

20081892e1

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 a public hearing on the plan; requiring
22 the agency to annually report its achievements to the
23 Governor and Cabinet and the Legislature; creating s.
24 282.201, F.S.; establishing a state data center system;
25 providing legislative intent; providing the duties of the
26 Agency for Enterprise Information Technology with respect
27 to the system; providing responsibilities; providing state
28 agency duties and limitations; authorizing the Agency for
29 Enterprise Information Technology to adopt rules; creating

20081892e1

30 s. 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.; providing for a
35 workgroup to transition the Department of Children and
36 Family Services into a primary data center; establishing
37 the Northwood Shared Resource Center as a separate budget
38 entity housed in the department for administrative
39 purposes only by a certain date; providing for the center
40 to be headed by a board of trustees; creating s. 282.205,
41 F.S.; establishing the Southwood Shared Resource Center as
42 a separate budget entity housed for administrative
43 purposes only in the Department of Management Services;
44 requiring the department and the center to identify
45 information technology resources not related to the
46 operation of the center; providing for the center to be
47 headed by a board of trustees; amending s. 282.315, F.S.;
48 revising the duties of the Agency Chief Information
49 Officers Council with respect to the consolidation of
50 computer services; amending s. 287.057, F.S.; requiring
51 the Department of Management Services to consult with the
52 Agency for Enterprise Information Technology with respect
53 to procuring information technology commodities and
54 contractual services; amending ss. 445.011, 445.045, and
55 668.50, F.S., relating to workforce information systems
56 and the Uniform Electronic Transaction Act; clarifying the
57 duties of the Agency for Enterprise Information Technology
58 and the Department of Management Services; providing for

20081892e1

59 the transfer of state agency data center resources to a
60 primary data center; requiring the board of trustees of
61 the primary data center to submit a plan relating to costs
62 and resources; requiring user agencies to submit budget
63 requests to accomplish the transfers; specifying the
64 duties of the board of trustees of the data center;
65 providing for the transfer of mainframe resources of the
66 Department of Transportation and the Department of Highway
67 Safety and Motor Vehicles to the Southwood Shared Resource
68 Center; providing a timeframe for the transfer; requiring
69 a service-level agreement for the transition and a plan;
70 providing for the supervision of staff and ownership of
71 resources; requiring budget amendments to redistribute
72 resources between the state entities; repealing s. 282.20,
73 F.S., relating to the Technology Resource Center;
74 repealing s. 282.322(2), F.S., relating to a report
75 concerning the special monitoring process for designated
76 information resources management projects; providing an
77 effective date.

78
79 Be It Enacted by the Legislature of the State of Florida:

80
81 Section 1. Section 14.204, Florida Statutes, is amended to
82 read:

83 14.204 Agency for Enterprise Information Technology.--The
84 Agency for Enterprise Information Technology is created within
85 the Executive Office of the Governor.

86 (1) The head of the agency shall be the Governor and
87 Cabinet, ~~which shall take action by majority vote consisting of~~

20081892e1

88 ~~at least three affirmative votes with the Governor on the~~
89 ~~prevailing side.~~

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

95 (3)~~(1)~~ The agency shall have an executive director who
96 must: of the agency shall

97 (a) Have a degree from an accredited postsecondary
98 institution;

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

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

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

111 (4)~~(2)~~ The agency shall have the following duties and
112 responsibilities:

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

116 (b) Monitor the delivery and management of the enterprise

20081892e1

117 information technology services as established in law.

118 (c) Make recommendations to the agency head and the
119 Legislature concerning other information technology services that
120 should be designed, delivered, and managed as at the enterprise
121 information technology services level as defined in s. 282.0041
122 282.0041(8).

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

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

128 2. Establishing and coordinating project-management teams;

129 3. Establishing formal risk-assessment and mitigation
130 processes; and

131 4. Providing for independent monitoring of projects for
132 recommended corrective actions.

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

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

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

144 (h) Coordinate procurement negotiations for hardware and
145 software acquisition necessary to consolidate data center or

20081892e1

146 computer facilities infrastructure.

147 (i) In consultation with the Division of Purchasing in the
148 Department of Management Services, coordinate procurement
149 negotiations for software that will be used by multiple agencies.

150 (j) In coordination with, and through the services of, the
151 Division of Purchasing in the Department of Management Services,
152 develop best practices for technology procurements.

153 (5)~~(3)~~ The agency shall operate in such a manner that
154 ensures the ~~as to ensure~~ participation and representation of
155 state agencies and the Agency Chief Information Officers Council
156 established in s. 282.315.

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

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

161 215.322 Acceptance of credit cards, charge cards, or debit
162 cards by state agencies, units of local government, and the
163 judicial branch.--

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

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

20081892e1

175 216.235 Innovation Investment Program.--

176 (4) There is hereby created the State Innovation Committee,
177 which shall have final approval authority as to which innovative
178 investment projects submitted under this section shall be funded.
179 Such committee shall be comprised of seven members. Appointed
180 members shall serve terms of 1 year and may be reappointed. The
181 committee shall include:

182 (c) The executive director of ~~Chief Information Officer in~~
183 the Agency for Enterprise Information Technology State Technology
184 Office.

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

203 Section 4. Section 282.003, Florida Statutes, is amended to

20081892e1

204 read:

205 282.003 Short title.--This part may be cited as the
206 "Information Technology Resources Management Act ~~of 1997~~."

207 Section 5. Section 282.0041, Florida Statutes, is amended
208 to read:

209 282.0041 Definitions.--For the purposes of this part, the
210 term:

211 (1) "Agency" means those entities described in s.
212 216.011(1)(qq).

213 (2) "Agency Chief Information Officer" means the person
214 appointed by the agency head to coordinate and manage the
215 information technology functions and responsibilities applicable
216 to that agency and to participate and represent the ~~his or her~~
217 agency in developing strategies for implementing enterprise
218 information technology services identified in law and developing
219 recommendations for enterprise information technology policy.

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

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

224 (5) "Agency information technology service" means a service
225 that directly helps an ~~the~~ agency fulfill its statutory or
226 constitutional responsibilities and policy objectives and is
227 usually associated with the agency's primary or core business
228 functions.

229 (6) "Annual budget meeting" means a meeting of the board of
230 trustees of a primary data center to review data center usage to
231 determine the apportionment of board members for the following
232 fiscal year, review rates for each service provided, and

20081892e1

233 determine any other required changes.

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

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

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

245 (10) "Data center" means agency space containing 10 or more
246 servers any of which supports a strategic or nonstrategic
247 information technology service, as described in budget
248 instructions developed pursuant to s. 216.023.

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

253 ~~(11)-(7)~~ "Enterprise level" means all executive branch
254 agencies created or authorized in statute to perform
255 legislatively delegated functions.

256 ~~(12)-(8)~~ "Enterprise information technology service" means
257 an information technology service that is used in all agencies or
258 a subset of agencies and is established in law to be designed,
259 delivered, and managed at the enterprise level.

260 ~~(13)-(9)~~ "E-mail, messaging, and calendaring service" means
261 the enterprise information technology service that enables users

20081892e1

262 to send, receive, file, store, manage, and retrieve electronic
263 messages, attachments, appointments, and addresses.

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

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

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

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

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

20081892e1

291 (19)~~(12)~~ "Project" means an endeavor that has a defined
292 start and end point; is undertaken to create or modify a unique
293 product, service, or result; and has specific objectives that,
294 when attained, signify completion.

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

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

303 (22)~~(13)~~ "Standards" means the use of current, open,
304 nonproprietary, or non-vendor-specific technologies.

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

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

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

319 Section 6. Section 282.0055, Florida Statutes, is amended

20081892e1

320 to read:

321 282.0055 Assignment of information technology.--In order to
322 ensure the most effective and efficient use of the state's
323 information technology and information technology resources and
324 notwithstanding other provisions of law to the contrary, policies
325 for the design, planning, project management, and implementation
326 of ~~the~~ enterprise information technology services ~~defined in s.~~
327 ~~282.0041(8)~~ shall be the responsibility of the Agency for
328 Enterprise Information Technology for executive branch agencies
329 created or authorized in statute to perform legislatively
330 delegated functions. The supervision, design, delivery, and
331 management of agency information technology ~~defined in s.~~
332 ~~282.0041(5)~~ shall remain within the responsibility and control of
333 the individual state agency.

334 Section 7. Section 282.0056, Florida Statutes, are amended
335 to read:

336 282.0056 Development of work plan; development of
337 implementation plans; and policy recommendations.--

338 (1) For the purposes of carrying out its responsibilities
339 under ~~set forth in~~ s. 282.0055, the Agency for Enterprise
340 Information Technology shall develop an annual ~~a~~ work plan within
341 60 days after the beginning of the fiscal year describing the
342 activities that the agency intends to undertake for that year,
343 including ~~and the~~ proposed outcomes and completion timeframes.
344 The work plan must be presented at a public hearing that includes
345 the Agency Chief Information Officers Council, which may review
346 and comment on the plan. The work plan must thereafter be
347 approved by the Governor and Cabinet and submitted to the
348 President of the Senate and the Speaker of the House of

20081892e1

349 Representatives. The work plan may be amended as needed, subject
350 to approval by the Governor and Cabinet ~~to ensure that the~~
351 ~~enterprise information technology services will be provided in an~~
352 ~~efficient, effective, and accountable manner. For the 2007-2008~~
353 ~~fiscal year, the agency's work plan shall include the development~~
354 ~~of recommended enterprise information technology policies, as~~
355 ~~defined in s. 282.0041(11).~~

356 (2) By December 31, 2009, ~~For the fiscal year beginning in~~
357 ~~2008-2009,~~ the agency shall develop, and submit to the President
358 of the Senate and the Speaker of the House of Representatives,
359 implementation plans for at least one ~~up to three~~ of the
360 following proposed enterprise information technology services to
361 be established in law:

362 ~~(a) Consolidation of the deployment, management, and~~
363 ~~operation of state-owned or state-operated computer rooms and~~
364 ~~data centers.~~

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

368 ~~(b)(e)~~ Information security.

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

373 ~~(c)(e)~~ Consideration of a planned replacement cycle for
374 computer equipment.

375 (3) In developing policy recommendations and implementation
376 plans for established and proposed enterprise information
377 technology services, the agency shall describe the scope of

20081892e1

378 operation, conduct costs and requirements analyses, conduct an
379 inventory of all existing information technology resources that
380 are associated with each service, and develop strategies and
381 timeframes for statewide migration. For purposes of consolidating
382 state-owned or state-operated computer rooms and data centers,
383 the agency ~~for Enterprise Information Technology~~ shall develop a
384 migration plan for ~~prior to initiating~~ any consolidation effort.

385 (4) For the purpose of completing its work activities, each
386 state agency shall provide to the agency ~~for Enterprise~~
387 ~~Information Technology~~ all requested information, including, but
388 not limited to, the state agency's costs, service requirements,
389 and equipment inventories.

390 (5) Within 60 days after the end of each fiscal year, the
391 agency shall report to the Governor and Cabinet, the President of
392 the Senate, and the Speaker of the House of Representatives on
393 what was achieved or not achieved in the prior year's work plan.

394 Section 8. Section 282.201, Florida Statutes, is created to
395 read:

396 282.201 State data center system; agency duties and
397 limitations.--A state data center system that includes all
398 primary data centers, other nonprimary data centers, and
399 computing facilities, and that provides an enterprise information
400 technology service as defined in s. 282.0041, is established.

401 (1) INTENT.--The legislature finds that the most efficient
402 and effective means of providing quality utility data processing
403 services to state agencies requires that computing resources be
404 concentrated in quality facilities that provide the proper
405 security, infrastructure, and staff resources to ensure that the
406 state's data is maintained reliably, safely, and is recoverable

20081892e1

407 in the event of a disaster. Efficiencies resulting from such
408 consolidation include the increased ability to leverage
409 technological expertise, hardware and software capabilities;
410 increased savings through consolidated purchasing decisions; and
411 the enhanced ability to deploy technology improvements and
412 implement new policies consistently throughout the consolidated
413 organization. Therefore it is the intent of the Legislature that
414 agency data centers and computing facilities be consolidated into
415 primary data centers to the maximum extent possible by 2019.

416 (2) AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY
417 DUTIES.--The Agency for Enterprise Information Technology shall:

418 (a) Collect and maintain information necessary for
419 developing policies relating to the data center system,
420 including, but not limited to, an inventory of facilities.

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

424 (c) By December 31 of each year beginning in 2009, submit
425 to the Legislature recommendations to improve the efficiency and
426 effectiveness of computing services provided by state data center
427 system facilities. Such recommendations may include, but need not
428 be limited to:

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

431 2. Infrastructure improvements supporting the consolidation
432 of facilities or preempting the need to create additional data
433 center facilities or computing facilities.

434 3. Standards for an objective, credible energy performance
435 rating system that data center boards of trustees can use to

20081892e1

436 measure state data center energy consumption and efficiency on a
437 biannual basis.

438 4. Uniform disaster recovery standards.

439 5. Standards for providing transparent financial data to
440 user agencies.

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

443 7. Improvements to data center governance structures.

444 (d) By December 31 of each year beginning in 2009, identify
445 at least two nonprimary data centers or computing facilities for
446 consolidation into a primary data center or nonprimary data
447 center facility. The consolidation proposal must provide a
448 transition plan, including estimated transition costs, timeframes
449 for the transition, proposed budgetary savings, and substantive
450 legislative changes necessary to implement the transition.

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

455 a. Consolidate purchase decisions;

456 b. Leverage expertise and other resources to gain economies
457 of scale;

458 c. Implement state information technology policies more
459 effectively;

460 d. Maintain or improve the level of service provision to
461 customer entities; and

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

464 2. The agency shall establish workgroups as necessary to

20081892e1

465 ensure participation by affected agencies in the development of
466 recommendations related to consolidations.

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

473 4. This paragraph expires July 1, 2017.

474 (e) Develop and establish policies by rule relating to the
475 operation of the state data center system which must comply with
476 applicable federal regulations, including 2 C.F.R. part 225 and
477 45 C.F.R. The policies may address:

478 1. Ensuring that financial information is captured and
479 reported consistently and accurately.

480 2. Requiring the establishment of service-level agreements
481 executed between a data center and its customer entities for
482 services provided.

483 3. Requiring annual full cost recovery on an equitable
484 rational basis. The cost-recovery methodology must ensure that no
485 service is subsidizing another service and may include adjusting
486 the subsequent year's rates as a means to recover deficits or
487 refund surpluses from a prior year.

488 4. Requiring that any special assessment imposed to fund
489 expansion is based on a methodology that apportions the
490 assessment according to the proportional benefit to each customer
491 entity.

492 5. Requiring that rebates be given when revenues have
493 exceeded costs, that rebates be applied to offset charges to

20081892e1

494 those customer entities that have subsidized the costs of other
495 customer entities, and that such rebates may be in the form of
496 credits against future billings.

497 6. Requiring that all service-level agreements have a
498 contract term of up to 3 years, but may include an option to
499 renew for up to 3 additional years contingent on approval by the
500 board, and require at least a 180-day notice of termination.

501 7. Designating any nonstate data centers as primary data
502 centers if the center:

503 a. Has an established governance structure that represents
504 customer entities proportionally.

505 b. Maintains an appropriate cost-allocation methodology
506 that accurately bills a customer entity based on the actual
507 direct and indirect costs to the customer entity and prohibits
508 the subsidization of one customer entity's costs by another
509 entity.

510 c. Has sufficient raised floor space, cooling, redundant
511 power capacity, including uninterruptible power supply and backup
512 power generation, to accommodate the computer processing
513 platforms and support necessary to host the computing
514 requirements of additional customer entities.

515 (3) STATE AGENCY DUTIES.--

516 (a) For the purpose of completing its work activities as
517 described in subsection (1), each state agency shall provide to
518 the Agency for Enterprise Information Technology all requested
519 information and any other information relevant to the agency's
520 ability to effectively transition its computer services into a
521 primary data center. The agency shall also participate as
522 required in workgroups relating to specific consolidation

20081892e1

523 planning and implementation tasks as assigned by the Agency for
524 Enterprise Information Technology and determined necessary to
525 accomplish consolidation goals.

526 (b) Each state agency shall submit to the Agency for
527 Enterprise Information Technology information relating to its
528 data centers and computing facilities as required in instructions
529 issued by July 1 of each year by the Agency for Enterprise
530 Information Technology. The information required may include:

- 531 1. The amount of floor space used and available.
- 532 2. The numbers and capacities of mainframes and servers.
- 533 3. Storage and network capacity.
- 534 4. Amount of power used and the available capacity.
- 535 5. Estimated expenditures by service area, including
536 hardware and software, numbers of full-time equivalent positions,
537 personnel turnover, and position reclassifications.

538 6. A list of contracts in effect for the fiscal year,
539 including, but not limited to, contracts for hardware, software
540 and maintenance, including the expiration date, the contract
541 parties, and the cost of the contract.

542 7. Service-level agreements by customer entity.

543 (c) The Chief Information Officer of each state agency
544 shall assist the Agency for Enterprise Information Technology as
545 required by the agency.

546 (4) AGENCY LIMITATIONS.--

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

- 549 1. Create a new computing facility or data center, or
550 expand the capability to support additional computer equipment in
551 an existing computing facility or nonprimary data center;

20081892e1

552 2. Transfer existing computer services to a nonprimary data
553 center or computing facility;

554 3. Terminate services with a primary data center or
555 transfer services between primary data centers without giving
556 written notice of intent to terminate or transfer services 180
557 days before such termination or transfer; or

558 4. Initiate a new computer service if it does not currently
559 have an internal data center except with a primary data center.

560 (b) Exceptions to the limitations in paragraph (a) may be
561 granted by the agency head of the Agency for Enterprise
562 Information Technology if there is insufficient capacity in a
563 primary data center to absorb the workload associated with agency
564 computing services.

565 (5) RULES.--The Agency for Enterprise Information
566 Technology is authorized to adopt rules pursuant to ss.
567 120.536(1) and 120.54 to administer the provisions of this part
568 relating to the state data center system including the primary
569 data centers.

570 Section 9. Section 282.203, Florida Statutes, is created to
571 read:

572 282.203 Primary data centers.--

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

574 (a) Serve customer entities as an information-system
575 utility.

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

579 (c) Comply with rules adopted by the Agency for Enterprise
580 Information Technology, pursuant to this section, and coordinate

20081892e1

581 with the agency in the consolidation of data centers.

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

584 (e) Maintain the performance of the facility, which
585 includes ensuring proper data backup, data backup recovery, an
586 effective disaster recovery plan, and appropriate security,
587 power, cooling and fire suppression, and capacity.

588 (f) Develop a business continuity plan and conduct a live
589 exercise of the plan at least annually. The plan must be approved
590 by the board and the Agency for Enterprise Information
591 Technology.

592 (g) Enter into a service-level agreement with each customer
593 entity to provide services as defined and approved by the board
594 in compliance with rules of the Agency for Enterprise Information
595 Technology. A service-level agreement may not have a term
596 exceeding 3 years but may include an option to renew for up to 3
597 years contingent on approval by the board.

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

599 a. Identify the parties and their roles, duties, and
600 responsibilities under the agreement;

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

603 c. State the duration of the contractual term and specify
604 the conditions for contract renewal;

605 d. Prohibit the transfer of computing services between
606 primary data center facilities without at least 180 days' notice
607 of service cancellation;

608 e. Identify the scope of work;

609 f. Identify the products or services to be delivered with

20081892e1

610 sufficient specificity to permit an external financial or
611 performance audit;

612 g. Establish the services to be provided, the business
613 standards that must be met for each service, the cost of each
614 service, and the process by which the business standards for each
615 service are to be objectively measured and reported;

616 h. Identify applicable funds and funding streams for the
617 services or products under contract;

618 i. Provide a timely billing methodology for recovering the
619 cost of services provided to the customer entity;

620 j. Provide a procedure for modifying the service-level
621 agreement to address changes in projected costs of service;

622 k. Provide that a service-level agreement may be terminated
623 by either party for cause only after giving the other party and
624 the Agency for Enterprise Information Technology notice in
625 writing of the cause for termination and an opportunity for the
626 other party to resolve the identified cause within a reasonable
627 period; and

628 1. Provide for mediation of disputes by the Division of
629 Administrative Hearings pursuant to s. 120.573.

630 2. A service-level agreement may include:

631 a. A dispute resolution mechanism, including alternatives
632 to administrative or judicial proceedings;

633 b. The setting of a surety or performance bond for service-
634 level agreements entered into with nonstate agency primary data
635 centers, which may be designated by the Agency for Enterprise
636 Information Technology; or

637 c. Additional terms and conditions as determined advisable
638 by the parties if such additional terms and conditions do not

20081892e1

639 conflict with the requirements of this section or rules adopted
640 by the Agency for Enterprise Information Technology.

641 3. The failure to execute a service-level agreement within
642 60 days after service commencement shall, in the case of an
643 existing customer entity, result in a continuation of the terms
644 of the service-level agreement from the prior fiscal year,
645 including any amendments that were formally proposed to the
646 customer entity by the primary data center within the 3 months
647 before service commencement, and a revised cost-of-service
648 estimate. If a new customer entity fails to execute an agreement
649 within 60 days after service commencement, the data center may
650 cease services.

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

655 (i) Enter into a memorandum of understanding with the
656 agency where the data center is administratively located which
657 establishes the services to be provided by that agency to the
658 data center and the cost of such services.

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

661 (a) The members of the board shall be appointed by the
662 agency head or chief executive officer of the representative
663 customer entities of the primary data center and shall serve at
664 the pleasure of the appointing customer entity. The initial
665 appointments of members shall be made as soon as practicable, but
666 not later than July 1, 2008.

667 1. For each of the first two fiscal years that a center is

20081892e1

668 in operation, membership shall be apportioned as provided in
669 subparagraph 3. based on projected customer entity usage rates
670 for the fiscal operating year of the primary data center.

671 However, at a minimum:

672 a. During the Southwood Shared Resource Center's first 2
673 operating years, the Department of Transportation, the Department
674 of Highway Safety and Motor Vehicles, the Department of Health,
675 and the Department of Revenue must each have at least one
676 trustee.

677 b. During the Northwood Shared Resource Center's first
678 operating year, the Department of State and the Department of
679 Education must each have at least one trustee.

680 2. After the second full year of operation, membership
681 shall be apportioned as provided in subparagraph 3. based on the
682 most recent estimate of customer entity usage rates for the prior
683 year and a projection of usage rates for the first 9 months of
684 the next fiscal year. Such calculation must be completed before
685 the annual budget meeting held before the beginning of the next
686 fiscal year so that any decision to add or remove board members
687 can be voted on at the budget meeting and become effective on
688 July 1 of the subsequent fiscal year.

689 3. Membership shall be apportioned using the following
690 criteria:

691 a. Customer entities of a primary data center whose usage
692 rate represents 4 to 14 percent of total usage shall have one
693 trustee.

694 b. Customer entities of a primary data center whose usage
695 rate represents 15 to 29 percent of total usage shall have two
696 trustees.

20081892e1

697 c. Customer entities of a primary data center whose usage
698 rate represents 30 to 49 percent of total usage shall have three
699 trustees.

700 d. A customer entity of a primary data center whose usage
701 rate represents 50 percent or more of total usage shall have four
702 trustees.

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

706 f. The executive director of the Agency for Enterprise
707 Information Technology shall serve as a voting member of the
708 board.

709 (b) Before July 1 of each year, each board of trustees of a
710 primary data center shall elect a chair and a vice chair to a
711 term of 1 year or until a successor is elected. The vice chair
712 shall serve in the absence of the chair. The vice chair may not
713 be from the same customer entity as the chair. The chair may be
714 elected to serve one additional successive term.

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

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

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

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

20081892e1

726 primary data center, managing primary data center employees, and
727 the performance of the primary data center.

728 (b) Establish procedures for the primary data center to
729 ensure that budgeting and accounting procedures, cost-recovery
730 methodologies, and operating procedures are in compliance with
731 laws governing the state data center system, rules adopted by the
732 Agency for Enterprise Information Technology, and applicable
733 federal regulations, including 2 C.F.R. part 225 and 45 C.F.R.

734 (c) Monitor the operation of the primary data center to
735 ensure compliance by the executive director and employees with
736 laws and rules governing the primary data center, and ensure that
737 staff members are accountable for the performance of the primary
738 data center.

739 (d) Provide each customer entity with full disclosure
740 concerning plans for new, additional, or reduced service
741 requirements, including expected achievable service levels and
742 performance metrics.

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

745 1. Establishing policies that ensure that cost-recovery
746 methodologies, billings, receivables, expenditure, budgeting, and
747 accounting data are captured and reported timely, consistently,
748 accurately, and transparently and, upon adoption of rules by the
749 Agency for Enterprise Information Technology, are in compliance
750 with such rules.

751 2. Requiring execution of service-level agreements by the
752 data center and each customer entity for services provided by the
753 data center to the customer entity.

754 3. Requiring cost recovery for the full cost of services,

20081892e1

755 including direct and indirect costs. The cost-recovery
756 methodology must ensure that no service is subsidizing another
757 service without an affirmative vote of approval by the customer
758 entity providing the subsidy.

759 4. Establishing special assessments to fund expansions
760 based on a methodology that apportions the assessment according
761 to the proportional benefit to each customer entity.

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

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

768 7. Projecting costs and revenues at the beginning of the
769 third quarter of each fiscal year through the end of the fiscal
770 year. If in any given fiscal year the primary data center is
771 projected to earn revenues that are below costs for that fiscal
772 year after first reducing operating costs where possible, the
773 board shall implement any combination of the following remedies
774 to cover the shortfall:

775 a. The board may direct the primary data center to adjust
776 current year chargeback rates through the end of the fiscal year
777 to cover the shortfall. The rate adjustments shall be implemented
778 using actual usage rate and billing data from the first three
779 quarters of the fiscal year and the same principles used to set
780 rates for the fiscal year.

781 b. The board may direct the primary data center to levy
782 one-time charges on all customers entities to cover the
783 shortfall. The one-time charges shall be implemented using actual

20081892e1

784 usage rate and billing data from the first three quarters of the
785 fiscal year and the same principles used to set rates for the
786 fiscal year.

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

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

793 (g) Approve the portfolio of services offered by the data
794 center.

795 (h) By July 1 of each year, submit to the Agency for
796 Enterprise Information Technology, proposed cost-recovery
797 mechanisms and rate structures for all customer entities for the
798 fiscal year including the cost-allocation methodology for
799 administrative expenditures and the calculation of administrative
800 expenditures as a percent of total costs.

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

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

805 2. Data center network, storage, and computer equipment. If
806 the total cost of ownership, including initial acquisition cost,
807 is estimated to be equal to or lower than existing
808 infrastructure, technical specifications for energy-efficient
809 products should be incorporated into the replacement, upgrade, or
810 expansion planning and acquisition process.

811 Section 10. Section 282.204, Florida Statutes, is created
812 to read:

20081892e1

813 282.204 Northwood Shared Resource Center.--

814 (1) Beginning July 1, 2008, a workgroup shall be
815 established within the Department of Children and Family Services
816 for the purpose of developing a plan for converting its data
817 center to a primary data center. The workgroup shall be chaired
818 by a member appointed by the secretary of the department.
819 Workgroup members may include other state agencies who will be
820 customers of the data center during the 2009-2010 fiscal year.
821 The workgroup shall include staff members who have appropriate
822 financial and technical skills as determined by the chair of the
823 workgroup. The conversion plan shall address organizational
824 changes, personnel changes, cost-allocation plan changes, and any
825 other changes necessary to effectively convert to a primary state
826 data center capable of providing computer services as required by
827 s. 282.201. The workgroup shall submit recommendations for
828 facilitating the conversion to the Governor and Cabinet, the
829 President of the Senate, and the Speaker of the House of
830 Representatives by December 31, 2008.

831 (2) Effective July 1, 2009, the Northwood Shared Resource
832 Center is established within the Department of Children and
833 Family Services for administrative purposes only. The center is
834 designated as a primary data center and shall be a separate
835 budget entity that is not subject to control, supervision, or
836 direction of the department in any manner, including, but not
837 limited to, purchasing, transactions involving real or personal
838 property, personnel, or budgetary matters.

839 (3) The center shall be headed by a board of trustees as
840 provided in s. 282.203, who shall comply with all requirements of
841 that section related to the operation of the center and with the

20081892e1

842 policies of the Agency for Enterprise Information Technology
843 related to the design and delivery of enterprise information
844 technology services.

845 Section 11. Section 282.205, Florida Statutes, is created
846 to read:

847 282.205 Southwood Shared Resource Center.--

848 (1) Effective July 1, 2008, the Southwood Shared Resource
849 Center is established within the Department of Management
850 Services for administrative purposes only. The center is
851 designated as a primary data center and shall be a separate
852 budget entity that is not subject to control, supervision, or
853 direction of the department in any manner, including, but not
854 limited to, purchasing, transactions involving real or personal
855 property, personnel, or budgetary matters.

856 (2) The Department of Management Services and the center
857 shall identify resources associated with information technology
858 functions which are not related to the support, management, and
859 operation of the data center but which currently exist within the
860 same budget entity as the data center. By October 1, 2008, the
861 center shall submit a budget amendment to transfer resources
862 associated with these functions to the Department of Management
863 Services.

864 (3) The center shall be headed by a board of trustees as
865 provided in s. 282.203, who shall comply with all requirements of
866 that section related to the operation of the center and with the
867 policies of the Agency for Enterprise Information Technology
868 related to the design and delivery of enterprise information
869 technology services.

870 Section 12. Paragraph (c) of subsection (1) of section

20081892e1

871 282.315, Florida Statutes, is amended to read:

872 282.315 Agency Chief Information Officers Council;
873 creation.--The Legislature finds that enhancing communication,
874 consensus building, coordination, and facilitation with respect
875 to issues concerning enterprise information technology resources
876 are essential to improving the management of such resources.

877 (1) There is created an Agency Chief Information Officers
878 Council to:

879 (c) Identify efficiency opportunities among state agencies
880 and make recommendations for action to the Agency for Enterprise
881 Information Technology. This includes recommendations relating to
882 the consolidation of agency data center and computing facilities,
883 including operational policies, procedures and standards for the
884 consolidated facilities, and procedures and standards for
885 planning the migration to consolidated facilities.

886 Section 13. Subsection (23) of section 287.057, Florida
887 Statutes, is amended to read:

888 287.057 Procurement of commodities or contractual
889 services.--

890 (23) ~~(a)~~ The department, in consultation with the Agency for
891 Enterprise Information Technology ~~State Technology Office~~ and the
892 Comptroller, shall develop a program for online procurement of
893 commodities and contractual services. To enable the state to
894 promote open competition and to leverage its buying power,
895 agencies shall participate in the online procurement program, and
896 eligible users may participate in the program. Only vendors
897 prequalified as meeting mandatory requirements and qualifications
898 criteria may ~~shall be permitted to~~ participate in online
899 procurement.

20081892e1

900 (a) The department, in consultation with the agency State
901 ~~Technology Office~~, may contract for equipment and services
902 necessary to develop and implement online procurement.

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

907 1. Determining the requirements and qualification criteria
908 for prequalifying vendors.

909 2. Establishing the procedures for conducting online
910 procurement.

911 3. Establishing the criteria for eligible commodities and
912 contractual services.

913 4. Establishing the procedures for providing access to
914 online procurement.

915 5. Determining the criteria warranting any exceptions to
916 participation in the online procurement program.

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

919 1. The fees may be imposed on an individual transaction
920 basis or as a fixed percentage of the cost savings generated. At
921 a minimum, the fees must be set in an amount sufficient to cover
922 the projected costs of the services, including administrative and
923 project service costs in accordance with the policies of the
924 department. ~~All fees and surcharges collected under this~~
925 ~~paragraph shall be deposited in the Operating Trust Fund as~~
926 ~~provided by law.~~

927 2. If the department contracts with a provider for online
928 procurement, the department, pursuant to appropriation, shall

20081892e1

929 compensate the provider from the fees after the department has
930 satisfied all ongoing costs. The provider shall report
931 transaction data to the department each month so that the
932 department may determine the amount due and payable to the
933 department from each vendor.

934 3. All fees that are due and payable to the state on a
935 transactional basis or as a fixed percentage of the cost savings
936 generated are subject to s. 215.31 and must be remitted within 40
937 days after receipt of payment for which the fees are due. For ~~any~~
938 fees that are not remitted within 40 days, the vendor shall pay
939 interest at the rate established under s. 55.03(1) on the unpaid
940 balance from the expiration of the 40-day period until the fees
941 are remitted.

942 4. All fees and surcharges collected under this paragraph
943 shall be deposited in the Operating Trust Fund as provided by
944 law.

945 Section 14. Subsection (4) of section 445.011, Florida
946 Statutes, is amended to read:

947 445.011 Workforce information systems.--

948 (4) Workforce Florida, Inc., shall coordinate development
949 and implementation of workforce information systems with the
950 executive director of the Agency for Enterprise Information
951 Technology ~~state's Chief Information Officer in the State~~
952 ~~Technology Office~~ to ensure compatibility with the state's
953 information system strategy and enterprise architecture.

954 Section 15. Subsection (2) and paragraphs (a) and (b) of
955 subsection (4) of section 445.045, Florida Statutes, are amended
956 to read:

957 445.045 Development of an Internet-based system for

20081892e1

958 information technology industry promotion and workforce
959 recruitment.--

960 (2) Workforce Florida, Inc., shall coordinate with the
961 Agency for Enterprise Information Technology ~~State Technology~~
962 ~~Office~~ and the Agency for Workforce Innovation to ensure links,
963 where feasible and appropriate, to existing job information
964 websites maintained by the state and state agencies and to ensure
965 that information technology positions offered by the state and
966 state agencies are posted on the information technology website.

967 (4) (a) Workforce Florida, Inc., shall coordinate
968 development and maintenance of the website under this section
969 with the executive director of the Agency for Enterprise
970 Information Technology ~~state's Chief Information Officer in the~~
971 ~~State Technology Office~~ to ensure compatibility with the state's
972 information system strategy and enterprise architecture.

973 (b) Workforce Florida, Inc., may enter into an agreement
974 with the Agency for Enterprise Information Technology ~~State~~
975 ~~Technology Office~~, the Agency for Workforce Innovation, or any
976 other public agency with the requisite information technology
977 expertise for the provision of design, operating, or other
978 technological services necessary to develop and maintain the
979 website.

980 Section 16. Paragraph (b) of subsection (18) of section
981 668.50, Florida Statutes, is amended to read:

982 668.50 Uniform Electronic Transaction Act.--

983 (18) ACCEPTANCE AND DISTRIBUTION OF ELECTRONIC RECORDS BY
984 GOVERNMENTAL AGENCIES.--

985 (b) To the extent that a governmental agency uses
986 electronic records and electronic signatures under paragraph (a),

20081892e1

987 the Agency for Enterprise Information Technology ~~state technology~~
988 ~~office~~, in consultation with the governmental agency, giving due
989 consideration to security, may specify:

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

993 2. If electronic records must be signed by electronic
994 means, the type of electronic signature required, the manner and
995 format in which the electronic signature must be affixed to the
996 electronic record, and the identity of, or criteria that must be
997 met by, any third party used by a person filing a document to
998 facilitate the process.

999 3. Control processes and procedures as appropriate to
1000 ensure adequate preservation, disposition, integrity, security,
1001 confidentiality, and auditability of electronic records.

1002 4. Any other required attributes for electronic records
1003 which are specified for corresponding nonelectronic records or
1004 reasonably necessary under the circumstances.

1005 Section 17. All data center functions performed, managed,
1006 operated, or supported by state agencies with resources and
1007 equipment currently located in a state primary data center
1008 created by this act, excluding application development, shall be
1009 transferred to the primary data center and that agency shall
1010 become a full-service customer entity by July 1, 2010. All
1011 resources and equipment located in the primary data center shall
1012 be operated, managed, and controlled by the primary data center.
1013 Data center functions include, but are not limited to, all data
1014 center hardware, software, staff, contracted services, and
1015 facility resources performing data center management and

20081892e1

1016 operations, security, production control, backup and recovery,
1017 disaster recovery, system administration, database
1018 administration, system programming, job control, production
1019 control, print, storage, technical support, help desk, and
1020 managed services.

1021 (1) To accomplish the transition, each state agency that is
1022 a customer entity of a primary data center shall:

1023 (a) By October 1, 2009, submit a plan to the board of
1024 trustees of the appropriate primary data center describing costs
1025 and resources currently used to manage and maintain hardware and
1026 operating and support software housed at the primary data center,
1027 and a plan for transferring all resources allocated to data
1028 center functions to the primary data center. The plan shall:

1029 1. Include the itemized expenditures for all of the related
1030 equipment and software in the previous 5 fiscal years.

1031 2. Propose averages or weighted averages for transferring
1032 spending authority related to equipment and software based upon
1033 spending in the previous 5 fiscal years and projected needs for
1034 the upcoming 2 fiscal years.

1035 (b) Submit with its 2010-2011 legislative budget request
1036 budget adjustments necessary to accomplish the transfers. These
1037 adjustments shall include budget requests to replace existing
1038 spending authority in the appropriations categories used to
1039 manage, maintain, and upgrade hardware, operating software, and
1040 support software with an amount in a single appropriation
1041 category to pay for the services of the primary data center.

1042 (2) The board of trustees of each primary data center
1043 shall:

1044 (a) Be responsible for the efficient transfer of resources

20081892e1

1045 in user agencies relating to the provision of full services and
1046 shall coordinate the legislative budget requests of the affected
1047 agencies.

1048 (b) Include in its 2010-2011 legislative budget request
1049 additional budget authority to accommodate the transferred
1050 functions.

1051 (c) Develop proposed cost-recovery plans for its customer
1052 entities at its annual budget meeting held before July 1, 2010,
1053 using the principles established in s. 282.203, Florida Statutes.

1054 Section 18. (1) The computing requirements currently
1055 provided by the mainframe resources of the Department of
1056 Transportation and the Department of Highway Safety and Motor
1057 Vehicles, each hereafter referred to as a mainframe agency, at
1058 the Suwannee and Kirkman Data Centers, respectively, and the
1059 Southwood Shared Resource Center, shall, by the first weekend
1060 after July 1, 2009, be consolidated within the Southwood Shared
1061 Resource Center.

1062 (a) Mainframe consolidation may be achieved through any
1063 combination of strategies that leverage the primary data center's
1064 economies of scale and negotiating strengths as the single
1065 provider of mainframe services to achieve savings for the state.

1066 (b) The Agency for Enterprise Information Technology in
1067 coordination with the Southwood Shared Resource Center shall
1068 negotiate with vendors providing mainframe hardware, operating
1069 and support software, mainframe peripherals, and related
1070 services.

1071 (2) For the purposes of this section, the term:

1072 (a) "Application software" means software that directly
1073 collects and processes data, directly automates government

20081892e1

1074 business processes, or directly renders government data into
1075 information.

1076 (b) "Mainframe peripherals" means devices that store data
1077 processed by a mainframe, devices exclusively used to facilitate
1078 communication with mainframes, printers that print mainframe
1079 jobs, and any device directly connected to a mainframe.

1080 (c) "Operating software" means software used to manage and
1081 facilitate the use of hardware and other software.

1082 (d) "Support software" means software that is not operating
1083 software or application software.

1084 (3) By September 1, 2008, the Southwood Shared Resource
1085 Center and each mainframe agency shall establish a service-level
1086 agreement for the mainframe transition period. The service-level
1087 agreement shall, at a minimum, include:

1088 (a) An estimate of the type and quantity of services that
1089 the mainframe agency expects to use for the applicable period,
1090 including commitments and any related impending changes.

1091 (b) A process both parties shall use for notifying each
1092 other of any change to the scope, quantity, or conditions of the
1093 services provided.

1094 (c) Quality of service commitments from the Southwood
1095 Shared Resource Center to the mainframe agency.

1096 (4) On September 1, 2008, each mainframe agency, in
1097 conjunction with the Southwood Shared Resource Center, shall
1098 implement the following regarding the mainframes used by the
1099 agency:

1100 (a) Identification of staff, including vendors, responsible
1101 for managing, operating, and supporting each mainframe and
1102 mainframe peripherals who shall report to and be supervised by

20081892e1

1103 managers of the Southwood Shared Resource Center.

1104 (b) Identification of mainframe hardware, mainframe
1105 operating and support software, and mainframe peripherals owned
1106 by the mainframe agency which shall become the property of the
1107 Southwood Shared Resource Center.

1108 (c) Decisions regarding usage, replacement, extensions, and
1109 upgrades shall be made by the Southwood Shared Resource Center.

1110 (5) By October 1, 2008, each mainframe agency shall provide
1111 the Southwood Shared Resource Center with the following:

1112 (a) Comprehensive itemized inventories of mainframe
1113 hardware, support software, and peripherals.

1114 (b) A comprehensive itemized list and description of all
1115 contracts, including a copy of each contract, for mainframe
1116 hardware, operating and support software, peripherals, and
1117 services.

1118 (6) By December 31, 2008, after relevant vendor
1119 negotiations have been completed, the Southwood Shared Resource
1120 Center shall submit a plan for implementing mainframe
1121 consolidation to the center's board of trustees, the Agency for
1122 Enterprise Information Technology, the Governor and Cabinet, the
1123 President of the Senate, and the Speaker of the House of
1124 Representatives. The plan must include:

1125 (a) A description of the work effort, time, agency budget
1126 adjustments for the 2009-2010 fiscal year, and expenditures
1127 necessary to complete the consolidation.

1128 (b) An estimate of the long-term savings resulting from
1129 consolidation.

1130 (c) Any short-term costs or savings from consolidation.

1131 (7) By April 30, 2009, the following shall occur:

20081892e1

1132 (a) The Southwood Shared Resource Center shall implement a
1133 cost-allocation plan for the purpose of establishing prices and
1134 total estimated costs for the remainder of the current fiscal
1135 year and the first full year the mainframe services will be
1136 provided to the mainframe agency.

1137 (b) The Southwood Shared Resource Center and the mainframe
1138 agencies shall establish service-level agreements.

1139 (8) In order to establish the appropriate budget authority
1140 to implement the consolidation of mainframe services within the
1141 Southwood Shared Resource Center:

1142 (a) As part of their 2009-2010 legislative budget request,
1143 each mainframe agency shall decrease full-time equivalent
1144 positions and transfer spending authority in the existing
1145 appropriation categories which would have been used to maintain
1146 and operate mainframe services to the appropriation category
1147 necessary to pay for mainframe services at the Southwood Shared
1148 Resource Center.

1149 (b) As part of its 2009-2010 legislative budget request,
1150 the Southwood Shared Resource Center shall request full-time
1151 equivalent positions, not to exceed the number of positions
1152 deleted in the mainframe agencies, and spending authority
1153 necessary to deliver mainframe services to each mainframe agency.

1154 Section 19. Section 282.20, Florida Statutes, is repealed.

1155 Section 20. Subsection (2) of section 282.322, Florida
1156 Statutes, is repealed.

1157 Section 21. This act shall take effect upon becoming a law.