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1  
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.