



Government Operations & Technology Appropriations Subcommittee

**Tuesday, January 23, 2018
9:00 AM – 11:00 AM
Morris Hall (17 HOB)**

Meeting Packet



The Florida House of Representatives

Appropriations Committee

Government Operations & Technology Appropriations Subcommittee

Richard Corcoran
Speaker

Blaise Ingoglia
Chair

AGENDA

Tuesday, January 23, 2018

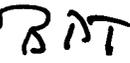
17 HOB (Morris Hall)

9:00 -11:00 A.M.

- I. Call to Order / Roll Call
- II. Opening Remarks
- III. Consideration of the following proposed committee bills(s):
 - PCB GOT 18-01 – Information Technology
 - PCB GOT 18-02—Statewide Travel Management System
- IV. Chair's Budget Proposal FY 2018-19
- V. Closing Remarks/Meeting Adjourned

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB GOT 18-01 Information Technology
SPONSOR(S): Government Operations & Technology Appropriations Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Government Operations & Technology Appropriations Subcommittee		Mullins 	Topp 

SUMMARY ANALYSIS

The bill makes changes in law relating to state agency information technology and modifies the responsibilities of the Agency for State Technology (AST). Specifically, the bill:

- Creates a cloud-first policy for state agencies, requiring each agency to first consider cloud computing solutions when sourcing technology.
- Requires the State Data Center and state agencies to show preference in procurement for cloud computing solutions that either minimize or do not require the use of the State Data Center.
- Provides authority in statute to allow AST to bill administrative costs of the agency to the customer agencies. Currently, the law provides that only data center services may be billed to customer agencies.
- Increases the qualification requirements for the state CIO, effective January 8, 2019.
- Designates the Department of Environmental Protection (DEP) as the state coordinating agency for Geographic Information Systems (GIS) and geospatial data.
- Removes the requirement for state agencies to utilize the State Data Center when initiating new computer services.
- Removes the limitation prohibiting state agencies from transferring existing computer services to any data center other than the State Data Center.
- Provides for a type two transfer of the AST budget and cost recovery/invoicing sections to DMS and amends statute to move the responsibilities of these sections to DMS.
- Repeals prescriptive language from statute authorizing 11 AST positions, three of which were eliminated in the FY 2017-18 General Appropriations Act (GAA).
- Amends statute to define the duties and responsibilities of AST in regards to developing an enterprise data inventory. Codifies current year proviso in statute related to the open data responsibilities.
- Conforms to the proposed House of Representatives' FY 2018-2019 GAA, which:
 - Funds \$3,702,908 for the AST's administrative functions (Executive Direction Budget Entity) by billing State Data Center customer entities,
 - Transfers \$524,017 in budget authority, 362,257 in salary rate, and five budget, cost recovery, and billing positions to DMS, and
 - Transfers the Geographic Information Officer and Research Administrator positions and funds \$238,273 in budget authority and 165,904 in salary rate to DEP.

Except otherwise specified, the bill is effective July 1, 2018.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: pcb01.GOT.DOCX

DATE: 1/10/2018

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Cloud-First Policy

Current Situation

In 2008, the Legislature created the State Data Center system, established two primary data centers, and required that agency data centers be consolidated into the primary data centers by 2019¹. Data center consolidation was completed in FY 2013-14. In 2014, the two primary data centers were merged in law to create the State Data Center (SDC) within the Agency for State Technology (AST)².

State agencies, unless authorized by the Legislature or granted exemption by AST, may not³:

- Transfer existing computer services to any data center other than the State Data Center.
- Initiate a new computer service except with the State Data Center.

The SDC relies heavily on the use of state-owned equipment installed at the SDC facility located in the state's Capital Circle Office Center in Tallahassee for the provision of data center services, often financed through the Department of Financial Services' Consolidated Equipment Financing Program and through lease-purchase arrangements with hardware vendors. This equipment must be replaced periodically, usually around five years. AST has identified \$43.1M in SDC equipment inventory currently financed or leased⁴.

Cloud computing is the delivery of on-demand computing resources, including data center services, software applications, and data storage, over the Internet on a pay-for-use basis. The definition of cloud computing issued by the National Institute of Standards and Technology (NIST) in Special Publication 800-145 is the most broadly adopted definition of cloud computing⁵. The NIST definition describes the essential characteristics of cloud computing, the types of cloud computing service models, and the types of cloud computing deployment models.

Section 282.0051 (6), F.S., provides the duty for the AST to collaborate with the Department of Management Services (DMS) to establish best practices for the procurement of information technology (IT) products in order to reduce costs, increase productivity, or improve services.

Section 282.318 (4) (h), F.S., requires that each state agency head include appropriate IT security requirements in written specifications for the solicitation of IT and IT resources and services that are consistent with the rules and guidelines established by the AST and DMS.

Cloud Computing Policies at the Federal Level and Other States

California, Colorado, Illinois, Michigan, and Texas have adopted a cloud-first policy⁶. Some states have cloud strategies and plans with cloud computing components or are in the process of working to formalize policies and standards for cloud services⁷.

¹ 2008-116, Laws of Florida

² 2014-221, Laws of Florida

³ s. 282.201 (5), F.S.

⁴ State Data Center Inventory for proviso in 2017-70 s. 2924-2944, Laws of Florida, submitted on 12/15/2017 by AST (on file with the subcommittee).

⁵ SP 800-145, *The NIST Definition of Cloud Computing*, (9/2011), National Institute of Standards and Technology.

⁶ Email from Pamela Greenberg, Senior Fellow, National Conference of State Legislatures, to Government Operations & Technology Appropriations Subcommittee staff on 1/12/2018 (on file with the subcommittee).

The federal government has also implemented a cloud-first policy, first adopted by President Obama in 2011⁸ and continued by President Trump in 2017⁹.

Effect of Changes

The bill repeals the outdated intent language originally created in 2008 for data center consolidation and creates intent language in a new section of law establishing a cloud-first policy for state agencies. Specifically, the bill:

- Requires each agency to adopt a cloud-first policy that first considers cloud computing solutions in its technology sourcing strategy for technology initiatives or upgrades whenever possible or feasible.
- Requires the State Data Center and state agencies to show preference in procurement for cloud computing solutions that either minimize or do not require the use of the State Data Center.
- Includes the definition of cloud computing as defined in Special Publication 800-145 issued by the National Institute of Standards and Technology (NIST).
- Removes the limitation prohibiting state agencies from transferring existing computer services to any data center other than the State Data Center.
- Removes the requirement for state agencies to initiate a new computer service only with the State Data Center.
- Removes the outdated schedule and transition process for data center consolidation in Section 282.201 (4), F.S.
- Amends the AST duty in Section 282.0051 (6), F.S., to recommend best practices for the procurement of information technology products to include cloud computing services.
- Amends Section 282.318 (4)(h), F.S., requiring agency heads to ensure that IT security and cybersecurity requirements in both the written specifications for the solicitation and service level agreement of IT and IT resources and services meet or exceed the applicable state and federal standards for IT security and cybersecurity. New language in this subsection also requires that service level agreements identify service provider and state agency responsibilities for privacy and security, protection of government data, personnel background screening, and security deliverables with associated frequencies.

Agency for State Technology – Administration/Executive Direction

Current Situation

The AST is headed by an executive director, established in Section 20.61 (1) F.S., who serves as the state's chief information officer and is appointed by the Governor and confirmed by the Senate. Current law requires that the state CIO preferably have executive-level experience in both the public and private sectors in development and implementation of information technology strategic planning; management of enterprise information technology projects, particularly management of large-scale consolidation projects; and development and implementation of fiscal and substantive information technology policy.

Section 20.61 (2), F.S., establishes 11 positions within the AST appointed by the executive director. Three of these positions were eliminated in the FY 2017-2018 GAA.

While previously funded by General Revenue, in the current year, the AST's administration (the Executive Direction Budget Entity) is funded by billing State Data Center customer agencies. However,

⁷ "State Government Practices for Cloud Implementation", (2015), National Association of State Procurement Officials.

⁸ "Federal Cloud Computing Strategy", (2011), Vivek Kundra, Office of the U.S. Chief Information Officer.

⁹ Executive Order No. 82 FR 22391, 3 C.F.R. 22391-22397 (2017)

there is no statutory authority for this arrangement¹⁰, as current law provides that only data center services may be billed to customer agencies¹¹.

Effect of Changes

Effective January 8, 2019¹², the bill revises the qualifications for the state CIO by requiring at least 10 years of executive-level experience in either the public or private sector, with experience in the development of information technology strategic planning and the development and implementation of fiscal and substantive information technology policy and standards.

The bill amends Section 20.61, F.S. by removing prescriptive language in subsection (2) that specifies positions within the agency, allowing the executive director more flexibility for reorganization and assignment of duties.

The bill conforms to the proposed House of Representative's FY 2018-19 GAA by revising authority in statute to allow the billing of administrative costs to SDC customer agencies, to include an assessment for AST administration/Executive Direction.

Agency for State Technology – Budgeting, Cost Recovery, and Invoicing Responsibilities

Current Situation

Section 20.61, F.S. creates the Agency for State Technology within the Department of Management Services (DMS) as a separate budget program not subject to the control, supervision, or direction by DMS, including purchasing, personnel, and budgetary matters.

AST responsibilities in regards to budgetary management include:

- Developing and implementing cost-recovery mechanisms for the State Data Center.
- Implementing an annual reconciliation process on a timely basis and providing rebates that may be credited against future billings to customer entities when revenues exceed costs.
- Providing to each customer entity's agency head by September 1 the estimated AST agency assessment cost for the following fiscal year.
- Developing, preparing, and submitting the Legislative Budget Request for the agency.
- Providing a timely invoicing methodology to recover the cost of services provided to the customer entity pursuant to Section 215.422, F.S.

In recent years, AST has encountered fiscal challenges in the area of financial management that has required annual action by the Legislature to remedy. Specifically:

- In FY 2016-17, AST over-billed the customer entities by over \$1.2 million¹³. The Department of Children and Families alone was over-billed by the sum of \$1.0 million. The FY 2018-2019 House Proposed GAA includes the funding (\$641,494 in General Revenue and \$528,606 in AST's Working Capital Trust Fund) to repay the 18 customer entities the funds that were over-billed.
- In FY 2015-16, AST over-billed the customer entities by over \$5.3 million utilizing a cash accounting methodology¹⁴. The extensive over-billing required the AST to move from a cash accounting methodology to an accrual accounting methodology. In response, the Legislature, in

¹⁰ HB 5301, which included the necessary statutory authority, was passed by the 2017 Legislature and vetoed by the Governor on 6/26/2017.

¹¹ s. 282.0051, F.S.

¹² The effective date of the next executive branch administration, as provided in FL. Const. art. IV, s. 5(a).

¹³ FY 2016-2017 True Up Summary Report, (12/1/2017), AST

¹⁴ FY 2015-2016 True Up Summary Report, (11/8/2016), AST

the FY 2017-18 GAA, moved AST to an assessment model whereas the customer entities are simply billed based on the prior year's actual expenditures.

- In FY 2014-15, AST over-spent the data center budget by \$1.7 million. The Florida Legislature appropriated the AST an additional \$1.7 million to resolve the prior year outstanding invoices in the FY 2015-16 GAA¹⁵.

Effect of Changes

The bill conforms to the proposed House of Representative's FY 2018-19 GAA, which transfers \$524,017 in budget authority, 362,257 in salary rate, and five budget, cost recovery, and billing positions to DMS, by authorizing a type two transfer of all records, property, personnel, administrative authority, administrative rules in chapter 74-3, Florida Administrative Code, pending issues, and existing contracts of the Budget and Policy Section and the Cost Recovery and Billing Section within AST to DMS.

The bill transfers the budgetary responsibilities of the AST to DMS. DMS is a large agency with a budget of \$607.9M in the proposed House of Representative's FY 2018-19 GAA and is well-equipped to administer AST's budget. DMS handles \$125.8M in billings for all telecommunications services for state agencies, as well as the allocation of \$135.5M in E911 funds to local entities. DMS also currently provides planning, budget, and financial management services for the Public Employee Relations Commission (PERC)¹⁶ and the Florida Commission on Human Relations (FCHR)¹⁷.

The bill provides that the AST shall provide DMS all documents and information, as needed, to manage the AST's finances. The AST retains responsibility for the development of its Legislative Budget Request, which must be approved by the AST executive director prior to the preparation and transmission by DMS of the AST's LBR to the Governor and the Legislature.

The bill also changes the date by which customer entities shall receive its estimated AST agency costs from September 1 to October 1.

Open Data

Current Situation

Open data means data collected or created and structured in a way that enables the data to be freely used by the public.

The FY2017-2018 GAA funded a Chief Data Officer and included the following open data responsibilities in proviso language for the AST;

- Developing an enterprise data inventory and a process for agencies to submit data to the AST,
- Recommending state agency data standards and open data standards, and
- Recommending options for developing and maintaining a state open data catalog.

Effect of Changes

The bill codifies current year proviso in statute related to open data responsibilities and provides definitions for open data terms.

¹⁵ 2015-232 s. 89, Laws of Florida

¹⁶ DMS & PERC, FY 2017-18 Memo of Understanding (on file with DMS).

¹⁷ DMS & FCHR, FY 2017-18 Memo of Understanding (on file with DMS).

Geospatial Data Coordination

Current Situation

The FY 2017-2018 GAA funded a Geographic Information Officer at the AST. One additional position, a research administrator, was provided in support of this function. No other resources are provided to AST for this subject matter, nor are any duties or responsibilities defined in law.

Effect of Changes

The bill conforms to the proposed House of Representative's FY 2018-19 GAA, which transfers the two positions and funds \$238,273 in budget authority and 165,904 in salary rate to the Department of Environmental Protection (DEP), by designating DEP as the lead agency of the Executive Branch for the development and review of policies, practices, and standards related to geospatial data. The bill also appoints DEP to coordinate and promote geospatial data sharing throughout state government and serve as the primary point of contact for statewide geographic information systems projects, grants, and resources.

DEP currently has 18 geographic information systems (GIS) staff and maintains an extensive mapping and spatial data library, including a public mapping application and an open data portal for geospatial data on the Internet.

Examples of states that have established state geospatial data coordination within an environmental or natural resources agency include Alaska, Arizona, Missouri, and South Carolina. Other states place the function within coordinating committees, central IT agencies, universities, and administration/planning departments.

B. SECTION DIRECTORY:

Section 1. Authorizes a type two transfer of all records, property, personnel, administrative authority, administrative rules in chapter 74-3, Florida Administrative Code, pending issues, and existing contracts of the Budget and Policy Section and the Cost Recovery and Billing Section within AST to DMS.

Section 2. Amends s. 20.22 by defining the financial management oversight responsibilities of DMS for the AST.

Section 3. Amends s. 20.255 by designating DEP to act as the lead agency for certain geospatial data responsibilities.

Section 4. Amends s. 20.61 by revising the qualifications of the AST executive director and repealing provisions specifying positions to be appointed by the executive director.

Section 5. Amends s. 282.0041 by amending existing definitions and creating definitions for "agency assessment", "automated programming interface", "cloud computing", "data", "data catalog", "dataset", "machine-readable", and "open data".

Section 6. Amends s. 282.0051 by revising the powers, duties, and functions of the AST.

Section 7. Amends s. 282.201 by revising the State Data Center's responsibilities, removing the intent, schedule, and transition process for data center consolidation, creating procurement requirements, and removing agency limitations.

Section 8. Creates s. 282.206, providing a cloud-first policy for state agencies.

Section 9. Amends s. 282.318, revising the duties of state agency heads regarding procurement of IT and IT resources and services by requiring specific IT security components in solicitations and service level agreements.

Section 10. Provides an effective date of July 1, 2018.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill requires the State Data Center and state agencies to each adopt a cloud-first policy in its technology sourcing strategy and show preference in procurement for cloud computing solutions that either minimize or do not require the use of the SDC whenever possible or feasible, which should reduce SDC costs in subsequent years.

D. FISCAL COMMENTS:

The bill conforms to the proposed House of Representatives' FY 2018-2019 GAA, which;

- Funds \$3,702,908 for the AST's administrative functions (Executive Direction Budget Entity) by billing State Data Center customer entities,
- Transfers \$524,017 in budget authority, 362,257 in salary rate, and five budget, cost recovery, and billing positions to DMS, and
- Transfers the two Geographic Information Officer and Research Administrator positions and provides funding of \$238,273 in budget authority and 165,904 in salary rate to DEP.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

N/A

2. Other:

B. RULE-MAKING AUTHORITY:

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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

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

41 requiring state agency heads to ensure that certain
 42 cybersecurity requirements meet specified standards;
 43 providing requirements for certain service level
 44 agreements; providing an effective date.

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

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

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

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

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

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

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

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

76 entity's use of each service.
77 (c) Providing rebates that may be credited against future
78 billings to customer entities when revenues exceed costs.
79 (d) Requiring customer entities to transfer sufficient
80 funds into the appropriate data processing appropriation
81 category before implementing a customer entity's request for a
82 change in the type or level of service provided, if such change
83 results in a net increase to the customer entity's costs for
84 that fiscal year.
85 (e) By October 1 annually, providing to each customer
86 entity's agency head the estimated agency assessment cost by the
87 Agency for State Technology for the following fiscal year. The
88 agency assessment cost of each customer entity includes
89 administrative and data center services costs of the agency.
90 (f) Preparing the legislative budget request for the
91 Agency for State Technology based on the issues requested and
92 approved by the executive director of the Agency for State
93 Technology. Upon the approval of the agency's executive
94 director, the Department of Management Services shall transmit
95 the agency's legislative budget request to the Governor and the
96 Legislature pursuant to s. 216.023.
97 (g) Providing a plan for consideration by the Legislative
98 Budget Commission if the Agency for State Technology increases
99 the cost of a service for a reason other than a customer
100 entity's request made pursuant to paragraph (d). Such a plan is

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

400 (a) Implementing industry standards and best practices for

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

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

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

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

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

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

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

427 ~~4. Requiring customer entities to validate that sufficient~~

428 ~~funds exist in the appropriate data processing appropriation~~

429 ~~category or will be transferred into the appropriate data~~

430 ~~processing appropriation category before implementation of a~~

431 ~~customer entity's request for a change in the type or level of~~

432 ~~service provided, if such change results in a net increase to~~

433 ~~the customer entity's costs for that fiscal year.~~

434 ~~5. By September 1 of each year, providing to each customer~~

435 ~~entity's agency head the projected costs of providing data~~

436 ~~center services for the following fiscal year.~~

437 ~~6. Providing a plan for consideration by the Legislative~~

438 ~~Budget Commission if the cost of a service is increased for a~~

439 ~~reason other than a customer entity's request made pursuant to~~

440 ~~subparagraph 4. Such a plan is required only if the service cost~~

441 ~~increase results in a net increase to a customer entity for that~~

442 ~~fiscal year.~~

443 ~~7. Standardizing and consolidating procurement and~~

444 ~~contracting practices.~~

445 (c) ~~(d)~~ In collaboration with the Department of Law

446 Enforcement, developing and implementing a process for

447 detecting, reporting, and responding to information technology

448 security incidents, breaches, and threats.

449 (d) ~~(e)~~ Adopting rules relating to the operation of the

450 state data center, ~~including, but not limited to, budgeting and~~

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

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

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

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

476 Speaker of the House of Representatives.

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

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

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

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

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

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

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

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

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

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

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

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

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

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shall:

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

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

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

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

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

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

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

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

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

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

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

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

575 (f) Assume administrative access rights to resources and

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

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

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

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

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

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

607 ~~(3) STATE AGENCY DUTIES.-~~

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

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

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

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

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

- 626 1. ~~By October 31, 2013, the Department of Economic~~
 627 ~~Opportunity.~~
- 628 2. ~~By December 31, 2013, the Executive Office of the~~
 629 ~~Governor, to include the Division of Emergency Management except~~
 630 ~~for the Emergency Operation Center's management system in~~
 631 ~~Tallahassee and the Camp Blanding Emergency Operations Center in~~
 632 ~~Starke.~~
- 633 3. ~~By March 31, 2014, the Department of Elderly Affairs.~~
- 634 4. ~~By October 30, 2013, the Fish and Wildlife Conservation~~
 635 ~~Commission, except for the commission's Fish and Wildlife~~
 636 ~~Research Institute in St. Petersburg.~~
- 637 (e) The following are exempt from the use of the state
 638 ~~data center consolidation under this section:~~ the Department of
 639 Law Enforcement, the Department of the Lottery's Gaming System,
 640 Systems Design and Development in the Office of Policy and
 641 Budget, the regional traffic management centers as described in
 642 s. 335.14(2) and the Office of Toll Operations of the Department
 643 of Transportation, the State Board of Administration, state
 644 attorneys, public defenders, criminal conflict and civil
 645 regional counsel, capital collateral regional counsel, and the
 646 Florida Housing Finance Corporation.
- 647 (d) ~~A state agency that is consolidating its agency data~~
 648 ~~center or computing facility into the state data center must~~
 649 ~~execute a new or update an existing service level agreement~~
 650 ~~within 60 days after the commencement of the service. If a state~~

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

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

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

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

676 ~~the cost of each contract.~~

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

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

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

688 ~~(4)(5)~~ AGENCY LIMITATIONS.-

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

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

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

701 ~~pursuant to s. 282.0051,~~
 702 ~~3. Transfer existing computer services to any data center~~
 703 ~~other than the state data center,~~
 704 (b)4. Terminate services with the state data center
 705 without giving written notice of intent to terminate services
 706 180 days before such termination, ~~or~~
 707 ~~5. Initiate a new computer service except with the state~~
 708 ~~data center.~~
 709 ~~(b) Exceptions to the limitations in subparagraphs (a)1.,~~
 710 ~~2., 3., and 5. may be granted by the Agency for State Technology~~
 711 ~~if there is insufficient capacity in the state data center to~~
 712 ~~absorb the workload associated with agency computing services,~~
 713 ~~if expenditures are compatible with the standards established~~
 714 ~~pursuant to s. 282.0051, or if the equipment or resources are~~
 715 ~~needed to meet a critical agency business need that cannot be~~
 716 ~~satisfied by the state data center. The Agency for State~~
 717 ~~Technology shall establish requirements that a state agency must~~
 718 ~~follow when submitting and documenting a request for an~~
 719 ~~exception. The Agency for State Technology shall also publish~~
 720 ~~guidelines for its consideration of exception requests. However,~~
 721 ~~the decision of the Agency for State Technology regarding an~~
 722 ~~exception request is not subject to chapter 120.~~
 723 Section 8. Section 282.206, Florida Statutes, is created
 724 to read:
 725 282.206 Cloud-first policy in state agencies.-

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

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

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

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

746 282.318 Security of data and information technology.-

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

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

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

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB GOT 18-02 Statewide Travel Management System
SPONSOR(S): Government Operations & Technology Appropriations Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Government Operations & Technology Appropriations Subcommittee		Keith 	Topp 

SUMMARY ANALYSIS

Travel requirements for per diem and travel expenses of public officers, employees, and authorized persons are established in section 112.061, Florida Statutes.

The bill amends section 112.061, Florida Statutes, pertaining to per diem and travel expenses of public officers, employees, and authorized persons, codifying current travel expenditure limits into law and providing for the public reporting of travel expenditures. Specifically, the bill:

- Limits to \$150 the amount that may be reimbursed per day for travel lodging expenses for employees of state agencies and the judicial branch under certain circumstances;
- Establishes the Statewide Travel Management System (system) in law;
- Requires all executive branch state government agencies and the judicial branch to report public officer and employee travel information in the system;
 - Additionally requires that all executive branch state government agencies and the judicial branch use the system for purposes of travel authorization and reimbursement.
- Requires "reporting entities", which are defined in the bill to include municipalities, counties, local constitutional officers, county school districts, state colleges, state universities, and water management districts, to report monthly, all public officer and employee travel information resulting from an overnight stay in the system;
- Establishes a timeline for the Department of Management Services (DMS) to make travel reports for executive branch state government agencies, the judicial branch, and certain reporting entities available for public view;
- Requires reporting entities to redact confidential and exempt information from travel reports prior to posting them to the system and provides a process for reporting entities to follow when a travel report has been posted prior to proper redaction; and,
- Provides rulemaking authority to the DMS to administer provisions of the section pertaining to the system.

The bill conforms to the proposed FY 2018-2019 House of Representatives' General Appropriations Act, which includes \$1.8 million in funding for operations and maintenance of the Statewide Travel Management System for executive branch agencies and the judicial branch, who are also required by the bill to utilize the system for travel authorization and reimbursement. The bill appropriates \$1.3 million in recurring funds and \$4.1 million in nonrecurring funds from the General Revenue fund, and four full-time equivalent positions to the Department of Management Services for Fiscal Year 2018-2019 to update the system for executive branch agencies and the judicial branch with public search and viewing capabilities, and to implement the additional reporting entity provisions of the act.

The bill is effective July 1, 2018.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Public Employee Travel Expenses

Current Situation

Section 112.061(6), F.S., establishes the rates of per diem and subsistence allowance for travel by public officers and employees. When traveling to a convention or conference or to conduct bona fide state business, a traveler is authorized to receive \$80 per diem. However, if actual expenses exceed \$80, the traveler may receive \$6 for breakfast, \$11 for lunch, \$19 for dinner, and the actual expenses for lodging at a single-occupancy rate.

The FY 2016-2017 General Appropriations Act (GAA) implementing bill¹ created a limit on the amount of actual expenses for lodging that may be reimbursed under certain circumstances. The bill provided that when an employee of a state agency or the judicial branch is attending a meeting, conference, or convention organized or sponsored in whole or in part by a state agency or the judicial branch, the reimbursement for lodging expenses may not exceed \$150 per day. In addition, the bill specified that an employee may expend his or her own funds for any lodging expenses in excess of the limit. This limit was also included in the FY 2017-2018 GAA implementing bill², which further specified that a "meeting" for purposes of the limit does not include travel activities for conducting an audit, examination, inspection, or investigation or travel activities related to a litigation or emergency response. This limit is in effect until July 1, 2018.

Effect of Changes

The bill amends section 112.061(6), F.S., pertaining to per diem and travel expenses of state agency and judicial branch employees, codifying into law the \$150 per day limit on lodging expenses established in the FY 2017-2018 GAA implementing bill. Additionally, the bill specifies that an employee may expend his or her own funds for any lodging expenses in excess of the limit.

Statewide Travel Management System

Current Situation

Section 112.061(2)(a), F.S., defines the term "agency or public agency" to mean any office, department, agency, division, subdivision, political subdivision, board, bureau, commission, authority, district, public body, body politic, county, city, town, village, municipality, or any other separate unit of government created pursuant to law.

The FY 2016-2017 GAA appropriated \$1,800,000 in recurring General Revenue funding to the Executive Office of the Governor (EOG) to acquire a Statewide Travel Management System (system). The EOG was required to undertake a competitive procurement for the system pursuant to s. 287.057, F.S. Additionally, \$2,800,000 in nonrecurring General Revenue funding was provided to executive branch state agencies and the judicial branch for their portion relating to implementation of the system.³

The system was required to be able to electronically:

- Interface with the Florida Accounting Information Resource Subsystem (FLAIR);
- Interface with the Personnel Information System (PeopleFirst);
- Generate uniform travel authorization request and travel voucher forms pursuant to s. 112.061, F.S.; and,
- Receive approvals for travel.

¹ Section 120, Ch. 2016-62, L.O.F.

² Section 58, Ch. 2017-71, L.O.F.

³ Specific Appropriation 1965A, Ch. 2016-66, L.O.F.

The system was also required to include search features that query travel information by specific criteria. Additionally, proviso in the FY 2016-2017 GAA required EOG and the Legislature to have access to the system for purposes of generating reports on all travel completed by executive branch state agencies and the judicial branch.

The EOG directed the DMS to become the lead agency on procuring and establishing the system. The FY 2017-2018 GAA appropriated the \$1,800,000 recurring General Revenue funding to the Department of Management Services for the operation and maintenance of the system⁴.

Section 112.061(9), F.S., authorizes rulemaking authority pertaining to section 112.061, F.S.

Effect of Changes

The bill amends section 112.061, F.S., to codify into law the definitions and requirements pertaining to the Statewide Travel Management System (system). Specifically, the bill:

- Establishes the “Statewide Travel Management System” as the system used by the Department of Management Services (DMS) to:
 - Collect and store information relating to public officer or employee travel information;
 - Standardize and automate agency travel management;
 - Allow for travel planning and approval, expense reporting, and reimbursement; and,
 - Allow travel information queries.
- Requires that each executive branch state government agency and the judicial branch must use the system for:
 - Travel authorization;
 - Travel reimbursement; and,
 - Reporting all public officer and employee travel information, including, but not limited to:
 - Name and position title;
 - Purpose of travel;
 - Dates and location of travel;
 - Mode of travel;
 - Confirmation from the head of the agency or designee authorization, if required; and,
 - Total travel cost.
- Requires that by November 1, 2018, the DMS shall make available to the public, all travel reports posted on the system for executive branch state agencies and the judicial branch.
- Requires that each “reporting entity” must report into the system, information relating to all travel resulting in an overnight stay by a public officer or employee, including:
 - Name and position title;
 - Purpose of travel;
 - Dates and location of travel;
 - Mode of travel; and,
 - Total travel cost.
- The term “reporting entity” is defined to include each municipality, county, local constitutional officer, county school district, state college, state university, and water management district.

⁴ Specific Appropriation 2718A, Ch. 2017-70, L.O.F.
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- Specifies that each reporting entity shall post one travel report per entity; however, a “local constitutional officer” may post a separate travel report from the respective county travel report.
- The term “local constitutional officer” is defined to include sheriffs, tax collectors, property appraisers, supervisors of elections, clerks of the circuit court, county commissioners, district school board members, and superintendents of schools.
- Requires that on a monthly basis, each reporting entity shall post on the system, a report for the previous month’s travel, which resulted in an overnight stay.
- Requires the DMS to provide a format and method for reporting entities to post travel reports on the system.
- Requires that no later than November 1, 2019, each reporting entity shall post monthly travel reports relating to all travel resulting in an overnight stay for public officers and employees into the statewide travel management system.
- Requires that by December 1, 2019, the DMS shall make available to the public all travel reports posted on the system for each reporting entity.
- Provides that travel reports made available on the system may not reveal information made confidential or exempt by law. Specifying that each reporting entity must redact confidential or exempt information from a travel report before posting the report on the system. If the posting reporting entity becomes aware that an improperly redacted travel report has been posted to the system, the reporting entity must notify the DMS and immediately request removal of the travel report from the system. The reporting entity must then republish a properly redacted version of the travel report within seven business days on the system.
- Provides that the Secretary of the DMS, and any officer, employee or contractor of the DMS is not responsible for redacting confidential or exempt information from a travel report posted on the system.
- Provides that the posting of travel reports on the system does not supersede the duty of a reporting entity to respond to a public records request or subpoena for the information.
- Amends section 112.061(9), F.S., providing that the DMS may adopt rules to administer the provisions of this section relating to the Statewide Travel Management System.
- Conforms to the proposed FY 2018-2019 House of Representatives’ General Appropriations Act, which includes \$1.8 million in funding for operations and maintenance of the Statewide Travel Management System for executive branch agencies and the judicial branch, who are also required by the bill to utilize the system for travel authorization and reimbursement. The bill appropriates \$1.3 million in recurring funds and \$4.1 million in nonrecurring funds from the General Revenue fund, and four full-time equivalent positions to the DMS for Fiscal Year 2018-2019 to update the system for executive branch agencies and the judicial branch with public viewing and search capabilities, and to implement the additional reporting entity provisions of the act.

Statement of Legislative Findings

The bill specifies that a proper and legitimate state purpose is served when the travel records of state and local employees are transparent to members of the public.

B. SECTION DIRECTORY:

Section 1. Amends section 112.061, F.S., relating to per diem and travel expenses of public officers, employees, and authorized persons.

Section 2. Provides an appropriation.

Section 3. Specifies that the act fulfills an important state interest.

Section 4. Provides an effective date of July 1, 2018.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill appropriates \$1.3 million in recurring funds and \$4.1 million in nonrecurring funds from the General Revenue fund, and four full-time equivalent positions to the DMS for Fiscal Year 2018-2019 to implement provisions of the act. The funding will be utilized to expand the current capabilities of the system to include overnight travel reporting for certain reporting entities and to provide training to those new reporting entities that will be required to report into the system. From the funding provided in the bill, \$405,000 is included to update the system with public viewing and search capabilities for executive branch agencies and the judicial branch.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill will likely have a minimal impact on existing staff time for reporting entities to compile and report monthly travel reports on the Statewide Travel Management System. It is anticipated that the reporting provisions of the bill can be handled within existing resources.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The county/municipality mandates provision of Art. VII, s. 18 of the State Constitution may apply because the bill requires county and municipal governments to report certain information relating to overnight travel in the statewide travel management system on a monthly basis. An exemption may apply if the bill results in an insignificant fiscal impact to county or municipal governments. An exception may apply if the bill receives a 2/3 vote of the membership of each house because the bill contains a legislative determination that the provisions of the bill fulfill an important state interest.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill authorizes the Department of Management Services to create rules pertaining to the statewide travel management system and provides a grant of rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to statewide travel; amending s.
 3 112.061, F.S.; revising certain lodging rates for the
 4 purpose of reimbursement to specified employees;
 5 authorizing an employee to expend his or her funds for
 6 certain lodging expenses; providing the Department of
 7 Management Services rulemaking authority; creating the
 8 statewide travel management system for specified
 9 purposes; providing system reporting requirements;
 10 requiring specified entities to use the statewide
 11 travel management system for certain purposes;
 12 requiring the Department of Management Services to
 13 make travel information available to the public by
 14 specified dates; providing an appropriation and
 15 authorizing positions; providing a declaration of
 16 important state interest; providing an effective date.

17
 18 Be It Enacted by the Legislature of the State of Florida:

19
 20 Section 1. Subsections (6) and (9) of section 112.061,
 21 Florida Statutes, are amended, and subsection (16) is added to
 22 that section, to read:

23 112.061 Per diem and travel expenses of public officers,
 24 employees, and authorized persons; statewide travel management
 25 system.-

26 (6) RATES OF PER DIEM AND SUBSISTENCE ALLOWANCE.—For
27 purposes of reimbursement rates and methods of calculation, per
28 diem and subsistence allowances are provided as follows:

29 (a) All travelers shall be allowed for subsistence when
30 traveling to a convention or conference or when traveling within
31 or outside the state in order to conduct bona fide state
32 business, which convention, conference, or business serves a
33 direct and lawful public purpose with relation to the public
34 agency served by the person attending such meeting or conducting
35 such business, either of the following for each day of such
36 travel at the option of the traveler:

- 37 1. Eighty dollars per diem; or
- 38 2. If actual expenses exceed \$80, the amounts permitted in
39 paragraph (b) for subsistence, plus actual expenses for lodging
40 at a single-occupancy rate, except as provided in paragraph (c),
41 to be substantiated by paid bills therefor.

42
43 When lodging or meals are provided at a state institution, the
44 traveler shall be reimbursed only for the actual expenses of
45 such lodging or meals, not to exceed the maximum provided for in
46 this subsection.

47 (b) All travelers shall be allowed the following amounts
48 for subsistence while on Class C travel on official business as
49 provided in paragraph (5) (b):

- 50 1. Breakfast.....\$6

- 51 | 2. Lunch.....\$11
- 52 | 3. Dinner.....\$19

53 | (c) Actual expenses for lodging associated with the
 54 | attendance of an employee of a state agency or the judicial
 55 | branch at a meeting, conference, or convention organized or
 56 | sponsored in whole or in part by a state agency or the judicial
 57 | branch may not exceed \$150 per day. However, an employee may
 58 | expend his or her own funds for any lodging expenses that exceed
 59 | \$150 per day. For purposes of this paragraph, a meeting does not
 60 | include travel to conduct an audit, examination, inspection, or
 61 | investigation, or travel related to a litigation or emergency
 62 | response.

63 | (d)~~(e)~~ No one, whether traveling out of state or in state,
 64 | shall be reimbursed for any meal or lodging included in a
 65 | convention or conference registration fee paid by the state.

66 | (9) RULES.—

67 | (a) The Department of Financial Services shall adopt such
 68 | rules, including, but not limited to, the general criteria to be
 69 | used by a state agency to predetermine justification for
 70 | attendance by state officers and employees and authorized
 71 | persons at conventions and conferences, and prescribe such forms
 72 | as are necessary to effectuate the purposes of this section. The
 73 | department may also adopt rules prescribing the proper
 74 | disposition and use of promotional items and rebates offered by
 75 | common carriers and other entities in connection with travel at

76 public expense; however, before adopting such rules, the
 77 department shall consult with the appropriation committees of
 78 the Legislature.

79 (b) Each state agency shall adopt such additional specific
 80 rules and specific criteria to be used by it to predetermine
 81 justification for attendance by state officers and employees and
 82 authorized persons at conventions and conferences, not in
 83 conflict with the rules of the Department of Financial Services
 84 or with the general criteria to be used by a state agency to
 85 predetermine justification for attendance by state officers and
 86 employees and authorized persons at conventions, as may be
 87 necessary to effectuate the purposes of this section.

88 (c) The Department of Management Services may adopt rules
 89 to administer the provisions of this section relating to the
 90 statewide travel management system.

91 (16) STATEWIDE TRAVEL MANAGEMENT SYSTEM.-

92 (a)1. For purposes of this subsection, "statewide travel
 93 management system" means the system used by the Department of
 94 Management Services to:

95 a. Collect and store information relating to public
 96 officer or employee travel information.

97 b. Standardize and automate agency travel management.

98 c. Allow for travel planning and approval, expense
 99 reporting, and reimbursement.

100 d. Allow travel information queries.

101 2. For purposes of this subsection, the term "local
 102 constitutional officer" includes sheriffs, tax collectors,
 103 property appraisers, supervisors of elections, clerks of the
 104 circuit court, county commissioners, district school board
 105 members, and superintendents of schools.

106 3. For purposes of this subsection, the term "reporting
 107 entity" includes each municipality, county, local constitutional
 108 officer, county school district, state college, state
 109 university, and water management district.

110 (b) Each executive branch state government agency and the
 111 judicial branch must report on the statewide travel management
 112 system all public officer and employee travel information,
 113 including, but not limited to, name and position title, purpose
 114 of travel, dates and location of travel, mode of travel,
 115 confirmation from the head of the agency or designee
 116 authorization if required, and total travel cost.

117 1. Each executive branch state government agency and the
 118 judicial branch must use the statewide travel management system
 119 for purposes of travel authorization and reimbursement.

120 2. By November 1, 2018, the Department of Management
 121 Services shall make available to the public all travel reports
 122 posted on the statewide travel management system for executive
 123 branch state government agencies and the judicial branch.

124 (c) Each reporting entity must post on the statewide
 125 travel management system information relating to all travel

126 resulting in an overnight stay for public officers and
127 employees, including, but not limited to, name and position
128 title, purpose of travel, dates and location of travel, mode of
129 travel, and total travel costs.

130 1. Each reporting entity shall post one travel report per
131 entity. A local constitutional officer may post a separate
132 travel report from the respective county travel report.

133 2. Every month, each reporting entity shall post a travel
134 report for the previous month.

135 3. The Department of Management Services shall provide a
136 format and method for reporting entities to post travel reports.

137 4. No later than November 1, 2019, each reporting entity
138 shall post monthly travel reports relating to all travel
139 resulting in an overnight stay for public officers and
140 employees.

141 5. Beginning December 1, 2019, the Department of
142 Management Services shall make available to the public all
143 travel reports for reporting entities which are in the statewide
144 travel management system.

145 (d) Travel reports made available on the statewide travel
146 management system may not reveal information made confidential
147 or exempt by law.

148 1. A reporting entity must redact confidential or exempt
149 information from a travel report before posting the report on
150 the statewide travel management system. If the reporting entity

151 becomes aware that an improperly redacted travel report has been
 152 posted, the entity must notify the Department of Management
 153 Services and immediately request removal of the travel report
 154 from the statewide travel management system. Within 7 business
 155 days of becoming aware that an improperly redacted travel report
 156 has been posted, the entity must post a properly redacted travel
 157 report on the statewide travel management system.

158 2. The Secretary of the Department of Management Services
 159 or an officer, employee, or contractor of the department is not
 160 responsible for redacting confidential or exempt information
 161 from a travel report posted on the statewide travel management
 162 system.

163 3. The posting of travel reports on the statewide travel
 164 management system or the provision of information on a website
 165 for public viewing and downloading does not supersede the duty
 166 of a reporting entity to respond to a public records request or
 167 subpoena for the information.

168 Section 2. For the 2018-2019 fiscal year, the sum of
 169 \$1,311,000 in recurring funds and \$4,067,000 in nonrecurring
 170 funds are appropriated from the General Revenue Fund to the
 171 Department of Management Services, and four full-time equivalent
 172 positions with associated salary rate of 350,000 are authorized
 173 for the purpose of implementing this act.

174 Section 3. The Legislature finds that a proper and
 175 legitimate state purpose is served when the travel records of

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176 | state and local employees are transparent to members of the
177 | public. Therefore, the Legislature determines and declares that
178 | this act fulfills an important state interest.

179 | Section 4. This act shall take effect July 1, 2018.