

By the Policy and Steering Committee on Ways and Means; and  
Senator Alexander

576-03792-10

20102020c1

1                                   A bill to be entitled  
2           An act relating to information technology; amending s.  
3           14.204, F.S.; revising the duties and responsibilities  
4           of the Agency for Enterprise Information Technology;  
5           amending s. 282.201, F.S.; requiring the Agency for  
6           Enterprise Information Technology to make annual  
7           recommendations to the Legislature regarding the  
8           migration to a statewide e-mail service and the  
9           consolidation of purchasing certain commodities and  
10          services; amending s. 282.203, F.S.; specifying the  
11          contents of financial statements that must be provided  
12          by primary data centers; establishing a quorum for a  
13          data center board of trustees; providing additional  
14          duties for the board of trustees; amending s. 282.204,  
15          F.S.; deleting obsolete provisions relating to the  
16          Northwood Shared Resource Center; amending s. 282.315,  
17          F.S.; providing an additional duty for the Agency  
18          Chief Information Officers Council relating to the  
19          consolidated purchase of information technology  
20          products; amending s. 282.34, F.S.; revising  
21          provisions relating to statewide e-mail services;  
22          providing the primary goals for the service; providing  
23          for the establishment of a multiagency team to solicit  
24          proposals for a statewide service by a certain date;  
25          specifying the requirements for competitive  
26          solicitation; requiring the Agency for Enterprise  
27          Information Technology to submit a business plan for  
28          the services; requiring the plan to include agency  
29          lifecycle costs; requiring all state agencies to have

576-03792-10

20102020c1

30 migrated to the statewide service by a certain date;  
31 providing for agency exceptions to the schedule;  
32 requiring the Agency for Enterprise Information  
33 Technology to submit an implementation plan to the  
34 Governor and Legislature by a certain date; directing  
35 the agency to adopt rules; repealing s. 408.0615,  
36 F.S., relating to the establishment of a secure  
37 facility protecting data held by the Agency for Health  
38 Care Administration; amending s. 17 of chapter 2008-  
39 116, Laws of Florida; revising the date for  
40 transferring data center functions to a primary data  
41 center; amending s. 282.0041, F.S.; defining the terms  
42 "SUNCOM Network" and "telecommunications"; amending s.  
43 282.702, F.S.; revising the powers and duties of the  
44 Department of Management Services with respect to  
45 telecommunications services; requiring that the  
46 department establish policies with respect to  
47 financial accounting and submit an annual report to  
48 the Governor and Legislature; amending s. 282.703,  
49 F.S.; revising provisions relating to the SUNCOM  
50 Network; authorizing the department to establish  
51 standards for addresses and numbers and to maintain a  
52 directory; requiring a state primary data center to  
53 use SUNCOM services; amending s. 282.707, F.S.;  
54 requiring customers served by the department to review  
55 the qualifications of subscribers using the SUNCOM  
56 Network; authorizing additional positions and  
57 providing an appropriation; providing an effective  
58 date.

576-03792-10

20102020c1

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

Section 1. Paragraphs (g), (h), and (i) of subsection (4) of section 14.204, Florida Statutes, are amended, and paragraph (j) is added to that subsection, to read:

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

(4) The agency shall have the following duties and responsibilities:

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

(h) In consultation with the Division of Purchasing in the Department of Management Services, coordinate procurement negotiations for information technology products as defined in s. 282.5002(5)(a) which ~~software that~~ will be used by multiple agencies.

(i) In coordination with, and through the services of, the Division of Purchasing in the Department of Management Services, establish ~~develop~~ best practices for the procurement of information technology products as defined in s. 282.5002(5)(a) in order to achieve savings for the state ~~procurements.~~

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

576-03792-10

20102020c1

88 Section 2. Paragraph (c) of subsection (2) of section  
89 282.201, Florida Statutes, is amended to read:

90 282.201 State data center system; agency duties and  
91 limitations.—A state data center system that includes all  
92 primary data centers, other nonprimary data centers, and  
93 computing facilities, and that provides an enterprise  
94 information technology service as defined in s. 282.0041, is  
95 established.

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

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

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

105 2. Infrastructure improvements supporting the consolidation  
106 of facilities or preempting the need to create additional data  
107 centers or computing facilities.

108 3. Standards for an objective, credible energy performance  
109 rating system that data center boards of trustees can use to  
110 measure state data center energy consumption and efficiency on a  
111 biannual basis.

112 4. Uniform disaster recovery standards.

113 5. Standards for primary data centers providing transparent  
114 financial data to user agencies.

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

576-03792-10

20102020c1

117 7. Improvements to data center governance structures.

118 8. Changes to an agency's scheduled date for migration to  
119 the statewide e-mail service pursuant to s. 282.34.

120 9. Techniques for consolidating the purchase of information  
121 technology commodities and services that result in savings for  
122 the state, and for establishing a process to achieve savings  
123 through consolidated purchases.

124 Section 3. Paragraph (d) of subsection (1), paragraph (d)  
125 of subsection (2), and paragraph (a) of subsection (3) of  
126 section 282.203, Florida Statutes, are amended, present  
127 paragraphs (e) through (j) of subsection (1) of that section are  
128 redesignated as paragraphs (f) through (k), respectively, and a  
129 new paragraph (e) is added to that subsection, and paragraphs  
130 (k) and (l) are added to subsection (3) of that section, to  
131 read:

132 282.203 Primary data centers.—

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

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

138 1. Annually, by July 30 for the current fiscal year and by  
139 December 1 for the subsequent fiscal year, the data center must  
140 provide the total annual budgeted costs by major expenditure  
141 category, including, but not limited to, salaries, expense,  
142 operating capital outlay, contracted services, or other  
143 personnel services, which directly relate to the provision of  
144 each service and which separately indicate the administrative  
145 overhead allocated to each service.

576-03792-10

20102020c1

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

150       3. The financial statements required under subparagraphs 1.  
151 and 2. must be based on current law and current appropriations.

152       4. Annually, by January 31, updates must be provided for  
153 the financial statements for the current fiscal year required  
154 under subparagraphs 1. and 2.

155       5. By February 15, for proposed legislative budget  
156 increases, the data center must provide updates of the financial  
157 statements required under subparagraphs 1. and 2. for subsequent  
158 fiscal year.

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

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

165       (d) A majority of the members constitutes a quorum. The  
166 board shall take action by a majority vote of the members if a  
167 quorum is present. If there is a tie, the chair shall be on the  
168 prevailing side.

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

171       (a) Employ an executive director, pursuant to s. 20.05, who  
172 serves at the pleasure of the board. The executive director is  
173 responsible for the daily operation of the primary data center,  
174 ensuring compliance with all laws and rules regulating the

576-03792-10

20102020c1

175 primary data center, managing primary data center employees, and  
176 the performance of the primary data center. The board shall  
177 establish an annual performance evaluation process for the  
178 executive director. The appointment of the executive director  
179 must be reconfirmed by the board biennially.

180 (k) Coordinate with other primary data centers and the  
181 Agency for Enterprise Information Technology in order to  
182 consolidate purchases of goods and services and lower the cost  
183 of providing services to customer entities.

184 (l) Contract with other primary data centers for the  
185 provision of administrative services or with the agency within  
186 which the primary data center is housed, whichever is most cost-  
187 effective.

188 Section 4. Section 282.204, Florida Statutes, is amended to  
189 read:

190 282.204 Northwood Shared Resource Center.—

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

194 ~~(a) The workgroup shall be chaired by a member appointed by~~  
195 ~~the secretary of the department. Workgroup members may include~~  
196 ~~other state agencies who will be customers of the data center~~  
197 ~~during the 2009-2010 fiscal year. The workgroup shall include~~  
198 ~~staff members who have appropriate financial and technical~~  
199 ~~skills as determined by the chair of the workgroup.~~

200 ~~(b) The conversion plan shall address organizational~~  
201 ~~changes, personnel changes, cost-allocation plan changes, and~~  
202 ~~any other changes necessary to effectively convert to a primary~~  
203 ~~state data center capable of providing computer services as~~

576-03792-10

20102020c1

204 required by ~~s. 282.201.~~

205 ~~(c) The workgroup shall submit recommendations for~~  
206 ~~facilitating the conversion to the Governor and Cabinet, the~~  
207 ~~President of the Senate, and the Speaker of the House of~~  
208 ~~Representatives by December 31, 2008.~~

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

212 (1) ~~(a)~~ The center is a primary data center and shall be a  
213 separate budget entity that is not subject to control,  
214 supervision, or direction of the department in any manner,  
215 including, but not limited to, purchasing, transactions  
216 involving real or personal property, personnel, or budgetary  
217 matters.

218 (2) ~~(b)~~ The center shall be headed by a board of trustees as  
219 provided in s. 282.203, who shall comply with all requirements  
220 of that section related to the operation of the center and with  
221 the rules of the Agency for Enterprise Information Technology  
222 related to the design and delivery of enterprise information  
223 technology services. ~~The secretary of the department may appoint~~  
224 ~~a temporary board chair for the purpose of convening the board~~  
225 ~~of trustees, selecting a chair, and determining board~~  
226 ~~membership.~~

227 ~~(3) The Department of Children and Family Services and the~~  
228 ~~center shall identify resources associated with information~~  
229 ~~technology functions which are not related to the support,~~  
230 ~~management, and operation of the data center but which currently~~  
231 ~~exist within the same budget entity as the data center. By~~  
232 ~~October 1, 2009, the center shall submit a budget amendment to~~



576-03792-10

20102020c1

233 ~~transfer resources associated with these functions to the~~  
234 ~~department.~~

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

237 282.315 Agency Chief Information Officers Council;  
238 creation.—The Legislature finds that enhancing communication,  
239 consensus building, coordination, and facilitation with respect  
240 to issues concerning enterprise information technology resources  
241 are essential to improving the management of such resources.

242 (1) There is created an Agency Chief Information Officers  
243 Council to:

244 (e) Annually, by October 1, identify information technology  
245 products, as defined in s. 282.5002(5)(a), which, if purchased  
246 in a consolidated manner, would result in savings to the state,  
247 and develop recommendations regarding a process for  
248 consolidating such purchases. The council shall transmit its  
249 recommendations to the Agency for Enterprise Information  
250 Technology.

251 Section 6. Section 282.34, Florida Statutes, is amended to  
252 read:

253 282.34 Statewide e-mail service system.—A state e-mail  
254 system that includes the ~~service~~ delivery and support of ~~for a~~  
255 ~~statewide~~ e-mail, messaging, and calendaring capabilities  
256 ~~service~~ is established as an enterprise information technology  
257 service as defined in s. 282.0041. The service shall be designed  
258 to meet the needs of all executive branch agencies ~~and reduce~~  
259 ~~the current cost of operation and support.~~ The primary goals of  
260 the service are to minimize the state investment required to  
261 establish, operate, and support the statewide service; reduce

576-03792-10

20102020c1

262 the cost of current e-mail operations and the number of  
263 duplicative e-mail systems; and eliminate the need for each  
264 state agency to maintain its own e-mail staff.

265 (1) The Southwood Shared Resource Center, a primary data  
266 center, shall be the provider of the statewide e-mail service  
267 for all state agencies ~~system~~. The center shall centrally host,  
268 manage, ~~and operate,~~ and support the service, or outsource the  
269 hosting, management, operational, or support components of the  
270 service in order to achieve the primary goals identified in this  
271 section ~~the e-mail system~~.

272 (2) The Agency for Enterprise Information Technology, in  
273 consultation with the Southwood Shared Resource Center, shall  
274 establish and coordinate a multiagency project team to develop a  
275 competitive solicitation for establishing the statewide e-mail  
276 service.

277 (a) The Southwood Shared Resource Center shall issue the  
278 competitive solicitation by August 31, 2010, with vendor  
279 responses required by October 15, 2010. Issuance of the  
280 competitive solicitation does not obligate the agency and the  
281 center to conduct further negotiations or to execute a contract.  
282 The decision to conduct or conclude negotiations, or execute a  
283 contract, must be made solely at the discretion of the agency.

284 (b) The competitive solicitation must include detailed  
285 specifications describing:

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

288 2. The minimum functional requirements necessary for  
289 successful statewide implementation and the responsibilities of  
290 the prospective service provider and the agency.

576-03792-10

20102020c1

291 3. The form and required content for submitted proposals,  
292 including, but not limited to, a description of the proposed  
293 system and its internal and external sourcing options, a 5-year  
294 lifecycle-based pricing based on cost per mailbox per month, and  
295 a decommissioning approach for current e-mail systems; an  
296 implementation schedule and implementation services; a  
297 description of e-mail account management, help desk, technical  
298 support, and user provisioning services; disaster recovery and  
299 backup and restore capabilities; anti-spam and anti-virus  
300 capabilities; remote access and mobile messaging capabilities;  
301 and staffing requirements.

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

305 (d) The competitive solicitation must permit alternative  
306 financial and operational models to be proposed, including, but  
307 not limited to:

308 1. Leasing or usage-based subscription fees;

309 2. Installing and operating the e-mail service within the  
310 Southwood Shared Resource Center or in a data center operated by  
311 an external service provider; or

312 3. Provisioning the e-mail service as an Internet-based  
313 offering provided to state agencies. Specifications for proposed  
314 models must be optimized to meet the primary goals of the e-mail  
315 service.

316 (3)-(2) By December 31, 2010 ~~2009~~, or within 1 month after  
317 negotiations are complete, whichever is later, the multiagency  
318 project team and the Agency for Enterprise Information  
319 Technology shall prepare a business case analysis containing its

576-03792-10

20102020c1

320 recommendations for procuring the statewide e-mail service for  
321 submission ~~submit a proposed plan for the establishment of the~~  
322 ~~e-mail system~~ to the Governor and Cabinet, the President of the  
323 Senate, and the Speaker of the House of Representatives. The  
324 business case is not subject to challenge or protest pursuant to  
325 chapter 120. The business case must include ~~The plan shall be~~  
326 ~~developed to reduce costs to the state and include, at a~~  
327 minimum:

328 (a) An assessment of the major risks that must be managed  
329 for each proposal compared to the risks for the current state  
330 agency e-mail system and the major benefits that are associated  
331 with each ~~An analysis of the in-house and external sourcing~~  
332 ~~options that should be considered for delivery and support of~~  
333 ~~the service. The analysis shall include an internally hosted~~  
334 ~~system option, an externally sourced system option, and, if~~  
335 ~~necessary, a combined in-house and externally sourced option.~~

336 (b) A cost-benefit analysis that estimates all major cost  
337 elements associated with each sourcing option, focusing on  
338 ~~including~~ the nonrecurring and recurring lifecycle costs of each  
339 option. The analysis must ~~also~~ include a comparison of the  
340 estimated total 5-year lifecycle cost of the current agency e-  
341 mail systems versus ~~of~~ each enterprise e-mail sourcing option  
342 ~~and the total cost of existing e-mail services~~ in order to  
343 determine the feasibility of funding the migration and operation  
344 of the statewide e-mail service and the overall level of savings  
345 that can be expected. The 5-year lifecycle costs for each state  
346 agency must include, but are not limited to:

347 1. The total recurring operating costs of the current  
348 agency e-mail systems, including monthly mailbox costs,

576-03792-10

20102020c1

349 staffing, licensing and maintenance costs, hardware, and other  
350 related e-mail product and service costs.

351 2. An estimate of nonrecurring hardware and software  
352 refresh, upgrade, or replacement costs based on the expected 5-  
353 year obsolescence of current e-mail software products and  
354 equipment through the 2014 fiscal year, and the basis for the  
355 estimate.

356 3. An estimate of recurring costs associated with the  
357 energy consumption of current agency e-mail equipment, and the  
358 basis for the estimate.

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

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

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

366 ~~(e) A concise analysis of the ability of each sourcing~~  
367 ~~option to meet major system requirements, including federal and~~  
368 ~~state requirements for confidentiality, privacy, security, and~~  
369 ~~records retention.~~

370 ~~(f) A complete description of the scope of functionality,~~  
371 ~~operations, and required resources associated with each sourcing~~  
372 ~~option.~~

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

375 (c)(h) A comparison of the migrating schedules of each  
376 sourcing option to the statewide e-mail service, including the  
377 approach and A reliable schedule for the decommissioning of all

576-03792-10

20102020c1

378 current state agency e-mail systems beginning with phase 1 and  
379 phase 2 as provided in subsection (4) and the migration of all  
380 agencies to the new system beginning by July 1, 2010, and  
381 completing by June 30, 2013.

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

385 (a) The following statewide e-mail service implementation  
386 schedule is established for state agencies:

387 1. Phase 1.—The following agencies must be completely  
388 migrated to the statewide e-mail system by June 30, 2012: the  
389 Agency for Enterprise Information Technology; the Department of  
390 Community Affairs, including the Division of Emergency  
391 Management; the Department of Corrections; the Department of  
392 Health; the Department of Highway Safety and Motor Vehicles; the  
393 Department of Management Services, including the Division of  
394 Administrative Hearings, the Division of Retirement, the  
395 Commission on Human Relations, and the Public Employees  
396 Relations Commission; and the Department of Revenue.

397 2. Phase 2.—The following agencies must be completely  
398 migrated to the statewide e-mail system by June 30, 2013: the  
399 Department of Business and Professional Regulation; the  
400 Department of Education, including the Board of Governors; the  
401 Department of Environmental Protection; the Department of  
402 Juvenile Justice; the Department of the Lottery; the Department  
403 of State; the Department of Law Enforcement; the Department of  
404 Veterans' Affairs; the Judicial Administration Commission; and  
405 the Statewide Guardian Ad Litem Office.

406 3. Phase 3.—The following agencies must be completely

576-03792-10

20102020c1

407 migrated to the statewide e-mail system by June 30, 2014: the  
408 Agency for Health Care Administration; the Agency for Workforce  
409 Innovation; the Department of Financial Services, including the  
410 Office of Financial Regulation and the Office of Insurance  
411 Regulation; the Department of Agriculture and Consumer Services;  
412 the Executive Office of the Governor; the Department of  
413 Transportation; the Fish and Wildlife Conservation Commission;  
414 and the State Board of Administration.

415 4. Phase 4.—The following agencies must be completely  
416 migrated to the statewide e-mail system by June 30, 2015: the  
417 Department of Children and Family Services; the Department of  
418 Citrus; the Department of Elderly Affairs; and the Department of  
419 Legal Affairs.

420 (b) Agency requests to modify their scheduled implementing  
421 date must be submitted in writing to the Agency for Enterprise  
422 Information Technology. Any exceptions or modifications to the  
423 schedule must be approved by the Agency for Enterprise  
424 Information Technology based only on the following criteria:

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

427 2. Avoiding nonessential investment in new software or  
428 hardware licensing agreements, maintenance or support  
429 agreements, or e-mail staffing for current e-mail systems.

430 3. Resolving known agency e-mail problems through migration  
431 to the statewide e-mail service.

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

434 (5) ~~(3)~~ In order to develop the implementation ~~recommended~~  
435 plan for the statewide e-mail service ~~new system~~, the Agency for

576-03792-10

20102020c1

436 Enterprise Information Technology shall establish and coordinate  
437 a statewide e-mail project team. The agency shall also consult  
438 with and, as necessary, form workgroups consisting of agency e-  
439 mail management staff, agency chief information officers, ~~and~~  
440 agency budget directors, and other administrative staff. The  
441 statewide e-mail implementation plan must be submitted to the  
442 Governor, the President of the Senate, and the Speaker of the  
443 House of Representatives by July 1, 2011. ~~State agencies must~~  
444 ~~cooperate with the Agency for Enterprise Technology in its~~  
445 ~~development of the plan.~~

446 ~~(6)~~~~(4)~~ Unless authorized by the Legislature or as provided  
447 in subsection ~~(7)~~ ~~(5)~~, a state agency may ~~shall~~ not:

448 (a) Initiate a new e-mail service or execute a new e-mail  
449 contract or new e-mail contract amendment for nonessential  
450 products or services with any entity other than the provider of  
451 the statewide e-mail ~~system~~ service;

452 (b) Terminate a statewide e-mail ~~system~~ service without  
453 giving written notice of termination 180 days in advance; or

454 (c) Transfer e-mail system services from the provider of  
455 the statewide e-mail ~~system~~ service.

456 ~~(7)~~~~(5)~~ Exceptions to paragraphs ~~(6)~~ ~~(4)~~(a), (b), and (c)  
457 may be granted by the Agency for Enterprise Information  
458 Technology only if the Southwood Shared Resource Center is  
459 unable to meet agency business requirements for the e-mail  
460 service, and if such requirements are essential to maintain  
461 agency operations. Requests for exceptions must be submitted in  
462 writing to the Agency for Enterprise Information Technology and  
463 include documented confirmation by the Southwood Shared Resource  
464 Center board of trustees that it cannot meet the requesting



576-03792-10

20102020c1

465 agency's e-mail service requirements.

466 (8) Each agency shall include the budget issues necessary  
467 for migrating to the statewide e-mail service in its legislative  
468 budget request before the first full year it is scheduled to  
469 migrate to the statewide service in accordance with budget  
470 instructions developed pursuant to s. 216.023.

471 (9) The Agency for Enterprise Information Technology shall  
472 adopt rules to standardize the format for state agency e-mail  
473 addresses.

474 (10) State agencies must fully cooperate with the Agency  
475 for Enterprise Information Technology in the performance of its  
476 responsibilities established in this section.

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

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

480 Section 17. All data center functions performed, managed,  
481 operated, or supported by state agencies with resources and  
482 equipment currently located in a state primary data center  
483 created by this act, excluding application development, shall be  
484 transferred to the primary data center and that agency shall  
485 become a full-service customer entity by December 31, July 1,  
486 2010. All resources and equipment located in the primary data  
487 center shall be operated, managed, and controlled by the primary  
488 data center. Data center functions include, but are not limited  
489 to, all data center hardware, software, staff, contracted  
490 services, and facility resources performing data center  
491 management and operations, security, production control, backup  
492 and recovery, disaster recovery, system administration, database  
493 administration, system programming, job control, production

576-03792-10

20102020c1

494 control, print, storage, technical support, help desk, and  
495 managed services.

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

498 (a) By October 1, 2009, submit a plan to the board of  
499 trustees of the appropriate primary data center describing costs  
500 and resources currently used to manage and maintain hardware and  
501 operating and support software housed at the primary data  
502 center, and a plan for transferring all resources allocated to  
503 data center functions to the primary data center. The plan  
504 shall:

505 1. Include the itemized expenditures for all of the related  
506 equipment and software in the previous 5 fiscal years.

507 2. Propose averages or weighted averages for transferring  
508 spending authority related to equipment and software based upon  
509 spending in the previous 5 fiscal years and projected needs for  
510 the upcoming 2 fiscal years.

511 (b) Submit with its 2010-2011 legislative budget request  
512 budget adjustments necessary to accomplish the transfers. These  
513 adjustments shall include budget requests to replace existing  
514 spending authority in the appropriations categories used to  
515 manage, maintain, and upgrade hardware, operating software, and  
516 support software with an amount in a single appropriation  
517 category to pay for the services of the primary data center.

518 (2) The board of trustees of each primary data center  
519 shall:

520 (a) Be responsible for the efficient transfer of resources  
521 in user agencies relating to the provision of full services and  
522 shall coordinate the legislative budget requests of the affected

576-03792-10

20102020c1

523 agencies.

524 (b) Include in its 2010-2011 legislative budget request  
525 additional budget authority to accommodate the transferred  
526 functions.

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

531 Section 9. Present subsections (25) through (28) of section  
532 282.0041, Florida Statutes, are renumbered as subsections (27)  
533 through (30), respectively, and new subsections (25) and (26)  
534 are added to that section, to read:

535 282.0041 Definitions.—As used in this chapter, the term:

536 (25) "SUNCOM Network" means the state enterprise  
537 telecommunications system that provides all methods of  
538 electronic or optical telecommunications beyond a single  
539 building or contiguous building complex and used by entities  
540 authorized as network users under this part.

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

544 Section 10. Section 282.702, Florida Statutes, is amended  
545 to read:

546 282.702 Powers and duties.—The Department of Management  
547 Services shall have the following powers, duties, and functions:

548 (1) To publish electronically the portfolio of services  
549 available from the department, including pricing information;  
550 the policies and procedures ~~of the state communications network~~  
551 governing usage of available services; and a forecast of the

576-03792-10

20102020c1

552 department's priorities for each telecommunications service and  
553 ~~initiatives for the state communications system for the ensuing~~  
554 ~~2 years.~~

555 (2) To adopt technical standards by rule for the state  
556 telecommunications ~~communications~~ network which ~~will~~ ensure the  
557 interconnection and operational security of computer networks,  
558 telecommunications, and information systems of agencies.

559 (3) To enter into agreements related to information  
560 technology and telecommunications services with state agencies  
561 and political subdivisions of the state.

562 (4) To purchase from or contract with information  
563 technology providers for information technology, including  
564 private line services.

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

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

573 (7) To cooperate with any federal, state, or local  
574 emergency management agency in providing for emergency  
575 telecommunications ~~communications~~ services.

576 (8) To control and approve the purchase, lease, or  
577 acquisition and the use of telecommunications ~~communications~~  
578 services, software, circuits, and equipment provided as part of  
579 any other total telecommunications system to be used by the  
580 state or ~~any of~~ its agencies.

576-03792-10

20102020c1

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

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

587 (11) To monitor issues relating to telecommunication  
588 ~~communications~~ facilities and services before the Florida Public  
589 Service Commission and the Federal Communications Commission  
590 and, if when necessary, prepare position papers, prepare  
591 testimony, appear as a witness, and retain witnesses on behalf  
592 of state agencies in proceedings before the commissions  
593 ~~commission~~.

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

597 (a) Establishing technical standards to physically  
598 interface with the SUNCOM Network.

599 (b) Specifying how telecommunications ~~communications~~ are  
600 transmitted within the SUNCOM Network.

601 (c) Controlling the routing of telecommunications  
602 ~~communications~~ within the SUNCOM Network.

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

605 (e) Ensuring orderly and reliable telecommunication  
606 ~~communications~~ services in accordance with the service level  
607 agreements executed with state agencies.

608 (13) To plan, design, and conduct experiments for  
609 telecommunication ~~communications~~ services, equipment, and

576-03792-10

20102020c1

610 technologies, and to implement enhancements in the state  
611 telecommunications ~~communications~~ network if ~~when~~ in the public  
612 interest and cost-effective. Funding for such experiments must  
613 ~~shall~~ be derived from SUNCOM Network service revenues and may  
614 ~~shall~~ not exceed 2 percent of the annual budget for the SUNCOM  
615 Network for any fiscal year or as provided in the General  
616 Appropriations Act. New services offered as a result of this  
617 subsection may ~~shall~~ not affect existing rates for facilities or  
618 services.

619 (14) To enter into contracts or agreements, with or without  
620 competitive bidding or procurement, to make available, on a  
621 fair, reasonable, and nondiscriminatory basis, property and  
622 other structures under departmental control for the placement of  
623 new facilities by any wireless provider of mobile service as  
624 defined in 47 U.S.C. s. 153(27) or s. 332(d) and any  
625 telecommunications company as defined in s. 364.02 if ~~when~~ it is  
626 ~~determined to be~~ practical and feasible to make such property or  
627 other structures available. The department may, without adopting  
628 a rule, charge a just, reasonable, and nondiscriminatory fee for  
629 the placement of the facilities, payable annually, based on the  
630 fair market value of space used by comparable telecommunications  
631 ~~communications~~ facilities in the state. The department and a  
632 wireless provider or telecommunications company may negotiate  
633 the reduction or elimination of a fee in consideration of  
634 services provided to the department by the wireless provider or  
635 telecommunications company. All such fees collected by the  
636 department shall be deposited directly into the Law Enforcement  
637 Radio Operating Trust Fund, and may be used by the department to  
638 construct, maintain, or support the system.

576-03792-10

20102020c1

639       (15) Establish policies that ensure that the department's  
640 cost-recovery methodologies, billings, receivables,  
641 expenditures, budgeting, and accounting data are captured and  
642 reported timely, consistently, accurately, and transparently and  
643 are in compliance with all applicable federal and state laws and  
644 rules. The department shall annually submit to the Governor, the  
645 President of the Senate, and the Speaker of the House of  
646 Representatives a report that describes each service and its  
647 cost, the billing methodology for recovering the cost of the  
648 service, and, if applicable, the identity of those services that  
649 are subsidized.

650       Section 11. Section 282.703, Florida Statutes, is amended  
651 to read:

652       282.703 SUNCOM Network; exemptions from the required use.-

653       (1) The SUNCOM Network is established ~~There is created~~  
654 within the department as the state enterprise telecommunications  
655 ~~the SUNCOM Network, which shall be developed to serve as the~~  
656 ~~state communications~~ system for providing local and long-  
657 distance communications services to state agencies, political  
658 subdivisions of the state, municipalities, state universities,  
659 and nonprofit corporations pursuant to this part. The SUNCOM  
660 Network shall be developed to transmit all types of  
661 telecommunications ~~communications~~ signals, including, but not  
662 limited to, voice, data, video, image, and radio. State agencies  
663 shall cooperate and assist in the development and joint use of  
664 telecommunications ~~communications~~ systems and services.

665       (2) The department shall design, engineer, implement,  
666 manage, and operate through state ownership, commercial leasing,  
667 contracted services, or some combination thereof, the

576-03792-10

20102020c1

668 facilities, ~~and~~ equipment, and contracts providing SUNCOM  
669 Network services, and shall develop a system of equitable  
670 billings and charges for telecommunications ~~communication~~  
671 services.

672 (3) The department shall own, manage, and establish  
673 standards for the telecommunications addressing and numbering  
674 plans for the SUNCOM Network. This includes distributing or  
675 revoking numbers and addresses to authorized users of the  
676 network and delegating or revoking the delegation of management  
677 of subsidiary groups of numbers and addresses to authorized  
678 users of the network.

679 (4) The department shall maintain a directory of  
680 information and services that provides the names, phone numbers,  
681 and electronic mail addresses for employees, agencies, and  
682 network devices that are served, in whole or in part, by the  
683 SUNCOM Network. State agencies, state universities, and  
684 political subdivisions of the state shall cooperate with the  
685 department by providing timely and accurate directory  
686 information in the manner established by the department.

687 (5)-(3) All state agencies and state universities shall use  
688 the SUNCOM Network for agency and state university  
689 telecommunications ~~communications~~ services as the services  
690 become available; however, an ~~no~~ agency or university is not  
691 relieved of responsibility for maintaining telecommunications  
692 ~~communications~~ services necessary for effective management of  
693 its programs and functions.

694 (a) If a SUNCOM Network service does not meet the  
695 telecommunications ~~communications~~ requirements of an agency or  
696 university, the agency or university must ~~shall~~ notify the



576-03792-10

20102020c1

697 department in writing and detail the requirements for that  
698 ~~communications~~ service. If the department is unable to meet an  
699 agency's or university's requirements by enhancing SUNCOM  
700 Network service, the department may grant the agency or  
701 university an exemption from the required use of specified  
702 SUNCOM Network services.

703 (b) Unless an exemption has been granted by the department,  
704 effective October 1, 2010, all customers of a state primary data  
705 center must use the shared SUNCOM Network telecommunications  
706 services connecting the state primary data center to SUNCOM  
707 services for all telecommunications needs in accordance with  
708 department rules.

709 1. Upon discovery of customer noncompliance with this  
710 paragraph, the department shall provide the affected customer  
711 with a schedule for transferring to the shared  
712 telecommunications services provided by the SUNCOM Network and  
713 an estimate of all associated costs. The state primary data  
714 centers and their customers shall cooperate with the department  
715 to accomplish the transfer.

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

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

720 282.707 SUNCOM Network; criteria for usage.—

721 (1) The department and customers served by the department  
722 shall periodically review the qualifications of subscribers  
723 using the state SUNCOM Network and ~~shall~~ terminate services  
724 provided to a any facility not qualified under this part or  
725 rules adopted hereunder. In the event of nonpayment of invoices

576-03792-10

20102020c1

726 by subscribers whose SUNCOM Network invoices are paid from  
727 sources other than legislative appropriations, such nonpayment  
728 represents good and sufficient reason to terminate service.

729       Section 13. There is appropriated to the Agency for  
730 Enterprise Information Technology three full-time equivalent  
731 positions and \$300,000 in recurring General Revenue in a lump-  
732 sum category for implementing the provisions of this act  
733 relating to the consolidation of information technology  
734 purchases which result in savings to the state.

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