

CHAPTER 2010-148

Committee Substitute for Senate Bill No. 2020

An act relating to information technology; amending s. 14.204, F.S.; revising the duties and responsibilities of the Agency for Enterprise Information Technology; requiring that the agency develop standards for information technology services; amending s. 282.201, F.S.; deleting an obsolete provision; requiring that state agencies notify the data center of certain anticipated changes; amending s. 282.203, F.S.; specifying the contents of financial statements that must be provided by primary data centers; requiring that each data center submit to its board of trustees cost-reduction proposals and organizational plans; establishing a quorum for a data center board of trustees; providing additional duties for the board of trustees; amending s. 282.204, F.S.; deleting obsolete provisions relating to the Northwood Shared Resource Center; amending s. 282.315, F.S.; providing an additional duty for the Agency Chief Information Officers Council relating to the consolidated purchase of information technology products; amending s. 282.34, F.S.; revising provisions relating to statewide e-mail services; providing the primary goals for the service; providing for the establishment of a multiagency team to solicit proposals for a statewide service by a certain date; specifying the requirements for competitive solicitation; requiring the multiagency team and the Agency for Enterprise Information Technology to submit a business case analysis to the Governor and Cabinet and the Legislature; requiring the analysis to include agency lifecycle costs; requiring all state agencies to have migrated to the statewide service by a certain date; providing for agency exceptions to the schedule; requiring the Agency for Enterprise Information Technology to submit an implementation plan to the Governor and Legislature by a certain date; requiring that each agency include requirements for migrating to the statewide e-mail service in its legislative budget request; directing the agency to adopt rules; repealing s. 408.0615, F.S., relating to the establishment of a secure facility protecting data held by the Agency for Health Care Administration; amending s. 17 of chapter 2008-116, Laws of Florida; revising the date for transferring data center functions to a primary data center; amending s. 282.0041, F.S.; defining the terms "SUNCOM Network" and "telecommunications"; amending s. 282.702, F.S.; revising the powers and duties of the Department of Management Services with respect to telecommunications services; requiring that the department establish policies with respect to financial accounting and submit an annual report to the Governor and Legislature; amending s. 282.703, F.S.; revising provisions relating to the SUNCOM Network; authorizing the department to establish standards for addresses and numbers and to maintain a directory; requiring all customers of a state primary data center, except for state universities, to use SUNCOM services; providing for certain exemptions; amending s. 282.707, F.S.; requiring the department and customers served by the department to review the qualifications of subscribers using the SUNCOM Network;

authorizing additional positions and providing an appropriation; providing an effective date.

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Policies for improving the cost-effectiveness and efficiency of the state data center system.
2. Infrastructure improvements supporting the consolidation of facilities or preempting the need to create additional data centers or computing facilities.
3. Standards for an objective, credible energy performance rating system that data center boards of trustees can use to measure state data center energy consumption and efficiency on a biannual basis.
4. Uniform disaster recovery standards.
5. Standards for primary data centers providing transparent financial data to user agencies.
6. Consolidation of contract practices or coordination of software, hardware, or other technology-related procurements.
7. Improvements to data center governance structures.

(3) STATE AGENCY DUTIES.—

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

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

282.203 Primary data centers.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

282.204 Northwood Shared Resource Center.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The Southwood Shared Resource Center, a primary data center, shall be the provider of the statewide e-mail service for all state agencies ~~system.~~ The center shall centrally host, manage, ~~and operate, and support the service, or outsource the hosting, management, operational, or support~~

components of the service in order to achieve the primary goals identified in this section the e-mail system.

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

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

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

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

2. The minimum functional requirements necessary for successful state-wide implementation and the responsibilities of the prospective service provider and the agency.

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

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

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

1. Leasing or usage-based subscription fees;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

for Persons With Disabilities; the Northwood Shared Resource Center; and the State Board of Administration.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 17. All data center functions performed, managed, operated, or supported by state agencies with resources and equipment currently located in a state primary data center created by this act, excluding application development, shall be transferred to the primary data center and that agency shall become a full-service customer entity by December 31, July 1, 2010. All resources and equipment located in the primary data center shall be operated, managed, and controlled by the primary data center. Data center functions include, but are not limited to, all data center hardware, software, staff, contracted services, and facility resources performing data center management and operations, security, production control, backup and recovery, disaster recovery, system administration, database administration, system programming, job control, production control, print, storage, technical support, help desk, and managed services.

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

(a) By October 1, 2009, submit a plan to the board of trustees of the appropriate primary data center describing costs and resources currently used to manage and maintain hardware and operating and support software

housed at the primary data center, and a plan for transferring all resources allocated to data center functions to the primary data center. The plan shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) To publish electronically the portfolio of services available from the department, including pricing information; the policies and procedures of the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(14) To enter into contracts or agreements, with or without competitive bidding or procurement, to make available, on a fair, reasonable, and nondiscriminatory basis, property and other structures under departmental control for the placement of new facilities by any wireless provider of mobile service as defined in 47 U.S.C. s. 153(27) or s. 332(d) and any telecommunications company as defined in s. 364.02 if when it is ~~determined to be~~ practical and feasible to make such property or other structures available. The department may, without adopting a rule, charge a just, reasonable, and nondiscriminatory fee for the placement of the facilities, payable annually, based on the fair market value of space used by comparable telecommunications ~~communications~~ facilities in the state. The department and a wireless provider or telecommunications company may negotiate the reduction or elimination of a fee in consideration of services provided to the department by the wireless provider or telecommunications company. All such fees collected by the department shall be deposited directly into the Law Enforcement Radio Operating Trust Fund, and may be used by the department to construct, maintain, or support the system.

(15) Establish policies that ensure that the department's cost-recovery methodologies, billings, receivables, expenditures, budgeting, and

accounting data are captured and reported timely, consistently, accurately, and transparently and are in compliance with all applicable federal and state laws and rules. The department shall annually submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report that describes each service and its cost, the billing methodology for recovering the cost of the service, and, if applicable, the identity of those services that are subsidized.

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

282.703 SUNCOM Network; exemptions from the required use.—

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

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

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

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

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

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

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

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

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

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

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

282.707 SUNCOM Network; criteria for usage.—

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

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

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

Approved by the Governor May 28, 2010.

Filed in Office Secretary of State May 28, 2010.