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Proposed Committee Substitute by the Policy and Steering
Committee on Ways and Means

A bill to be entitled

An act relating to information technology; amending s.
14.204, F.S.; revising the duties and responsibilities
of the Agency for Enterprise Information Technology;
amending s. 98.035, F.S.; requiring the Department of
State to contract with the Northwood Shared Resource
Center for the operation of the statewide voter
registration system; amending s. 282.201, F.S.;
requiring the Agency for Enterprise Information
Technology to make annual recommendations to the
Legislature regarding the migration to a statewide e-
mail service and the consolidation of purchasing
certain commodities and services; amending s. 282.203,
F.S.; specifying the contents of financial statements
that must be provided by primary data centers;
establishing a quorum for a data center board of
trustees; providing additional duties for the board of
trustees; amending s. 282.204, F.S.; deleting obsolete
provisions relating to the Northwood Shared Resource
Center; amending s. 282.315, F.S.; providing an
additional duty for the Agency Chief Information
Officers Council relating to the consolidated purchase
of information technology products; amending s.
282.34, F.S.; revising provisions relating to
statewide e-mail services; providing the primary goals
for the service; providing for the establishment of a
multiagency team to solicit proposals for a statewide



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



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57 requiring customers served by the department to review
58 the qualifications of subscribers using the SUNCOM
59 Network; providing an effective date.
60

61 Be It Enacted by the Legislature of the State of Florida:
62

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

66 14.204 Agency for Enterprise Information Technology.—The
67 Agency for Enterprise Information Technology is created within
68 the Executive Office of the Governor.

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

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

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

82 (i) In coordination with, and through the services of, the
83 Division of Purchasing in the Department of Management Services,
84 establish develop best practices for the procurement of
85 information technology products as defined in s. 282.5002(5) (a)



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86 in order to achieve savings for the state procurements.

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

89 Section 2. Subsection (3) of section 98.035, Florida
90 Statutes, are amended to read:

91 98.035 Statewide voter registration system; implementation,
92 operation, and maintenance.-

93 (3) The department shall ~~may not~~ contract with the
94 Northwood Shared Resource Center ~~any other entity~~ for the data
95 center services required to operate ~~operation of~~ the statewide
96 voter registration system.

97 Section 3. Paragraph (c) of subsection (2) of section
98 282.201, Florida Statutes, is amended to read:

99 282.201 State data center system; agency duties and
100 limitations.-A state data center system that includes all
101 primary data centers, other nonprimary data centers, and
102 computing facilities, and that provides an enterprise
103 information technology service as defined in s. 282.0041, is
104 established.

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

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

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

114 2. Infrastructure improvements supporting the consolidation



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115 of facilities or preempting the need to create additional data
116 centers or computing facilities.

117 3. Standards for an objective, credible energy performance
118 rating system that data center boards of trustees can use to
119 measure state data center energy consumption and efficiency on a
120 biannual basis.

121 4. Uniform disaster recovery standards.

122 5. Standards for primary data centers providing transparent
123 financial data to user agencies.

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

126 7. Improvements to data center governance structures.

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

129 9. Techniques for consolidating the purchase of information
130 technology commodities and services that result in savings for
131 the state, and for establishing a process to achieve savings
132 through consolidated purchases.

133 Section 4. Paragraph (d) of subsection (1), paragraph (d)
134 of subsection (2), and paragraph (a) of subsection (3) of
135 section 282.203, Florida Statutes, are amended, present
136 paragraphs (e) through (j) of subsection (1) of that section are
137 redesignated as paragraphs (f) through (k), respectively, and a
138 new paragraph (e) is added to that subsection, and paragraphs
139 (k) and (l) are added to subsection (3) of that section, to
140 read:

141 282.203 Primary data centers.—

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

143 (d) Provide transparent financial statements to customer



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144 entities, the center's board of trustees, and the Agency for
145 Enterprise Information Technology. The financial statements
146 shall be provided as follows:

147 1. Annually, by July 30 for the current fiscal year and by
148 December 1 for the subsequent fiscal year, the data center must
149 provide the total annual budgeted costs by major expenditure
150 category, including, but not limited to, salaries, expense,
151 operating capital outlay, contracted services, or other
152 personnel services, which directly relate to the provision of
153 each service and which separately indicate the administrative
154 overhead allocated to each service.

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

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

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

164 5. By February 15, for proposed legislative budget
165 increases, the data center must provide updates of the financial
166 statements required under subparagraphs 1. and 2. for subsequent
167 fiscal year.

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

172 (2) BOARD OF TRUSTEES.—Each primary data center shall be



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173 headed by a board of trustees as defined in s. 20.03.

174 (d) A majority of the members constitutes a quorum. The
175 board shall take action by a majority vote of the members if a
176 quorum is present. If there is a tie, the chair shall be on the
177 prevailing side.

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

180 (a) Employ an executive director, pursuant to s. 20.05, who
181 serves at the pleasure of the board. The executive director is
182 responsible for the daily operation of the primary data center,
183 ensuring compliance with all laws and rules regulating the
184 primary data center, managing primary data center employees, and
185 the performance of the primary data center. The board shall
186 establish an annual performance evaluation process for the
187 executive director. The appointment of the executive director
188 must be reconfirmed by the board biennially.

189 (k) Coordinate with other primary data centers and the
190 Agency for Enterprise Information Technology in order to
191 consolidate purchases of goods and services and lower the cost
192 of providing services to customer entities.

193 (l) Contract with other primary data centers for the
194 provision of administrative services or with the agency within
195 which the primary data center is housed, whichever is most cost-
196 effective.

197 Section 5. Section 282.204, Florida Statutes, is amended to
198 read:

199 282.204 Northwood Shared Resource Center.—

200 ~~(1) A workgroup shall be established within the Department~~
201 ~~of Children and Family Services for the purpose of developing a~~



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202 ~~plan for converting its data center to a primary data center.~~

203 ~~(a) The workgroup shall be chaired by a member appointed by~~
204 ~~the secretary of the department. Workgroup members may include~~
205 ~~other state agencies who will be customers of the data center~~
206 ~~during the 2009-2010 fiscal year. The workgroup shall include~~
207 ~~staff members who have appropriate financial and technical~~
208 ~~skills as determined by the chair of the workgroup.~~

209 ~~(b) The conversion plan shall address organizational~~
210 ~~changes, personnel changes, cost-allocation plan changes, and~~
211 ~~any other changes necessary to effectively convert to a primary~~
212 ~~state data center capable of providing computer services as~~
213 ~~required by s. 282.201.~~

214 ~~(c) The workgroup shall submit recommendations for~~
215 ~~facilitating the conversion to the Governor and Cabinet, the~~
216 ~~President of the Senate, and the Speaker of the House of~~
217 ~~Representatives by December 31, 2008.~~

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

221 (1)~~(a)~~ The center is a primary data center and shall be a
222 separate budget entity that is not subject to control,
223 supervision, or direction of the department in any manner,
224 including, but not limited to, purchasing, transactions
225 involving real or personal property, personnel, or budgetary
226 matters.

227 (2)~~(b)~~ The center shall be headed by a board of trustees as
228 provided in s. 282.203, who shall comply with all requirements
229 of that section related to the operation of the center and with
230 the rules of the Agency for Enterprise Information Technology



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231 related to the design and delivery of enterprise information
232 technology services. ~~The secretary of the department may appoint~~
233 ~~a temporary board chair for the purpose of convening the board~~
234 ~~of trustees, selecting a chair, and determining board~~
235 ~~membership.~~

236 ~~(3) The Department of Children and Family Services and the~~
237 ~~center shall identify resources associated with information~~
238 ~~technology functions which are not related to the support,~~
239 ~~management, and operation of the data center but which currently~~
240 ~~exist within the same budget entity as the data center. By~~
241 ~~October 1, 2009, the center shall submit a budget amendment to~~
242 ~~transfer resources associated with these functions to the~~
243 ~~department.~~

244 Section 6. Paragraph (e) is added to subsection (1) of
245 section 282.315, Florida Statutes, to read:

246 282.315 Agency Chief Information Officers Council;
247 creation.—The Legislature finds that enhancing communication,
248 consensus building, coordination, and facilitation with respect
249 to issues concerning enterprise information technology resources
250 are essential to improving the management of such resources.

251 (1) There is created an Agency Chief Information Officers
252 Council to:

253 (e) Annually, by October 1, identify information technology
254 products, as defined in s. 282.5002(5)(a), which, if purchased
255 in a consolidated manner, would result in savings to the state,
256 and develop recommendations regarding a process for
257 consolidating such purchases. The council shall transmit its
258 recommendations to the Agency for Enterprise Information
259 Technology.



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260 Section 7. Section 282.34, Florida Statutes, is amended to
261 read:

262 282.34 Statewide e-mail service ~~system~~.—A state e-mail
263 system that includes the ~~service~~ delivery and support of for a
264 ~~statewide~~ e-mail, messaging, and calendaring capabilities
265 ~~service~~ is established as an enterprise information technology
266 service as defined in s. 282.0041. The service shall be designed
267 to meet the needs of all executive branch agencies ~~and reduce~~
268 ~~the current cost of operation and support~~. The primary goals of
269 the service are to minimize the state investment required to
270 establish, operate, and support the statewide service; reduce
271 the cost of current e-mail operations and the number of
272 duplicative e-mail systems; and eliminate the need for each
273 state agency to maintain its own e-mail staff.

274 (1) The Southwood Shared Resource Center, a primary data
275 center, shall be the provider of the statewide e-mail service
276 for all state agencies ~~system~~. The center shall centrally host,
277 manage, ~~and operate~~, and support the service, or outsource the
278 hosting, management, operational, or support components of the
279 service in order to achieve the primary goals identified in this
280 section ~~the e-mail system~~.

281 (2) The Agency for Enterprise Information Technology, in
282 consultation with the Southwood Shared Resource Center, shall
283 establish and coordinate a multiagency project team to develop a
284 competitive solicitation for establishing the statewide e-mail
285 service.

286 (a) The Southwood Shared Resource Center shall issue the
287 competitive solicitation by August 31, 2010, with vendor
288 responses required by October 15, 2010. Issuance of the



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289 competitive solicitation does not obligate the agency and the
290 center to conduct further negotiations or to execute a contract.
291 The decision to conduct or conclude negotiations, or execute a
292 contract, must be made solely at the discretion of the agency.

293 (b) The competitive solicitation must include detailed
294 specifications describing:

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

297 2. The minimum functional requirements necessary for
298 successful statewide implementation and the responsibilities of
299 the prospective service provider and the agency.

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

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

314 (d) The competitive solicitation must permit alternative
315 financial and operational models to be proposed, including, but
316 not limited to:

317 1. Leasing or usage-based subscription fees;



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

321 3. Provisioning the e-mail service as an Internet-based
322 offering provided to state agencies. Specifications for proposed
323 models must be optimized to meet the primary goals of the e-mail
324 service.

325 (3)(2) By December 31, 2010 2009, or within 1 month after
326 negotiations are complete, whichever is later, the multiagency
327 project team and the Agency for Enterprise Information
328 Technology shall prepare a business case analysis containing its
329 recommendations for procuring the statewide e-mail service for
330 submission submit a proposed plan for the establishment of the
331 e-mail system to the Governor and Cabinet, the President of the
332 Senate, and the Speaker of the House of Representatives. The
333 business case is not subject to challenge or protest pursuant to
334 chapter 120. The business case must include The plan shall be
335 developed to reduce costs to the state and include, at a
336 minimum:

337 (a) An assessment of the major risks that must be managed
338 for each proposal compared to the risks for the current state
339 agency e-mail system and the major benefits that are associated
340 with each An analysis of the in-house and external sourcing
341 options that should be considered for delivery and support of
342 the service. The analysis shall include an internally hosted
343 system option, an externally sourced system option, and, if
344 necessary, a combined in-house and externally sourced option.

345 (b) A cost-benefit analysis that estimates all major cost
346 elements associated with each sourcing option, focusing on



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347 ~~including~~ the nonrecurring and recurring lifecycle costs of each
348 option. The analysis must ~~also~~ include a comparison of the
349 estimated total 5-year lifecycle cost of the current agency e-
350 mail systems versus ~~of~~ each enterprise e-mail sourcing option
351 ~~and the total cost of existing e-mail services~~ in order to
352 determine the feasibility of funding the migration and operation
353 of the statewide e-mail service and the overall level of savings
354 that can be expected. The 5-year lifecycle costs for each state
355 agency must include, but are not limited to:

356 1. The total recurring operating costs of the current
357 agency e-mail systems, including monthly mailbox costs,
358 staffing, licensing and maintenance costs, hardware, and other
359 related e-mail product and service costs.

360 2. An estimate of nonrecurring hardware and software
361 refresh, upgrade, or replacement costs based on the expected 5-
362 year obsolescence of current e-mail software products and
363 equipment through the 2014 fiscal year, and the basis for the
364 estimate.

365 3. An estimate of recurring costs associated with the
366 energy consumption of current agency e-mail equipment, and the
367 basis for the estimate.

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

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

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

375 ~~(e) A concise analysis of the ability of each sourcing~~



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376 ~~option to meet major system requirements, including federal and~~
377 ~~state requirements for confidentiality, privacy, security, and~~
378 ~~records retention.~~

379 ~~(f) A complete description of the scope of functionality,~~
380 ~~operations, and required resources associated with each sourcing~~
381 ~~option.~~

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

384 ~~(c)(h) A comparison of the migrating schedules of each~~
385 ~~sourcing option to the statewide e-mail service, including the~~
386 ~~approach and A reliable schedule for the decommissioning of all~~
387 ~~current state agency e-mail systems beginning with phase 1 and~~
388 ~~phase 2 as provided in subsection (4) and the migration of all~~
389 ~~agencies to the new system beginning by July 1, 2010, and~~
390 ~~completing by June 30, 2013.~~

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

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

396 ~~1. Phase 1.—The following agencies must be completely~~
397 ~~migrated to the statewide e-mail system by June 30, 2012: the~~
398 ~~Agency for Enterprise Information Technology; the Department of~~
399 ~~Community Affairs, including the Division of Emergency~~
400 ~~Management; the Department of Corrections; the Department of~~
401 ~~Health; the Department of Highway Safety and Motor Vehicles; the~~
402 ~~Department of Management Services, including the Division of~~
403 ~~Administrative Hearings, the Division of Retirement, the~~
404 ~~Commission on Human Relations, and the Public Employees~~



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405 Relations Commission; and the Department of Revenue.

406 2. Phase 2.—The following agencies must be completely
407 migrated to the statewide e-mail system by June 30, 2013: the
408 Department of Business and Professional Regulation; the
409 Department of Education, including the Board of Governors; the
410 Department of Environmental Protection; the Department of
411 Juvenile Justice; the Department of the Lottery; the Department
412 of State; the Department of Law Enforcement; the Department of
413 Veterans' Affairs; the Judicial Administration Commission; and
414 the Statewide Guardian Ad Litem Office.

415 3. Phase 3.—The following agencies must be completely
416 migrated to the statewide e-mail system by June 30, 2014: the
417 Agency for Health Care Administration; the Agency for Workforce
418 Innovation; the Department of Financial Services, including the
419 Office of Financial Regulation and the Office of Insurance
420 Regulation; the Department of Agriculture and Consumer Services;
421 the Executive Office of the Governor; the Department of
422 Transportation; the Fish and Wildlife Conservation Commission;
423 and the State Board of Administration.

424 4. Phase 4.—The following agencies must be completely
425 migrated to the statewide e-mail system by June 30, 2015: the
426 Department of Children and Family Services; the Department of
427 Citrus; the Department of Elderly Affairs; and the Department of
428 Legal Affairs.

429 (b) Agency requests to modify their scheduled implementing
430 date must be submitted in writing to the Agency for Enterprise
431 Information Technology. Any exceptions or modifications to the
432 schedule must be approved by the Agency for Enterprise
433 Information Technology based only on the following criteria:



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- 434 1. Avoiding nonessential investment in agency e-mail
435 hardware or software refresh, upgrade, or replacement.
- 436 2. Avoiding nonessential investment in new software or
437 hardware licensing agreements, maintenance or support
438 agreements, or e-mail staffing for current e-mail systems.
- 439 3. Resolving known agency e-mail problems through migration
440 to the statewide e-mail service.
- 441 4. Accommodating unique agency circumstances that require
442 an acceleration or delay of the implementation date.
- 443 (5)(3) In order to develop the implementation recommended
444 plan for the statewide e-mail service new system, the Agency for
445 Enterprise Information Technology shall establish and coordinate
446 a statewide e-mail project team. The agency shall also consult
447 with and, as necessary, form workgroups consisting of agency e-
448 mail management staff, agency chief information officers, and
449 agency budget directors, and other administrative staff. The
450 statewide e-mail implementation plan must be submitted to the
451 Governor, the President of the Senate, and the Speaker of the
452 House of Representatives by July 1, 2011. State agencies must
453 cooperate with the Agency for Enterprise Technology in its
454 development of the plan.
- 455 (6)(4) Unless authorized by the Legislature or as provided
456 in subsection (7) (5), a state agency may shall not:
- 457 (a) Initiate a new e-mail service or execute a new e-mail
458 contract or new e-mail contract amendment for nonessential
459 products or services with any entity other than the provider of
460 the statewide e-mail system service;
- 461 (b) Terminate a statewide e-mail system service without
462 giving written notice of termination 180 days in advance; or



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

465 (7) ~~(5)~~ Exceptions to paragraphs (6) ~~(4)~~(a), (b), and (c)
466 may be granted by the Agency for Enterprise Information
467 Technology only if the Southwood Shared Resource Center is
468 unable to meet agency business requirements for the e-mail
469 service, and if such requirements are essential to maintain
470 agency operations. Requests for exceptions must be submitted in
471 writing to the Agency for Enterprise Information Technology and
472 include documented confirmation by the Southwood Shared Resource
473 Center board of trustees that it cannot meet the requesting
474 agency's e-mail service requirements.

475 (8) Each agency shall include the budget issues necessary
476 for migrating to the statewide e-mail service in its legislative
477 budget request before the first full year it is scheduled to
478 migrate to the statewide service in accordance with budget
479 instructions developed pursuant to s. 216.023.

480 (9) The Agency for Enterprise Information Technology shall
481 adopt rules to standardize the format for state agency e-mail
482 addresses.

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

486 Section 8. Section 408.0615, Florida Statutes, is repealed.

487 Section 9. Section 17 of chapter 2008-116, Laws of Florida,
488 is amended to read:

489 Section 17. All data center functions performed, managed,
490 operated, or supported by state agencies with resources and
491 equipment currently located in a state primary data center



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492 created by this act, excluding application development, shall be
493 transferred to the primary data center and that agency shall
494 become a full-service customer entity by December 31, July 1,
495 2010. All resources and equipment located in the primary data
496 center shall be operated, managed, and controlled by the primary
497 data center. Data center functions include, but are not limited
498 to, all data center hardware, software, staff, contracted
499 services, and facility resources performing data center
500 management and operations, security, production control, backup
501 and recovery, disaster recovery, system administration, database
502 administration, system programming, job control, production
503 control, print, storage, technical support, help desk, and
504 managed services.

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

507 (a) By October 1, 2009, submit a plan to the board of
508 trustees of the appropriate primary data center describing costs
509 and resources currently used to manage and maintain hardware and
510 operating and support software housed at the primary data
511 center, and a plan for transferring all resources allocated to
512 data center functions to the primary data center. The plan
513 shall:

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

516 2. Propose averages or weighted averages for transferring
517 spending authority related to equipment and software based upon
518 spending in the previous 5 fiscal years and projected needs for
519 the upcoming 2 fiscal years.

520 (b) Submit with its 2010-2011 legislative budget request



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521 budget adjustments necessary to accomplish the transfers. These
522 adjustments shall include budget requests to replace existing
523 spending authority in the appropriations categories used to
524 manage, maintain, and upgrade hardware, operating software, and
525 support software with an amount in a single appropriation
526 category to pay for the services of the primary data center.

527 (2) The board of trustees of each primary data center
528 shall:

529 (a) Be responsible for the efficient transfer of resources
530 in user agencies relating to the provision of full services and
531 shall coordinate the legislative budget requests of the affected
532 agencies.

533 (b) Include in its 2010-2011 legislative budget request
534 additional budget authority to accommodate the transferred
535 functions.

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

540 Section 10. Present subsections (25) through (28) of
541 section 282.0041, Florida Statutes, are renumbered as
542 subsections (27) through (30), respectively, and new subsections
543 (25) and (26) are added to that section, to read:

544 282.0041 Definitions.—As used in this chapter, the term:

545 (25) "SUNCOM Network" means the state enterprise
546 telecommunications system that provides all methods of
547 electronic or optical telecommunications beyond a single
548 building or contiguous building complex and used by entities
549 authorized as network users under this part.



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

553 Section 11. Section 282.702, Florida Statutes, is amended
554 to read:

555 282.702 Powers and duties.—The Department of Management
556 Services shall have the following powers, duties, and functions:

557 (1) To publish electronically the portfolio of services
558 available from the department, including pricing information;
559 the policies and procedures ~~of the state communications network~~
560 governing usage of available services; and a forecast of the
561 department's priorities for each telecommunications service and
562 ~~initiatives for the state communications system for the ensuing~~
563 ~~2 years.~~

564 (2) To adopt technical standards by rule for the state
565 telecommunications ~~communications~~ network which ~~will~~ ensure the
566 interconnection and operational security of computer networks,
567 telecommunications, and information systems of agencies.

568 (3) To enter into agreements related to information
569 technology and telecommunications services with state agencies
570 and political subdivisions of the state.

571 (4) To purchase from or contract with information
572 technology providers for information technology, including
573 private line services.

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

578 (6) To purchase, lease, or otherwise acquire and to hold,



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579 sell, transfer, license, or otherwise dispose of real, personal,
580 and intellectual property, including, but not limited to,
581 patents, trademarks, copyrights, and service marks.

582 (7) To cooperate with any federal, state, or local
583 emergency management agency in providing for emergency
584 telecommunications ~~communications~~ services.

585 (8) To control and approve the purchase, lease, or
586 acquisition and the use of telecommunications ~~communications~~
587 services, software, circuits, and equipment provided as part of
588 any other total telecommunications system to be used by the
589 state or ~~any of~~ its agencies.

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

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

596 (11) To monitor issues relating to telecommunication
597 ~~communications~~ facilities and services before the Florida Public
598 Service Commission and the Federal Communications Commission
599 and, if when necessary, prepare position papers, prepare
600 testimony, appear as a witness, and retain witnesses on behalf
601 of state agencies in proceedings before the commissions
602 ~~commission~~.

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

606 (a) Establishing technical standards to physically
607 interface with the SUNCOM Network.



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608 (b) Specifying how telecommunications ~~communications~~ are
609 transmitted within the SUNCOM Network.

610 (c) Controlling the routing of telecommunications
611 ~~communications~~ within the SUNCOM Network.

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

614 (e) Ensuring orderly and reliable telecommunication
615 ~~communications~~ services in accordance with the service level
616 agreements executed with state agencies.

617 (13) To plan, design, and conduct experiments for
618 telecommunication ~~communications~~ services, equipment, and
619 technologies, and to implement enhancements in the state
620 telecommunications ~~communications~~ network if ~~when~~ in the public
621 interest and cost-effective. Funding for such experiments must
622 ~~shall~~ be derived from SUNCOM Network service revenues and may
623 ~~shall~~ not exceed 2 percent of the annual budget for the SUNCOM
624 Network for any fiscal year or as provided in the General
625 Appropriations Act. New services offered as a result of this
626 subsection may ~~shall~~ not affect existing rates for facilities or
627 services.

628 (14) To enter into contracts or agreements, with or without
629 competitive bidding or procurement, to make available, on a
630 fair, reasonable, and nondiscriminatory basis, property and
631 other structures under departmental control for the placement of
632 new facilities by any wireless provider of mobile service as
633 defined in 47 U.S.C. s. 153(27) or s. 332(d) and any
634 telecommunications company as defined in s. 364.02 if ~~when~~ it is
635 ~~determined to be~~ practical and feasible to make such property or
636 other structures available. The department may, without adopting



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637 a rule, charge a just, reasonable, and nondiscriminatory fee for
638 the placement of the facilities, payable annually, based on the
639 fair market value of space used by comparable telecommunications
640 ~~communications~~ facilities in the state. The department and a
641 wireless provider or telecommunications company may negotiate
642 the reduction or elimination of a fee in consideration of
643 services provided to the department by the wireless provider or
644 telecommunications company. All such fees collected by the
645 department shall be deposited directly into the Law Enforcement
646 Radio Operating Trust Fund, and may be used by the department to
647 construct, maintain, or support the system.

648 (15) Establish policies that ensure that the department's
649 cost-recovery methodologies, billings, receivables,
650 expenditures, budgeting, and accounting data are captured and
651 reported timely, consistently, accurately, and transparently and
652 are in compliance with all applicable federal and state laws and
653 rules. The department shall annually submit to the Governor, the
654 President of the Senate, and the Speaker of the House of
655 Representatives a report that describes each service and its
656 cost, the billing methodology for recovering the cost of the
657 service, and, if applicable, the identity of those services that
658 are subsidized.

659 Section 12. Section 282.703, Florida Statutes, is amended
660 to read:

661 282.703 SUNCOM Network; exemptions from the required use.-

662 (1) The SUNCOM Network is established ~~There is created~~
663 within the department as the state enterprise telecommunications
664 ~~the SUNCOM Network, which shall be developed to serve as the~~
665 ~~state communications~~ system for providing local and long-



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666 distance communications services to state agencies, political
667 subdivisions of the state, municipalities, state universities,
668 and nonprofit corporations pursuant to this part. The SUNCOM
669 Network shall be developed to transmit all types of
670 telecommunications ~~communications~~ signals, including, but not
671 limited to, voice, data, video, image, and radio. State agencies
672 shall cooperate and assist in the development and joint use of
673 telecommunications ~~communications~~ systems and services.

674 (2) The department shall design, engineer, implement,
675 manage, and operate through state ownership, commercial leasing,
676 contracted services, or some combination thereof, the
677 facilities, ~~and~~ equipment, and contracts providing SUNCOM
678 Network services, and shall develop a system of equitable
679 billings and charges for telecommunications ~~communication~~
680 services.

681 (3) The department shall own, manage, and establish
682 standards for the telecommunications addressing and numbering
683 plans for the SUNCOM Network. This includes distributing or
684 revoking numbers and addresses to authorized users of the
685 network and delegating or revoking the delegation of management
686 of subsidiary groups of numbers and addresses to authorized
687 users of the network.

688 (4) The department shall maintain a directory of
689 information and services that provides the names, phone numbers,
690 and electronic mail addresses for employees, agencies, and
691 network devices that are served, in whole or in part, by the
692 SUNCOM Network. State agencies, state universities, and
693 political subdivisions of the state shall cooperate with the
694 department by providing timely and accurate directory



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695 information in the manner established by the department.

696 (5) ~~(3)~~ All state agencies and state universities shall use
697 the SUNCOM Network for agency and state university
698 telecommunications ~~communications~~ services as the services
699 become available; however, an ~~no~~ agency or university is not
700 relieved of responsibility for maintaining telecommunications
701 ~~communications~~ services necessary for effective management of
702 its programs and functions.

703 (a) If a SUNCOM Network service does not meet the
704 telecommunications ~~communications~~ requirements of an agency or
705 university, the agency or university must ~~shall~~ notify the
706 department in writing and detail the requirements for that
707 ~~communications~~ service. If the department is unable to meet an
708 agency's or university's requirements by enhancing SUNCOM
709 Network service, the department may grant the agency or
710 university an exemption from the required use of specified
711 SUNCOM Network services.

712 (b) Unless an exemption has been granted by the department,
713 effective October 1, 2010, all customers of a state primary data
714 center must use the shared SUNCOM Network telecommunications
715 services connecting the state primary data center to SUNCOM
716 services for all telecommunications needs in accordance with
717 department rules.

718 1. Upon discovery of customer noncompliance with this
719 paragraph, the department shall provide the affected customer
720 with a schedule for transferring to the shared
721 telecommunications services provided by the SUNCOM Network and
722 an estimate of all associated costs. The state primary data
723 centers and their customers shall cooperate with the department



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724 to accomplish the transfer.

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

727 Section 13. Subsection (1) of section 282.707, Florida
728 Statutes, is amended to read:

729 282.707 SUNCOM Network; criteria for usage.—

730 (1) The department and customers served by the department
731 shall periodically review the qualifications of subscribers
732 using the state SUNCOM Network and ~~shall~~ terminate services
733 provided to a ~~any~~ facility not qualified under this part or
734 rules adopted hereunder. In the event of nonpayment of invoices
735 by subscribers whose SUNCOM Network invoices are paid from
736 sources other than legislative appropriations, such nonpayment
737 represents good and sufficient reason to terminate service.

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