested person. The Auditor General, the State Courts
 1265 Administrator, an executive officer of the Florida Association
 1266 of State Agency Administrative Services Directors, and an
 1267 executive officer of the Florida Association of State Budget
 1268 Officers, or their designees, shall serve without voting rights
 1269 as ex officio members of the council. The chair may call
 1270 meetings of the council as often as necessary to transact
 1271 business; however, the council shall meet at least once a year.
 1272 Action of the council shall be by motion, duly made, seconded
 1273 and passed by a majority of the council voting in the
 1274 affirmative for approval of items that are to be recommended for
 1275 approval to the Financial Management Information Board.

ENROLLED

HB 5301

2019 Legislature

1276 Section 19. Subsection (22) of section 287.057, Florida
 1277 Statutes, is amended to read:

1278 287.057 Procurement of commodities or contractual
 1279 services.—

1280 (22) The department, in consultation with the Chief
 1281 Financial Officer and the state chief information officer ~~Agency~~
 1282 ~~for State Technology~~, shall maintain a program for online
 1283 procurement of commodities and contractual services. To enable
 1284 the state to promote open competition and leverage its buying
 1285 power, agencies shall participate in the online procurement
 1286 program, and eligible users may participate in the program. Only
 1287 vendors prequalified as meeting mandatory requirements and
 1288 qualifications criteria may participate in online procurement.

1289 (a) The department, ~~in consultation with the Agency for~~
 1290 ~~State Technology and in compliance with the standards of the~~
 1291 ~~agency~~, may contract for equipment and services necessary to
 1292 develop and implement online procurement.

1293 (b) The department shall adopt rules to administer the
 1294 program for online procurement. The rules must include, but not
 1295 be limited to:

1296 1. Determining the requirements and qualification criteria
 1297 for prequalifying vendors.

1298 2. Establishing the procedures for conducting online
 1299 procurement.

1300 3. Establishing the criteria for eligible commodities and

ENROLLED

HB 5301

2019 Legislature

1301 contractual services.

1302 4. Establishing the procedures for providing access to
1303 online procurement.

1304 5. Determining the criteria warranting any exceptions to
1305 participation in the online procurement program.

1306 (c) The department may impose and shall collect all fees
1307 for the use of the online procurement systems.

1308 1. The fees may be imposed on an individual transaction
1309 basis or as a fixed percentage of the cost savings generated. At
1310 a minimum, the fees must be set in an amount sufficient to cover
1311 the projected costs of the services, including administrative
1312 and project service costs in accordance with the policies of the
1313 department.

1314 2. If the department contracts with a provider for online
1315 procurement, the department, pursuant to appropriation, shall
1316 compensate the provider from the fees after the department has
1317 satisfied all ongoing costs. The provider shall report
1318 transaction data to the department each month so that the
1319 department may determine the amount due and payable to the
1320 department from each vendor.

1321 3. All fees that are due and payable to the state on a
1322 transactional basis or as a fixed percentage of the cost savings
1323 generated are subject to s. 215.31 and must be remitted within
1324 40 days after receipt of payment for which the fees are due. For
1325 fees that are not remitted within 40 days, the vendor shall pay

ENROLLED

HB 5301

2019 Legislature

1326 interest at the rate established under s. 55.03(1) on the unpaid
 1327 balance from the expiration of the 40-day period until the fees
 1328 are remitted.

1329 4. All fees and surcharges collected under this paragraph
 1330 shall be deposited in the Operating Trust Fund as provided by
 1331 law.

1332 Section 20. Section 282.00515, Florida Statutes, is
 1333 amended to read:

1334 282.00515 Duties of Cabinet agencies.—The Department of
 1335 Legal Affairs, the Department of Financial Services, and the
 1336 Department of Agriculture and Consumer Services shall adopt the
 1337 standards established in s. 282.0051(2), (3), and (7) ~~s.~~
 1338 ~~282.0051(2), (3), and (8)~~ or adopt alternative standards based
 1339 on best practices and industry standards, and may contract with
 1340 the department ~~Agency for State Technology~~ to provide or perform
 1341 any of the services and functions described in s. 282.0051 for
 1342 the Department of Legal Affairs, the Department of Financial
 1343 Services, or the Department of Agriculture and Consumer
 1344 Services.

1345 Section 21. Subsections (3) and (4) of section 287.0591,
 1346 Florida Statutes, are amended to read:

1347 287.0591 Information technology.—

1348 (3) The department may execute a state term contract for
 1349 information technology commodities, consultant services, or
 1350 staff augmentation contractual services that exceeds the 48-

ENROLLED

HB 5301

2019 Legislature

1351 month requirement if the Secretary of Management Services and
 1352 the state chief information officer ~~executive director of the~~
 1353 ~~Agency for State Technology~~ certify to the Executive Office of
 1354 the Governor that a longer contract term is in the best interest
 1355 of the state.

1356 (4) If the department issues a competitive solicitation
 1357 for information technology commodities, consultant services, or
 1358 staff augmentation contractual services, the Division of State
 1359 Technology within the department ~~Agency for State Technology~~
 1360 shall participate in such solicitations.

1361 Section 22. Paragraph (a) of subsection (3) of section
 1362 365.171, Florida Statutes, is amended to read:

1363 365.171 Emergency communications number E911 state plan.—

1364 (3) DEFINITIONS.—As used in this section, the term:

1365 (a) "Office" means the Division of State Technology
 1366 ~~Program~~ within the Department of Management Services, as
 1367 designated by the secretary of the department.

1368 Section 23. Paragraph (s) of subsection (3) of section
 1369 365.172, Florida Statutes, is amended to read:

1370 365.172 Emergency communications number "E911."—

1371 (3) DEFINITIONS.—Only as used in this section and ss.
 1372 365.171, 365.173, and 365.174, the term:

1373 (s) "Office" means the Division of State Technology
 1374 ~~Program~~ within the Department of Management Services, as
 1375 designated by the secretary of the department.

ENROLLED

HB 5301

2019 Legislature

1376 Section 24. Paragraph (a) of subsection (1) of section
 1377 365.173, Florida Statutes, is amended to read:

1378 365.173 Communications Number E911 System Fund.—

1379 (1) REVENUES.—

1380 (a) Revenues derived from the fee levied on subscribers
 1381 under s. 365.172(8) must be paid by the board into the State
 1382 Treasury on or before the 15th day of each month. Such moneys
 1383 must be accounted for in a special fund to be designated as the
 1384 Emergency Communications Number E911 System Fund, a fund created
 1385 in the Division of State Technology Program, or other office as
 1386 designated by the Secretary of Management Services.

1387 Section 25. Subsection (4) of section 445.011, Florida
 1388 Statutes, is amended to read:

1389 445.011 Workforce information systems.—

1390 (4) CareerSource Florida, Inc., shall coordinate
 1391 development and implementation of workforce information systems
 1392 with the state chief information officer ~~executive director of~~
 1393 ~~the Agency for State Technology~~ to ensure compatibility with the
 1394 state's information system strategy and enterprise architecture.

1395 Section 26. Subsection (2) and paragraphs (a) and (b) of
 1396 subsection (4) of section 445.045, Florida Statutes, are amended
 1397 to read:

1398 445.045 Development of an Internet-based system for
 1399 information technology industry promotion and workforce
 1400 recruitment.—

ENROLLED

HB 5301

2019 Legislature

1401 (2) CareerSource Florida, Inc., shall coordinate with the
 1402 Department of Management Services ~~Agency for State Technology~~
 1403 and the Department of Economic Opportunity to ensure links, as
 1404 feasible and appropriate, to existing job information websites
 1405 maintained by the state and state agencies and to ensure that
 1406 information technology positions offered by the state and state
 1407 agencies are posted on the information technology website.

1408 (4) (a) CareerSource Florida, Inc., shall coordinate
 1409 development and maintenance of the website under this section
 1410 with the state chief information officer ~~executive director of~~
 1411 ~~the Agency for State Technology~~ to ensure compatibility with the
 1412 state's information system strategy and enterprise architecture.

1413 (b) CareerSource Florida, Inc., may enter into an
 1414 agreement with ~~the Agency for State Technology,~~ the Department
 1415 of Economic Opportunity~~,~~ or any other public agency with the
 1416 requisite information technology expertise for the provision of
 1417 design, operating, or other technological services necessary to
 1418 develop and maintain the website.

1419 Section 27. Paragraph (b) of subsection (18) of section
 1420 668.50, Florida Statutes, is amended to read:

1421 668.50 Uniform Electronic Transaction Act.—

1422 (18) ACCEPTANCE AND DISTRIBUTION OF ELECTRONIC RECORDS BY
 1423 GOVERNMENTAL AGENCIES.—

1424 (b) To the extent that a governmental agency uses
 1425 electronic records and electronic signatures under paragraph

ENROLLED

HB 5301

2019 Legislature

1426 (a), the Department of Management Services ~~Agency for State~~
 1427 ~~Technology~~, in consultation with the governmental agency, giving
 1428 due consideration to security, may specify:

1429 1. The manner and format in which the electronic records
 1430 must be created, generated, sent, communicated, received, and
 1431 stored and the systems established for those purposes.

1432 2. If electronic records must be signed by electronic
 1433 means, the type of electronic signature required, the manner and
 1434 format in which the electronic signature must be affixed to the
 1435 electronic record, and the identity of, or criteria that must be
 1436 met by, any third party used by a person filing a document to
 1437 facilitate the process.

1438 3. Control processes and procedures as appropriate to
 1439 ensure adequate preservation, disposition, integrity, security,
 1440 confidentiality, and auditability of electronic records.

1441 4. Any other required attributes for electronic records
 1442 which are specified for corresponding nonelectronic records or
 1443 reasonably necessary under the circumstances.

1444 Section 28. Subsections (4) and (5) of section 943.0415,
 1445 Florida Statutes, are amended to read:

1446 943.0415 Cybercrime Office.—There is created within the
 1447 Department of Law Enforcement the Cybercrime Office. The office
 1448 may:

1449 (4) Provide security awareness training and information to
 1450 state agency employees concerning cybersecurity, online sexual

ENROLLED

HB 5301

2019 Legislature

1451 exploitation of children, and security risks, and the
1452 responsibility of employees to comply with policies, standards,
1453 guidelines, and operating procedures adopted by the department
1454 ~~Agency for State Technology~~.

1455 (5) Consult with the Division of State Technology within
1456 the Department of Management Services ~~Agency for State~~
1457 ~~Technology~~ in the adoption of rules relating to the information
1458 technology security provisions in s. 282.318.

1459 Section 29. Florida Cybersecurity Task Force.—

1460 (1) The Florida Cybersecurity Task Force, a task force as
1461 defined in s. 20.03(8), Florida Statutes, is created adjunct to
1462 the Department of Management Services to review and conduct an
1463 assessment of the state's cybersecurity infrastructure,
1464 governance, and operations. Except as otherwise provided in this
1465 section, the task force shall operate in a manner consistent
1466 with s. 20.052, Florida Statutes.

1467 (2) The task force consists of the following members:

1468 (a) The Lieutenant Governor, or his or her designee, who
1469 shall serve as chair of the task force.

1470 (b) A representative of the computer crime center of the
1471 Department of Law Enforcement, appointed by the executive
1472 director of the department.

1473 (c) A representative of the fusion center of the
1474 Department of Law Enforcement, appointed by the executive
1475 director of the department.

ENROLLED

HB 5301

2019 Legislature

- 1476 (d) The state chief information officer.
- 1477 (e) The state chief information security officer.
- 1478 (f) A representative of the Division of Emergency
 1479 Management within the Executive Office of the Governor,
 1480 appointed by the director of the division.
- 1481 (g) A representative of the Office of the Chief Inspector
 1482 General in the Executive Office of the Governor, appointed by
 1483 the Chief Inspector General.
- 1484 (h) An individual appointed by the President of the
 1485 Senate.
- 1486 (i) An individual appointed by the Speaker of the House of
 1487 Representatives.
- 1488 (j) Members of the private sector appointed by the
 1489 Governor.
- 1490 (3) The task force shall convene by October 1, 2019, and
 1491 shall meet as necessary, but at least quarterly, at the call of
 1492 the chair. The Division of State Technology within the
 1493 Department of Management Services shall provide staffing and
 1494 administrative support to the task force.
- 1495 (4) The task force shall:
- 1496 (a) Recommend methods to secure the state's network
 1497 systems and data, including standardized plans and procedures to
 1498 identify developing threats and to prevent unauthorized access
 1499 and destruction of data.
- 1500 (b) Identify and recommend remediation, if necessary, of

ENROLLED

HB 5301

2019 Legislature

1501 high-risk cybersecurity issues facing state government.

1502 (c) Recommend a process to regularly assess cybersecurity
1503 infrastructure and activities of executive branch agencies.

1504 (d) Identify gaps in the state's overall cybersecurity
1505 infrastructure, governance, and current operations. Based on any
1506 findings of gaps or deficiencies, the task force shall make
1507 recommendations for improvement.

1508 (e) Recommend cybersecurity improvements for the state's
1509 emergency management and disaster response systems.

1510 (f) Recommend cybersecurity improvements of the state data
1511 center.

1512 (g) Review and recommend improvements relating to the
1513 state's current operational plans for the response,
1514 coordination, and recovery from a cybersecurity attack.

1515 (5) All executive branch departments and agencies shall
1516 cooperate fully with requests for information made by the task
1517 force.

1518 (6) On or before November 1, 2020, the task force shall
1519 submit a final report of its findings and recommendations to the
1520 Governor, the President of the Senate, and the Speaker of the
1521 House of Representatives.

1522 (7) This section expires January 1, 2021.

1523 Section 30. This act shall take effect July 1, 2019.