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

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

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59 positions and providing an appropriation; providing an
60 effective date.

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

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

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

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

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

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

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

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

90 Section 2. Paragraph (c) of subsection (2) of section
91 282.201, Florida Statutes, is amended to read:

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

98 (2) AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY DUTIES.—

99 The Agency for Enterprise Information Technology shall:

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

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

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

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

114 4. Uniform disaster recovery standards.

115 5. Standards for primary data centers providing transparent
116 financial data to user agencies.

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

119 7. Improvements to data center governance structures.

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

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

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

134 282.203 Primary data centers.—

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

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

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

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146 each service and which separately indicate the administrative
147 overhead allocated to each service.

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

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

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

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

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

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

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

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

173 (a) Employ an executive director, pursuant to s. 20.05, who
174 serves at the pleasure of the board. The executive director is

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175 responsible for the daily operation of the primary data center,
176 ensuring compliance with all laws and rules regulating the
177 primary data center, managing primary data center employees, and
178 the performance of the primary data center. The board shall
179 establish an annual performance evaluation process for the
180 executive director. The appointment of the executive director
181 must be reconfirmed by the board biennially.

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

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

190 Section 4. Section 282.204, Florida Statutes, is amended to
191 read:

192 282.204 Northwood Shared Resource Center.—

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

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

202 ~~(b) The conversion plan shall address organizational~~
203 ~~changes, personnel changes, cost-allocation plan changes, and~~

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204 ~~any other changes necessary to effectively convert to a primary~~
205 ~~state data center capable of providing computer services as~~
206 ~~required by s. 282.201.~~

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

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

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

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

229 ~~(3) The Department of Children and Family Services and the~~
230 ~~center shall identify resources associated with information~~
231 ~~technology functions which are not related to the support,~~
232 ~~management, and operation of the data center but which currently~~

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233 ~~exist within the same budget entity as the data center. By~~
234 ~~October 1, 2009, the center shall submit a budget amendment to~~
235 ~~transfer resources associated with these functions to the~~
236 ~~department.~~

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

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

244 (1) There is created an Agency Chief Information Officers
245 Council to:

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

253 Section 6. Section 282.34, Florida Statutes, is amended to
254 read:

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

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262 the service are to minimize the state investment required to
263 establish, operate, and support the statewide service; reduce
264 the cost of current e-mail operations and the number of
265 duplicative e-mail systems; and eliminate the need for each
266 state agency to maintain its own e-mail staff.

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

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

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

286 (b) The competitive solicitation must include detailed
287 specifications describing:

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

290 2. The minimum functional requirements necessary for

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291 successful statewide implementation and the responsibilities of
292 the prospective service provider and the agency.

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

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

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

310 1. Leasing or usage-based subscription fees;

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

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

318 (3)~~(2)~~ By December 31, 2010 ~~2009~~, or within 1 month after
319 negotiations are complete, whichever is later, the multiagency

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

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

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

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349 1. The total recurring operating costs of the current
350 agency e-mail systems, including monthly mailbox costs,
351 staffing, licensing and maintenance costs, hardware, and other
352 related e-mail product and service costs.

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

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

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

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

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

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

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

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

377 (c)-(h) A comparison of the migrating schedules of each

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378 sourcing option to the statewide e-mail service, including the
379 approach and ~~A reliable~~ schedule for the decommissioning of all
380 current state agency e-mail systems beginning with phase 1 and
381 phase 2 as provided in subsection (4) and the migration of all
382 agencies to the new system beginning by July 1, 2010, and
383 completing by June 30, 2013.

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

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

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

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

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407 the Statewide Guardian Ad Litem Office.

408 3. Phase 3.—The following agencies must be completely
409 migrated to the statewide e-mail system by June 30, 2014: the
410 Agency for Health Care Administration; the Agency for Workforce
411 Innovation; the Department of Financial Services, including the
412 Office of Financial Regulation and the Office of Insurance
413 Regulation; the Department of Agriculture and Consumer Services;
414 the Executive Office of the Governor; the Department of
415 Transportation; the Fish and Wildlife Conservation Commission;
416 and the State Board of Administration.

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

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

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

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

432 3. Resolving known agency e-mail problems through migration
433 to the statewide e-mail service.

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

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436 (5)~~(3)~~ In order to develop the implementation ~~recommended~~
437 plan for the statewide e-mail service ~~new system~~, the Agency for
438 Enterprise Information Technology shall establish and coordinate
439 a statewide e-mail project team. The agency shall also consult
440 with and, as necessary, form workgroups consisting of agency e-
441 mail management staff, agency chief information officers, ~~and~~
442 agency budget directors, and other administrative staff. The
443 statewide e-mail implementation plan must be submitted to the
444 Governor, the President of the Senate, and the Speaker of the
445 House of Representatives by July 1, 2011. ~~State agencies must~~
446 ~~cooperate with the Agency for Enterprise Technology in its~~
447 ~~development of the plan~~.

448 (6)~~(4)~~ Unless authorized by the Legislature or as provided
449 in subsection (7) ~~(5)~~, a state agency may ~~shall~~ not:

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

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

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

458 (7)~~(5)~~ Exceptions to paragraphs (6) ~~(4)~~(a), (b), and (c)
459 may be granted by the Agency for Enterprise Information
460 Technology only if the Southwood Shared Resource Center is
461 unable to meet agency business requirements for the e-mail
462 service, and if such requirements are essential to maintain
463 agency operations. Requests for exceptions must be submitted in
464 writing to the Agency for Enterprise Information Technology and

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465 include documented confirmation by the Southwood Shared Resource
466 Center board of trustees that it cannot meet the requesting
467 agency's e-mail service requirements.

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

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

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

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

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

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

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494 and recovery, disaster recovery, system administration, database
495 administration, system programming, job control, production
496 control, print, storage, technical support, help desk, and
497 managed services.

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

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

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

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

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

520 (2) The board of trustees of each primary data center
521 shall:

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

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523 in user agencies relating to the provision of full services and
524 shall coordinate the legislative budget requests of the affected
525 agencies.

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

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

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

537 282.0041 Definitions.—As used in this chapter, the term:

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

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

546 Section 10. Section 282.702, Florida Statutes, is amended
547 to read:

548 282.702 Powers and duties.—The Department of Management
549 Services shall have the following powers, duties, and functions:

550 (1) To publish electronically the portfolio of services
551 available from the department, including pricing information;

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552 the policies and procedures ~~of the state communications network~~
553 governing usage of available services; and a forecast of the
554 department's priorities for each telecommunications service and
555 ~~initiatives for the state communications system for the ensuing~~
556 ~~2 years.~~

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

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

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

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

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

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

578 (8) To control and approve the purchase, lease, or
579 acquisition and the use of telecommunications ~~communications~~
580 services, software, circuits, and equipment provided as part of

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581 any other total telecommunications system to be used by the
582 state or ~~any of~~ its agencies.

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

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

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

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

599 (a) Establishing technical standards to physically
600 interface with the SUNCOM Network.

601 (b) Specifying how telecommunications ~~communications~~ are
602 transmitted within the SUNCOM Network.

603 (c) Controlling the routing of telecommunications
604 ~~communications~~ within the SUNCOM Network.

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

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

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

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

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639 Radio Operating Trust Fund, and may be used by the department to
640 construct, maintain, or support the system.

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

652 Section 11. Section 282.703, Florida Statutes, is amended
653 to read:

654 282.703 SUNCOM Network; exemptions from the required use.-

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

667 (2) The department shall design, engineer, implement,

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668 manage, and operate through state ownership, commercial leasing,
669 contracted services, or some combination thereof, the
670 facilities, ~~and~~ equipment, and contracts providing SUNCOM
671 Network services, and shall develop a system of equitable
672 billings and charges for telecommunications ~~communication~~
673 services.

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

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

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

696 (a) If a SUNCOM Network service does not meet the

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

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

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

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

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

722 282.707 SUNCOM Network; criteria for usage.-

723 (1) The department and customers served by the department
724 shall periodically review the qualifications of subscribers
725 using the state SUNCOM Network and ~~shall~~ terminate services

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726 provided to a ~~any~~ facility not qualified under this part or
727 rules adopted hereunder. In the event of nonpayment of invoices
728 by subscribers whose SUNCOM Network invoices are paid from
729 sources other than legislative appropriations, such nonpayment
730 represents good and sufficient reason to terminate service.

731 Section 13. Children's Legal Services and the judiciary
732 shall use the Florida Safe Families Network for child welfare
733 case management.

734 Section 14. There is appropriated to the Agency for
735 Enterprise Information Technology three full-time equivalent
736 positions and \$300,000 in recurring General Revenue in a lump-
737 sum category for implementing the provisions of this act
738 relating to the consolidation of information technology
739 purchases which result in savings to the state.

740 Section 15. This act shall take effect upon becoming a law.