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LEGISLATIVE ACTION

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| Senate     | . | House |
| Comm: RCS  | . |       |
| 04/05/2011 | . |       |
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The Committee on Governmental Oversight and Accountability  
(Ring) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 14.204, Florida Statutes, is  
transferred, renumbered as section 20.51, Florida Statutes, and  
amended to read:

20.51 ~~14.204~~ Department of Agency for Enterprise  
Information Technology.—The Department of Agency for Enterprise  
Information Technology is created ~~within the Executive Office of~~  
~~the Governor.~~

(1) The head of the department is ~~agency shall be~~ the



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13 Governor and Cabinet.

14 ~~(2) The agency is a separate budget entity and is not~~  
15 ~~subject to control, supervision, or direction by the Executive~~  
16 ~~Office of the Governor, including, but not limited to,~~  
17 ~~purchasing, transactions involving real or personal property,~~  
18 ~~personnel, or budgetary matters.~~

19 (2)~~(3)~~ The department ~~agency~~ shall have an executive  
20 director who is the state's Chief Technology Information ~~Information~~ Officer  
21 and who must, at a minimum:

22 (a) Have a degree from an accredited postsecondary  
23 institution in engineering, computer science, information  
24 science, or information systems;

25 (b) Have at least 7 years of executive-level experience in  
26 managing information technology organizations; and

27 (c) Be appointed by the Governor and ~~confirmed by the~~  
28 Cabinet, subject to confirmation by the Senate, and serve at the  
29 pleasure of the Governor and Cabinet.

30 (3) The department shall consist of the following  
31 divisions:

32 (a) The Division of Strategic Procurement, which includes  
33 the development of all enterprise information technology  
34 procurement and acquisition-management systems across state  
35 agencies, whether owned or contracted, and has the objective of  
36 achieving unified accountability.

37 (b) The Division of Policy Formation, Development, and  
38 Standards, which, by rule, sets the technical and architectural  
39 expectations for current and emerging technologies and  
40 establishes new human capital skill sets, competency  
41 expectations, and total compensation for all information



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42 technology professions within state agencies.

43 (c) The Division of Implementation, which is responsible  
44 for the execution, timing, and integration of specific  
45 technology components and business domain management and the  
46 retention of agency expertise in key legacy applications in  
47 nonstrategic management systems.

48 (4) The department ~~agency~~ shall have the following duties  
49 and responsibilities:

50 (a) Develop strategies for the design, delivery, and  
51 management of the enterprise information technology services  
52 established in law.

53 (b) Monitor the delivery and management of the enterprise  
54 information technology services as established in law.

55 (c) Make recommendations to the agency head and the  
56 Legislature concerning other information technology services  
57 that should be designed, delivered, and managed as enterprise  
58 information technology services as defined in s. 282.0041.

59 (d) Plan and establish policies for managing proposed  
60 statutorily authorized enterprise information technology  
61 services, which includes:

62 1. Developing business cases that, when applicable, include  
63 the components identified in s. 287.0571;

64 2. Establishing and coordinating project-management teams;

65 3. Establishing formal risk-assessment and mitigation  
66 processes; and

67 4. Providing for independent monitoring of projects for  
68 recommended corrective actions.

69 (e) Beginning October 1, 2010, develop, publish, and  
70 biennially update a long-term strategic enterprise information



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71 technology plan that identifies and recommends strategies and  
72 opportunities to improve the delivery of cost-effective and  
73 efficient enterprise information technology services to be  
74 proposed for establishment pursuant to s. 282.0056.

75 (f) Perform duties related to the state data center system  
76 as provided in s. 282.201.

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.

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

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

90 (j) Develop information technology standards for enterprise  
91 information technology services.

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

97 (5) The Office of Information Security shall be created  
98 within the department ~~agency~~. The department ~~agency~~ shall  
99 designate a state Chief Information Security Officer who shall



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100 oversee the office and report directly to the executive  
101 director.

102 (6) The department ~~agency~~ shall operate in a manner that  
103 ensures the participation and representation of state agencies  
104 and the Agency Chief Information Officers Council established in  
105 s. 282.315.

106 (7) The department ~~agency~~ may adopt rules to carry out its  
107 statutory duties.

108 Section 2. Subsection (1) and paragraph (g) of subsection  
109 (2) of section 17.0315, Florida Statutes, are amended to read:

110 17.0315 Financial and cash management system; task force.—

111 (1) The Chief Financial Officer, as the constitutional  
112 officer responsible for settling and approving accounts against  
113 the state and keeping all state funds pursuant to s. 4, Art. IV  
114 of the State Constitution, shall be the head of and appoint  
115 members to a task force established to develop a strategic  
116 business plan for a successor financial and cash management  
117 system. The task force shall include the executive director of  
118 the Department of ~~Agency for Enterprise~~ Information Technology  
119 and the director of the Office of Policy and Budget in the  
120 Executive Office of the Governor. Any member of the task force  
121 may appoint a designee.

122 (2) The strategic business plan for a successor financial  
123 and cash management system must:

124 (g) Be coordinated with the information technology strategy  
125 development efforts of the Department of ~~Agency for Enterprise~~  
126 Information Technology;

127 Section 3. Paragraph (e) of subsection (2) of section  
128 110.205, Florida Statutes, is amended to read:



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129           110.205 Career service; exemptions.-  
130           (2) EXEMPT POSITIONS.-The exempt positions that are not  
131 covered by this part include the following:  
132           (e) The Chief Information Officer in the Department of  
133 ~~Agency for Enterprise~~ Information Technology. Unless otherwise  
134 fixed by law, the Department of ~~Agency for Enterprise~~  
135 Information Technology shall set the salary and benefits of this  
136 position in accordance with the rules of the Senior Management  
137 Service.  
138           Section 4. Subsections (2) and (9) of section 215.322,  
139 Florida Statutes, are amended to read:  
140           215.322 Acceptance of credit cards, charge cards, debit  
141 cards, or electronic funds transfers by state agencies, units of  
142 local government, and the judicial branch.-  
143           (2) A state agency as defined in s. 216.011, or the  
144 judicial branch, may accept credit cards, charge cards, debit  
145 cards, or electronic funds transfers in payment for goods and  
146 services with the prior approval of the Chief Financial Officer.  
147 If the Internet or other related electronic methods are to be  
148 used as the collection medium, the Department of ~~Agency for~~  
149 ~~Enterprise~~ Information Technology shall review and recommend to  
150 the Chief Financial Officer whether to approve the request with  
151 regard to the process or procedure to be used.  
152           (9) For payment programs in which credit cards, charge  
153 cards, or debit cards are accepted by state agencies, the  
154 judicial branch, or units of local government, the Chief  
155 Financial Officer, in consultation with the Department of ~~Agency~~  
156 ~~for Enterprise~~ Information Technology, may adopt rules to  
157 establish uniform security safeguards for cardholder data and to



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158 ensure compliance with the Payment Card Industry Data Security  
159 Standards.

160 Section 5. Paragraph (c) of subsection (4) and subsection  
161 (6) of section 216.235, Florida Statutes, are amended to read:

162 216.235 Innovation Investment Program.—

163 (4) There is hereby created the State Innovation Committee,  
164 which shall have final approval authority as to which innovative  
165 investment projects submitted under this section shall be  
166 funded. Such committee shall be comprised of seven members.  
167 Appointed members shall serve terms of 1 year and may be  
168 reappointed. The committee shall include:

169 (c) The executive director of the Department of Agency for  
170 ~~Enterprise~~ Information Technology.

171 (6) Any agency developing an innovative investment project  
172 proposal that involves information technology resources may  
173 consult with and seek technical assistance from the Agency for  
174 Enterprise Information Technology. The office shall consult with  
175 the Department of Agency for Enterprise Information Technology  
176 concerning any project proposal that involves enterprise  
177 information technology resources. The department Agency for  
178 ~~Enterprise Information Technology~~ shall evaluate the project and  
179 advise the committee and review board of the technical  
180 feasibility and any transferable benefits of the proposed  
181 technology. In addition to the requirements of subsection (5),  
182 the agencies shall provide to the department Agency for  
183 ~~Enterprise Information Technology~~ any information requested by  
184 the department Agency for Enterprise Information Technology to  
185 aid in determining whether the proposed technology is  
186 appropriate for the project's success.



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187           Section 6. Subsection (4) of section 282.0041, Florida  
188 Statutes, is repealed.

189           Section 7. Section 282.0055, Florida Statutes, is amended  
190 to read:

191           282.0055 Assignment of information technology.—In order to  
192 ensure the most effective and efficient use of the state's  
193 information technology and information technology resources and  
194 notwithstanding other provisions of law to the contrary,  
195 policies for the design, planning, project management, and  
196 implementation of enterprise information technology services  
197 shall be the responsibility of the Department of Agency for  
198 ~~Enterprise~~ Information Technology for executive branch agencies  
199 created or authorized in statute to perform legislatively  
200 delegated functions. The supervision, design, delivery, and  
201 management of agency information technology shall remain within  
202 the responsibility and control of the individual state agency.

203           Section 8. Section 282.0056, Florida Statutes, is amended  
204 to read:

205           282.0056 Development of work plan; development of  
206 implementation plans; and policy recommendations.—

207           (1) For the purposes of carrying out its responsibilities  
208 under s. 282.0055, the Department of Agency for Enterprise  
209 Information Technology shall develop an annual work plan within  
210 60 days after the beginning of the fiscal year describing the  
211 activities that the department agency intends to undertake for  
212 that year, including proposed outcomes and completion  
213 timeframes. The work plan must be presented at a public hearing  
214 that includes the Agency Chief Information Officers Council,  
215 which may review and comment on the plan. The work plan must





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216 thereafter be approved by the Governor and Cabinet and submitted  
217 to the President of the Senate and the Speaker of the House of  
218 Representatives. The work plan may be amended as needed, subject  
219 to approval by the Governor and Cabinet. The work plan must, at  
220 a minimum, include proposals for:

221 (a) The development of a revised financial management  
222 infrastructure for state government which causes the  
223 reengineering of subsystem components, including, but not  
224 limited to, the legislative appropriations and planning and  
225 budget system, cash management, human resources, a successor  
226 accounting system, and strategic and tactical procurement and  
227 acquisition management;

228 (b) Creation of successor customer-relationship management  
229 systems, including, but not limited to, professional licensure,  
230 facility licensure, regulatory inspections, and compliance and  
231 monitoring systems; and

232 (c) Consolidation of all state data centers by January 1,  
233 2014.

234 (2) The Department of Information Technology ~~agency~~ may  
235 develop and submit to the President of the Senate, the Speaker  
236 of the House of Representatives, and the Governor by October 1  
237 of each year implementation plans for proposed enterprise  
238 information technology services to be established in law.

239 (3) In developing policy recommendations and implementation  
240 plans for established and proposed enterprise information  
241 technology services, the Department of Information Technology  
242 ~~agency~~ shall describe the scope of operation, conduct costs and  
243 requirements analyses, conduct an inventory of all existing  
244 information technology resources that are associated with each



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245 service, and develop strategies and timeframes for statewide  
246 migration.

247 (4) For the purpose of completing its work activities, each  
248 state agency shall provide to the Department of Information  
249 Technology ~~agency~~ all requested information, including, but not  
250 limited to, the state agency's costs, service requirements, and  
251 equipment inventories.

252 (5) Within 60 days after the end of each fiscal year, the  
253 Department of Information Technology ~~agency~~ shall report to the  
254 Governor and Cabinet, the President of the Senate, and the  
255 Speaker of the House of Representatives on what was achieved or  
256 not achieved in the prior year's work plan.

257 Section 9. Subsection (2), paragraphs (a), (b), and (c) of  
258 subsection (3), paragraph (b) and (d) of subsection (4), and  
259 subsection (5) of section 282.201, Florida Statutes, are amended  
260 to read:

261 282.201 State data center system; agency duties and  
262 limitations.—A state data center system that includes all  
263 primary data centers, other nonprimary data centers, and  
264 computing facilities, and that provides an enterprise  
265 information technology service as defined in s. 282.0041, is  
266 established.

267 (2) DEPARTMENT OF ~~AGENCY FOR ENTERPRISE~~ INFORMATION  
268 TECHNOLOGY DUTIES.—The department ~~Agency for Enterprise~~  
269 ~~Information Technology~~ shall:

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

273 (b) Annually approve cost-recovery mechanisms and rate



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274 structures for primary data centers which recover costs through  
275 charges to customer entities.

276 (c) By December 31 of each year, submit to the Legislature  
277 recommendations to improve the efficiency and effectiveness of  
278 computing services provided by state data center system  
279 facilities. Such recommendations may include, but need not be  
280 limited to:

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

283 2. Infrastructure improvements supporting the consolidation  
284 of facilities or preempting the need to create additional data  
285 centers or computing facilities.

286 3. Standards for an objective, credible energy performance  
287 rating system that data center boards of trustees can use to  
288 measure state data center energy consumption and efficiency on a  
289 biannual basis.

290 4. Uniform disaster recovery standards.

291 5. Standards for primary data centers providing transparent  
292 financial data to user agencies.

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

295 7. Improvements to data center governance structures.

296 (d) By October 1 of each year beginning in 2009, recommend  
297 to the Governor and Legislature at least two nonprimary data  
298 centers for consolidation into a primary data center or  
299 nonprimary data center facility.

300 1. The consolidation proposal must provide a transition  
301 plan that includes:

302 a. Estimated transition costs for each data center or



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303 computing facility recommended for consolidation;

304       b. Detailed timeframes for the complete transition of each

305 data center or computing facility recommended for consolidation;

306       c. Proposed recurring and nonrecurring fiscal impacts,

307 including increased or decreased costs and associated budget

308 impacts for affected budget entities;

309       d. Substantive legislative changes necessary to implement

310 the transition; and

311       e. Identification of computing resources to be transferred

312 and those that will remain in the agency. The transfer of

313 resources must include all hardware, software, staff, contracted

314 services, and facility resources performing data center

315 management and operations, security, backup and recovery,

316 disaster recovery, system administration, database

317 administration, system programming, job control, production

318 control, print, storage, technical support, help desk, and

319 managed services but excluding application development.

320       2. Recommendations shall be based on the goal of maximizing

321 current and future cost savings. The department ~~agency~~ shall

322 consider the following criteria in selecting consolidations that

323 maximize efficiencies by providing the ability to:

324       a. Consolidate purchase decisions;

325       b. Leverage expertise and other resources to gain economies

326 of scale;

327       c. Implement state information technology policies more

328 effectively;

329       d. Maintain or improve the level of service provision to

330 customer entities; and

331       e. Make progress towards the state's goal of consolidating



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332 data centers and computing facilities into primary data centers.

333 3. The department ~~agency~~ shall establish workgroups as  
334 necessary to ensure participation by affected agencies in the  
335 development of recommendations related to consolidations.

336 (e) By December 31, 2010, the department ~~agency~~ shall  
337 develop and submit to the Legislature an overall consolidation  
338 plan for state data centers. The plan shall indicate a timeframe  
339 for the consolidation of all remaining nonprimary data centers  
340 into primary data centers, including existing and proposed  
341 primary data centers, by 2019.

342 (f) Develop and establish rules relating to the operation  
343 of the state data center system which comply with applicable  
344 federal regulations, including 2 C.F.R. part 225 and 45 C.F.R.  
345 The rules may address:

346 1. Ensuring that financial information is captured and  
347 reported consistently and accurately.

348 2. Requiring the establishment of service-level agreements  
349 executed between a data center and its customer entities for  
350 services provided.

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

356 4. Requiring that any special assessment imposed to fund  
357 expansion is based on a methodology that apportions the  
358 assessment according to the proportional benefit to each  
359 customer entity.

360 5. Requiring that rebates be given when revenues have



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361 exceeded costs, that rebates be applied to offset charges to  
362 those customer entities that have subsidized the costs of other  
363 customer entities, and that such rebates may be in the form of  
364 credits against future billings.

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

369 7. Designating any nonstate data center as a primary data  
370 center if the center:

371 a. Has an established governance structure that represents  
372 customer entities proportionally.

373 b. Maintains an appropriate cost-allocation methodology  
374 that accurately bills a customer entity based on the actual  
375 direct and indirect costs to the customer entity, and prohibits  
376 the subsidization of one customer entity's costs by another  
377 entity.

378 c. Has sufficient raised floor space, cooling, and  
379 redundant power capacity, including uninterruptible power supply  
380 and backup power generation, to accommodate the computer  
381 processing platforms and support necessary to host the computing  
382 requirements of additional customer entities.

383 8. Removing a nonstate data center from primary data center  
384 designation if the nonstate data center fails to meet standards  
385 necessary to ensure that the state's data is maintained pursuant  
386 to subparagraph 7.

387 (3) STATE AGENCY DUTIES.—

388 (a) For the purpose of completing its work activities as  
389 described in subsection (1), each state agency shall provide to



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390 the Department of ~~Agency for Enterprise~~ Information Technology  
391 all requested information and any other information relevant to  
392 the agency's ability to effectively transition its computer  
393 services into a primary data center. The agency shall also  
394 participate as required in workgroups relating to specific  
395 consolidation planning and implementation tasks as assigned by  
396 the department ~~Agency for Enterprise Information Technology~~ and  
397 determined necessary to accomplish consolidation goals.

398 (b) Each state agency shall submit to the department ~~Agency~~  
399 ~~for Enterprise Information Technology~~ information relating to  
400 its data centers and computing facilities as required in  
401 instructions issued by July 1 of each year by the Department of  
402 ~~Agency for Enterprise~~ Information Technology. The information  
403 required may include:

- 404 1. Amount of floor space used and available.
- 405 2. Numbers and capacities of mainframes and servers.
- 406 3. Storage and network capacity.
- 407 4. Amount of power used and the available capacity.
- 408 5. Estimated expenditures by service area, including  
409 hardware and software, numbers of full-time equivalent  
410 positions, personnel turnover, and position reclassifications.
- 411 6. A list of contracts in effect for the fiscal year,  
412 including, but not limited to, contracts for hardware, software  
413 and maintenance, including the expiration date, the contract  
414 parties, and the cost of the contract.
- 415 7. Service-level agreements by customer entity.

416 (c) The chief information officer of each state agency  
417 shall assist the Department of ~~Agency for Enterprise~~ Information  
418 Technology at the department's request ~~of the Agency for~~



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419 ~~Enterprise Information Technology.~~

420 (4) AGENCY LIMITATIONS.—

421 (b) Exceptions to the limitations in subparagraphs (a)1.,  
422 2., and 4. may be granted by the Department of Agency for  
423 ~~Enterprise~~ Information Technology if there is insufficient  
424 capacity in a primary data center to absorb the workload  
425 associated with agency computing services.

426 1. A request for an exception must be submitted in writing  
427 to the Department of Agency for Enterprise Information  
428 Technology. The department ~~agency~~ must accept, accept with  
429 conditions, or deny the request within 60 days after receipt of  
430 the written request. The department's ~~agency's~~ decision is not  
431 subject to chapter 120.

432 2. At a minimum, the department ~~agency~~ may not approve a  
433 request unless it includes:

434 a. Documentation approved by the primary data center's  
435 board of trustees which confirms that the center cannot meet the  
436 capacity requirements of the agency requesting the exception  
437 within the current fiscal year.

438 b. A description of the capacity requirements of the agency  
439 requesting the exception.

440 c. Documentation from the agency demonstrating why it is  
441 critical to the agency's mission that the expansion or transfer  
442 must be completed within the fiscal year rather than when  
443 capacity is established at a primary data center.

444 (d) Upon the termination of or transfer of agency computing  
445 services from the primary data center, the primary data center  
446 shall require information sufficient to determine compliance  
447 with this section. If a primary data center determines that an





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448 agency is in violation of this section, it shall report the  
449 violation to the Department of Agency for Enterprise Information  
450 Technology.

451 (5) RULES.—The Department of Agency for Enterprise  
452 Information Technology ~~may is authorized to~~ adopt rules pursuant  
453 ~~to ss. 120.536(1) and 120.54~~ to administer the provisions of  
454 this part relating to the state data center system including the  
455 primary data centers.

456 Section 10. Paragraphs (c), (d), (h), and (i) of subsection  
457 (1), paragraph (e) of subsection (2), paragraph (b), (e), (h),  
458 and (k) of subsection (3) of section 282.203, Florida Statutes,  
459 are amended to read:

460 282.203 Primary data centers.—

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

462 (c) Comply with rules adopted by the Department of Agency  
463 ~~for Enterprise~~ Information Technology, pursuant to this section,  
464 and coordinate with the agency in the consolidation of data  
465 centers.

466 (d) Provide transparent financial statements to customer  
467 entities, the center's board of trustees, and the Department of  
468 ~~Agency for Enterprise~~ Information Technology. The financial  
469 statements shall be provided as follows:

470 1. Annually, by July 30 for the current fiscal year and by  
471 December 1 for the subsequent fiscal year, the data center must  
472 provide the total annual budgeted costs by major expenditure  
473 category, including, but not limited to, salaries, expense,  
474 operating capital outlay, contracted services, or other  
475 personnel services, which directly relate to the provision of  
476 each service and which separately indicate the administrative



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477 overhead allocated to each service.

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

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

485         4. By February 15, for proposed legislative budget  
486 increases, the data center must provide updates of the financial  
487 statements required under subparagraphs 1. and 2. for the  
488 subsequent fiscal year.

489  
490 The financial information required under subparagraphs 1., 2.,  
491 and 3. must be based on current law and current appropriations.

492         (h) Develop a business continuity plan and conduct a live  
493 exercise of the plan at least annually. The plan must be  
494 approved by the board and the Department of Agency for  
495 ~~Enterprise~~ Information Technology.

496         (i) Enter into a service-level agreement with each customer  
497 entity to provide services as defined and approved by the board  
498 in compliance with rules of the Department of Agency for  
499 ~~Enterprise~~ Information Technology. A service-level agreement may  
500 not have a term exceeding 3 years but may include an option to  
501 renew for up to 3 years contingent on approval by the board.

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

503                 a. Identify the parties and their roles, duties, and  
504 responsibilities under the agreement;

505                 b. Identify the legal authority under which the service-



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506 level agreement was negotiated and entered into by the parties;  
507 c. State the duration of the contractual term and specify  
508 the conditions for contract renewal;  
509 d. Prohibit the transfer of computing services between  
510 primary data center facilities without at least 180 days' notice  
511 of service cancellation;  
512 e. Identify the scope of work;  
513 f. Identify the products or services to be delivered with  
514 sufficient specificity to permit an external financial or  
515 performance audit;  
516 g. Establish the services to be provided, the business  
517 standards that must be met for each service, the cost of each  
518 service, and the process by which the business standards for  
519 each service are to be objectively measured and reported;  
520 h. Identify applicable funds and funding streams for the  
521 services or products under contract;  
522 i. Provide a timely billing methodology for recovering the  
523 cost of services provided to the customer entity;  
524 j. Provide a procedure for modifying the service-level  
525 agreement to address changes in projected costs of service;  
526 k. Provide that a service-level agreement may be terminated  
527 by either party for cause only after giving the other party and  
528 the department ~~Agency for Enterprise Information Technology~~  
529 notice in writing of the cause for termination and an  
530 opportunity for the other party to resolve the identified cause  
531 within a reasonable period; and  
532 1. Provide for mediation of disputes by the Division of  
533 Administrative Hearings pursuant to s. 120.573.  
534 2. A service-level agreement may include:



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535           a. A dispute resolution mechanism, including alternatives  
536 to administrative or judicial proceedings;

537           b. The setting of a surety or performance bond for service-  
538 level agreements entered into with nonstate agency primary data  
539 centers, which may be designated by the department ~~Agency for~~  
540 ~~Enterprise Information Technology~~; or

541           c. Additional terms and conditions as determined advisable  
542 by the parties if such additional terms and conditions do not  
543 conflict with the requirements of this section or rules adopted  
544 by the department ~~Agency for Enterprise Information Technology~~.

545           3. The failure to execute a service-level agreement within  
546 60 days after service commencement shall, in the case of an  
547 existing customer entity, result in a continuation of the terms  
548 of the service-level agreement from the prior fiscal year,  
549 including any amendments that were formally proposed to the  
550 customer entity by the primary data center within the 3 months  
551 before service commencement, and a revised cost-of-service  
552 estimate. If a new customer entity fails to execute an agreement  
553 within 60 days after service commencement, the data center may  
554 cease services.

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

557           (e) The executive director of the Department of ~~Agency for~~  
558 ~~Enterprise~~ Information Technology shall be the advisor to the  
559 board.

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

562           (b) Establish procedures for the primary data center to  
563 ensure that budgeting and accounting procedures, cost-recovery



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564 methodologies, and operating procedures are in compliance with  
565 laws governing the state data center system, rules adopted by  
566 the Department of ~~Agency for Enterprise~~ Information Technology,  
567 and applicable federal regulations, including 2 C.F.R. part 225  
568 and 45 C.F.R.

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

571 1. Establishing policies that ensure that cost-recovery  
572 methodologies, billings, receivables, expenditure, budgeting,  
573 and accounting data are captured and reported timely,  
574 consistently, accurately, and transparently and, upon adoption  
575 of rules by the Department of ~~Agency for Enterprise~~ Information  
576 Technology, are in compliance with such rules.

577 2. Requiring execution of service-level agreements by the  
578 data center and each customer entity for services provided by  
579 the data center to the customer entity.

580 3. Requiring cost recovery for the full cost of services,  
581 including direct and indirect costs. The cost-recovery  
582 methodology must ensure that no service is subsidizing another  
583 service without an affirmative vote of approval by the customer  
584 entity providing the subsidy.

585 4. Establishing special assessments to fund expansions  
586 based on a methodology that apportions the assessment according  
587 to the proportional benefit to each customer entity.

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

592 6. Approving all expenditures committing over \$50,000 in a



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593 fiscal year.

594 7. Projecting costs and revenues at the beginning of the  
595 third quarter of each fiscal year through the end of the fiscal  
596 year. If in any given fiscal year the primary data center is  
597 projected to earn revenues that are below costs for that fiscal  
598 year after first reducing operating costs where possible, the  
599 board shall implement any combination of the following remedies  
600 to cover the shortfall:

601 a. The board may direct the primary data center to adjust  
602 current year chargeback rates through the end of the fiscal year  
603 to cover the shortfall. The rate adjustments shall be  
604 implemented using actual usage rate and billing data from the  
605 first three quarters of the fiscal year and the same principles  
606 used to set rates for the fiscal year.

607 b. The board may direct the primary data center to levy  
608 one-time charges on all customer entities to cover the  
609 shortfall. The one-time charges shall be implemented using  
610 actual usage rate and billing data from the first three quarters  
611 of the fiscal year and the same principles used to set rates for  
612 the fiscal year.

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

616 (h) By July 1 of each year, submit to the Department of  
617 ~~Agency for Enterprise~~ Information Technology proposed cost-  
618 recovery mechanisms and rate structures for all customer  
619 entities for the fiscal year including the cost-allocation  
620 methodology for administrative expenditures and the calculation  
621 of administrative expenditures as a percent of total costs.



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622 (k) Coordinate with other primary data centers and the  
623 Department of Agency for Enterprise Information Technology in  
624 order to consolidate purchases of goods and services and lower  
625 the cost of providing services to customer entities.

626 Section 11. Subsection (2) of section 282.204, Florida  
627 Statutes, is amended to read:

628 282.204 Northwood Shared Resource Center.—The Northwood  
629 Shared Resource Center is an agency established within the  
630 Department of Children and Family Services for administrative  
631 purposes only.

632 (2) The center shall be headed by a board of trustees as  
633 provided in s. 282.203, who shall comply with all requirements  
634 of that section related to the operation of the center and with  
635 the rules of the Department of Agency for Enterprise Information  
636 Technology related to the design and delivery of enterprise  
637 information technology services.

638 Section 12. Subsection (2) of section 282.205, Florida  
639 Statutes, is amended to read:

640 282.205 Southwood Shared Resource Center.—The Southwood  
641 Shared Resource Center is an agency established within the  
642 department for administrative purposes only.

643 (2) The center shall be headed by a board of trustees as  
644 provided in s. 282.203, who shall comply with all requirements  
645 of that section related to the operation of the center and with  
646 the rules of the Department of Agency for Enterprise Information  
647 Technology related to the design and delivery of enterprise  
648 information technology services.

649 Section 13. Paragraphs (b) and (e) of subsection (2) of  
650 section 282.3055, Florida Statutes, are amended to read:



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651           282.3055 Agency chief information officer; appointment;  
652 duties.—

653           (2) The duties of the agency chief information officer  
654 include, but are not limited to:

655           (b) Implementing agency information technology planning and  
656 management procedures, guidelines, and standards that are  
657 consistent with the procedures and standards adopted by the  
658 Department of Agency for Enterprise Information Technology.

659           (e) Assisting the Department of Agency for Enterprise  
660 Information Technology in the development of strategies for  
661 implementing the enterprise information technology services  
662 established in law and developing recommendations for enterprise  
663 information technology policy.

664           Section 14. Subsections (1) and (3) of section 282.315,  
665 Florida Statutes, are amended to read:

666           282.315 Agency Chief Information Officers Council;  
667 creation.—The Legislature finds that enhancing communication,  
668 consensus building, coordination, and facilitation with respect  
669 to issues concerning enterprise information technology resources  
670 are essential to improving the management of such resources.

671           (1) There is created an Agency Chief Information Officers  
672 Council to:

673           (a) Enhance communication and collaboration among the  
674 Agency Chief Information Officers and the Department of Agency  
675 ~~for Enterprise~~ Information Technology.

676           (b) Identify and recommend best practices that are  
677 characteristic of highly successful technology organizations, as  
678 well as exemplary information technology applications for use by  
679 state agencies, and assist the Department of Agency for





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680 ~~Enterprise~~ Information Technology in developing strategies for  
681 implementing the enterprise information technology services  
682 established in law and developing recommendations for enterprise  
683 information technology policy.

684 (c) Identify efficiency opportunities among state agencies  
685 and make recommendations for action to the Department of Agency  
686 ~~for Enterprise~~ Information Technology. This includes  
687 recommendations relating to the consolidation of agency data  
688 center and computing facilities, including operational policies,  
689 procedures and standards for the consolidated facilities, and  
690 procedures and standards for planning the migration to  
691 consolidated facilities.

692 (d) Assist the Department of Agency ~~for Enterprise~~  
693 Information Technology in identifying critical enterprise  
694 information technology issues and, when appropriate, make  
695 recommendations for solving enterprise resource planning and  
696 management deficiencies.

697 (e) Annually, by October 1, identify information technology  
698 products, as defined in s. 282.0041, which, if purchased in a  
699 consolidated manner, would result in savings to the state, and  
700 develop recommendations regarding a process for consolidating  
701 such purchases. The council shall transmit its recommendations  
702 to the Department of Agency ~~for Enterprise~~ Information  
703 Technology.

704 (3) The Department of Agency ~~for Enterprise~~ Information  
705 Technology shall provide administrative support to the council.

706 Section 15. Subsection (3), paragraph (c), (d), and (f) of  
707 subsection (4), subsection (6), and subsection (7) of section  
708 282.318, Florida Statutes, are amended to read:



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709           282.318 Enterprise security of data and information  
710 technology.—

711           (3) The Office of Information Security within the  
712 Department of Agency for Enterprise Information Technology is  
713 responsible for establishing rules and publishing guidelines for  
714 ensuring an appropriate level of security for all data and  
715 information technology resources for executive branch agencies.  
716 The office shall also perform the following duties and  
717 responsibilities:

718           (a) Develop, and annually update by February 1, an  
719 enterprise information security strategic plan that includes  
720 security goals and objectives for the strategic issues of  
721 information security policy, risk management, training, incident  
722 management, and survivability planning.

723           (b) Develop enterprise security rules and published  
724 guidelines for:

725           1. Comprehensive risk analyses and information security  
726 audits conducted by state agencies.

727           2. Responding to suspected or confirmed information  
728 security incidents, including suspected or confirmed breaches of  
729 personal information or exempt data.

730           3. Agency security plans, including strategic security  
731 plans and security program plans.

732           4. The recovery of information technology and data  
733 following a disaster.

734           5. The managerial, operational, and technical safeguards  
735 for protecting state government data and information technology  
736 resources.

737           (c) Assist agencies in complying with the provisions of



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738 this section.

739 (d) Pursue appropriate funding for the purpose of enhancing  
740 domestic security.

741 (e) Provide training for agency information security  
742 managers.

743 (f) Annually review the strategic and operational  
744 information security plans of executive branch agencies.

745 (4) To assist the Office of Information Security in  
746 carrying out its responsibilities, each agency head shall, at a  
747 minimum:

748 (c) Conduct, and update every 3 years, a comprehensive risk  
749 analysis to determine the security threats to the data,  
750 information, and information technology resources of the agency.  
751 The risk analysis information is confidential and exempt from  
752 the provisions of s. 119.07(1), except that such information  
753 shall be available to the Auditor General and the Department of  
754 ~~Agency for Enterprise~~ Information Technology for performing  
755 postauditing duties.

756 (d) Develop, and periodically update, written internal  
757 policies and procedures, which include procedures for notifying  
758 the office when a suspected or confirmed breach, or an  
759 information security incident, occurs. Such policies and  
760 procedures must be consistent with the rules and guidelines  
761 established by the office to ensure the security of the data,  
762 information, and information technology resources of the agency.  
763 The internal policies and procedures that, if disclosed, could  
764 facilitate the unauthorized modification, disclosure, or  
765 destruction of data or information technology resources are  
766 confidential information and exempt from s. 119.07(1), except



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767 that such information shall be available to the Auditor General  
768 and the Department of Agency for Enterprise Information  
769 Technology for performing postauditing duties.

770 (f) Ensure that periodic internal audits and evaluations of  
771 the agency's security program for the data, information, and  
772 information technology resources of the agency are conducted.  
773 The results of such audits and evaluations are confidential  
774 information and exempt from s. 119.07(1), except that such  
775 information shall be available to the Auditor General and the  
776 Department of Agency for Enterprise Information Technology for  
777 performing postauditing duties.

778 (6) The Department of Agency for Enterprise Information  
779 Technology may adopt rules relating to information security and  
780 to administer the provisions of this section.

781 ~~(7) By December 31, 2010, the Agency for Enterprise~~  
782 ~~Information Technology shall develop, and submit to the~~  
783 ~~Governor, the President of the Senate, and the Speaker of the~~  
784 ~~House of Representatives a proposed implementation plan for~~  
785 ~~information technology security. The agency shall describe the~~  
786 ~~scope of operation, conduct costs and requirements analyses,~~  
787 ~~conduct an inventory of all existing security information~~  
788 ~~technology resources, and develop strategies, timeframes, and~~  
789 ~~resources necessary for statewide migration.~~

790 Section 16. Subsections (1) through (3) of section 282.33,  
791 Florida Statutes, are amended to read:

792 282.33 Objective standards for data center energy  
793 efficiency.—

794 (1) ~~By July 1, 2009, The~~ Department of Agency for  
795 ~~Enterprise~~ Information Technology shall define objective



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796 standards for:

797 (a) Measuring data center energy consumption and  
798 efficiency, including, but not limited to, airflow and cooling,  
799 power consumption and distribution, and environmental control  
800 systems in a data center facility.

801 (b) Calculating total cost of ownership of energy-efficient  
802 information technology products, including initial purchase,  
803 installation, ongoing operation and maintenance, and disposal  
804 costs over the life cycle of the product.

805 (2) State shared resource data centers and other data  
806 centers that the Department of Agency for Enterprise Information  
807 Technology has determined will be recipients for consolidating  
808 data centers, which are designated by the department Agency for  
809 ~~Enterprise Information Technology~~, shall evaluate their data  
810 center facilities for energy efficiency using the standards  
811 established in this section.

812 (a) Results of these evaluations shall be reported to the  
813 department Agency for Enterprise Information Technology, the  
814 President of the Senate, and the Speaker of the House of  
815 Representatives. Reports shall enable the tracking of energy  
816 performance over time and comparisons between facilities.

817 (b) By December 31, 2010, and biennially thereafter, the  
818 department Agency for Enterprise Information Technology shall  
819 submit to the Legislature recommendations for reducing energy  
820 consumption and improving the energy efficiency of state primary  
821 data centers.

822 (3) The primary means of achieving maximum energy savings  
823 across all state data centers and computing facilities shall be  
824 the consolidation of data centers and computing facilities as



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825 determined by the Department of ~~Agency for Enterprise~~  
826 Information Technology. State data centers and computing  
827 facilities in the state data center system shall be established  
828 as an enterprise information technology service as defined in s.  
829 282.0041. The department ~~Agency for Enterprise Information~~  
830 ~~Technology~~ shall make recommendations on consolidating state  
831 data centers and computing facilities, pursuant to s. 282.0056,  
832 by December 31, 2009.

833 Section 17. Subsection (2) through (5), (7), and (9)  
834 through (11) of section 282.34, Florida Statutes, are amended to  
835 read:

836 282.34 Statewide e-mail service.—A state e-mail system that  
837 includes the delivery and support of e-mail, messaging, and  
838 calendaring capabilities is established as an enterprise  
839 information technology service as defined in s. 282.0041. The  
840 service shall be designed to meet the needs of all executive  
841 branch agencies. The primary goals of the service are to  
842 minimize the state investment required to establish, operate,  
843 and support the statewide service; reduce the cost of current e-  
844 mail operations and the number of duplicative e-mail systems;  
845 and eliminate the need for each state agency to maintain its own  
846 e-mail staff.

847 (2) The Department of ~~Agency for Enterprise~~ Information  
848 Technology, in consultation with the Southwood Shared Resource  
849 Center, shall establish and coordinate a multiagency project  
850 team to develop a competitive solicitation for establishing the  
851 statewide e-mail service.

852 (a) The Southwood Shared Resource Center shall issue the  
853 competitive solicitation by August 31, 2010, with vendor



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854 responses required by October 15, 2010. Issuance of the  
855 competitive solicitation does not obligate the agency and the  
856 center to conduct further negotiations or to execute a contract.  
857 The decision to conduct or conclude negotiations, or execute a  
858 contract, must be made solely at the discretion of the agency.

859 (b) The competitive solicitation must include detailed  
860 specifications describing:

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

863 2. The minimum functional requirements necessary for  
864 successful statewide implementation and the responsibilities of  
865 the prospective service provider and the agency.

866 3. The form and required content for submitted proposals,  
867 including, but not limited to, a description of the proposed  
868 system and its internal and external sourcing options, a 5-year  
869 life-cycle-based pricing based on cost per mailbox per month,  
870 and a decommissioning approach for current e-mail systems; an  
871 implementation schedule and implementation services; a  
872 description of e-mail account management, help desk, technical  
873 support, and user provisioning services; disaster recovery and  
874 backup and restore capabilities; antispam and antivirus  
875 capabilities; remote access and mobile messaging capabilities;  
876 and staffing requirements.

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

880 (d) The competitive solicitation must permit alternative  
881 financial and operational models to be proposed, including, but  
882 not limited to:



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- 883           1. Leasing or usage-based subscription fees;
- 884           2. Installing and operating the e-mail service within the  
885 Southwood Shared Resource Center or in a data center operated by  
886 an external service provider; or
- 887           3. Provisioning the e-mail service as an Internet-based  
888 offering provided to state agencies. Specifications for proposed  
889 models must be optimized to meet the primary goals of the e-mail  
890 service.
- 891           (3) By December 31, 2010, or within 1 month after  
892 negotiations are complete, whichever is later, the multiagency  
893 project team and the Department of Agency for Enterprise  
894 Information Technology shall prepare a business case analysis  
895 containing its recommendations for procuring the statewide e-  
896 mail service for submission to the Governor and Cabinet, the  
897 President of the Senate, and the Speaker of the House of  
898 Representatives. The business case is not subject to challenge  
899 or protest pursuant to chapter 120. The business case must  
900 include, at a minimum:
- 901           (a) An assessment of the major risks that must be managed  
902 for each proposal compared to the risks for the current state  
903 agency e-mail system and the major benefits that are associated  
904 with each.
- 905           (b) A cost-benefit analysis that estimates all major cost  
906 elements associated with each sourcing option, focusing on the  
907 nonrecurring and recurring life-cycle costs of each option. The  
908 analysis must include a comparison of the estimated total 5-year  
909 life-cycle cost of the current agency e-mail systems versus each  
910 enterprise e-mail sourcing option in order to determine the  
911 feasibility of funding the migration and operation of the





912 statewide e-mail service and the overall level of savings that  
913 can be expected. The 5-year life-cycle costs for each state  
914 agency must include, but are not limited to:

915 1. The total recurring operating costs of the current  
916 agency e-mail systems, including monthly mailbox costs,  
917 staffing, licensing and maintenance costs, hardware, and other  
918 related e-mail product and service costs.

919 2. An estimate of nonrecurring hardware and software  
920 refresh, upgrade, or replacement costs based on the expected 5-  
921 year obsolescence of current e-mail software products and  
922 equipment through the 2014 fiscal year, and the basis for the  
923 estimate.

924 3. An estimate of recurring costs associated with the  
925 energy consumption of current agency e-mail equipment, and the  
926 basis for the estimate.

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

930 (c) A comparison of the migrating schedules of each  
931 sourcing option to the statewide e-mail service, including the  
932 approach and schedule for the decommissioning of all current  
933 state agency e-mail systems beginning with phase 1 and phase 2  
934 as provided in subsection (4).

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

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

940 1. Phase 1.—The following agencies must be completely



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941 migrated to the statewide e-mail system by June 30, 2012: the  
942 Department of Agency for Enterprise Information Technology; the  
943 Department of Community Affairs, including the Division of  
944 Emergency Management; the Department of Corrections; the  
945 Department of Health; the Department of Highway Safety and Motor  
946 Vehicles; the Department of Management Services, including the  
947 Division of Administrative Hearings, the Division of Retirement,  
948 the Commission on Human Relations, and the Public Employees  
949 Relations Commission; the Southwood Shared Resource Center; and  
950 the Department of Revenue.

951 2. Phase 2.—The following agencies must be completely  
952 migrated to the statewide e-mail system by June 30, 2013: the  
953 Department of Business and Professional Regulation; the  
954 Department of Education, including the Board of Governors; the  
955 Department of Environmental Protection; the Department of  
956 Juvenile Justice; the Department of the Lottery; the Department  
957 of State; the Department of Law Enforcement; the Department of  
958 Veterans' Affairs; the Judicial Administration Commission; the  
959 Public Service Commission; and the Statewide Guardian Ad Litem  
960 Office.

961 3. Phase 3.—The following agencies must be completely  
962 migrated to the statewide e-mail system by June 30, 2014: the  
963 Agency for Health Care Administration; the Agency for Workforce  
964 Innovation; the Department of Financial Services, including the  
965 Office of Financial Regulation and the Office of Insurance  
966 Regulation; the Department of Agriculture and Consumer Services;  
967 the Executive Office of the Governor; the Department of  
968 Transportation; the Fish and Wildlife Conservation Commission;  
969 the Agency for Persons With Disabilities; the Northwood Shared



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970 Resource Center; and the State Board of Administration.

971 4. Phase 4.—The following agencies must be completely  
972 migrated to the statewide e-mail system by June 30, 2015: the  
973 Department of Children and Family Services; the Department of  
974 Citrus; the Department of Elderly Affairs; and the Department of  
975 Legal Affairs.

976 (b) Agency requests to modify their scheduled implementing  
977 date must be submitted in writing to the Department of Agency  
978 ~~for Enterprise~~ Information Technology. Any exceptions or  
979 modifications to the schedule must be approved by the Department  
980 of Agency for Enterprise Information Technology based only on  
981 the following criteria:

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

984 2. Avoiding nonessential investment in new software or  
985 hardware licensing agreements, maintenance or support  
986 agreements, or e-mail staffing for current e-mail systems.

987 3. Resolving known agency e-mail problems through migration  
988 to the statewide e-mail service.

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

991 (5) In order to develop the implementation plan for the  
992 statewide e-mail service, the Department of Agency for  
993 ~~Enterprise~~ Information Technology shall establish and coordinate  
994 a statewide e-mail project team. The agency shall also consult  
995 with and, as necessary, form workgroups consisting of agency e-  
996 mail management staff, agency chief information officers, agency  
997 budget directors, and other administrative staff. The statewide  
998 e-mail implementation plan must be submitted to the Governor,



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999 the President of the Senate, and the Speaker of the House of  
1000 Representatives by July 1, 2011.

1001 (7) Exceptions to paragraphs (6) (a), (b), and (c) may be  
1002 granted by the Department of Agency for Enterprise Information  
1003 Technology only if the Southwood Shared Resource Center is  
1004 unable to meet agency business requirements for the e-mail  
1005 service, and if such requirements are essential to maintain  
1006 agency operations. Requests for exceptions must be submitted in  
1007 writing to the Agency for Enterprise Information Technology and  
1008 include documented confirmation by the Southwood Shared Resource  
1009 Center board of trustees that it cannot meet the requesting  
1010 agency's e-mail service requirements.

1011 (9) The Department of Agency for Enterprise Information  
1012 Technology shall adopt rules to standardize the format for state  
1013 agency e-mail addresses.

1014 (10) State agencies must fully cooperate with the  
1015 Department of Agency for Enterprise Information Technology in  
1016 the performance of its responsibilities established in this  
1017 section.

1018 (11) The Department of Agency for Enterprise Information  
1019 Technology shall recommend changes to an agency's scheduled date  
1020 for migration to the statewide e-mail service pursuant to this  
1021 section, annually by December 31, until migration to the  
1022 statewide service is complete.

1023 Section 18. Subsection (22) of section 287.057, Florida  
1024 Statutes, is amended to read:

1025 287.057 Procurement of commodities or contractual  
1026 services.—

1027 (22) The department, in consultation with the Department of



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1028 ~~Agency for Enterprise~~ Information Technology and the  
1029 Comptroller, shall develop a program for online procurement of  
1030 commodities and contractual services. To enable the state to  
1031 promote open competition and to leverage its buying power,  
1032 agencies shall participate in the online procurement program,  
1033 and eligible users may participate in the program. Only vendors  
1034 prequalified as meeting mandatory requirements and  
1035 qualifications criteria may participate in online procurement.

1036 (a) The department, in consultation with the Department of  
1037 Information Technology ~~agency~~, may contract for equipment and  
1038 services necessary to develop and implement online procurement.

1039 (b) The department, in consultation with the Department of  
1040 Information Technology ~~agency~~, shall adopt rules, pursuant to  
1041 ss. 120.536(1) and 120.54, to administer the program for online  
1042 procurement. The rules shall include, but not be limited to:

1043 1. Determining the requirements and qualification criteria  
1044 for prequalifying vendors.

1045 2. Establishing the procedures for conducting online  
1046 procurement.

1047 3. Establishing the criteria for eligible commodities and  
1048 contractual services.

1049 4. Establishing the procedures for providing access to  
1050 online procurement.

1051 5. Determining the criteria warranting any exceptions to  
1052 participation in the online procurement program.

1053 (c) The department may impose and shall collect all fees  
1054 for the use of the online procurement systems.

1055 1. The fees may be imposed on an individual transaction  
1056 basis or as a fixed percentage of the cost savings generated. At



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1057 a minimum, the fees must be set in an amount sufficient to cover  
1058 the projected costs of the services, including administrative  
1059 and project service costs in accordance with the policies of the  
1060 department.

1061 2. If the department contracts with a provider for online  
1062 procurement, the department, pursuant to appropriation, shall  
1063 compensate the provider from the fees after the department has  
1064 satisfied all ongoing costs. The provider shall report  
1065 transaction data to the department each month so that the  
1066 department may determine the amount due and payable to the  
1067 department from each vendor.

1068 3. All fees that are due and payable to the state on a  
1069 transactional basis or as a fixed percentage of the cost savings  
1070 generated are subject to s. 215.31 and must be remitted within  
1071 40 days after receipt of payment for which the fees are due. For  
1072 fees that are not remitted within 40 days, the vendor shall pay  
1073 interest at the rate established under s. 55.03(1) on the unpaid  
1074 balance from the expiration of the 40-day period until the fees  
1075 are remitted.

1076 4. All fees and surcharges collected under this paragraph  
1077 shall be deposited in the Operating Trust Fund as provided by  
1078 law.

1079 Section 19. Subsection (4) of section 445.011, Florida  
1080 Statutes, is amended to read:

1081 445.011 Workforce information systems.—

1082 (4) Workforce Florida, Inc., shall coordinate development  
1083 and implementation of workforce information systems with the  
1084 executive director of the Department of ~~Agency for Enterprise~~  
1085 Information Technology to ensure compatibility with the state's



1086 information system strategy and enterprise architecture.  
1087 Section 20. Subsections (2) and (4) of section 445.045,  
1088 Florida Statutes, are amended to read:  
1089 445.045 Development of an Internet-based system for  
1090 information technology industry promotion and workforce  
1091 recruitment.—  
1092 (2) Workforce Florida, Inc., shall coordinate with the  
1093 Department of Agency for Enterprise Information Technology and  
1094 the Agency for Workforce Innovation to ensure links, where  
1095 feasible and appropriate, to existing job information websites  
1096 maintained by the state and state agencies and to ensure that  
1097 information technology positions offered by the state and state  
1098 agencies are posted on the information technology website.  
1099 (4) ~~(a)~~ Workforce Florida, Inc., shall coordinate  
1100 development and maintenance of the website under this section  
1101 with the executive director of the Department of Agency for  
1102 ~~Enterprise~~ Information Technology to ensure compatibility with  
1103 the state's information system strategy and enterprise  
1104 architecture.  
1105 (a) ~~(b)~~ Workforce Florida, Inc., may enter into an agreement  
1106 with the Department of Agency for Enterprise Information  
1107 Technology, the Agency for Workforce Innovation, or any other  
1108 public agency with the requisite information technology  
1109 expertise for the provision of design, operating, or other  
1110 technological services necessary to develop and maintain the  
1111 website.  
1112 (b) ~~(c)~~ Workforce Florida, Inc., may procure services  
1113 necessary to implement the provisions of this section, if it  
1114 employs competitive processes, including requests for proposals,



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1115 competitive negotiation, and other competitive processes to  
1116 ensure that the procurement results in the most cost-effective  
1117 investment of state funds.

1118 Section 21. Paragraph (b) of subsection (18) of section  
1119 668.50, Florida Statutes, is amended to read:

1120 668.50 Uniform Electronic Transaction Act.—

1121 (18) ACCEPTANCE AND DISTRIBUTION OF ELECTRONIC RECORDS BY  
1122 GOVERNMENTAL AGENCIES.—

1123 (b) To the extent that a governmental agency uses  
1124 electronic records and electronic signatures under paragraph  
1125 (a), the Department of Agency for Enterprise Information  
1126 Technology, in consultation with the governmental agency, giving  
1127 due consideration to security, may specify:

1128 1. The manner and format in which the electronic records  
1129 must be created, generated, sent, communicated, received, and  
1130 stored and the systems established for those purposes.

1131 2. If electronic records must be signed by electronic  
1132 means, the type of electronic signature required, the manner and  
1133 format in which the electronic signature must be affixed to the  
1134 electronic record, and the identity of, or criteria that must be  
1135 met by, any third party used by a person filing a document to  
1136 facilitate the process.

1137 3. Control processes and procedures as appropriate to  
1138 ensure adequate preservation, disposition, integrity, security,  
1139 confidentiality, and auditability of electronic records.

1140 4. Any other required attributes for electronic records  
1141 which are specified for corresponding nonelectronic records or  
1142 reasonably necessary under the circumstances.

1143 Section 22. During the 2011-2012 fiscal year, the





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1144 Department of Information Technology shall coordinate with all  
1145 state agencies to identify each state agency's total number of  
1146 positions and resources related to information technology.  
1147 Agencies must submit the information to the department by August  
1148 1, 2011. By September 1, 2011, the department shall submit a  
1149 plan to the Executive Office of the Governor, the President of  
1150 the Senate, and the Speaker of the House of Representatives for  
1151 transferring to the department all information technology  
1152 operations. Such information shall be included in each agency's  
1153 legislative budget request for the 2012-2013 fiscal year as a  
1154 transfer to the Department of Information Technology. This  
1155 section expires July 1, 2012.

1156       Section 23. The Department of Information Technology is  
1157 established effective July 1, 2012. On that date, the Agency for  
1158 Enterprise Information Technology is transferred from the  
1159 Executive Office of the Governor to the Department of  
1160 Information Technology by a type two transfer, as defined in s.  
1161 20.06(1), Florida Statutes.

1162       Section 24. This act shall take effect July 1, 2011.

1163  
1164 ===== T I T L E   A M E N D M E N T =====

1165 And the title is amended as follows:

1166       Delete everything before the enacting clause  
1167 and insert:

1168                               A bill to be entitled  
1169       An act relating to the Agency for Enterprise  
1170       Information Technology; transferring, renumbering, and  
1171       amending s. 14.204, F.S.; renaming the agency the  
1172       Department of Information Technology; establishing



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1173 divisions within the department; amending ss. 17.0315,  
1174 110.205, 215.322, and 216.235, F.S.; conforming  
1175 provisions to changes made by the act; repealing s.  
1176 282.0041, F.S., to delete reference to the agency;  
1177 amending s. 282.0055, F.S.; conforming provisions to  
1178 changes made by the act; amending s. 282.0056, F.S.;  
1179 specifying proposals that must be included in the  
1180 department's annual work plan; amending ss. 282.201,  
1181 282.203, 282.204, 282.205, 282.3055, 282.315, 282.318,  
1182 282.33, 282.34, 287.057, 445.011, 445.045, and 668.50,  
1183 F.S.; conforming provisions to changes made by the  
1184 act; requiring the department and state agencies to  
1185 identify all positions and resources related to  
1186 information technology by a certain date; requiring  
1187 the department to submit a plan to the Governor and  
1188 Legislature transferring all information technology  
1189 operations to the department; transferring the agency  
1190 from the Executive Office of the Governor to the  
1191 department by a type two transfer; providing an  
1192 effective date.