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LEGISLATIVE ACTION

Senate	.	House
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Floor: AD/2R	.	
04/30/2010 04:00 PM	.	
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The Conference Committee on CS/SB 2020, 1st Eng. recommended the following:

1           **Senate Conference Committee Amendment (with title**  
2 **amendment)**

3  
4           Delete everything after the enacting clause  
5 and insert:

6           Section 1. Paragraphs (g), (h), and (i) of subsection (4)  
7 of section 14.204, Florida Statutes, are amended, and paragraphs  
8 (j) and (k) are added to that subsection, to read:

9           14.204 Agency for Enterprise Information Technology.—The  
10 Agency for Enterprise Information Technology is created within  
11 the Executive Office of the Governor.

12           (4) The agency shall have the following duties and



566414

13 responsibilities:

14 (g) Coordinate acquisition planning and procurement  
15 negotiations for hardware and software products and services in  
16 order to improve the efficiency and reduce the cost of  
17 enterprise information technology services ~~acquisition necessary~~  
18 ~~to consolidate data center or computer facilities~~  
19 ~~infrastructure.~~

20 (h) In consultation with the Division of Purchasing in the  
21 Department of Management Services, coordinate procurement  
22 negotiations for information technology products as defined in  
23 s. 282.0041 which ~~software that~~ will be used by multiple  
24 agencies.

25 (i) In coordination with, and through the services of, the  
26 Division of Purchasing in the Department of Management Services,  
27 establish ~~develop~~ best practices for the procurement of  
28 information technology products as defined in s. 282.0041 in  
29 order to achieve savings for the state ~~procurements.~~

30 (j) Develop information technology standards for enterprise  
31 information technology services.

32 (k) Provide annually, by December 31, recommendations to  
33 the Legislature relating to techniques for consolidating the  
34 purchase of information technology commodities and services,  
35 which result in savings for the state, and for establishing a  
36 process to achieve savings through consolidated purchases.

37 Section 2. Paragraph (c) of subsection (2) of section  
38 282.201, Florida Statutes, is amended, and paragraph (d) is  
39 added to subsection (3) of that section, to read:

40 282.201 State data center system; agency duties and  
41 limitations.—A state data center system that includes all



566414

42 primary data centers, other nonprimary data centers, and  
43 computing facilities, and that provides an enterprise  
44 information technology service as defined in s. 282.0041, is  
45 established.

46 (2) AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY DUTIES.—  
47 The Agency for Enterprise Information Technology shall:

48 (c) By December 31 of each year ~~beginning in 2009~~, submit  
49 to the Legislature recommendations to improve the efficiency and  
50 effectiveness of computing services provided by state data  
51 center system facilities. Such recommendations may include, but  
52 need not be limited to:

53 1. Policies for improving the cost-effectiveness and  
54 efficiency of the state data center system.

55 2. Infrastructure improvements supporting the consolidation  
56 of facilities or preempting the need to create additional data  
57 centers or computing facilities.

58 3. Standards for an objective, credible energy performance  
59 rating system that data center boards of trustees can use to  
60 measure state data center energy consumption and efficiency on a  
61 biannual basis.

62 4. Uniform disaster recovery standards.

63 5. Standards for primary data centers providing transparent  
64 financial data to user agencies.

65 6. Consolidation of contract practices or coordination of  
66 software, hardware, or other technology-related procurements.

67 7. Improvements to data center governance structures.

68 (3) STATE AGENCY DUTIES.—

69 (d) Each state agency customer of a primary data center  
70 shall notify the data center, by May 31 and November 30 of each



566414

71 year, of any significant changes in anticipated utilization of  
72 data center services pursuant to requirements established by the  
73 boards of trustees of each primary data center.

74 Section 3. Paragraph (d) of subsection (1), paragraph (d)  
75 of subsection (2), and paragraph (a) of subsection (3) of  
76 section 282.203, Florida Statutes, are amended, present  
77 paragraphs (e) through (j) of subsection (1) of that section are  
78 redesignated as paragraphs (f) through (l), respectively, new  
79 paragraphs (e) and (f) are added to that subsection, and  
80 paragraphs (k) and (l) are added to subsection (3) of that  
81 section, to read:

82 282.203 Primary data centers.—

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

84 (d) Provide transparent financial statements to customer  
85 entities, the center's board of trustees, and the Agency for  
86 Enterprise Information Technology. The financial statements  
87 shall be provided as follows:

88 1. Annually, by July 30 for the current fiscal year and by  
89 December 1 for the subsequent fiscal year, the data center must  
90 provide the total annual budgeted costs by major expenditure  
91 category, including, but not limited to, salaries, expense,  
92 operating capital outlay, contracted services, or other  
93 personnel services, which directly relate to the provision of  
94 each service and which separately indicate the administrative  
95 overhead allocated to each service.

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



566414

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

103           4. By February 15, for proposed legislative budget  
104 increases, the data center must provide updates of the financial  
105 statements required under subparagraphs 1. and 2. for the  
106 subsequent fiscal year.

107  
108 The financial information required under subparagraphs 1., 2.,  
109 and 3. must be based on current law and current appropriations.

110           (e) Annually, by October 1, submit to the board of trustees  
111 cost-reduction proposals, including strategies and timetables  
112 for lowering customer entities' costs without reducing the level  
113 of services.

114           (f) By December 31, 2010, submit organizational plans that  
115 minimize the annual recurring cost of center operations and  
116 eliminate the need for state agency customers to maintain data  
117 center skills and staff within their agency. The plans shall:

118           1. Establish an efficient organizational structure  
119 describing the roles and responsibilities of all positions and  
120 business units in the centers;

121           2. Define a human resources planning and management process  
122 that shall be used to make required center staffing decisions;  
123 and

124           3. Develop a process for projecting staffing requirements  
125 based on estimated workload identified in customer agency  
126 service level agreements.

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



566414

129           (d) A majority of the members constitutes a quorum. The  
130 board shall take action by a majority vote of the members if a  
131 quorum is present. If there is a tie, the chair shall be on the  
132 prevailing side.

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

135           (a) Employ an executive director, pursuant to s. 20.05, who  
136 serves at the pleasure of the board. The executive director is  
137 responsible for the daily operation of the primary data center,  
138 ensuring compliance with all laws and rules regulating the  
139 primary data center, managing primary data center employees, and  
140 the performance of the primary data center. The board shall  
141 establish an annual performance evaluation process for the  
142 executive director. The appointment of the executive director  
143 must be reconfirmed by the board biennially.

144           (k) Coordinate with other primary data centers and the  
145 Agency for Enterprise Information Technology in order to  
146 consolidate purchases of goods and services and lower the cost  
147 of providing services to customer entities.

148           (l) Contract with other primary data centers for the  
149 provision of administrative services or with the agency within  
150 which the primary data center is housed, whichever is most cost-  
151 effective.

152           Section 4. Section 282.204, Florida Statutes, is amended to  
153 read:

154           282.204 Northwood Shared Resource Center.—

155           ~~(1) A workgroup shall be established within the Department~~  
156 ~~of Children and Family Services for the purpose of developing a~~  
157 ~~plan for converting its data center to a primary data center.~~



566414

158           ~~(a) The workgroup shall be chaired by a member appointed by~~  
159 ~~the secretary of the department. Workgroup members may include~~  
160 ~~other state agencies who will be customers of the data center~~  
161 ~~during the 2009-2010 fiscal year. The workgroup shall include~~  
162 ~~staff members who have appropriate financial and technical~~  
163 ~~skills as determined by the chair of the workgroup.~~

164           ~~(b) The conversion plan shall address organizational~~  
165 ~~changes, personnel changes, cost-allocation plan changes, and~~  
166 ~~any other changes necessary to effectively convert to a primary~~  
167 ~~state data center capable of providing computer services as~~  
168 ~~required by s. 282.201.~~

169           ~~(c) The workgroup shall submit recommendations for~~  
170 ~~facilitating the conversion to the Governor and Cabinet, the~~  
171 ~~President of the Senate, and the Speaker of the House of~~  
172 ~~Representatives by December 31, 2008.~~

173           ~~(2) Effective July 1, 2009, The Northwood Shared Resource~~  
174 ~~Center is an agency established within the Department of~~  
175 ~~Children and Family Services for administrative purposes only.~~

176           (1)~~(a)~~ The center is a primary data center and shall be a  
177 separate budget entity that is not subject to control,  
178 supervision, or direction of the department in any manner,  
179 including, but not limited to, purchasing, transactions  
180 involving real or personal property, personnel, or budgetary  
181 matters.

182           (2)~~(b)~~ The center shall be headed by a board of trustees as  
183 provided in s. 282.203, who shall comply with all requirements  
184 of that section related to the operation of the center and with  
185 the rules of the Agency for Enterprise Information Technology  
186 related to the design and delivery of enterprise information



566414

187 technology services. ~~The secretary of the department may appoint~~  
188 ~~a temporary board chair for the purpose of convening the board~~  
189 ~~of trustees, selecting a chair, and determining board~~  
190 ~~membership.~~

191 ~~(3) The Department of Children and Family Services and the~~  
192 ~~center shall identify resources associated with information~~  
193 ~~technology functions which are not related to the support,~~  
194 ~~management, and operation of the data center but which currently~~  
195 ~~exist within the same budget entity as the data center. By~~  
196 ~~October 1, 2009, the center shall submit a budget amendment to~~  
197 ~~transfer resources associated with these functions to the~~  
198 ~~department.~~

199 Section 5. Paragraph (e) is added to subsection (1) of  
200 section 282.315, Florida Statutes, to read:

201 282.315 Agency Chief Information Officers Council;  
202 creation.—The Legislature finds that enhancing communication,  
203 consensus building, coordination, and facilitation with respect  
204 to issues concerning enterprise information technology resources  
205 are essential to improving the management of such resources.

206 (1) There is created an Agency Chief Information Officers  
207 Council to:

208 (e) Annually, by October 1, identify information technology  
209 products, as defined in s. 282.0041, which, if purchased in a  
210 consolidated manner, would result in savings to the state, and  
211 develop recommendations regarding a process for consolidating  
212 such purchases. The council shall transmit its recommendations  
213 to the Agency for Enterprise Information Technology.

214 Section 6. Section 282.34, Florida Statutes, is amended to  
215 read:





566414

216           282.34 Statewide e-mail service system.—A state e-mail  
217 system that includes the ~~service~~ delivery and support ~~of for a~~  
218 ~~statewide~~ e-mail, messaging, and calendaring capabilities  
219 ~~service~~ is established as an enterprise information technology  
220 service as defined in s. 282.0041. The service shall be designed  
221 to meet the needs of all executive branch agencies ~~and reduce~~  
222 ~~the current cost of operation and support~~. The primary goals of  
223 the service are to minimize the state investment required to  
224 establish, operate, and support the statewide service; reduce  
225 the cost of current e-mail operations and the number of  
226 duplicative e-mail systems; and eliminate the need for each  
227 state agency to maintain its own e-mail staff.

228           (1) The Southwood Shared Resource Center, a primary data  
229 center, shall be the provider of the statewide e-mail service  
230 for all state agencies system. The center shall centrally host,  
231 manage, ~~and operate~~, and support the service, or outsource the  
232 hosting, management, operational, or support components of the  
233 service in order to achieve the primary goals identified in this  
234 section the e-mail system.

235           (2) The Agency for Enterprise Information Technology, in  
236 consultation with the Southwood Shared Resource Center, shall  
237 establish and coordinate a multiagency project team to develop a  
238 competitive solicitation for establishing the statewide e-mail  
239 service.

240           (a) The Southwood Shared Resource Center shall issue the  
241 competitive solicitation by August 31, 2010, with vendor  
242 responses required by October 15, 2010. Issuance of the  
243 competitive solicitation does not obligate the agency and the  
244 center to conduct further negotiations or to execute a contract.



566414

245 The decision to conduct or conclude negotiations, or execute a  
246 contract, must be made solely at the discretion of the agency.

247 (b) The competitive solicitation must include detailed  
248 specifications describing:

249 1. The current e-mail approach for state agencies and the  
250 specific business objectives met by the present system.

251 2. The minimum functional requirements necessary for  
252 successful statewide implementation and the responsibilities of  
253 the prospective service provider and the agency.

254 3. The form and required content for submitted proposals,  
255 including, but not limited to, a description of the proposed  
256 system and its internal and external sourcing options, a 5-year  
257 lifecycle-based pricing based on cost per mailbox per month, and  
258 a decommissioning approach for current e-mail systems; an  
259 implementation schedule and implementation services; a  
260 description of e-mail account management, help desk, technical  
261 support, and user provisioning services; disaster recovery and  
262 backup and restore capabilities; anti-spam and anti-virus  
263 capabilities; remote access and mobile messaging capabilities;  
264 and staffing requirements.

265 (c) Other optional requirements specifications may be  
266 included in the competitive solicitation if not in conflict with  
267 the primary goals of the statewide e-mail service.

268 (d) The competitive solicitation must permit alternative  
269 financial and operational models to be proposed, including, but  
270 not limited to:

271 1. Leasing or usage-based subscription fees;

272 2. Installing and operating the e-mail service within the  
273 Southwood Shared Resource Center or in a data center operated by



566414

274 an external service provider; or

275 3. Provisioning the e-mail service as an Internet-based  
276 offering provided to state agencies. Specifications for proposed  
277 models must be optimized to meet the primary goals of the e-mail  
278 service.

279 (3)~~(2)~~ By December 31, 2010 ~~2009~~, or within 1 month after  
280 negotiations are complete, whichever is later, the multiagency  
281 project team and the Agency for Enterprise Information  
282 Technology shall prepare a business case analysis containing its  
283 recommendations for procuring the statewide e-mail service for  
284 submission ~~submit a proposed plan for the establishment of the~~  
285 ~~e-mail system~~ to the Governor and Cabinet, the President of the  
286 Senate, and the Speaker of the House of Representatives. The  
287 business case is not subject to challenge or protest pursuant to  
288 chapter 120. The business case must include ~~The plan shall be~~  
289 ~~developed to reduce costs to the state and include, at a~~  
290 minimum:

291 (a) An assessment of the major risks that must be managed  
292 for each proposal compared to the risks for the current state  
293 agency e-mail system and the major benefits that are associated  
294 with each ~~An analysis of the in-house and external sourcing~~  
295 ~~options that should be considered for delivery and support of~~  
296 ~~the service. The analysis shall include an internally hosted~~  
297 ~~system option, an externally sourced system option, and, if~~  
298 ~~necessary, a combined in-house and externally sourced option.~~

299 (b) A cost-benefit analysis that estimates all major cost  
300 elements associated with each sourcing option, focusing on  
301 ~~including~~ the nonrecurring and recurring lifecycle costs of each  
302 option. The analysis must ~~also~~ include a comparison of the



566414

303 estimated total 5-year lifecycle cost of the current agency e-  
304 mail systems versus ~~of~~ each enterprise e-mail sourcing option  
305 ~~and the total cost of existing e-mail services~~ in order to  
306 determine the feasibility of funding the migration and operation  
307 of the statewide e-mail service and the overall level of savings  
308 that can be expected. The 5-year lifecycle costs for each state  
309 agency must include, but are not limited to:

310 1. The total recurring operating costs of the current  
311 agency e-mail systems, including monthly mailbox costs,  
312 staffing, licensing and maintenance costs, hardware, and other  
313 related e-mail product and service costs.

314 2. An estimate of nonrecurring hardware and software  
315 refresh, upgrade, or replacement costs based on the expected 5-  
316 year obsolescence of current e-mail software products and  
317 equipment through the 2014 fiscal year, and the basis for the  
318 estimate.

319 3. An estimate of recurring costs associated with the  
320 energy consumption of current agency e-mail equipment, and the  
321 basis for the estimate.

322 4. Any other critical costs associated with the current  
323 agency e-mail systems which can reasonably be estimated and  
324 included in the business case analysis.

325 ~~(c) Estimated expenditures for each state agency associated~~  
326 ~~with e-mail costs for the 2009-2010 fiscal year.~~

327 ~~(d) The plan must identify any existing e-mail~~  
328 ~~infrastructure that should be considered for reuse.~~

329 ~~(e) A concise analysis of the ability of each sourcing~~  
330 ~~option to meet major system requirements, including federal and~~  
331 ~~state requirements for confidentiality, privacy, security, and~~



566414

332 ~~records retention.~~

333 ~~(f) A complete description of the scope of functionality,~~  
334 ~~operations, and required resources associated with each sourcing~~  
335 ~~option.~~

336 ~~(g) Recommendations for standardizing the format of state~~  
337 ~~e-mail addresses.~~

338 ~~(c)(h) A comparison of the migrating schedules of each~~  
339 ~~sourcing option to the statewide e-mail service, including the~~  
340 ~~approach and A reliable schedule for the decommissioning of all~~  
341 ~~current state agency e-mail systems beginning with phase 1 and~~  
342 ~~phase 2 as provided in subsection (4) and the migration of all~~  
343 ~~agencies to the new system beginning by July 1, 2010, and~~  
344 ~~completing by June 30, 2013.~~

345 ~~(4) All agencies must be completely migrated to the~~  
346 ~~statewide e-mail service as soon as financially and~~  
347 ~~operationally feasible, but no later than June 30, 2015.~~

348 ~~(a) The following statewide e-mail service implementation~~  
349 ~~schedule is established for state agencies:~~

350 ~~1. Phase 1.—The following agencies must be completely~~  
351 ~~migrated to the statewide e-mail system by June 30, 2012: the~~  
352 ~~Agency for Enterprise Information Technology; the Department of~~  
353 ~~Community Affairs, including the Division of Emergency~~  
354 ~~Management; the Department of Corrections; the Department of~~  
355 ~~Health; the Department of Highway Safety and Motor Vehicles; the~~  
356 ~~Department of Management Services, including the Division of~~  
357 ~~Administrative Hearings, the Division of Retirement, the~~  
358 ~~Commission on Human Relations, and the Public Employees~~  
359 ~~Relations Commission; the Southwood Shared Resource Center; and~~  
360 ~~the Department of Revenue.~~



566414

361           2. Phase 2.—The following agencies must be completely  
362 migrated to the statewide e-mail system by June 30, 2013: the  
363 Department of Business and Professional Regulation; the  
364 Department of Education, including the Board of Governors; the  
365 Department of Environmental Protection; the Department of  
366 Juvenile Justice; the Department of the Lottery; the Department  
367 of State; the Department of Law Enforcement; the Department of  
368 Veterans' Affairs; the Judicial Administration Commission; the  
369 Public Service Commission; and the Statewide Guardian Ad Litem  
370 Office.

371           3. Phase 3.—The following agencies must be completely  
372 migrated to the statewide e-mail system by June 30, 2014: the  
373 Agency for Health Care Administration; the Agency for Workforce  
374 Innovation; the Department of Financial Services, including the  
375 Office of Financial Regulation and the Office of Insurance  
376 Regulation; the Department of Agriculture and Consumer Services;  
377 the Executive Office of the Governor; the Department of  
378 Transportation; the Fish and Wildlife Conservation Commission;  
379 the Agency for Persons With Disabilities; the Northwood Shared  
380 Resource Center; and the State Board of Administration.

381           4. Phase 4.—The following agencies must be completely  
382 migrated to the statewide e-mail system by June 30, 2015: the  
383 Department of Children and Family Services; the Department of  
384 Citrus; the Department of Elderly Affairs; and the Department of  
385 Legal Affairs.

386           (b) Agency requests to modify their scheduled implementing  
387 date must be submitted in writing to the Agency for Enterprise  
388 Information Technology. Any exceptions or modifications to the  
389 schedule must be approved by the Agency for Enterprise



566414

390 Information Technology based only on the following criteria:

391 1. Avoiding nonessential investment in agency e-mail  
392 hardware or software refresh, upgrade, or replacement.

393 2. Avoiding nonessential investment in new software or  
394 hardware licensing agreements, maintenance or support  
395 agreements, or e-mail staffing for current e-mail systems.

396 3. Resolving known agency e-mail problems through migration  
397 to the statewide e-mail service.

398 4. Accommodating unique agency circumstances that require  
399 an acceleration or delay of the implementation date.

400 (5)(3) In order to develop the implementation recommended  
401 plan for the statewide e-mail service ~~new system~~, the Agency for  
402 Enterprise Information Technology shall establish and coordinate  
403 a statewide e-mail project team. The agency shall also consult  
404 with and, as necessary, form workgroups consisting of agency e-  
405 mail management staff, agency chief information officers, and  
406 agency budget directors, and other administrative staff. The  
407 statewide e-mail implementation plan must be submitted to the  
408 Governor, the President of the Senate, and the Speaker of the  
409 House of Representatives by July 1, 2011. State agencies must  
410 cooperate with the Agency for Enterprise Technology in its  
411 development of the plan.

412 (6)(4) Unless authorized by the Legislature or as provided  
413 in subsection (7) (5), a state agency may ~~shall~~ not:

414 (a) Initiate a new e-mail service or execute a new e-mail  
415 contract or new e-mail contract amendment for nonessential  
416 products or services with any entity other than the provider of  
417 the statewide e-mail ~~system~~ service;

418 (b) Terminate a statewide e-mail ~~system~~ service without



566414

419 giving written notice of termination 180 days in advance; or  
420 (c) Transfer e-mail system services from the provider of  
421 the statewide e-mail ~~system~~ service.  
422 (7)~~(5)~~ Exceptions to paragraphs (6) ~~(4)~~(a), (b), and (c)  
423 may be granted by the Agency for Enterprise Information  
424 Technology only if the Southwood Shared Resource Center is  
425 unable to meet agency business requirements for the e-mail  
426 service, and if such requirements are essential to maintain  
427 agency operations. Requests for exceptions must be submitted in  
428 writing to the Agency for Enterprise Information Technology and  
429 include documented confirmation by the Southwood Shared Resource  
430 Center board of trustees that it cannot meet the requesting  
431 agency's e-mail service requirements.  
432 (8) Each agency shall include the budget issues necessary  
433 for migrating to the statewide e-mail service in its legislative  
434 budget request before the first full year it is scheduled to  
435 migrate to the statewide service in accordance with budget  
436 instructions developed pursuant to s. 216.023.  
437 (9) The Agency for Enterprise Information Technology shall  
438 adopt rules to standardize the format for state agency e-mail  
439 addresses.  
440 (10) State agencies must fully cooperate with the Agency  
441 for Enterprise Information Technology in the performance of its  
442 responsibilities established in this section.  
443 (11) The Agency for Enterprise Information Technology shall  
444 recommend changes to an agency's scheduled date for migration to  
445 the statewide e-mail service pursuant to s. 282.34, annually by  
446 December 31, until migration to the statewide service is  
447 complete.





566414

448 Section 7. Section 408.0615, Florida Statutes, is repealed.

449 Section 8. Section 17 of chapter 2008-116, Laws of Florida,  
450 is amended to read:

451 Section 17. All data center functions performed, managed,  
452 operated, or supported by state agencies with resources and  
453 equipment currently located in a state primary data center  
454 created by this act, excluding application development, shall be  
455 transferred to the primary data center and that agency shall  
456 become a full-service customer entity by December 31, July 1,  
457 2010. All resources and equipment located in the primary data  
458 center shall be operated, managed, and controlled by the primary  
459 data center. Data center functions include, but are not limited  
460 to, all data center hardware, software, staff, contracted  
461 services, and facility resources performing data center  
462 management and operations, security, production control, backup  
463 and recovery, disaster recovery, system administration, database  
464 administration, system programming, job control, production  
465 control, print, storage, technical support, help desk, and  
466 managed services.

467 (1) To accomplish the transition, each state agency that is  
468 a customer entity of a primary data center shall:

469 (a) By October 1, 2009, submit a plan to the board of  
470 trustees of the appropriate primary data center describing costs  
471 and resources currently used to manage and maintain hardware and  
472 operating and support software housed at the primary data  
473 center, and a plan for transferring all resources allocated to  
474 data center functions to the primary data center. The plan  
475 shall:

476 1. Include the itemized expenditures for all of the related



566414

477 equipment and software in the previous 5 fiscal years.

478         2. Propose averages or weighted averages for transferring  
479 spending authority related to equipment and software based upon  
480 spending in the previous 5 fiscal years and projected needs for  
481 the upcoming 2 fiscal years.

482         (b) Submit with its 2010-2011 legislative budget request  
483 budget adjustments necessary to accomplish the transfers. These  
484 adjustments shall include budget requests to replace existing  
485 spending authority in the appropriations categories used to  
486 manage, maintain, and upgrade hardware, operating software, and  
487 support software with an amount in a single appropriation  
488 category to pay for the services of the primary data center.

489         (2) The board of trustees of each primary data center  
490 shall:

491         (a) Be responsible for the efficient transfer of resources  
492 in user agencies relating to the provision of full services and  
493 shall coordinate the legislative budget requests of the affected  
494 agencies.

495         (b) Include in its 2010-2011 legislative budget request  
496 additional budget authority to accommodate the transferred  
497 functions.

498         (c) Develop proposed cost-recovery plans for its customer  
499 entities at its annual budget meeting held before July 1, 2010,  
500 using the principles established in s. 282.203, Florida  
501 Statutes.

502         Section 9. Present subsections (25) through (28) of section  
503 282.0041, Florida Statutes, are renumbered as subsections (27)  
504 through (30), respectively, and new subsections (25) and (26)  
505 are added to that section, to read:



566414

506 282.0041 Definitions.—As used in this chapter, the term:

507 (25) "SUNCOM Network" means the state enterprise  
508 telecommunications system that provides all methods of  
509 electronic or optical telecommunications beyond a single  
510 building or contiguous building complex and used by entities  
511 authorized as network users under this part.

512 (26) "Telecommunications" means the science and technology  
513 of communication at a distance, including electronic systems  
514 used in the transmission or reception of information.

515 Section 10. Section 282.702, Florida Statutes, is amended  
516 to read:

517 282.702 Powers and duties.—The Department of Management  
518 Services shall have the following powers, duties, and functions:

519 (1) To publish electronically the portfolio of services  
520 available from the department, including pricing information;  
521 the policies and procedures ~~of the state communications network~~  
522 governing usage of available services; and a forecast of the  
523 department's priorities for each telecommunications service and  
524 ~~initiatives for the state communications system for the ensuing~~  
525 ~~2 years.~~

526 (2) To adopt technical standards by rule for the state  
527 telecommunications ~~communications~~ network which ~~will~~ ensure the  
528 interconnection and operational security of computer networks,  
529 telecommunications, and information systems of agencies.

530 (3) To enter into agreements related to information  
531 technology and telecommunications services with state agencies  
532 and political subdivisions of the state.

533 (4) To purchase from or contract with information  
534 technology providers for information technology, including



566414

535 private line services.

536 (5) To apply for, receive, and hold ~~such~~ authorizations,  
537 patents, copyrights, trademarks, service marks, licenses, and  
538 allocations or channels and frequencies to carry out the  
539 purposes of this part.

540 (6) To purchase, lease, or otherwise acquire and to hold,  
541 sell, transfer, license, or otherwise dispose of real, personal,  
542 and intellectual property, including, but not limited to,  
543 patents, trademarks, copyrights, and service marks.

544 (7) To cooperate with any federal, state, or local  
545 emergency management agency in providing for emergency  
546 telecommunications ~~communications~~ services.

547 (8) To control and approve the purchase, lease, or  
548 acquisition and the use of telecommunications ~~communications~~  
549 services, software, circuits, and equipment provided as part of  
550 any other total telecommunications system to be used by the  
551 state or ~~any of~~ its agencies.

552 (9) To adopt rules pursuant to ss. 120.536(1) and 120.54  
553 relating to telecommunications ~~communications~~ and to administer  
554 the provisions of this part.

555 (10) To apply for and accept federal funds for ~~any of~~ the  
556 purposes of this part as well as gifts and donations from  
557 individuals, foundations, and private organizations.

558 (11) To monitor issues relating to telecommunications  
559 ~~communications~~ facilities and services before the Florida Public  
560 Service Commission and the Federal Communications Commission  
561 and, if ~~when~~ necessary, prepare position papers, prepare  
562 testimony, appear as a witness, and retain witnesses on behalf  
563 of state agencies in proceedings before the commissions



566414

564 ~~commission.~~

565 (12) Unless delegated to the agencies by the department, to  
566 manage and control, but not intercept or interpret,  
567 telecommunications ~~communications~~ within the SUNCOM Network by:

568 (a) Establishing technical standards to physically  
569 interface with the SUNCOM Network.

570 (b) Specifying how telecommunications ~~communications~~ are  
571 transmitted within the SUNCOM Network.

572 (c) Controlling the routing of telecommunications  
573 ~~communications~~ within the SUNCOM Network.

574 (d) Establishing standards, policies, and procedures for  
575 access to and the security of the SUNCOM Network.

576 (e) Ensuring orderly and reliable telecommunications  
577 ~~communications~~ services in accordance with the service level  
578 agreements executed with state agencies.

579 (13) To plan, design, and conduct experiments for  
580 telecommunications ~~communications~~ services, equipment, and  
581 technologies, and to implement enhancements in the state  
582 telecommunications ~~communications~~ network if ~~when~~ in the public  
583 interest and cost-effective. Funding for such experiments must  
584 ~~shall~~ be derived from SUNCOM Network service revenues and may  
585 ~~shall~~ not exceed 2 percent of the annual budget for the SUNCOM  
586 Network for any fiscal year or as provided in the General  
587 Appropriations Act. New services offered as a result of this  
588 subsection may ~~shall~~ not affect existing rates for facilities or  
589 services.

590 (14) To enter into contracts or agreements, with or without  
591 competitive bidding or procurement, to make available, on a  
592 fair, reasonable, and nondiscriminatory basis, property and



566414

593 other structures under departmental control for the placement of  
594 new facilities by any wireless provider of mobile service as  
595 defined in 47 U.S.C. s. 153(27) or s. 332(d) and any  
596 telecommunications company as defined in s. 364.02 if ~~when~~ it is  
597 ~~determined to be~~ practical and feasible to make such property or  
598 other structures available. The department may, without adopting  
599 a rule, charge a just, reasonable, and nondiscriminatory fee for  
600 the placement of the facilities, payable annually, based on the  
601 fair market value of space used by comparable telecommunications  
602 ~~communications~~ facilities in the state. The department and a  
603 wireless provider or telecommunications company may negotiate  
604 the reduction or elimination of a fee in consideration of  
605 services provided to the department by the wireless provider or  
606 telecommunications company. All such fees collected by the  
607 department shall be deposited directly into the Law Enforcement  
608 Radio Operating Trust Fund, and may be used by the department to  
609 construct, maintain, or support the system.

610 (15) Establish policies that ensure that the department's  
611 cost-recovery methodologies, billings, receivables,  
612 expenditures, budgeting, and accounting data are captured and  
613 reported timely, consistently, accurately, and transparently and  
614 are in compliance with all applicable federal and state laws and  
615 rules. The department shall annually submit to the Governor, the  
616 President of the Senate, and the Speaker of the House of  
617 Representatives a report that describes each service and its  
618 cost, the billing methodology for recovering the cost of the  
619 service, and, if applicable, the identity of those services that  
620 are subsidized.

621 Section 11. Section 282.703, Florida Statutes, is amended



566414

622 to read:

623 282.703 SUNCOM Network; exemptions from the required use.—

624 (1) The SUNCOM Network is established ~~There is created~~  
625 within the department as the state enterprise telecommunications  
626 ~~the SUNCOM Network, which shall be developed to serve as the~~  
627 ~~state communications~~ system for providing local and long-  
628 distance communications services to state agencies, political  
629 subdivisions of the state, municipalities, ~~state universities,~~  
630 and nonprofit corporations pursuant to this part. The SUNCOM  
631 Network shall be developed to transmit all types of  
632 telecommunications ~~communications~~ signals, including, but not  
633 limited to, voice, data, video, image, and radio. State agencies  
634 shall cooperate and assist in the development and joint use of  
635 telecommunications ~~communications~~ systems and services.

636 (2) The department shall design, engineer, implement,  
637 manage, and operate through state ownership, commercial leasing,  
638 contracted services, or some combination thereof, the  
639 facilities, ~~and~~ equipment, and contracts providing SUNCOM  
640 Network services, and shall develop a system of equitable  
641 billings and charges for telecommunications ~~communication~~  
642 services.

643 (3) The department shall own, manage, and establish  
644 standards for the telecommunications addressing and numbering  
645 plans for the SUNCOM Network. This includes distributing or  
646 revoking numbers and addresses to authorized users of the  
647 network and delegating or revoking the delegation of management  
648 of subsidiary groups of numbers and addresses to authorized  
649 users of the network.

650 (4) The department shall maintain a directory of



566414

651 information and services which provides the names, phone  
652 numbers, and e-mail addresses for employees, agencies, and  
653 network devices that are served, in whole or in part, by the  
654 SUNCOM Network. State agencies and political subdivisions of the  
655 state shall cooperate with the department by providing timely  
656 and accurate directory information in the manner established by  
657 the department.

658 (5)~~(3)~~ All state agencies ~~and state universities~~ shall use  
659 the SUNCOM Network for agency telecommunications ~~and state~~  
660 ~~university communications~~ services as the services become  
661 available; however, an ~~no~~ agency ~~or university~~ is not relieved  
662 of responsibility for maintaining telecommunications  
663 ~~communications~~ services necessary for effective management of  
664 its programs and functions.

665 (a) If a SUNCOM Network service does not meet the  
666 telecommunications ~~communications~~ requirements of an agency ~~or~~  
667 ~~university~~, the agency must ~~or university shall~~ notify the  
668 department in writing and detail the requirements for that  
669 ~~communications~~ service. If the department is unable to meet an  
670 agency's ~~or university's~~ requirements by enhancing SUNCOM  
671 Network service, the department may grant the agency ~~or~~  
672 ~~university~~ an exemption from the required use of specified  
673 SUNCOM Network services.

674 (b) Unless an exemption has been granted by the department,  
675 effective October 1, 2010, all customers of a state primary data  
676 center, excluding state universities, must use the shared SUNCOM  
677 Network telecommunications services connecting the state primary  
678 data center to SUNCOM services for all telecommunications needs  
679 in accordance with department rules.





566414

680           1. Upon discovery of customer noncompliance with this  
681 paragraph, the department shall provide the affected customer  
682 with a schedule for transferring to the shared  
683 telecommunications services provided by the SUNCOM Network and  
684 an estimate of all associated costs. The state primary data  
685 centers and their customers shall cooperate with the department  
686 to accomplish the transfer.

687           2. Customers may request an exemption from this paragraph  
688 in the same manner as authorized in paragraph (a).

689           Section 12. Subsection (1) of section 282.707, Florida  
690 Statutes, is amended to read:

691           282.707 SUNCOM Network; criteria for usage.—

692           (1) The department and customers served by the department  
693 shall periodically review the qualifications of subscribers  
694 using the state SUNCOM Network and shall terminate services  
695 provided to a ~~any~~ facility not qualified under this part or  
696 rules adopted hereunder. In the event of nonpayment of invoices  
697 by subscribers whose SUNCOM Network invoices are paid from  
698 sources other than legislative appropriations, such nonpayment  
699 represents good and sufficient reason to terminate service.

700           Section 13. There is appropriated to the Agency for  
701 Enterprise Information Technology three full-time equivalent  
702 positions and \$300,000 in recurring General Revenue in a lump-  
703 sum category for implementing the provisions of this act  
704 relating to the consolidation of information technology  
705 purchases which result in savings to the state.

706           Section 14. This act shall take effect upon becoming a law.

707  
708 ===== T I T L E   A M E N D M E N T =====



566414

709 And the title is amended as follows:

710 Delete everything before the enacting clause  
711 and insert:

712 A bill to be entitled

713 An act relating to information technology; amending s.  
714 14.204, F.S.; revising the duties and responsibilities  
715 of the Agency for Enterprise Information Technology;  
716 requiring that the agency develop standards for  
717 information technology services; amending s. 282.201,  
718 F.S.; deleting an obsolete provision; requiring that  
719 state agencies notify the data center of certain  
720 anticipated changes; amending s. 282.203, F.S.;  
721 specifying the contents of financial statements that  
722 must be provided by primary data centers; requiring  
723 that each data center submit to its board of trustees  
724 cost-reduction proposals and organizational plans;  
725 establishing a quorum for a data center board of  
726 trustees; providing additional duties for the board of  
727 trustees; amending s. 282.204, F.S.; deleting obsolete  
728 provisions relating to the Northwood Shared Resource  
729 Center; amending s. 282.315, F.S.; providing an  
730 additional duty for the Agency Chief Information  
731 Officers Council relating to the consolidated purchase  
732 of information technology products; amending s.  
733 282.34, F.S.; revising provisions relating to  
734 statewide e-mail services; providing the primary goals  
735 for the service; providing for the establishment of a  
736 multiagency team to solicit proposals for a statewide  
737 service by a certain date; specifying the requirements



566414

738 for competitive solicitation; requiring the  
739 multiagency team and the Agency for Enterprise  
740 Information Technology to submit a business case  
741 analysis to the Governor and Cabinet and the  
742 Legislature; requiring the analysis to include agency  
743 lifecycle costs; requiring all state agencies to have  
744 migrated to the statewide service by a certain date;  
745 providing for agency exceptions to the schedule;  
746 requiring the Agency for Enterprise Information  
747 Technology to submit an implementation plan to the  
748 Governor and Legislature by a certain date; requiring  
749 that each agency include requirements for migrating to  
750 the statewide e-mail service in its legislative budget  
751 request; directing the agency to adopt rules;  
752 repealing s. 408.0615, F.S., relating to the  
753 establishment of a secure facility protecting data  
754 held by the Agency for Health Care Administration;  
755 amending s. 17 of chapter 2008-116, Laws of Florida;  
756 revising the date for transferring data center  
757 functions to a primary data center; amending s.  
758 282.0041, F.S.; defining the terms "SUNCOM Network"  
759 and "telecommunications"; amending s. 282.702, F.S.;  
760 revising the powers and duties of the Department of  
761 Management Services with respect to telecommunications  
762 services; requiring that the department establish  
763 policies with respect to financial accounting and  
764 submit an annual report to the Governor and  
765 Legislature; amending s. 282.703, F.S.; revising  
766 provisions relating to the SUNCOM Network; authorizing



566414

767 the department to establish standards for addresses  
768 and numbers and to maintain a directory; requiring all  
769 customers of a state primary data center, except for  
770 state universities, to use SUNCOM services; providing  
771 for certain exemptions; amending s. 282.707, F.S.;  
772 requiring the department and customers served by the  
773 department to review the qualifications of subscribers  
774 using the SUNCOM Network; authorizing additional  
775 positions and providing an appropriation; providing an  
776 effective date.