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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 requiring that the agency develop standards for
6 information technology services; amending s. 282.201,
7 F.S.; deleting an obsolete provision; requiring that
8 state agencies notify the data center of certain
9 anticipated changes; amending s. 282.203, F.S.;
10 specifying the contents of financial statements that
11 must be provided by primary data centers; requiring
12 that each data center submit to its board of trustees
13 cost-reduction proposals and organizational plans;
14 establishing a quorum for a data center board of
15 trustees; providing additional duties for the board of
16 trustees; amending s. 282.204, F.S.; deleting obsolete
17 provisions relating to the Northwood Shared Resource
18 Center; amending s. 282.315, F.S.; providing an
19 additional duty for the Agency Chief Information
20 Officers Council relating to the consolidated purchase
21 of information technology products; amending s.
22 282.34, F.S.; revising provisions relating to
23 statewide e-mail services; providing the primary goals
24 for the service; providing for the establishment of a
25 multiagency team to solicit proposals for a statewide
26 service by a certain date; specifying the requirements
27 for competitive solicitation; requiring the
28 multiagency team and the Agency for Enterprise
29 Information Technology to submit a business case

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30 analysis to the Governor and Cabinet and the
31 Legislature; requiring the analysis to include agency
32 lifecycle costs; requiring all state agencies to have
33 migrated to the statewide service by a certain date;
34 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; requiring
38 that each agency include requirements for migrating to
39 the statewide e-mail service in its legislative budget
40 request; directing the agency to adopt rules;
41 repealing s. 408.0615, F.S., relating to the
42 establishment of a secure facility protecting data
43 held by the Agency for Health Care Administration;
44 amending s. 17 of chapter 2008-116, Laws of Florida;
45 revising the date for transferring data center
46 functions to a primary data center; amending s.
47 282.0041, F.S.; defining the terms "SUNCOM Network"
48 and "telecommunications"; amending s. 282.702, F.S.;
49 revising the powers and duties of the Department of
50 Management Services with respect to telecommunications
51 services; requiring that the department establish
52 policies with respect to financial accounting and
53 submit an annual report to the Governor and
54 Legislature; amending s. 282.703, F.S.; revising
55 provisions relating to the SUNCOM Network; authorizing
56 the department to establish standards for addresses
57 and numbers and to maintain a directory; requiring all
58 customers of a state primary data center, except for

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59 state universities, to use SUNCOM services; providing
60 for certain exemptions; amending s. 282.707, F.S.;
61 requiring the department and customers served by the
62 department to review the qualifications of subscribers
63 using the SUNCOM Network; authorizing additional
64 positions and providing an appropriation; providing an
65 effective date.

66
67 Be It Enacted by the Legislature of the State of Florida:

68
69 Section 1. Paragraphs (g), (h), and (i) of subsection (4)
70 of section 14.204, Florida Statutes, are amended, and paragraphs
71 (j) and (k) are added to that subsection, to read:

72 14.204 Agency for Enterprise Information Technology.—The
73 Agency for Enterprise Information Technology is created within
74 the Executive Office of the Governor.

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

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

83 (h) In consultation with the Division of Purchasing in the
84 Department of Management Services, coordinate procurement
85 negotiations for information technology products as defined in
86 s. 282.0041 which ~~software that~~ will be used by multiple
87 agencies.

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88 (i) In coordination with, and through the services of, the
89 Division of Purchasing in the Department of Management Services,
90 establish develop best practices for the procurement of
91 information technology products as defined in s. 282.0041 in
92 order to achieve savings for the state procurements.

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

95 (k) Provide annually, by December 31, recommendations to
96 the Legislature relating to techniques for consolidating the
97 purchase of information technology commodities and services,
98 which result in savings for the state, and for establishing a
99 process to achieve savings through consolidated purchases.

100 Section 2. Paragraph (c) of subsection (2) of section
101 282.201, Florida Statutes, is amended, and paragraph (d) is
102 added to subsection (3) of that section, to read:

103 282.201 State data center system; agency duties and
104 limitations.—A state data center system that includes all
105 primary data centers, other nonprimary data centers, and
106 computing facilities, and that provides an enterprise
107 information technology service as defined in s. 282.0041, is
108 established.

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

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

116 1. Policies for improving the cost-effectiveness and

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117 efficiency of the state data center system.

118 2. Infrastructure improvements supporting the consolidation
119 of facilities or preempting the need to create additional data
120 centers or computing facilities.

121 3. Standards for an objective, credible energy performance
122 rating system that data center boards of trustees can use to
123 measure state data center energy consumption and efficiency on a
124 biannual basis.

125 4. Uniform disaster recovery standards.

126 5. Standards for primary data centers providing transparent
127 financial data to user agencies.

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

130 7. Improvements to data center governance structures.

131 (3) STATE AGENCY DUTIES.—

132 (d) Each state agency customer of a primary data center
133 shall notify the data center, by May 31 and November 30 of each
134 year, of any significant changes in anticipated utilization of
135 data center services pursuant to requirements established by the
136 boards of trustees of each primary data center.

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

145 282.203 Primary data centers.—

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

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

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

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

163 3. Annually, by January 31, the data center must provide
164 updates of the financial statements required under subparagraphs
165 1. and 2. for the current fiscal year.

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

170
171 The financial information required under subparagraphs 1., 2.,
172 and 3. must be based on current law and current appropriations.

173 (e) Annually, by October 1, submit to the board of trustees
174 cost-reduction proposals, including strategies and timetables

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175 for lowering customer entities' costs without reducing the level
176 of services.

177 (f) By December 31, 2010, submit organizational plans that
178 minimize the annual recurring cost of center operations and
179 eliminate the need for state agency customers to maintain data
180 center skills and staff within their agency. The plans shall:

181 1. Establish an efficient organizational structure
182 describing the roles and responsibilities of all positions and
183 business units in the centers;

184 2. Define a human resources planning and management process
185 that shall be used to make required center staffing decisions;
186 and

187 3. Develop a process for projecting staffing requirements
188 based on estimated workload identified in customer agency
189 service level agreements.

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

192 (d) A majority of the members constitutes a quorum. The
193 board shall take action by a majority vote of the members if a
194 quorum is present. If there is a tie, the chair shall be on the
195 prevailing side.

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

198 (a) Employ an executive director, pursuant to s. 20.05, who
199 serves at the pleasure of the board. The executive director is
200 responsible for the daily operation of the primary data center,
201 ensuring compliance with all laws and rules regulating the
202 primary data center, managing primary data center employees, and
203 the performance of the primary data center. The board shall

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204 establish an annual performance evaluation process for the
205 executive director. The appointment of the executive director
206 must be reconfirmed by the board biennially.

207 (k) Coordinate with other primary data centers and the
208 Agency for Enterprise Information Technology in order to
209 consolidate purchases of goods and services and lower the cost
210 of providing services to customer entities.

211 (l) Contract with other primary data centers for the
212 provision of administrative services or with the agency within
213 which the primary data center is housed, whichever is most cost-
214 effective.

215 Section 4. Section 282.204, Florida Statutes, is amended to
216 read:

217 282.204 Northwood Shared Resource Center.—

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

221 ~~(a) The workgroup shall be chaired by a member appointed by~~
222 ~~the secretary of the department. Workgroup members may include~~
223 ~~other state agencies who will be customers of the data center~~
224 ~~during the 2009-2010 fiscal year. The workgroup shall include~~
225 ~~staff members who have appropriate financial and technical~~
226 ~~skills as determined by the chair of the workgroup.~~

227 ~~(b) The conversion plan shall address organizational~~
228 ~~changes, personnel changes, cost-allocation plan changes, and~~
229 ~~any other changes necessary to effectively convert to a primary~~
230 ~~state data center capable of providing computer services as~~
231 ~~required by s. 282.201.~~

232 ~~(c) The workgroup shall submit recommendations for~~

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233 ~~facilitating the conversion to the Governor and Cabinet, the~~
234 ~~President of the Senate, and the Speaker of the House of~~
235 ~~Representatives by December 31, 2008.~~

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

239 (1)~~(a)~~ The center is a primary data center and shall be a
240 separate budget entity that is not subject to control,
241 supervision, or direction of the department in any manner,
242 including, but not limited to, purchasing, transactions
243 involving real or personal property, personnel, or budgetary
244 matters.

245 (2)~~(b)~~ The center shall be headed by a board of trustees as
246 provided in s. 282.203, who shall comply with all requirements
247 of that section related to the operation of the center and with
248 the rules of the Agency for Enterprise Information Technology
249 related to the design and delivery of enterprise information
250 technology services. ~~The secretary of the department may appoint~~
251 ~~a temporary board chair for the purpose of convening the board~~
252 ~~of trustees, selecting a chair, and determining board~~
253 ~~membership.~~

254 ~~(3) The Department of Children and Family Services and the~~
255 ~~center shall identify resources associated with information~~
256 ~~technology functions which are not related to the support,~~
257 ~~management, and operation of the data center but which currently~~
258 ~~exist within the same budget entity as the data center. By~~
259 ~~October 1, 2009, the center shall submit a budget amendment to~~
260 ~~transfer resources associated with these functions to the~~
261 ~~department.~~

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

264 282.315 Agency Chief Information Officers Council;
265 creation.—The Legislature finds that enhancing communication,
266 consensus building, coordination, and facilitation with respect
267 to issues concerning enterprise information technology resources
268 are essential to improving the management of such resources.

269 (1) There is created an Agency Chief Information Officers
270 Council to:

271 (e) Annually, by October 1, identify information technology
272 products, as defined in s. 282.0041, which, if purchased in a
273 consolidated manner, would result in savings to the state, and
274 develop recommendations regarding a process for consolidating
275 such purchases. The council shall transmit its recommendations
276 to the Agency for Enterprise Information Technology.

277 Section 6. Section 282.34, Florida Statutes, is amended to
278 read:

279 282.34 Statewide e-mail service system.—A state e-mail
280 system that includes the ~~service~~ delivery and support of for a
281 ~~statewide~~ e-mail, messaging, and calendaring capabilities
282 ~~service~~ is established as an enterprise information technology
283 service as defined in s. 282.0041. The service shall be designed
284 to meet the needs of all executive branch agencies ~~and reduce~~
285 ~~the current cost of operation and support~~. The primary goals of
286 the service are to minimize the state investment required to
287 establish, operate, and support the statewide service; reduce
288 the cost of current e-mail operations and the number of
289 duplicative e-mail systems; and eliminate the need for each
290 state agency to maintain its own e-mail staff.

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291 (1) The Southwood Shared Resource Center, a primary data
292 center, shall be the provider of the statewide e-mail service
293 for all state agencies ~~system~~. The center shall centrally host,
294 manage, ~~and operate,~~ and support the service, or outsource the
295 hosting, management, operational, or support components of the
296 service in order to achieve the primary goals identified in this
297 section ~~the e-mail system~~.

298 (2) The Agency for Enterprise Information Technology, in
299 consultation with the Southwood Shared Resource Center, shall
300 establish and coordinate a multiagency project team to develop a
301 competitive solicitation for establishing the statewide e-mail
302 service.

303 (a) The Southwood Shared Resource Center shall issue the
304 competitive solicitation by August 31, 2010, with vendor
305 responses required by October 15, 2010. Issuance of the
306 competitive solicitation does not obligate the agency and the
307 center to conduct further negotiations or to execute a contract.
308 The decision to conduct or conclude negotiations, or execute a
309 contract, must be made solely at the discretion of the agency.

310 (b) The competitive solicitation must include detailed
311 specifications describing:

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

314 2. The minimum functional requirements necessary for
315 successful statewide implementation and the responsibilities of
316 the prospective service provider and the agency.

317 3. The form and required content for submitted proposals,
318 including, but not limited to, a description of the proposed
319 system and its internal and external sourcing options, a 5-year

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320 lifecycle-based pricing based on cost per mailbox per month, and
321 a decommissioning approach for current e-mail systems; an
322 implementation schedule and implementation services; a
323 description of e-mail account management, help desk, technical
324 support, and user provisioning services; disaster recovery and
325 backup and restore capabilities; anti-spam and anti-virus
326 capabilities; remote access and mobile messaging capabilities;
327 and staffing requirements.

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

331 (d) The competitive solicitation must permit alternative
332 financial and operational models to be proposed, including, but
333 not limited to:

- 334 1. Leasing or usage-based subscription fees;
335 2. Installing and operating the e-mail service within the
336 Southwood Shared Resource Center or in a data center operated by
337 an external service provider; or
338 3. Provisioning the e-mail service as an Internet-based
339 offering provided to state agencies. Specifications for proposed
340 models must be optimized to meet the primary goals of the e-mail
341 service.

342 (3)~~(2)~~ By December 31, 2010 ~~2009~~, or within 1 month after
343 negotiations are complete, whichever is later, the multiagency
344 project team and the Agency for Enterprise Information
345 Technology shall prepare a business case analysis containing its
346 recommendations for procuring the statewide e-mail service for
347 submission ~~submit a proposed plan for the establishment of the~~
348 ~~e-mail system~~ to the Governor and Cabinet, the President of the

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349 Senate, and the Speaker of the House of Representatives. The
350 business case is not subject to challenge or protest pursuant to
351 chapter 120. The business case must include ~~The plan shall be~~
352 ~~developed to reduce costs to the state and include,~~ at a
353 minimum:

354 (a) An assessment of the major risks that must be managed
355 for each proposal compared to the risks for the current state
356 agency e-mail system and the major benefits that are associated
357 with each ~~An analysis of the in-house and external sourcing~~
358 ~~options that should be considered for delivery and support of~~
359 ~~the service. The analysis shall include an internally hosted~~
360 ~~system option, an externally sourced system option, and, if~~
361 ~~necessary, a combined in-house and externally sourced option.~~

362 (b) A cost-benefit analysis that estimates all major cost
363 elements associated with each sourcing option, focusing on
364 ~~including~~ the nonrecurring and recurring lifecycle costs of each
365 option. The analysis must ~~also~~ include a comparison of the
366 estimated total 5-year lifecycle cost of the current agency e-
367 mail systems versus ~~of~~ each enterprise e-mail sourcing option
368 ~~and the total cost of existing e-mail services~~ in order to
369 determine the feasibility of funding the migration and operation
370 of the statewide e-mail service and the overall level of savings
371 that can be expected. The 5-year lifecycle costs for each state
372 agency must include, but are not limited to:

373 1. The total recurring operating costs of the current
374 agency e-mail systems, including monthly mailbox costs,
375 staffing, licensing and maintenance costs, hardware, and other
376 related e-mail product and service costs.

377 2. An estimate of nonrecurring hardware and software

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378 refresh, upgrade, or replacement costs based on the expected 5-
379 year obsolescence of current e-mail software products and
380 equipment through the 2014 fiscal year, and the basis for the
381 estimate.

382 3. An estimate of recurring costs associated with the
383 energy consumption of current agency e-mail equipment, and the
384 basis for the estimate.

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

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

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

392 ~~(e) A concise analysis of the ability of each sourcing~~
393 ~~option to meet major system requirements, including federal and~~
394 ~~state requirements for confidentiality, privacy, security, and~~
395 ~~records retention.~~

396 ~~(f) A complete description of the scope of functionality,~~
397 ~~operations, and required resources associated with each sourcing~~
398 ~~option.~~

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

401 (c)(h) A comparison of the migrating schedules of each
402 sourcing option to the statewide e-mail service, including the
403 approach and A reliable schedule for the decommissioning of all
404 current state agency e-mail systems beginning with phase 1 and
405 phase 2 as provided in subsection (4) and the migration of all
406 agencies to the new system beginning by July 1, 2010, and

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407 ~~completing by June 30, 2013.~~

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

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

413 1. Phase 1.—The following agencies must be completely
414 migrated to the statewide e-mail system by June 30, 2012: the
415 Agency for Enterprise Information Technology; the Department of
416 Community Affairs, including the Division of Emergency
417 Management; the Department of Corrections; the Department of
418 Health; the Department of Highway Safety and Motor Vehicles; the
419 Department of Management Services, including the Division of
420 Administrative Hearings, the Division of Retirement, the
421 Commission on Human Relations, and the Public Employees
422 Relations Commission; the Southwood Shared Resource Center; and
423 the Department of Revenue.

424 2. Phase 2.—The following agencies must be completely
425 migrated to the statewide e-mail system by June 30, 2013: the
426 Department of Business and Professional Regulation; the
427 Department of Education, including the Board of Governors; the
428 Department of Environmental Protection; the Department of
429 Juvenile Justice; the Department of the Lottery; the Department
430 of State; the Department of Law Enforcement; the Department of
431 Veterans' Affairs; the Judicial Administration Commission; the
432 Public Service Commission; and the Statewide Guardian Ad Litem
433 Office.

434 3. Phase 3.—The following agencies must be completely
435 migrated to the statewide e-mail system by June 30, 2014: the

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436 Agency for Health Care Administration; the Agency for Workforce
437 Innovation; the Department of Financial Services, including the
438 Office of Financial Regulation and the Office of Insurance
439 Regulation; the Department of Agriculture and Consumer Services;
440 the Executive Office of the Governor; the Department of
441 Transportation; the Fish and Wildlife Conservation Commission;
442 the Agency for Persons With Disabilities; the Northwood Shared
443 Resource Center; and the State Board of Administration.

444 4. Phase 4.—The following agencies must be completely
445 migrated to the statewide e-mail system by June 30, 2015: the
446 Department of Children and Family Services; the Department of
447 Citrus; the Department of Elderly Affairs; and the Department of
448 Legal Affairs.

449 (b) Agency requests to modify their scheduled implementing
450 date must be submitted in writing to the Agency for Enterprise
451 Information Technology. Any exceptions or modifications to the
452 schedule must be approved by the Agency for Enterprise
453 Information Technology based only on the following criteria:

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

456 2. Avoiding nonessential investment in new software or
457 hardware licensing agreements, maintenance or support
458 agreements, or e-mail staffing for current e-mail systems.

459 3. Resolving known agency e-mail problems through migration
460 to the statewide e-mail service.

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

463 (5)~~(3)~~ In order to develop the implementation ~~recommended~~
464 plan for the statewide e-mail service ~~new system~~, the Agency for

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465 Enterprise Information Technology shall establish and coordinate
466 a statewide e-mail project team. The agency shall also consult
467 with and, as necessary, form workgroups consisting of agency e-
468 mail management staff, agency chief information officers, ~~and~~
469 agency budget directors, and other administrative staff. The
470 statewide e-mail implementation plan must be submitted to the
471 Governor, the President of the Senate, and the Speaker of the
472 House of Representatives by July 1, 2011. ~~State agencies must~~
473 ~~cooperate with the Agency for Enterprise Technology in its~~
474 ~~development of the plan.~~

475 ~~(6)-(4)~~ Unless authorized by the Legislature or as provided
476 in subsection ~~(7) -(5)~~, a state agency may ~~shall~~ not:

477 (a) Initiate a new e-mail service or execute a new e-mail
478 contract or new e-mail contract amendment for nonessential
479 products or services with any entity other than the provider of
480 the statewide e-mail ~~system~~ service;

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

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

485 ~~(7)-(5)~~ Exceptions to paragraphs ~~(6) -(4)~~(a), (b), and (c)
486 may be granted by the Agency for Enterprise Information
487 Technology only if the Southwood Shared Resource Center is
488 unable to meet agency business requirements for the e-mail
489 service, and if such requirements are essential to maintain
490 agency operations. Requests for exceptions must be submitted in
491 writing to the Agency for Enterprise Information Technology and
492 include documented confirmation by the Southwood Shared Resource
493 Center board of trustees that it cannot meet the requesting

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494 agency's e-mail service requirements.

495 (8) Each agency shall include the budget issues necessary
496 for migrating to the statewide e-mail service in its legislative
497 budget request before the first full year it is scheduled to
498 migrate to the statewide service in accordance with budget
499 instructions developed pursuant to s. 216.023.

500 (9) The Agency for Enterprise Information Technology shall
501 adopt rules to standardize the format for state agency e-mail
502 addresses.

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

506 (11) The Agency for Enterprise Information Technology shall
507 recommend changes to an agency's scheduled date for migration to
508 the statewide e-mail service pursuant to s. 282.34, annually by
509 December 31, until migration to the statewide service is
510 complete.

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

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

514 Section 17. All data center functions performed, managed,
515 operated, or supported by state agencies with resources and
516 equipment currently located in a state primary data center
517 created by this act, excluding application development, shall be
518 transferred to the primary data center and that agency shall
519 become a full-service customer entity by December 31, July 1,
520 2010. All resources and equipment located in the primary data
521 center shall be operated, managed, and controlled by the primary
522 data center. Data center functions include, but are not limited

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523 to, all data center hardware, software, staff, contracted
524 services, and facility resources performing data center
525 management and operations, security, production control, backup
526 and recovery, disaster recovery, system administration, database
527 administration, system programming, job control, production
528 control, print, storage, technical support, help desk, and
529 managed services.

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

532 (a) By October 1, 2009, submit a plan to the board of
533 trustees of the appropriate primary data center describing costs
534 and resources currently used to manage and maintain hardware and
535 operating and support software housed at the primary data
536 center, and a plan for transferring all resources allocated to
537 data center functions to the primary data center. The plan
538 shall:

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

541 2. Propose averages or weighted averages for transferring
542 spending authority related to equipment and software based upon
543 spending in the previous 5 fiscal years and projected needs for
544 the upcoming 2 fiscal years.

545 (b) Submit with its 2010-2011 legislative budget request
546 budget adjustments necessary to accomplish the transfers. These
547 adjustments shall include budget requests to replace existing
548 spending authority in the appropriations categories used to
549 manage, maintain, and upgrade hardware, operating software, and
550 support software with an amount in a single appropriation
551 category to pay for the services of the primary data center.

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552 (2) The board of trustees of each primary data center
553 shall:

554 (a) Be responsible for the efficient transfer of resources
555 in user agencies relating to the provision of full services and
556 shall coordinate the legislative budget requests of the affected
557 agencies.

558 (b) Include in its 2010-2011 legislative budget request
559 additional budget authority to accommodate the transferred
560 functions.

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

565 Section 9. Present subsections (25) through (28) of section
566 282.0041, Florida Statutes, are renumbered as subsections (27)
567 through (30), respectively, and new subsections (25) and (26)
568 are added to that section, to read:

569 282.0041 Definitions.—As used in this chapter, the term:

570 (25) "SUNCOM Network" means the state enterprise
571 telecommunications system that provides all methods of
572 electronic or optical telecommunications beyond a single
573 building or contiguous building complex and used by entities
574 authorized as network users under this part.

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

578 Section 10. Section 282.702, Florida Statutes, is amended
579 to read:

580 282.702 Powers and duties.—The Department of Management

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581 Services shall have the following powers, duties, and functions:

582 (1) To publish electronically the portfolio of services
583 available from the department, including pricing information;
584 the policies and procedures ~~of the state communications network~~
585 governing usage of available services; and a forecast of the
586 department's priorities for each telecommunications service and
587 ~~initiatives for the state communications system for the ensuing~~
588 ~~2 years.~~

589 (2) To adopt technical standards by rule for the state
590 telecommunications ~~communications~~ network which ~~will~~ ensure the
591 interconnection and operational security of computer networks,
592 telecommunications, and information systems of agencies.

593 (3) To enter into agreements related to information
594 technology and telecommunications services with state agencies
595 and political subdivisions of the state.

596 (4) To purchase from or contract with information
597 technology providers for information technology, including
598 private line services.

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

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

607 (7) To cooperate with any federal, state, or local
608 emergency management agency in providing for emergency
609 telecommunications ~~communications~~ services.

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610 (8) To control and approve the purchase, lease, or
611 acquisition and the use of telecommunications ~~communications~~
612 services, software, circuits, and equipment provided as part of
613 any other total telecommunications system to be used by the
614 state or ~~any of~~ its agencies.

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

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

621 (11) To monitor issues relating to telecommunications
622 ~~communications~~ facilities and services before the Florida Public
623 Service Commission and the Federal Communications Commission
624 and, if when necessary, prepare position papers, prepare
625 testimony, appear as a witness, and retain witnesses on behalf
626 of state agencies in proceedings before the commissions
627 ~~commission~~.

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

631 (a) Establishing technical standards to physically
632 interface with the SUNCOM Network.

633 (b) Specifying how telecommunications ~~communications~~ are
634 transmitted within the SUNCOM Network.

635 (c) Controlling the routing of telecommunications
636 ~~communications~~ within the SUNCOM Network.

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

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639 (e) Ensuring orderly and reliable telecommunications
640 ~~communications~~ services in accordance with the service level
641 agreements executed with state agencies.

642 (13) To plan, design, and conduct experiments for
643 telecommunications ~~communications~~ services, equipment, and
644 technologies, and to implement enhancements in the state
645 telecommunications ~~communications~~ network if ~~when~~ in the public
646 interest and cost-effective. Funding for such experiments must
647 ~~shall~~ be derived from SUNCOM Network service revenues and may
648 ~~shall~~ not exceed 2 percent of the annual budget for the SUNCOM
649 Network for any fiscal year or as provided in the General
650 Appropriations Act. New services offered as a result of this
651 subsection may ~~shall~~ not affect existing rates for facilities or
652 services.

653 (14) To enter into contracts or agreements, with or without
654 competitive bidding or procurement, to make available, on a
655 fair, reasonable, and nondiscriminatory basis, property and
656 other structures under departmental control for the placement of
657 new facilities by any wireless provider of mobile service as
658 defined in 47 U.S.C. s. 153(27) or s. 332(d) and any
659 telecommunications company as defined in s. 364.02 if ~~when~~ it is
660 ~~determined to be~~ practical and feasible to make such property or
661 other structures available. The department may, without adopting
662 a rule, charge a just, reasonable, and nondiscriminatory fee for
663 the placement of the facilities, payable annually, based on the
664 fair market value of space used by comparable telecommunications
665 ~~communications~~ facilities in the state. The department and a
666 wireless provider or telecommunications company may negotiate
667 the reduction or elimination of a fee in consideration of

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668 services provided to the department by the wireless provider or
669 telecommunications company. All such fees collected by the
670 department shall be deposited directly into the Law Enforcement
671 Radio Operating Trust Fund, and may be used by the department to
672 construct, maintain, or support the system.

673 (15) Establish policies that ensure that the department's
674 cost-recovery methodologies, billings, receivables,
675 expenditures, budgeting, and accounting data are captured and
676 reported timely, consistently, accurately, and transparently and
677 are in compliance with all applicable federal and state laws and
678 rules. The department shall annually submit to the Governor, the
679 President of the Senate, and the Speaker of the House of
680 Representatives a report that describes each service and its
681 cost, the billing methodology for recovering the cost of the
682 service, and, if applicable, the identity of those services that
683 are subsidized.

684 Section 11. Section 282.703, Florida Statutes, is amended
685 to read:

686 282.703 SUNCOM Network; exemptions from the required use.—

687 (1) The SUNCOM Network is established ~~There is created~~
688 within the department as the state enterprise telecommunications
689 ~~the SUNCOM Network, which shall be developed to serve as the~~
690 ~~state communications~~ system for providing local and long-
691 distance communications services to state agencies, political
692 subdivisions of the state, municipalities, ~~state universities,~~
693 and nonprofit corporations pursuant to this part. The SUNCOM
694 Network shall be developed to transmit all types of
695 telecommunications ~~communications~~ signals, including, but not
696 limited to, voice, data, video, image, and radio. State agencies

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697 shall cooperate and assist in the development and joint use of
698 telecommunications ~~communications~~ systems and services.

699 (2) The department shall design, engineer, implement,
700 manage, and operate through state ownership, commercial leasing,
701 contracted services, or some combination thereof, the
702 facilities, and equipment, and contracts providing SUNCOM
703 Network services, and shall develop a system of equitable
704 billings and charges for telecommunications ~~communication~~
705 services.

706 (3) The department shall own, manage, and establish
707 standards for the telecommunications addressing and numbering
708 plans for the SUNCOM Network. This includes distributing or
709 revoking numbers and addresses to authorized users of the
710 network and delegating or revoking the delegation of management
711 of subsidiary groups of numbers and addresses to authorized
712 users of the network.

713 (4) The department shall maintain a directory of
714 information and services which provides the names, phone
715 numbers, and e-mail addresses for employees, agencies, and
716 network devices that are served, in whole or in part, by the
717 SUNCOM Network. State agencies and political subdivisions of the
718 state shall cooperate with the department by providing timely
719 and accurate directory information in the manner established by
720 the department.

721 ~~(5)~~ ~~(3)~~ All state agencies ~~and state universities~~ shall use
722 the SUNCOM Network for agency telecommunications ~~and state~~
723 ~~university communications~~ services as the services become
724 available; however, an ~~no~~ agency ~~or university~~ is not relieved
725 of responsibility for maintaining telecommunications

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726 ~~communications~~ services necessary for effective management of
727 its programs and functions.

728 (a) If a SUNCOM Network service does not meet the
729 telecommunications ~~communications~~ requirements of an agency ~~or~~
730 ~~university~~, the agency must ~~or university shall~~ notify the
731 department in writing and detail the requirements for that
732 ~~communications~~ service. If the department is unable to meet an
733 agency's ~~or university's~~ requirements by enhancing SUNCOM
734 Network service, the department may grant the agency ~~or~~
735 ~~university~~ an exemption from the required use of specified
736 SUNCOM Network services.

737 (b) Unless an exemption has been granted by the department,
738 effective October 1, 2010, all customers of a state primary data
739 center, excluding state universities, must use the shared SUNCOM
740 Network telecommunications services connecting the state primary
741 data center to SUNCOM services for all telecommunications needs
742 in accordance with department rules.

743 1. Upon discovery of customer noncompliance with this
744 paragraph, the department shall provide the affected customer
745 with a schedule for transferring to the shared
746 telecommunications services provided by the SUNCOM Network and
747 an estimate of all associated costs. The state primary data
748 centers and their customers shall cooperate with the department
749 to accomplish the transfer.

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

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

754 282.707 SUNCOM Network; criteria for usage.—

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755 (1) The department and customers served by the department
756 shall periodically review the qualifications of subscribers
757 using the state SUNCOM Network and ~~shall~~ terminate services
758 provided to a ~~any~~ facility not qualified under this part or
759 rules adopted hereunder. In the event of nonpayment of invoices
760 by subscribers whose SUNCOM Network invoices are paid from
761 sources other than legislative appropriations, such nonpayment
762 represents good and sufficient reason to terminate service.

763 Section 13. There is appropriated to the Agency for
764 Enterprise Information Technology three full-time equivalent
765 positions and \$300,000 in recurring General Revenue in a lump-
766 sum category for implementing the provisions of this act
767 relating to the consolidation of information technology
768 purchases which result in savings to the state.

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