

By the Committee on General Government Appropriations; and
Senator Carlton

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1 A bill to be entitled

2 An act relating to the state data center system; amending
3 s. 14.204, F.S.; revising the duties and responsibilities
4 of the Agency for Enterprise Information Technology;
5 authorizing the agency to adopt rules; amending s.
6 215.322, F.S.; requiring the Agency for Enterprise
7 Information Technology to review an agency's request to
8 accept credit, charge, or debit cards in payment of goods
9 and services and make recommendations to the Chief
10 Financial Officer; amending s. 216.235, F.S.; including
11 the executive director of the Agency for Enterprise
12 Information Technology on the State Innovation Committee;
13 requiring the agency to evaluate innovative investment
14 projects that involve information technology; amending s.
15 282.003, F.S.; revising a short title; amending s.
16 282.0041, F.S.; defining terms relating to information
17 resource management; amending s. 282.0055, F.S.;
18 conforming cross-references; amending s. 282.0056, F.S.;
19 revising provisions relating to the Agency for Enterprise
20 Information Technology's work plan; requiring an annual
21 plan; requiring the agency to annually report its
22 achievements to the Governor and Cabinet and the
23 Legislature; creating s. 282.201, F.S.; establishing a
24 state data center system; providing legislative intent;
25 providing the duties of the Agency for Enterprise
26 Information Technology with respect to the system;
27 providing responsibilities; providing state agency duties
28 and limitations; authorizing the Agency for Enterprise
29 Information Technology to adopt rules; creating s.

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30 282.203, F.S.; establishing primary data centers;
31 providing the duties of the center; providing that each
32 center shall be headed by a board of trustees; providing
33 for the membership of the board; providing for the duties
34 of the board; creating s. 282.204, F.S.; establishing the
35 Northwood Shared Resource Center as a separate budget
36 entity housed for administrative purposes only in the
37 Department of Children and Family Services; providing for
38 the center to be headed by a board of trustees; creating
39 s. 282.205, F.S.; establishing the Southwood Shared
40 Resource Center as a separate budget entity housed for
41 administrative purposes only in the Department of
42 Management Services; providing for the center to be headed
43 by a board of trustees; amending s. 282.315, F.S.;
44 revising the duties of the Agency Chief Information
45 Officers Council with respect to the consolidation of
46 computer services; amending s. 282.322, F.S.; revising
47 provisions relating to monitoring high-risk information
48 technology projects; amending s. 287.057, F.S.; requiring
49 the Department of Management Services to consult with the
50 Agency for Enterprise Information Technology with respect
51 to procuring information technology commodities and
52 contractual services; amending ss. 445.011, 445.045, and
53 668.50, F.S., relating to workforce information systems
54 and the Uniform Electronic Transaction Act; clarifying the
55 duties of the Agency for Enterprise Information Technology
56 and the Department of Management Services; providing for
57 the transfer of state agency data center resources to a
58 primary data center; requiring the board of trustees of

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59 | the primary data center to submit a plan relating to costs
60 | and resources; requiring user agencies to submit budget
61 | requests to accomplish the transfers; specifying the
62 | duties of the board of trustees of the data center;
63 | providing for the transfer of the information technology
64 | functions of the Parole Commission to the Department of
65 | Corrections; requiring a plan and a service-level
66 | agreement; providing for the transfer of mainframe
67 | resources of the Department of Transportation and the
68 | Department of Highway Safety and Motor Vehicles to the
69 | Southwood Shared Resource Center; providing a timeframe
70 | for the transfer; requiring a service-level agreement for
71 | the transition and a plan; providing for the supervision
72 | of staff and ownership of resources; requiring budget
73 | amendments to redistribute resources between the state
74 | entities; repealing s. 282.20, F.S., relating to the
75 | Technology Resource Center; providing an effective date.
76 |

77 | Be It Enacted by the Legislature of the State of Florida:
78 |

79 | Section 1. Section 14.204, Florida Statutes, is amended to
80 | read:

81 | 14.204 Agency for Enterprise Information Technology.--The
82 | Agency for Enterprise Information Technology is created within
83 | the Executive Office of the Governor.

84 | (1) The head of the agency shall be the Governor and
85 | Cabinet, ~~which shall take action by majority vote consisting of~~
86 | ~~at least three affirmative votes with the Governor on the~~
87 | ~~prevailing side.~~

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88 (2) The agency shall be a separate budget entity that is
89 not subject to control, supervision, or direction by the
90 Executive Office of the Governor in any manner, including, but
91 not limited to, purchasing, transactions involving real or
92 personal property, personnel, or budgetary matters.

93 (3)~~(1)~~ The agency shall have an executive director who
94 must: ~~of the agency shall~~

95 (a) Have a degree from an accredited postsecondary
96 institution;

97 (b) Have at least 7 years of executive-level experience in
98 managing information technology organizations;

99 (c) Be appointed by the Governor and confirmed by the
100 Cabinet, ~~is~~ subject to confirmation by the Senate, and ~~shall~~
101 serve at the pleasure of the Governor and Cabinet; and. ~~The~~
102 ~~executive director shall~~

103 (d) Be the chief information officer of the state and the
104 executive sponsor for all enterprise information technology
105 projects. ~~The executive director must have a degree from an~~
106 ~~accredited postsecondary institution, and at least 7 years of~~
107 ~~executive-level experience in managing information technology~~
108 ~~organizations.~~

109 (4)~~(2)~~ The agency shall have the following duties and
110 responsibilities:

111 (a) Develop and implement strategies for the design,
112 delivery, and management of the enterprise information technology
113 services established in law.

114 (b) Monitor the delivery and management of the enterprise
115 information technology services as established in law.

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116 (c) Make recommendations to the agency head and the
117 Legislature concerning other information technology services that
118 should be designed, delivered, and managed as at the enterprise
119 information technology services level as defined in s. 282.0041
120 282.0041(8).

121 (d) Plan and establish policies for managing proposed
122 statutorily authorized enterprise information technology
123 services, which includes:

124 1. Developing business cases that, when applicable, include
125 the components identified in s. 287.0574;

126 2. Establishing and coordinating project-management teams;

127 3. Establishing formal risk-assessment and mitigation
128 processes; and

129 4. Providing for independent monitoring of projects for
130 recommended corrective actions.

131 (e) ~~Not earlier than July 1, 2008,~~ Define the architecture
132 standards for enterprise information technology services and
133 develop implementation approaches for statewide migration to
134 those standards.

135 (f) Develop and publish a strategic enterprise information
136 technology plan that identifies and recommends strategies for how
137 enterprise information technology services will deliver effective
138 and efficient government services to state residents and improve
139 the operations of state agencies.

140 (g) Perform duties related to the state data center system
141 as provided in s. 282.201.

142 (h) Coordinate procurement negotiations for hardware and
143 software acquisition necessary to consolidate data center or
144 computer facilities infrastructure.

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145 (i) Coordinate procurement negotiations for software that
146 will be used by multiple agencies.

147 (5) ~~(3)~~ The agency shall operate in ~~such~~ a manner that
148 ensures the ~~as to ensure~~ participation and representation of
149 state agencies and the Agency Chief Information Officers Council
150 established in s. 282.315.

151 (6) The agency may adopt rules pursuant to ss. 120.536(1)
152 and 120.54 to carry out its statutory duties.

153 Section 2. Subsection (2) of section 215.322, Florida
154 Statutes, is amended to read:

155 215.322 Acceptance of credit cards, charge cards, or debit
156 cards by state agencies, units of local government, and the
157 judicial branch.--

158 (2) A state agency as defined in s. 216.011, or the
159 judicial branch, may accept credit cards, charge cards, or debit
160 cards in payment for goods and services with the prior approval
161 of the Chief Financial Officer. If ~~When~~ the Internet or other
162 related electronic methods are to be used as the collection
163 medium, the Agency for Enterprise Information Technology State
164 ~~Technology Office~~ shall review and recommend to the Chief
165 Financial Officer whether to approve the request with regard to
166 the process or procedure to be used.

167 Section 3. Paragraph (c) of subsection (4) and subsection
168 (6) of section 216.235, Florida Statutes, are amended to read:

169 216.235 Innovation Investment Program.--

170 (4) There is hereby created the State Innovation Committee,
171 which shall have final approval authority as to which innovative
172 investment projects submitted under this section shall be funded.
173 Such committee shall be comprised of seven members. Appointed

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174 members shall serve terms of 1 year and may be reappointed. The
175 committee shall include:

176 (c) The executive director of Chief Information Officer in
177 the Agency for Enterprise Information Technology State Technology
178 Office.

179 (6) Any agency developing an innovative investment project
180 proposal that involves information technology resources may
181 consult with and seek technical assistance from the Agency for
182 Enterprise Information Technology State Technology Office. The
183 office shall consult with the Agency for Enterprise Information
184 Technology concerning State Technology Office for any project
185 proposal that involves information ~~resource~~ technology resources.
186 The Agency for Enterprise Information Technology shall evaluate
187 the project and advise State Technology Office ~~is responsible for~~
188 ~~evaluating these projects and for advising the committee and~~
189 review board of the technical feasibility and any transferable
190 benefits of the proposed technology. In addition to the
191 requirements of subsection (5), the agencies shall provide to the
192 Agency for Enterprise Information Technology State Technology
193 ~~Office~~ any information requested by the Agency for Enterprise
194 Information Technology State Technology Office to aid in
195 determining whether ~~that~~ the proposed technology is appropriate
196 for the project's success.

197 Section 4. Section 282.003, Florida Statutes, is amended to
198 read:

199 282.003 Short title.--This part may be cited as the
200 "Information Technology Resources Management Act ~~of 1997.~~"

201 Section 5. Section 282.0041, Florida Statutes, is amended
202 to read:

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203 282.0041 Definitions.--For the purposes of this part, the
204 term:

205 (1) "Agency" means those entities described in s.
206 216.011(1)(qq).

207 (2) "Agency Chief Information Officer" means the person
208 appointed by the agency head to coordinate and manage the
209 information technology functions and responsibilities applicable
210 to that agency and to participate and represent the ~~his or her~~
211 agency in developing strategies for implementing enterprise
212 information technology services identified in law and developing
213 recommendations for enterprise information technology policy.

214 (3) "Agency Chief Information Officers Council" means the
215 council created in s. 282.315.

216 (4) "Agency for Enterprise Information Technology" means
217 the agency created in s. 14.204.

218 (5) "Agency information technology service" means a service
219 that directly helps an ~~the~~ agency fulfill its statutory or
220 constitutional responsibilities and policy objectives and is
221 usually associated with the agency's primary or core business
222 functions.

223 (6) "Annual budget meeting" means a meeting of the board of
224 trustees of a primary data center to review data center usage to
225 determine the apportionment of board members for the following
226 fiscal year, review rates for each service provided, and
227 determine any other required changes.

228 (7) "Business continuity plan" means a plan for disaster
229 recovery which provides for the continued functioning of a
230 primary data center during and after a disaster.

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231 (8) "Computing facility" means agency space containing
232 fewer than 10 servers, any of which supports a strategic or
233 nonstrategic information technology service, as described in
234 budget instructions developed pursuant to s. 216.023, but
235 excluding single-server installations that exclusively perform a
236 utility function such as file and print servers.

237 (9) "Customer entity" means an entity that obtains services
238 from a primary data center.

239 (10) "Data center" means agency space containing 10 or more
240 servers any of which supports a strategic or nonstrategic
241 information technology service, as described in budget
242 instructions developed pursuant to 216.023.

243 ~~(6) "Customer relationship management" or "CRM" means the~~
244 ~~business processes, software, and Internet capabilities that can~~
245 ~~help state agencies manage customer relationships of the~~
246 ~~organization at the enterprise level.~~

247 (11)-(7) "Enterprise level" means all executive branch
248 agencies created or authorized in statute to perform
249 legislatively delegated functions.

250 (12)-(8) "Enterprise information technology service" means
251 an information technology service that is used in all agencies or
252 a subset of agencies and is established in law to be designed,
253 delivered, and managed at the enterprise level.

254 (13)-(9) "E-mail, messaging, and calendaring service" means
255 the enterprise information technology service that enables users
256 to send, receive, file, store, manage, and retrieve electronic
257 messages, attachments, appointments, and addresses.

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258 (14) "Information-system utility" means a full-service
259 information-processing facility offering hardware, software,
260 operations, integration, networking, and consulting services.

261 ~~(15)-(10)~~ "Information technology" means equipment,
262 hardware, software, firmware, programs, systems, networks,
263 infrastructure, media, and related material used to
264 automatically, electronically, and wirelessly collect, receive,
265 access, transmit, display, store, record, retrieve, analyze,
266 evaluate, process, classify, manipulate, manage, assimilate,
267 control, communicate, exchange, convert, converge, interface,
268 switch, or disseminate information of any kind or form.

269 ~~(16)-(11)~~ "Information technology policy" means statements
270 that describe clear choices for how information technology will
271 deliver effective and efficient government services to residents
272 and improve state agency operations. ~~Such~~ A policy may relate to
273 investments, business applications, architecture, or
274 infrastructure. A policy describes its rationale, implications of
275 compliance or noncompliance, the timeline for implementation,
276 metrics for determining compliance, and the accountable structure
277 responsible for its implementation.

278 (17) "Performance metrics" means the measures of an
279 organization's activities and performance.

280 (18) "Primary data center" means a state or nonstate agency
281 data center that is a recipient entity for consolidation of
282 nonprimary data centers and computing facilities. A primary data
283 center may be authorized in law or designated by the Agency for
284 Enterprise Information Technology pursuant to s. 282.201.

285 ~~(19)-(12)~~ "Project" means an endeavor that has a defined
286 start and end point; is undertaken to create or modify a unique

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287 product, service, or result; and has specific objectives that,
288 when attained, signify completion.

289 (20) "Service level" means the key performance indicators
290 (KPI) of an organization or service which must be regularly
291 performed, monitored, and achieved.

292 (21) "Service-level agreement" means a written contract
293 between a data center and a customer entity which specifies the
294 scope of services provided, service level, the duration of the
295 agreement, the responsible parties, and service costs. A service-
296 level agreement is not a rule pursuant to chapter 120.

297 (22)~~(13)~~ "Standards" means the use of current, open,
298 nonproprietary, or non-vendor-specific technologies.

299 (23)~~(14)~~ "Total cost" means all costs associated with
300 information technology projects or initiatives, including, but
301 not limited to, value of hardware, software, service,
302 maintenance, incremental personnel, and facilities. Total cost of
303 a loan or gift of information technology resources to an agency
304 includes the fair market value of the resources; however, except
305 ~~that~~ the total cost of loans or gifts of information technology
306 to state universities to be used in instruction or research does
307 not include fair market value.

308 (24) "Usage" means the billing amount charged by the
309 primary data center, less any pass-through charges, to the
310 customer entity.

311 (25) "Usage rate" means a customer entity's usage or
312 billing amount as a percentage of total usage.

313 Section 6. Section 282.0055, Florida Statutes, is amended
314 to read:

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315 282.0055 Assignment of information technology.--In order to
316 ensure the most effective and efficient use of the state's
317 information technology and information technology resources and
318 notwithstanding other provisions of law to the contrary, policies
319 for the design, planning, project management, and implementation
320 of ~~the~~ enterprise information technology services ~~defined in s.~~
321 ~~282.0041(8)~~ shall be the responsibility of the Agency for
322 Enterprise Information Technology for executive branch agencies
323 created or authorized in statute to perform legislatively
324 delegated functions. The supervision, design, delivery, and
325 management of agency information technology ~~defined in s.~~
326 ~~282.0041(5)~~ shall remain within the responsibility and control of
327 the individual state agency.

328 Section 7. Section 282.0056, Florida Statutes, are amended
329 to read:

330 282.0056 Development of work plan; development of
331 implementation plans; and policy recommendations.--

332 (1) For the purposes of carrying out its responsibilities
333 under ~~set forth in~~ s. 282.0055, the Agency for Enterprise
334 Information Technology shall develop an annual ~~a~~ work plan within
335 30 days after the beginning of the fiscal year describing the
336 activities that the agency intends to undertake for that year,
337 including ~~and the~~ proposed outcomes and completion timeframes.
338 The work plan must be approved by the Governor and Cabinet and
339 submitted to the President of the Senate and the Speaker of the
340 House of Representatives. The work plan may be amended as needed,
341 subject to approval by the Governor and Cabinet ~~to ensure that~~
342 ~~the enterprise information technology services will be provided~~
343 ~~in an efficient, effective, and accountable manner. For the 2007-~~

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344 ~~2008 fiscal year, the agency's work plan shall include the~~
345 ~~development of recommended enterprise information technology~~
346 ~~policies, as defined in s. 282.0041(11).~~

347 (2) By December 31, 2008, For the fiscal year beginning in
348 2008-2009, the agency shall develop, and submit to the President
349 of the Senate and the Speaker of the House of Representatives,
350 implementation plans for at least one up to three of the
351 following proposed enterprise information technology services to
352 be established in law:

353 ~~(a) Consolidation of the deployment, management, and~~
354 ~~operation of state-owned or state-operated computer rooms and~~
355 ~~data centers.~~

356 (a) (b) A shared or consolidated enterprise information
357 technology service delivery and support model for the e-mail,
358 messaging, and calendaring service defined in s. 282.0041(9).

359 (b) (e) Information security.

360 ~~(d) A shared customer relationship management system that~~
361 ~~consolidates agency requirements for receiving, managing,~~
362 ~~responding to, tracking, and reporting on telephone, e-mail,~~
363 ~~personnel, and other communications received from citizens.~~

364 (c) (e) Consideration of a planned replacement cycle for
365 computer equipment.

366 (3) In developing policy recommendations and implementation
367 plans for established and proposed enterprise information
368 technology services, the agency shall describe the scope of
369 operation, conduct costs and requirements analyses, conduct an
370 inventory of all existing information technology resources that
371 are associated with each service, and develop strategies and
372 timeframes for statewide migration. For purposes of consolidating

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373 state-owned or state-operated computer rooms and data centers,
374 the agency ~~for Enterprise Information Technology~~ shall develop a
375 migration plan ~~for prior to initiating~~ any consolidation effort.

376 (4) For the purpose of completing its work activities, each
377 state agency shall provide to the agency ~~for Enterprise~~
378 ~~Information Technology~~ all requested information, including, but
379 not limited to, the state agency's costs, service requirements,
380 and equipment inventories.

381 (5) Within 30 days after the end of each fiscal year, the
382 agency shall report to the Governor and Cabinet, the President of
383 the Senate, and the Speaker of the House of Representatives on
384 what was achieved or not achieved in the prior year's work plan.

385 Section 8. Section 282.201, Florida Statutes, is created to
386 read:

387 282.201 State data center system; agency duties and
388 limitations.--A state data center system that includes all
389 primary data centers, other nonprimary data centers, and
390 computing facilities, and that provides an enterprise information
391 technology service as defined in s. 282.0041, is established.

392 (1) INTENT.--The legislature finds that the most efficient
393 and effective means of providing quality utility data processing
394 services to state agencies requires that computing resources be
395 concentrated in quality facilities that provide the proper
396 security, infrastructure, and staff resources to ensure that the
397 state's data is maintained reliably, safely, and is recoverable
398 in the event of a disaster. Efficiencies resulting from such
399 consolidation include the increased ability to leverage
400 technological expertise, hardware and software capabilities;
401 increased savings through consolidated purchasing decisions; and

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402 the enhanced ability to deploy technology improvements and
403 implement new policies consistently throughout the consolidated
404 organization. Therefore it is the intent of the Legislature that
405 agency data centers and computing facilities be consolidated into
406 primary data centers to the maximum extent possible by 2019.

407 (2) AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY

408 DUTIES.--The Agency for Enterprise Information Technology shall:

409 (a) Maintain an inventory of facilities within the system
410 including:

411 1. The amount of floor space used and available.

412 2. The numbers and capacities of mainframes and servers.

413 3. Storage and network capacity.

414 4. Amount of power used and available capacity.

415 5. Any other information necessary to maintain a complete
416 inventory for data centers.

417 (b) Annually approve cost-recovery mechanisms and rate
418 structures for primary data centers which recover costs through
419 charges to customer entities.

420 (c) By December 31 of each year, submit to the Legislature
421 recommendations to improve the efficiency and effectiveness of
422 computing services provided by state data center system
423 facilities. Such recommendations may include, but need not be
424 limited to:

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

427 2. Infrastructure improvements supporting the consolidation
428 of facilities or preempting the need to create additional data
429 center facilities or computing facilities.

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430 3. Standards for an objective, credible energy performance
431 rating system that data center boards of trustees can use to
432 measure state data center energy consumption and efficiency on a
433 biannual basis.

434 4. Uniform disaster recovery standards.

435 5. Standards for providing transparent financial data to
436 user agencies.

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

439 7. Improvements to data center governance structures.

440 (d) By December 31 of each year, identify at least two
441 nonprimary data centers or computing facilities for consolidation
442 into a primary data center or nonprimary data center facility.

443 The consolidation proposal must provide a transition plan,
444 including transition costs, timeframes for the transition,
445 proposed budgetary savings, and substantive legislative changes
446 necessary to implement the transition.

447 1. Recommendations shall be based on the goal of maximizing
448 current and future cost savings. The agency shall consider the
449 following criteria in selecting consolidations that maximize
450 efficiencies by providing the ability to:

451 a. Consolidate purchase decisions;

452 b. Leverage expertise and other resources to gain economies
453 of scale;

454 c. Implement state information technology policies more
455 effectively; and

456 d. Maintain or improve the level of service provision to
457 customer entities.

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458 e. Make progress towards the state's goal of consolidating
459 data centers and computing facilities into primary data centers.

460 2. The agency shall establish workgroups as necessary to
461 ensure participation by affected agencies in the development of
462 recommendations related to consolidations.

463 3. By December 31, 2010, the agency shall develop and
464 submit to the Legislature an overall consolidation plan for state
465 data centers and computing facilities. The plan shall indicate a
466 timeframe for the consolidation of all remaining facilities into
467 primary data centers, including existing and proposed data
468 centers, by 2019.

469 4. This paragraph expires July 1, 2016.

470 (e) Develop and establish policies by rule relating to the
471 operation of the state data center system, including policies
472 that:

473 1. Ensure that financial information is captured and
474 reported consistently and accurately.

475 2. Require the establishment of service-level agreements
476 executed between a data center and its customer entities for
477 services provided.

478 3. Require full cost recovery on an equitable rational
479 basis. The cost-recovery methodology must ensure that no service
480 is subsidizing another service.

481 4. Require that any special assessment imposed to fund
482 expansion is based on a methodology that apportions the
483 assessment according to the proportional benefit to each customer
484 entity.

485 5. Require that rebates be given when revenues have
486 exceeded costs and that rebates be applied to offset charges to

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487 those customer entities that have subsidized the costs of other
488 customer entities.

489 6. Require that all service-level agreements have a
490 contract term of not more than 3 years and require at least a
491 180-day notice of termination.

492 7. Designate any nonstate data centers as primary data
493 centers if the center:

494 a. Has an established governance structure that represents
495 customer entities proportionally.

496 b. Maintains an appropriate cost-allocation methodology
497 that accurately bills a customer entity based on the actual
498 direct and indirect costs to the customer entity and prohibits
499 the subsidization of one customer entity's costs by another
500 entity.

501 c. Has sufficient raised floor space, cooling, redundant
502 power capacity, including uninterruptible power supply and backup
503 power generation, to accommodate the computer processing
504 platforms and support necessary to host the computing
505 requirements of additional customer entities.

506 (3) STATE AGENCY DUTIES.--

507 (a) For the purpose of completing its work activities as
508 described in subsection (1), each state agency shall provide to
509 the Agency for Enterprise Information Technology all requested
510 information specified in paragraph (b) and any other information
511 relevant to the agency's ability to effectively transition its
512 computer services into a primary data center. The agency shall
513 also participate as required in workgroups relating to specific
514 consolidation planning and implementation tasks as assigned by

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515 the Agency for Enterprise Information Technology and determined
516 necessary to accomplish consolidation goals.

517 (b) Each state agency shall submit to the Agency for
518 Enterprise Information Technology information relating to its
519 data centers and computing facilities pursuant to instructions
520 issued by July 1 of each year by the Agency for Enterprise
521 Information Technology. The information submitted must, at a
522 minimum, include:

523 1. By October 15 of each year for the current fiscal year:

524 a. The amount of floor space used and available.

525 b. The numbers and capacities of mainframes and servers.

526 c. Storage and network capacity.

527 d. Amount of power used and the available capacity.

528 e. Estimated expenditures by service area, including
529 hardware and software, numbers of full-time equivalent positions,
530 personnel turnover, and position reclassifications.

531 2. By July 15 of each year:

532 a. A list of contracts in effect for the fiscal year,
533 including, but not limited to, contracts for hardware, software
534 and maintenance, including the expiration date, the contract
535 parties, and the cost of the contract.

536 b. Service-level agreements by customer entity.

537 (c) The Chief Information Officer of each state agency
538 shall assist the Agency for Enterprise Information Technology as
539 required by the agency.

540 (4) AGENCY LIMITATIONS.--

541 (a) Unless authorized by the Legislature or as provided in
542 paragraph (b), a state agency may not:

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543 1. Create a new computing facility or data center, or
544 expand the capability to support additional computer equipment in
545 an existing computing facility or data center;

546 2. Transfer existing computer services to a nonprimary data
547 center or computing facility;

548 3. Terminate services with a primary data center or
549 transfer services between primary data centers without giving
550 written notice of intent to terminate or transfer services 180
551 days before such termination or transfer; or

552 4. Initiate a new computer service if it does not currently
553 have an internal data center.

554 (b) Exceptions to the limitations in paragraph (a) may be
555 granted by the agency head of the Agency for Enterprise
556 Information Technology if there is insufficient capacity in a
557 primary data center to absorb the workload associated with agency
558 computing services.

559 (5) RULES.--The Agency for Enterprise Information
560 Technology is authorized to adopt rules pursuant to ss.
561 120.536(1) and 120.54 to administer the provisions of this part
562 relating to the state data center system including the primary
563 data centers.

564 Section 9. Section 282.203, Florida Statutes, is created to
565 read:

566 282.203 Primary data centers.--

567 (1) DATA CENTER DUTIES.--Each primary data center shall:

568 (a) Serve customer entities as an information-system
569 utility.

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570 (b) Cooperate with customer entities to offer, develop, and
571 support the services and applications as defined and provided by
572 the center's board of trustees and customer entities.

573 (c) Comply with rules adopted by the Agency for Enterprise
574 Information Technology, pursuant to this section, and coordinate
575 with the agency in the consolidation of data centers.

576 (d) Provide transparent financial statements to customer
577 entities and the Agency for Enterprise Information Technology.

578 (e) Maintain the performance of the facility, which
579 includes ensuring proper data backup, data backup recovery, an
580 effective disaster recovery plan, and appropriate security,
581 power, cooling and fire suppression, and capacity.

582 (f) Develop a business continuity plan and conduct a live
583 exercise of the plan at least annually. The plan must be approved
584 by the board and the Agency for Enterprise Information
585 Technology.

586 (g) Enter into a service-level agreement with each customer
587 entity to provide services as defined and approved by the board
588 in compliance with rules of the Agency for Enterprise Information
589 Technology. A service-level agreement may not have a term
590 exceeding 3 years.

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

592 a. Identify the parties and their roles, duties, and
593 responsibilities under the agreement;

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

596 c. State the duration of the contractual term and specify
597 the conditions for contract renewal;

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- 598 d. Prohibit the transfer of computing services between
599 primary data center facilities without at least 180 days' notice
600 of service cancellation;
- 601 e. Identify the scope of work;
- 602 f. Identify the products or services to be delivered with
603 sufficient specificity to permit an external financial or
604 performance audit;
- 605 g. Establish the services to be provided, the business
606 standards that must be met for each service, the cost of each
607 service, and the process by which the business standards for each
608 service are to be objectively measured and reported;
- 609 h. Identify applicable funds and funding streams for the
610 services or products under contract;
- 611 i. Provide a billing methodology for recovering the cost of
612 services provided to the customer entity;
- 613 j. Provide a procedure for modifying the service-level
614 agreement to address changes in projected costs of service;
- 615 k. Provide that a service-level agreement may be terminated
616 by either party for cause only after giving the other party and
617 the Agency for Enterprise Information Technology notice in
618 writing of the cause for termination and an opportunity for the
619 other party to resolve the identified cause within a reasonable
620 period; and
- 621 1. Provide for mediation of disputes by the Division of
622 Administrative Hearings pursuant to s. 120.573.
- 623 2. A service-level agreement may include:
- 624 a. A dispute resolution mechanism, including alternatives
625 to administrative or judicial proceedings;

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626 b. The setting of a surety or performance bond for service-
627 level agreements entered into with nonstate agency data centers;
628 or

629 c. Additional terms and conditions as determined advisable
630 by the parties if such additional terms and conditions do not
631 conflict with the requirements of this section or rules adopted
632 by the Agency for Enterprise Information Technology.

633 3. The failure to execute a service-level agreement within
634 60 days after service commencement shall, in the case of an
635 existing customer entity, result in a continuation of the terms
636 of the service-level agreement from the prior fiscal year,
637 including any amendments that were formally proposed to the
638 customer entity by the primary data center within the 3 months
639 before service commencement. If a new customer entity fails to
640 execute an agreement within 60 days after service commencement,
641 the data center may cease services.

642 (h) Plan, design, establish pilot projects for, and conduct
643 experiments with information technology resources, and implement
644 enhancements in services if such implementation is cost-effective
645 and approved by the board.

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

648 (a) The members of the board shall be appointed by the
649 agency head or chief executive officer of the representative
650 customer entities of the primary data center and shall serve at
651 the pleasure of the appointing customer entity. The initial
652 appointments of members shall be made as soon as practicable, but
653 not later than July 1, 2008.

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654 1. For each of the first two fiscal years that a center is
655 in operation, membership shall be apportioned as provided in
656 subparagraph 3. based on projected customer entity usage rates
657 for the fiscal operating year of the primary data center.

658 a. In addition, during the Southwood Shared Resource
659 Center's first operating year, the Department of Transportation,
660 the Department of Highway Safety and Motor Vehicles, the
661 Department of Health, the Department of Revenue, and the
662 Department of State shall each have one trustee.

663 b. In addition, during the Northwood Shared Resource
664 Center's first operating year, the Department of State and
665 Department of Education shall each have one trustee.

666 2. After the second full year of operation, membership
667 shall be apportioned as provided in subparagraph 3. based on the
668 most recent estimate of customer entity usage rates for the prior
669 year and a projection of usage rates for the first 9 months of
670 the next fiscal year. Such calculation must be completed before
671 the annual budget meeting held before the beginning of the next
672 fiscal year so that any decision to add or remove board members
673 can be voted on at the budget meeting and become effective on
674 July 1 of the subsequent fiscal year.

675 3. Membership shall be apportioned using the following
676 criteria:

677 a. Customer entities of a primary data center whose usage
678 rate represents 4 to 14 percent of total usage shall have one
679 trustee.

680 b. Customer entities of a primary data center whose usage
681 rate represents 15 to 29 percent of total usage shall have two
682 trustees.

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683 c. Customer entities of a primary data center whose usage
684 rate represents 30 to 49 percent of total usage shall have three
685 trustees.

686 d. A customer entity of a primary data center whose usage
687 rate represents 50 percent or more of total usage shall have four
688 trustees.

689 e. A single trustee shall represent those customer entities
690 that represent less than 4 percent of the total usage. The
691 trustee shall be selected by a process determined by the board.

692 f. The executive director of the Agency for Enterprise
693 Information Technology shall serve as a voting member of the
694 board.

695 (b) Before July 1 of each year, each board of trustees of a
696 primary data center shall elect a chair and a vice chair to a
697 term of 1 year or until a successor is elected. The vice chair
698 shall serve in the absence of the chair. The vice chair may not
699 be from the same customer entity as the chair. The chair may be
700 elected to serve one additional successive term.

701 (c) Members of the board representing customer entities who
702 fail to timely pay for data center services do not have voting
703 rights.

704 (d) The board shall take action by majority vote. If there
705 is a tie, the chair shall be on the prevailing side.

706 (3) BOARD DUTIES.--Each board of trustees of a primary data
707 center shall:

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

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712 primary data center, managing primary data center employees, and
713 the performance of the primary data center.

714 (b) Establish procedures for the primary data center to
715 ensure that budgeting and accounting procedures, cost-recovery
716 methodologies, and operating procedures are in compliance with
717 laws governing the state data center system and rules adopted by
718 the Agency for Enterprise Information Technology.

719 (c) Monitor the operation of the primary data center to
720 ensure compliance by the executive director and employees with
721 laws and rules governing the primary data center, and ensure that
722 staff members are accountable for the performance of the primary
723 data center.

724 (d) Provide each customer entity with full disclosure
725 concerning plans for new, additional, or reduced service
726 requirements, including expected achievable service levels and
727 performance metrics.

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

730 1. Establishing policies that ensure that cost-recovery
731 methodologies, billings, receivables, expenditure, budgeting, and
732 accounting data are captured and reported consistently,
733 accurately, and transparently and, upon adoption of rules by the
734 Agency for Enterprise Information Technology, are in compliance
735 with such rules.

736 2. Requiring execution of service-level agreements by the
737 data center and each customer entity for services provided by the
738 data center to the customer entity.

739 3. Requiring cost recovery for the full cost of services,
740 including direct and indirect costs. The cost-recovery

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741 methodology must ensure that no service is subsidizing another
742 service without an affirmative vote of approval by the customer
743 entity providing the subsidy.

744 4. Establishing special assessments to fund expansions
745 based on a methodology that apportions the assessment according
746 to the proportional benefit to each customer entity.

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

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

753 7. Projecting costs and revenues at the beginning of the
754 third quarter of each fiscal year through the end of the fiscal
755 year. If in any given fiscal year the primary data center is
756 projected to earn revenues that are below costs for that fiscal
757 year, the board shall implement any combination of the following
758 remedies to cover the shortfall:

759 a. The board may direct the primary data center to adjust
760 current year chargeback rates through the end of the fiscal year
761 to cover the shortfall. The rate adjustments shall be implemented
762 using actual usage rate and billing data from the first three
763 quarters of the fiscal year and the same principles used to set
764 rates for the fiscal year.

765 b. The board may direct the primary data center to levy
766 one-time charges on all customers entities to cover the
767 shortfall. The one-time charges shall be implemented using actual
768 usage rate and billing data from the first three quarters of the

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769 fiscal year and the same principles used to set rates for the
770 fiscal year.

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

774 (f) Meet as often as necessary, but not less than once per
775 quarter, and hold the annual budget meeting between April 1 and
776 June 30 of each year.

777 (g) Approve the portfolio of services offered by the data
778 center.

779 (h) By July 1 of each year, submit to the Agency for
780 Enterprise Information Technology, proposed cost-recovery
781 mechanisms and rate structures for all customer entities for the
782 fiscal year including the cost-allocation methodology for
783 administrative expenditures and the calculation of administrative
784 expenditures as a percent of total costs.

785 (i) Consider energy-efficient products and their total cost
786 of ownership when replacing, upgrading, or expanding:

787 1. Data center facilities, including, but not limited to,
788 environmental, power, and control systems; and

789 2. Data center network, storage, and computer equipment. If
790 the total cost of ownership, including initial acquisition cost,
791 is estimated to be equal to or lower than existing
792 infrastructure, technical specifications for energy-efficient
793 products should be incorporated into the replacement, upgrade, or
794 expansion planning and acquisition process.

795 Section 10. Section 282.204, Florida Statutes, is created
796 to read:

797 282.204 Northwood Shared Resource Center.--

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798 (1) The Northwood Shared Resource Center is established
799 within the Department of Children and Family Services for
800 administrative purposes only. The center is designated as a
801 primary data center and shall be a separate budget entity that is
802 not subject to control, supervision, or direction of the
803 department in any manner, including, but not limited to,
804 purchasing, transactions involving real or personal property,
805 personnel, or budgetary matters.

806 (2) The center shall be headed by a board of trustees as
807 provided in s. 282.203, who shall comply with all requirements of
808 that section related to the operation of the center and with the
809 policies of the Agency for Enterprise Information Technology
810 related to the design and delivery of enterprise information
811 technology services.

812 Section 11. Section 282.205, Florida Statutes, is created
813 to read:

814 282.205 Southwood Shared Resource Center.--

815 (1) The Southwood Shared Resource Center is established
816 within the Department of Management Services for administrative
817 purposes only. The center is designated as a primary data center
818 and shall be a separate budget entity that is not subject to
819 control, supervision, or direction of the department in any
820 manner, including, but not limited to, purchasing, transactions
821 involving real or personal property, personnel, or budgetary
822 matters.

823 (2) The center shall be headed by a board of trustees as
824 provided in s. 282.203, who shall comply with all requirements of
825 that section related to the operation of the center and with the
826 policies of the Agency for Enterprise Information Technology

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827 related to the design and delivery of enterprise information
828 technology services.

829 Section 12. Paragraph (c) of subsection (1) of section
830 282.315, Florida Statutes, is amended to read:

831 282.315 Agency Chief Information Officers Council;
832 creation.--The Legislature finds that enhancing communication,
833 consensus building, coordination, and facilitation with respect
834 to issues concerning enterprise information technology resources
835 are essential to improving the management of such resources.

836 (1) There is created an Agency Chief Information Officers
837 Council to:

838 (c) Identify efficiency opportunities among state agencies
839 and make recommendations for action to the Agency for Enterprise
840 Information Technology. This includes recommendations relating to
841 the consolidation of agency data center and computing facilities,
842 including operational policies, procedures and standards for the
843 consolidated facilities, and procedures and standards for
844 planning the migration to consolidated facilities.

845 Section 13. Subsection (2) of section 282.322, Florida
846 Statutes, is amended to read:

847 282.322 Special monitoring process for designated
848 information resources management projects.--

849 (2) The executive director of the Agency for Enterprise
850 Information Technology shall report on any information technology
851 project that the Legislature identifies as high-risk to the
852 ~~Executive Office of the Governor and Cabinet~~, the President of
853 the Senate, the Speaker of the House of Representatives, and the
854 chairs of the appropriations committees. Within the limits of
855 current appropriations, the executive director ~~Agency for~~

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856 ~~Enterprise Information Technology~~ shall also monitor and ~~report~~
857 ~~on~~ such high-risk information technology projects, and assess the
858 levels of risks associated with proceeding to the next stage of
859 the project, and report such assessment to the Governor and
860 Cabinet, the President of the Senate, the Speaker of the House of
861 Representatives, and the chairs of the appropriations committees.

862 Section 14. Subsection (23) of section 287.057, Florida
863 Statutes, is amended to read:

864 287.057 Procurement of commodities or contractual
865 services.--

866 (23) ~~(a)~~ The department, in consultation with the Agency for
867 Enterprise Information Technology State Technology Office and the
868 Comptroller, shall develop a program for online procurement of
869 commodities and contractual services. To enable the state to
870 promote open competition and to leverage its buying power,
871 agencies shall participate in the online procurement program, and
872 eligible users may participate in the program. Only vendors
873 prequalified as meeting mandatory requirements and qualifications
874 criteria may ~~shall be permitted to~~ participate in online
875 procurement.

876 (a) The department, in consultation with the agency State
877 Technology Office, may contract for equipment and services
878 necessary to develop and implement online procurement.

879 (b) The department, in consultation with the agency State
880 Technology Office, shall adopt rules, pursuant to ss. 120.536(1)
881 and 120.54, to administer the program for online procurement. The
882 rules shall include, but not be limited to:

883 1. Determining the requirements and qualification criteria
884 for prequalifying vendors.

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885 2. Establishing the procedures for conducting online
886 procurement.

887 3. Establishing the criteria for eligible commodities and
888 contractual services.

889 4. Establishing the procedures for providing access to
890 online procurement.

891 5. Determining the criteria warranting any exceptions to
892 participation in the online procurement program.

893 (c)~~1~~. The department may impose and shall collect all fees
894 for the use of the online procurement systems.

895 1. The fees may be imposed on an individual transaction
896 basis or as a fixed percentage of the cost savings generated. At
897 a minimum, the fees must be set in an amount sufficient to cover
898 the projected costs of the services, including administrative and
899 project service costs in accordance with the policies of the
900 department. ~~All fees and surcharges collected under this~~
901 ~~paragraph shall be deposited in the Operating Trust Fund as~~
902 ~~provided by law.~~

903 2. If the department contracts with a provider for online
904 procurement, the department, pursuant to appropriation, shall
905 compensate the provider from the fees after the department has
906 satisfied all ongoing costs. The provider shall report
907 transaction data to the department each month so that the
908 department may determine the amount due and payable to the
909 department from each vendor.

910 3. All fees that are due and payable to the state on a
911 transactional basis or as a fixed percentage of the cost savings
912 generated are subject to s. 215.31 and must be remitted within 40
913 days after receipt of payment for which the fees are due. For ~~any~~

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

918 4. All fees and surcharges collected under this paragraph
919 shall be deposited in the Operating Trust Fund as provided by
920 law.

921 Section 15. Subsection (4) of section 445.011, Florida
922 Statutes, is amended to read:

923 445.011 Workforce information systems.--

924 (4) Workforce Florida, Inc., shall coordinate development
925 and implementation of workforce information systems with the
926 executive director of the Agency for Enterprise Information
927 Technology ~~state's Chief Information Officer in the State~~
928 ~~Technology Office~~ to ensure compatibility with the state's
929 information system strategy and enterprise architecture.

930 Section 16. Subsection (2) and paragraphs (a) and (b) of
931 subsection (4) of section 445.045, Florida Statutes, are amended
932 to read:

933 445.045 Development of an Internet-based system for
934 information technology industry promotion and workforce
935 recruitment.--

936 (2) Workforce Florida, Inc., shall coordinate with the
937 Agency for Enterprise Information Technology ~~State Technology~~
938 ~~Office~~ and the Agency for Workforce Innovation to ensure links,
939 where feasible and appropriate, to existing job information
940 websites maintained by the state and state agencies and to ensure
941 that information technology positions offered by the state and
942 state agencies are posted on the information technology website.

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943 (4) (a) Workforce Florida, Inc., shall coordinate
944 development and maintenance of the website under this section
945 with the executive director of the Agency for Enterprise
946 Information Technology ~~state's Chief Information Officer in the~~
947 ~~State Technology Office~~ to ensure compatibility with the state's
948 information system strategy and enterprise architecture.

949 (b) Workforce Florida, Inc., may enter into an agreement
950 with the Agency for Enterprise Information Technology ~~State~~
951 ~~Technology Office~~, the Agency for Workforce Innovation, or any
952 other public agency with the requisite information technology
953 expertise for the provision of design, operating, or other
954 technological services necessary to develop and maintain the
955 website.

956 Section 17. Paragraph (b) of subsection (18) of section
957 668.50, Florida Statutes, is amended to read:

958 668.50 Uniform Electronic Transaction Act.--

959 (18) ACCEPTANCE AND DISTRIBUTION OF ELECTRONIC RECORDS BY
960 GOVERNMENTAL AGENCIES.--

961 (b) To the extent that a governmental agency uses
962 electronic records and electronic signatures under paragraph (a),
963 the Agency for Enterprise Information Technology ~~state technology~~
964 ~~office~~, in consultation with the governmental agency, giving due
965 consideration to security, may specify:

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

969 2. If electronic records must be signed by electronic
970 means, the type of electronic signature required, the manner and
971 format in which the electronic signature must be affixed to the

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972 | electronic record, and the identity of, or criteria that must be
973 | met by, any third party used by a person filing a document to
974 | facilitate the process.

975 | 3. Control processes and procedures as appropriate to
976 | ensure adequate preservation, disposition, integrity, security,
977 | confidentiality, and auditability of electronic records.

978 | 4. Any other required attributes for electronic records
979 | which are specified for corresponding nonelectronic records or
980 | reasonably necessary under the circumstances.

981 | Section 18. All data center functions performed, managed,
982 | operated, or supported by state agencies with resources and
983 | equipment currently located in a primary data center created by
984 | this act, excluding application development, shall be transferred
985 | to the primary data center and that agency shall become a full-
986 | service customer entity by July 1, 2009. All resources and
987 | equipment located in the primary data center shall be operated,
988 | managed, and controlled by the primary data center. Data center
989 | functions include, but are not limited to, all data center
990 | hardware, software, staff, contracted services, and facility
991 | resources performing data center management and operations,
992 | security, production control, backup and recovery, disaster
993 | recovery, system administration, database administration, system
994 | programming, job control, production control, print, storage,
995 | technical support, help desk, and managed services.

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

998 | (a) By October 1, 2008, submit a plan to the board of
999 | trustees of the appropriate primary data center describing costs
1000 | and resources currently used to manage and maintain hardware and

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1001 operating and support software housed at the primary data center,
1002 and a plan for transferring all resources allocated to data
1003 center functions to the primary data center. The plan shall:

1004 1. Include the itemized expenditures for all of the related
1005 equipment and software in the previous 5 fiscal years.

1006 2. Propose averages or weighted averages for transferring
1007 spending authority related to equipment and software based upon
1008 spending in the previous 5 fiscal years and projected needs for
1009 the upcoming 2 fiscal years.

1010 (b) Submit with its 2009-2010 legislative budget request
1011 budget adjustments necessary to accomplish the transfers. These
1012 adjustments shall include budget requests to replace existing
1013 spending authority in the appropriations categories used to
1014 manage, maintain, and upgrade hardware, operating software, and
1015 support software with an amount in a single appropriation
1016 category to pay for the services of the primary data center.

1017 (2) The board of trustees of each primary data center
1018 shall:

1019 (a) Be responsible for the efficient transfer of resources
1020 in user agencies relating to the provision of full services and
1021 shall coordinate the legislative budget requests of the affected
1022 agencies.

1023 (b) Include in its 2009-2010 legislative budget request
1024 additional budget authority to accommodate the transferred
1025 functions.

1026 (c) Develop proposed cost-recovery plans for its customer
1027 entities at its annual budget meeting held before July 1, 2009,
1028 using the principles established in s. 282.203, Florida Statutes.

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1029 Section 19. Information technology functions of the Parole
1030 Commission, including, but not limited to, systems development
1031 and maintenance, database administration, computer operations,
1032 data center environment, systems engineering, and the network
1033 administration activities of the management information systems
1034 shall be transferred to the Department of Law Enforcement's data
1035 center by December 31, 2008.

1036 (1) The commission and the department shall develop and
1037 implement a written plan that provides for the full transfer of
1038 administrative functions associated with the commission's
1039 information technology operations, defines the functions to be
1040 performed by each party, and delineates responsibility for each
1041 function. The plan must be completed by September 30, 2008.

1042 (2) The commission and the department shall develop a
1043 service-level agreement that defines key performance indicators
1044 for the computing services that must be regularly performed by
1045 the department and monitored to meet the computing service needs
1046 of the commission.

1047 Section 20. (1) The computing requirements currently
1048 provided by the mainframe resources of the Department of
1049 Transportation and the Department of Highway Safety and Motor
1050 Vehicles, each hereafter referred to as a mainframe agency, at
1051 the Suwannee and Kirkman Data Centers, respectively, and the
1052 Southwood Shared Resource Center, shall, by July 1, 2009, be
1053 consolidated within the Southwood Shared Resource Center.

1054 (a) Mainframe consolidation may be achieved through any
1055 combination of strategies that leverage the primary data center's
1056 economies of scale and negotiating strengths as the single
1057 provider of mainframe services to achieve savings for the state.

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1058 (b) The Agency for Enterprise Information Technology in
1059 coordination with the Southwood Shared Resource Center shall
1060 negotiate with vendors providing mainframe hardware, operating
1061 and support software, mainframe peripherals, and related
1062 services.

1063 (2) For the purposes of this section, the term:

1064 (a) "Application software" means software that directly
1065 collects and processes data, directly automates government
1066 business processes, or directly renders government data into
1067 information.

1068 (b) "Mainframe peripherals" means devices that store data
1069 processed by a mainframe, devices exclusively used to facilitate
1070 communication with mainframes, printers that print mainframe
1071 jobs, and any device directly connected to a mainframe.

1072 (c) "Operating software" means software used to manage and
1073 facilitate the use of hardware and other software.

1074 (d) "Support software" means software that is not operating
1075 software or application software.

1076 (3) By September 1, 2008, the Southwood Shared Resource
1077 Center and each mainframe agency shall establish a service-level
1078 agreement for the mainframe transition period. The service-level
1079 agreement shall, at a minimum, include:

1080 (a) An estimate of the type and quantity of services that
1081 the mainframe agency expects to use for the applicable period,
1082 including commitments and any related impending changes.

1083 (b) A process both parties shall use for notifying each
1084 other of any change to the scope, quantity, or conditions of the
1085 services provided.

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1086 (c) Quality of service commitments from the Southwood
1087 Shared Resource Center to the mainframe agency.

1088 (4) On September 1, 2008, each mainframe agency, in
1089 conjunction with the Southwood Shared Resource Center, shall
1090 implement the following regarding the mainframes used by the
1091 agency:

1092 (a) Identification of staff, including vendors, responsible
1093 for managing, operating, and supporting each mainframe and
1094 mainframe peripherals who shall report to and be supervised by
1095 managers of the Southwood Shared Resource Center.

1096 (b) Identification of mainframe hardware, mainframe
1097 operating and support software, and mainframe peripherals owned
1098 by the mainframe agency shall become the property of the
1099 Southwood Shared Resource Center.

1100 (c) Decisions regarding usage, replacement, extensions, and
1101 upgrades shall be made by the Southwood Shared Resource Center.

1102 (5) By October 1, 2008, each mainframe agency shall provide
1103 the Southwood Shared Resource Center with the following:

1104 (a) Comprehensive itemized inventories of mainframe
1105 hardware, support software, and peripherals.

1106 (b) A comprehensive itemized list and description of all
1107 contracts, including a copy of each contract, for mainframe
1108 hardware, operating and support software, peripherals, and
1109 services.

1110 (6) By December 31, 2008, after relevant vendor
1111 negotiations have been completed, the Southwood Shared Resource
1112 Center shall submit a plan for implementing mainframe
1113 consolidation to the center's board of trustees, the Agency for
1114 Enterprise Information Technology, the Governor and Cabinet, the

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1115 President of the Senate, and the Speaker of the House of
1116 Representatives. The plan must include:

1117 (a) A description of the work effort, time, agency budget
1118 adjustments for the 2009-2010 fiscal year, and expenditures
1119 necessary to complete the consolidation.

1120 (b) An estimate of the long-term savings resulting from
1121 consolidation.

1122 (c) Any short-term costs or savings from consolidation.

1123 (7) By April 30, 2009, the following shall occur:

1124 (a) Each mainframe agency shall transfer ownership or
1125 leases for all mainframe hardware, mainframe operating and
1126 support software, and mainframe peripherals held by the mainframe
1127 agencies to the Southwood Shared Resource Center.

1128 (b) The Southwood Shared Resource Center shall implement a
1129 cost-allocation plan for the purpose of establishing prices and
1130 total estimated costs for the remainder of the current fiscal
1131 year and the first full year the mainframe services will be
1132 provided to the mainframe agency.

1133 (c) The Southwood Shared Resource Center and the mainframe
1134 agencies shall establish service-level agreements.

1135 (8) In order to establish the appropriate budget authority
1136 to implement the consolidation of mainframe services within the
1137 Southwood Shared Resource Center:

1138 (a) As part of their 2009-2010 legislative budget request,
1139 each mainframe agency shall decrease full-time equivalent
1140 positions and transfer spending authority in the existing
1141 appropriation categories which would have been used to maintain
1142 and operate mainframe services to the appropriation category

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1143 necessary to pay for mainframe services at the Southwood Shared
1144 Resource Center.

1145 (b) As part of its 2009-2010 legislative budget request,
1146 the Southwood Shared Resource Center shall request full-time
1147 equivalent positions, not to exceed the number of positions
1148 deleted in the mainframe agencies, and spending authority
1149 necessary to deliver mainframe services to each mainframe agency.

1150 Section 21. Section 282.20, Florida Statutes, is repealed.

1151 Section 22. This act shall take effect upon becoming a law.