

CHAPTER 2011-50

Senate Bill No. 2098

An act relating to the consolidation of state information technology services; amending s. 14.204, F.S.; revising the duties of the Agency for Enterprise Information Technology; deleting references to the Office of Information Security and the Agency Chief Information Officers Council; amending s. 20.315, F.S.; requiring that the Department of Corrections' Office of Information Technology manage the department's data system; amending s. 282.0041, F.S.; revising definitions; amending s. 282.0056, F.S.; revising provisions relating to the agency's annual work plan; amending s. 282.201, F.S.; revising the duties of the agency; requiring the agency to submit certain recommendations to the Legislature, the Executive Office of the Governor, and the primary data centers; deleting obsolete provisions; conforming provisions to changes made by the act; providing a schedule for the consolidations of state agency data centers; requiring agencies to update their service-level agreements and to develop consolidation plans; requiring the Agency for Enterprise Information Technology to submit a status report to the Governor and Legislature and to develop a comprehensive transition plan; requiring primary data centers to develop transition plans; revising agency limitations relating to technology services; amending s. 282.203, F.S.; deleting obsolete provisions; revising duties of primary data centers relating to state agency resources and equipment relinquished to the centers; requiring state agencies to relinquish all administrative access rights to certain resources and equipment upon consolidation; providing for the appointment of alternate board members; revising provisions relating to state agency representation on data center boards; conforming a cross-reference; amending s. 282.204, F.S.; establishing the Northwood Shared Resource Center in the Department of Management Services rather than the Department of Children and Family Services; repealing s. 282.3055, F.S., requiring each agency to appoint an agency chief information officer; repealing s. 282.315, F.S., relating to the Agency Chief Information Officers Council; amending s. 282.318, F.S.; deleting references to the Office of Information Security with respect to responsibility for enterprise security; deleting obsolete provisions; amending s. 282.33, F.S.; deleting an obsolete provision; revising the schedule for the Agency for Enterprise Information Technology to submit certain recommendations to the Legislature; amending s. 282.34, F.S.; revising provisions relating to the statewide e-mail service; deleting the schedule and requiring the agency to develop and submit a plan to the Legislative Budget Commission for the migration of state agencies to the service; specifying what the plan must include; prohibiting state agencies from executing contracts for certain e-mail services; requiring the development of an implementation plan; requiring state agencies to provide all information necessary for the implementation plan; amending ss. 287.042, F.S.; conforming provisions to changes made by the act; transferring the Northwood Shared Resource Center to the

Department of Management Services; requiring the agency to coordinate with the Southwood Shared Resource Center to provide a status report to the Executive Office of the Governor and to the Legislature; providing an effective date.

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

Section 1. Subsections (4), (5), and (6) of section 14.204, Florida Statutes, are amended 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:

(a) Develop strategies for the design, planning, project management, delivery, and management of the enterprise information technology services established in law, including the state data center system service established in s. 282.201, the information technology security service established in s. 282.318, and the statewide e-mail service established in s. 282.34.

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

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

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

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

2. Establishing and coordinating project-management teams;

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

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

(e) ~~Beginning October 1, 2010,~~ Develop, publish, and biennially update a long-term strategic enterprise information technology plan that identifies and recommends strategies and opportunities to improve the delivery of cost-effective and efficient enterprise information technology services to be proposed for establishment pursuant to s. 282.0056.

(f) Perform duties related to enterprise information technology services, ~~including the state data center system established in as provided in s.~~

282.201, the information technology security service established in s. 282.318, and the statewide e-mail service established in s. 282.34.

(g) Coordinate technology resource acquisition planning, and assist the Department of Management Service’s Division of Purchasing with using aggregate buying methodologies whenever possible and with procurement negotiations for hardware and software products and services in order to improve the efficiency and reduce the cost of enterprise information technology services.

(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 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 best practices for the procurement of information technology products as defined in s. 282.0041 in order to achieve savings for the state.

(j) Develop information technology standards for the efficient design, planning, project management, implementation, and delivery of enterprise information technology services. All state agencies must make the transition to the new standards.

(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.

~~(5) The Office of Information Security shall be created within the agency. The agency shall designate a state Chief Information Security Officer who shall oversee the office and report directly to the executive director.~~

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

Section 2. Subsection (10) of section 20.315, Florida Statutes, is amended to read:

20.315 Department of Corrections.—There is created a Department of Corrections.

(10) SINGLE INFORMATION AND RECORDS SYSTEM.—~~There shall be Only one offender-based information and records computer system shall be maintained by the Department of Corrections for the joint use of the department and the Parole Commission. The This data system shall be managed through the department’s office of information technology Justice Data Center. The department shall develop and maintain, in consultation~~

with the Criminal and Juvenile Justice Information Systems Council under s. 943.08, such offender-based information, including clemency administration information and other computer services to serve the needs of both the department and the Parole Commission. The department shall notify the commission of all violations of parole and the circumstances thereof.

Section 3. Present subsections (4) through (30) of section 282.0041, Florida Statutes, are redesignated as subsections (2) through (28), respectively, and present subsections (2), (3), (14), and (19) of that section are amended, to read:

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

~~(2) “Agency chief information officer” means the person employed by the agency head to coordinate and manage the information technology functions and responsibilities applicable to that agency, to participate and represent the agency in developing strategies for implementing enterprise information technology services established pursuant to this part, and to develop recommendations for enterprise information technology policy.~~

~~(3) “Agency Chief Information Officers Council” means the council created in s. 282.315.~~

~~(12)(14) “E-mail, messaging, and calendaring service” means the enterprise information technology service that enables users to send, receive, file, store, manage, and retrieve electronic messages, attachments, appointments, and addresses. The e-mail, messaging, and calendaring service must include e-mail account management; help desk; technical support and user provisioning services; disaster recovery and backup and restore capabilities; antispam and antivirus capabilities; archiving and e-discovery; and remote access and mobile messaging capabilities.~~

~~(17)(19) “Primary data center” means a state or nonstate agency data center that is a recipient entity for consolidation of nonprimary data centers and computing facilities and that is established by. A primary data center may be authorized in law or designated by the Agency for Enterprise Information Technology pursuant to s. 282.201.~~

Section 4. Subsection (1) of section 282.0056, Florida Statutes, is amended to read:

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

(1) For the purposes of carrying out its responsibilities under s. 282.0055, the Agency for Enterprise Information Technology shall develop an annual work plan within 60 days after the beginning of the fiscal year describing the activities that the agency intends to undertake for that year, including proposed outcomes and completion timeframes for the planning and implementation of all enterprise information technology services. The work plan must be presented at a public hearing and that includes the

Agency Chief Information Officers Council, which may review and comment on the plan. The work plan must thereafter be approved by the Governor and Cabinet, and thereafter submitted to the President of the Senate and the Speaker of the House of Representatives. The work plan may be amended as needed, subject to approval by the Governor and Cabinet.

Section 5. Subsections (2) and (3) of section 282.201, Florida Statutes, are amended, present subsections (4) and (5) of that section are amended and renumbered as subsections (5) and (6), respectively, and a new subsection (4) is added to 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:

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

(b) Annually approve cost-recovery mechanisms and rate structures for primary data centers which recover costs through charges to customer entities.

(c) By September 30 ~~December 31~~ of each year, submit to the Legislature, the Executive Office of the Governor, and the primary data centers ~~Legislature~~ recommendations to improve the efficiency and cost-effectiveness ~~effectiveness~~ of computing services provided by state data center system facilities. Such recommendations must ~~may~~ include, but need not be limited to:

1. Policies for improving the cost-effectiveness and efficiency of the state data center system, which includes the primary data centers being transferred to a shared, virtualized server environment, and the associated cost savings resulting from the implementation of such policies.

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.~~

~~3.4.~~ Uniform disaster recovery standards.

4.5. Standards for primary data centers which provide cost-effective services and providing transparent financial data to user agencies.

5.6. Consolidation of contract practices or coordination of software, hardware, or other technology-related procurements and the associated cost savings.

6.7. Improvements to data center governance structures.

~~(d) By October 1 of each year beginning in 2011, provide recommendations 2009, recommend to the Governor and Legislature relating to changes to the schedule for the consolidations of state agency data centers as provided in subsection (4) at least two nonprimary data centers for consolidation into a primary data center or nonprimary data center facility.~~

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

~~a. Estimated transition costs for each data center or computing facility recommended for consolidation;~~

~~b. Detailed timeframes for the complete transition of each data center or computing facility recommended for consolidation;~~

~~c. Proposed recurring and nonrecurring fiscal impacts, including increased or decreased costs and associated budget impacts for affected budget entities;~~

~~d. Substantive legislative changes necessary to implement the transition; and~~

~~e. Identification of computing resources to be transferred and those that will remain in the agency. The transfer of resources must include all hardware, software, staff, contracted services, and facility resources performing data center management and operations, security, backup and recovery, disaster recovery, system administration, database administration, system programming, job control, production control, print, storage, technical support, help desk, and managed services but excluding application development.~~

1.2. The recommendations must ~~shall~~ be based on the goal of maximizing current and future cost savings by. ~~The agency shall consider the following criteria in selecting consolidations that maximize efficiencies by providing the ability to:~~

a. Consolidating ~~Consolidate~~ purchase decisions;

b. Leveraging ~~Leverage~~ expertise and other resources to gain economies of scale;

c. Implementing ~~Implement~~ state information technology policies more effectively; and

d. Maintaining or improving ~~Maintain or improve~~ the level of service provision to customer entities; and

e. ~~Make progress towards the state's goal of consolidating data centers and computing facilities into primary data centers.~~

~~2.3.~~ The agency shall establish workgroups as necessary to ensure participation by affected agencies in the development of recommendations related to consolidations.

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

~~(e)(f)~~ Develop and establish rules relating to the operation of the state data center system which comply with applicable federal regulations, including 2 C.F.R. part 225 and 45 C.F.R. The agency shall publish notice of rule development in the Florida Administrative Weekly by October 1, 2011. The rules must may address:

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

2. Identifying standards for hardware, including standards for a shared, virtualized server environment, and operations system software and other operational software, including security and network infrastructure, for the primary data centers; requiring compliance with such standards in order to enable the efficient consolidation of the agency data centers or computing facilities; and providing an exemption process from compliance with such standards, which must be consistent with paragraph (5)(b).

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

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

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

5. Requiring that rebates be given when revenues have exceeded costs, that rebates be applied to offset charges to those customer entities that have

subsidized the costs of other customer entities, and that such rebates may be in the form of credits against future billings.

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

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

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

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

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

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

(3) STATE AGENCY DUTIES.—

(a) For the purpose of completing its work activities as described in subsection (1), each state agency shall provide to the Agency for Enterprise Information Technology all requested information and any other information relevant to the agency's ability to effectively transition its computer services into a primary data center. The agency shall also participate as required in workgroups relating to specific consolidation planning and implementation tasks as assigned by the Agency for Enterprise Information Technology and determined necessary to accomplish consolidation goals.

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

1. Amount of floor space used and available.
2. Numbers and capacities of mainframes and servers.
3. Storage and network capacity.

4. Amount of power used and the available capacity.

5. Estimated expenditures by service area, including hardware and software, numbers of full-time equivalent positions, personnel turnover, and position reclassifications.

6. A list of contracts in effect for the fiscal year, including, but not limited to, contracts for hardware, software and maintenance, including the expiration date, the contract parties, and the cost of the contract.

7. Service-level agreements by customer entity.

~~(e) The chief information officer of each state agency shall assist the Agency for Enterprise Information Technology at the request of the Agency for Enterprise Information Technology.~~

~~(c)(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.

(4) SCHEDULE FOR CONSOLIDATIONS OF AGENCY DATA CENTERS.—

(a) Consolidations of agency data centers shall be made by the date and to the specified primary data center as provided in this section and in accordance with budget adjustments contained in the General Appropriations Act.

(b) By December 31, 2011, the following shall be consolidated into the Northwest Regional Data Center:

1. The Department of Education’s Knott Data Center in the Turlington Building.

2. The Department of Education’s Division of Vocational Rehabilitation.

3. The Department of Education’s Division of Blind Services, except for the division’s disaster recovery site in Daytona Beach.

4. The FCAT Explorer.

5. FACTS.org.

(c) During the 2011-2012 fiscal year, the following shall be consolidated into the Southwood Shared Resource Center:

1. By September 30, 2011, the Department of Corrections.

2. By March 31, 2012, the Department of Transportation’s Burns Building.

3. By March 31, 2012, the Department of Transportation's Survey & Mapping Office.

(d) During the 2011-2012 fiscal year, the following shall be consolidated into the Northwood Shared Resource Center:

1. By July 1, 2011, the Department of Transportation's Office of Motor Carrier Compliance.

2. By March 31, 2012, the Department of Highway Safety and Motor Vehicles.

(e) During the 2012-2013 fiscal year, the following shall be consolidated into the Southwood Shared Resource Center:

1. By September 30, 2012, the Division of Emergency Management and the Department of Community Affairs, except for the Emergency Operation Center's management system in Tallahassee and the Camp Blanding Emergency Operations Center in Starke.

2. By September 30, 2012, the Department of Revenue's Carlton Building and Imaging Center locations.

3. By December 31, 2012, the Department of Health's Test and Development Lab and all remaining data center resources located at the Capital Circle Office Complex.

(f) During the 2012-2013 fiscal year, the following shall be consolidated into the Northwood Shared Resource Center:

1. By July 1, 2012, the Agency for Health Care Administration.

2. By December 31, 2012, the Department of Environmental Protection's Palmetto Commons.

3. By March 30, 2013, the Department of Law Enforcement's headquarters location.

(g) During the 2013-2014 fiscal year, the following agencies shall work with the Agency for Enterprise Information Technology to begin preliminary planning for consolidation into a primary data center:

1. The Department of the Lottery's headquarters location.

2. The Department of Legal Affairs.

3. The Fish and Wildlife Conservation Commission, except for the commission's Fish and Wildlife Research Institute in St. Petersburg.

4. The Executive Office of the Governor.

5. The Department of Veterans' Affairs.

6. The Department of Elderly Affairs.

7. The Department of Financial Services’ Hartman, Larson, and Fletcher Building Data Centers.

8. The Department of Agriculture and Consumer Services’ Agriculture Management Information Center in the Mayo Building and Division of Licensing.

(h) During the 2014-2015 fiscal year, the following agencies shall work with the Agency for Enterprise Information Technology to begin preliminary planning for consolidation into a primary data center:

1. The Department of Health’s Jacksonville Lab Data Center.

2. The Department of Transportation’s district offices, toll offices, and the District Materials Office.

3. The Department of Military Affairs’ Camp Blanding Joint Training Center in Starke.

4. The Department of Community Affairs’ Camp Blanding Emergency Operations Center in Starke.

5. The Department of Education’s Division of Blind Services disaster recovery site in Daytona Beach.

6. The Department of Education’s disaster recovery site at Santa Fe College.

7. The Department of the Lottery’s Disaster Recovery Backup Data Center in Orlando.

8. The Fish and Wildlife Conservation Commission’s Fish and Wildlife Research Institute in St. Petersburg.

9. The Department of Children and Family Services’ Suncoast Data Center in Tampa.

10. The Department of Children and Family Services’ Florida State Hospital in Chattahoochee.

(i) During the 2015-2016 fiscal year, all computing resources remaining within an agency nonprimary data center or computing facility shall be transferred to a primary data center for consolidation unless otherwise required to remain in the agency for specified financial, technical, or business reasons that must be justified in writing and approved by the Agency for Enterprise Information Technology. Such data centers, computing facilities, and resources must be identified by the Agency for Enterprise Information Technology by October 1, 2014.

(j) Any agency that is consolidating agency data centers into a primary data center must execute a new or update an existing service-level agreement within 60 days after the specified consolidation date, as required by s. 282.203, in order to specify the services and levels of service it is to receive from the primary data center as a result of the consolidation. If an agency is unable to execute a service-level agreement by that date, the agency shall submit a report to the Executive Office of the Governor and to the chairs of the legislative appropriations committees within 5 working days after that date which explains the specific issues preventing execution and describing its plan and schedule for resolving those issues.

(k) Beginning September 1, 2011, and every 6 months thereafter until data center consolidations are complete, the Agency for Enterprise Information Technology shall provide a status report on the implementation of the consolidations that must be completed during the fiscal year. The report shall be submitted to the Executive Office of the Governor and the chairs of the legislative appropriations committees. The report must, at a minimum, describe:

1. Whether the consolidation is on schedule, including progress on achieving the milestones necessary for successful and timely consolidation of scheduled agency data centers and computing facilities; and

2. The risks that may affect the progress or outcome of the consolidation and how these risks are being addressed, mitigated, or managed.

(l) Each agency identified in this subsection for consolidation into a primary data center shall submit a transition plan to the Agency for Enterprise Information Technology by September 1 of the fiscal year before the fiscal year in which the scheduled consolidation will occur. Transition plans shall be developed in consultation with the appropriate primary data centers and the Agency for Enterprise Information Technology, and must include:

1. An inventory of the agency data center's resources being consolidated, including all hardware, software, staff, and contracted services, and the facility resources performing data center management and operations, security, backup and recovery, disaster recovery, system administration, database administration, system programming, job control, production control, print, storage, technical support, help desk, and managed services, but excluding application development;

2. A description of the level of services needed to meet the technical and operational requirements of the platforms being consolidated and an estimate of the primary data center's cost for the provision of such services;

3. A description of resources for computing services proposed to remain in the department;

4. A timetable with significant milestones for the completion of the consolidation; and

5. The specific recurring and nonrecurring budget adjustments of budget resources by appropriation category into the appropriate data-processing category pursuant to the legislative budget instructions in s. 216.023 necessary to support agency costs for the transfer.

(m) Each primary data center shall develop a transition plan for absorbing the transfer of agency data center resources based upon the timetables for transition as provided in this subsection. The plan shall be submitted to the Agency for Enterprise Information Technology, the Executive Office of the Governor, and the chairs of the legislative appropriations committees by September 30 of the fiscal year before the fiscal year in which the scheduled consolidations will occur. Each plan must include:

1. An estimate of the cost to provide data center services for each agency scheduled for consolidation;

2. A staffing plan that identifies the projected staffing needs and requirements based on the estimated workload identified in the agency transition plan;

3. The fiscal year adjustments to budget categories in order to absorb the transfer of agency data center resources pursuant to the legislative budget request instructions provided in s. 216.023;

4. An analysis of the cost effects resulting from the planned consolidations on existing agency customers; and

5. A description of any issues that must be resolved in order to accomplish as efficiently and effectively as possible all consolidations required during the fiscal year.

(n) The Agency for Enterprise Information Technology shall develop a comprehensive transition plan, which shall be submitted by October 15th of the fiscal year before the fiscal year in which the scheduled consolidations will occur to each primary data center, to the Executive Office of the Governor, and the chairs of the legislative appropriations committees. The transition plan shall be developed in consultation with agencies submitting agency transition plans and with the affected primary data centers. The comprehensive transition plan must include:

1. Recommendations for accomplishing the proposed transitions as efficiently and effectively as possible with minimal disruption to customer agency business processes;

2. Strategies to minimize risks associated with any of the proposed consolidations;

3. A compilation of the agency transition plans submitted by agencies scheduled for consolidation for the following fiscal year; and

4. Revisions to any budget adjustments provided in the agency or primary data center transition plans.

(o) Any agency data center scheduled for consolidation after the 2011-2012 fiscal year may consolidate into a primary data center before its scheduled date contingent upon the approval of the Agency for Enterprise Information Technology.

(5)(4) AGENCY LIMITATIONS.—

(a) Unless authorized by the Legislature or as provided in paragraphs (b) and (c), a state agency may not:

1. Create a new computing facility or data center, or expand the capability to support additional computer equipment in an existing computing facility or nonprimary data center;

2. Spend funds before the agency's scheduled consolidation into a primary data center to purchase or modify hardware or operations software that does not comply with hardware and software standards established by the Agency for Enterprise Information Technology pursuant to paragraph (2)(e) for the efficient consolidation of the agency data centers or computing facilities;

3.2. Transfer existing computer services to any data center other than a primary nonprimary data center or computing facility;

4.3. Terminate services with a primary data center or transfer services between primary data centers without giving written notice of intent to terminate or transfer services 180 days before such termination or transfer;
or

5.4. Initiate a new computer service if it does not currently have an internal data center except with a primary data center.

(b) Exceptions to the limitations in subparagraphs (a)1., 2., 3., and 5. 4. may be granted by the Agency for Enterprise Information Technology if there is insufficient capacity in a primary data center to absorb the workload associated with agency computing services, if expenditures are compatible with the scheduled consolidation and the standards established pursuant to paragraph (2)(e), or if the equipment or resources are needed to meet a critical agency business need that cannot be satisfied from surplus equipment or resources of the primary data center until the agency data center is consolidated.

1. A request for an exception must be submitted in writing to the Agency for Enterprise Information Technology. The agency must accept, accept with

conditions, or deny the request within 60 days after receipt of the written request. The agency’s decision is not subject to chapter 120.

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

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

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

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

(c) Exceptions to subparagraph (a)4. (a)3. may be granted by the board of trustees of the primary data center if the termination or transfer of services can be absorbed within the current cost-allocation plan.

(d) Upon the termination of or transfer of agency computing services from the primary data center, the primary data center shall require information sufficient to determine compliance with this section. If a primary data center determines that an agency is in violation of this section, it shall report the violation to the Agency for Enterprise Information Technology.

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

Section 6. Paragraphs (f) through (l) of subsection (1), paragraph (a) of subsection (2), and paragraph (j) of subsection (3) of section 282.203, Florida Statutes, are amended to read:

282.203 Primary data centers.—

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

~~(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.~~

~~(f)(g)~~ Maintain the performance of the facility, which includes ensuring proper data backup, data backup recovery, an effective disaster recovery plan, and appropriate security, power, cooling and fire suppression, and capacity.

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

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

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

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

b. Identify the legal authority under which the service-level agreement was negotiated and entered into by the parties;

c. State the duration of the contractual term and specify the conditions for contract renewal;

d. Prohibit the transfer of computing services between primary data center facilities without at least 180 days' notice of service cancellation;

e. Identify the scope of work;

f. Identify the products or services to be delivered with sufficient specificity to permit an external financial or performance audit;

g. Establish the services to be provided, the business standards that must be met for each service, the cost of each service, and the process by which the business standards for each service are to be objectively measured and reported;

h. Identify applicable funds and funding streams for the services or products under contract;

i. Provide a timely billing methodology for recovering the cost of services provided to the customer entity;

j. Provide a procedure for modifying the service-level agreement to address changes in projected costs of service;

k. Provide that a service-level agreement may be terminated by either party for cause only after giving the other party and the Agency for Enterprise Information Technology notice in writing of the cause for termination and an opportunity for the other party to resolve the identified cause within a reasonable period; and

1. Provide for mediation of disputes by the Division of Administrative Hearings pursuant to s. 120.573.

2. A service-level agreement may include:

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

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

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

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

~~(i)(j)~~ Plan, design, establish pilot projects for, and conduct experiments with information technology resources, and implement enhancements in services if such implementation is cost-effective and approved by the board.

~~(j)(k)~~ Enter into a memorandum of understanding with the agency where the data center is administratively located if the data center requires the agency to provide any administrative ~~which establishes the services to be provided by that agency~~ to the data center and the cost of such services.

~~(k)(4)~~ Be the custodian of resources and equipment that are located, operated, supported, and managed by the center for the purposes of chapter 273.

(l) Assume administrative access rights to the resources and equipment, such as servers, network components, and other devices that are consolidated into the primary data center.

1. Upon the date of each consolidation specified in s. 282.201, the General Appropriations Act, or the Laws of Florida, each agency shall relinquish all administrative access rights to such resources and equipment.

2. Each primary data center shall provide its customer agencies with the appropriate level of access to applications, servers, network components, and other devices necessary for agencies to perform their core business activities and functions.

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

(a) The members of the board shall be appointed by the agency head or chief executive officer of the representative customer entities of the primary data center and shall serve at the pleasure of the appointing customer entity. Each agency head or chief executive officer may appoint an alternate member for each board member appointed pursuant to this subsection.

1. During the first fiscal year that a state agency is to consolidate its data center operations to a primary data center and for the following full fiscal year, the agency shall have a single trustee having one vote on the board of the state primary data center where it is to consolidate, unless it is entitled in the second year to a greater number of votes as provided in subparagraph 3. For each of the first 2 fiscal years that a center is in operation, membership shall be as provided in subparagraph 3. based on projected customer entity usage rates for the fiscal operating year of the primary data center. However, at a minimum:

~~a.— During the Southwood Shared Resource Center’s first 2 operating years, the Department of Transportation, the Department of Highway Safety and Motor Vehicles, the Department of Health, and the Department of Revenue must each have at least one trustee.~~

~~b.— During the Northwood Shared Resource Center’s first operating year, the Department of State and the Department of Education must each have at least one trustee.~~

2. Board ~~After the second full year of operation,~~ membership shall be as provided in subparagraph 3. based on the most recent estimate of customer entity usage rates for the prior year and a projection of usage rates for the first 9 months of the next fiscal year. Such calculation must be completed before the annual budget meeting held before the beginning of the next fiscal year so that any decision to add or remove board members can be voted on at the budget meeting and become effective on July 1 of the subsequent fiscal year.

3. Each customer entity that has a projected usage rate of 4 percent or greater during the fiscal operating year of the primary data center shall have one trustee on the board.

4. The total number of votes for each trustee shall be apportioned as follows:

a. Customer entities of a primary data center whose usage rate represents 4 but less than 15 percent of total usage shall have one vote.

b. Customer entities of a primary data center whose usage rate represents 15 but less than 30 percent of total usage shall have two votes.

c. Customer entities of a primary data center whose usage rate represents 30 but less than 50 percent of total usage shall have three votes.

d. A customer entity of a primary data center whose usage rate represents 50 percent or more of total usage shall have four votes.

e. A single trustee having one vote shall represent those customer entities that represent less than 4 percent of the total usage. The trustee shall be selected by a process determined by the board.

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

(j) Maintain the capabilities of the primary data center’s facilities. Maintenance responsibilities include, but are not limited to, ensuring that adequate conditioned floor space, fire suppression, cooling, and power is in place; replacing aging equipment when necessary; and making decisions related to data center expansion and renovation, periodic upgrades, and improvements that are required to ensure the ongoing suitability of the facility as an enterprise data center consolidation site in the state data center system. To the extent possible, the board shall ensure that its approved annual cost-allocation plan recovers sufficient funds from its customers to provide for these needs pursuant to s. 282.201(2)(e).

Section 7. Section 282.204, Florida Statutes, is amended to read:

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

(1) The center is a primary data center and ~~is~~ 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) 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.

Section 8. Sections 282.3055 and 282.315, Florida Statutes, are repealed.

Section 9. Subsections (3) through (7) of section 282.318, Florida Statutes, are amended to read:

282.318 Enterprise security of data and information technology.—

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

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

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

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

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

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

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

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

(c) Assist agencies in complying with the provisions of this section.

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

(e) Provide training for agency information security managers.

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

(4) ~~To assist the Agency for Enterprise Information Technology Office of Information Security~~ in carrying out its responsibilities, each agency head shall, at a minimum:

(a) Designate an information security manager to administer the security program of the agency for its data and information technology

resources. This designation must be provided annually in writing to the Agency for Enterprise Information Technology office by January 1.

(b) Submit to the Agency for Enterprise Information Technology office annually by July 31, the agency's strategic and operational information security plans developed pursuant to the rules and guidelines established by the Agency for Enterprise Information Technology office.

1. The agency strategic information security plan must cover a 3-year period and define security goals, intermediate objectives, and projected agency costs for the strategic issues of agency information security policy, risk management, security training, security incident response, and survivability. The plan must be based on the enterprise strategic information security plan created by the Agency for Enterprise Information Technology office. Additional issues may be included.

2. The agency operational information security plan must include a progress report for the prior operational information security plan and a project plan that includes activities, timelines, and deliverables for security objectives that, subject to current resources, the agency will implement during the current fiscal year. The cost of implementing the portions of the plan which cannot be funded from current resources must be identified in the plan.

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

(d) Develop, and periodically update, written internal policies and procedures, which include procedures for notifying the Agency for Enterprise Information Technology office when a suspected or confirmed breach, or an information security incident, occurs. Such policies and procedures must be consistent with the rules and guidelines established by the Agency for Enterprise Information Technology office to ensure the security of the data, information, and information technology resources of the agency. The internal policies and procedures that, if disclosed, could facilitate the unauthorized modification, disclosure, or destruction of data or information technology resources are confidential information and exempt from s. 119.07(1), except that such information shall be available to the Auditor General and the Agency for Enterprise Information Technology for performing postauditing duties.

(e) Implement appropriate cost-effective safeguards to address identified risks to the data, information, and information technology resources of the agency.

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

(g) Include appropriate security requirements in the written specifications for the solicitation of information technology and information technology resources and services, which are consistent with the rules and guidelines established by the Agency for Enterprise Information Technology office.

(h) Provide security awareness training to employees and users of the agency's communication and information resources concerning information security risks and the responsibility of employees and users to comply with policies, standards, guidelines, and operating procedures adopted by the agency to reduce those risks.

(i) Develop a process for detecting, reporting, and responding to suspected or confirmed security incidents, including suspected or confirmed breaches consistent with the security rules and guidelines established by the Agency for Enterprise Information Technology office.

1. Suspected or confirmed information security incidents and breaches must be immediately reported to the Agency for Enterprise Information Technology office.

2. For incidents involving breaches, agencies shall provide notice in accordance with s. 817.5681 and to the Agency for Enterprise Information Technology office in accordance with this subsection.

(5) Each state agency shall include appropriate security requirements in the specifications for the solicitation of contracts for procuring information technology or information technology resources or services which are consistent with the rules and guidelines established by the Agency for Enterprise Information Technology Office of Information Security.

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

~~(7) By December 31, 2010, the Agency for Enterprise Information Technology shall develop, and submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a proposed implementation plan for information technology security. The agency shall describe the scope of operation, conduct costs and requirements analyses, conduct an inventory of all existing security information technology~~

resources, and develop strategies, timeframes, and resources necessary for statewide migration.

Section 10. Subsections (2), (3), and (4) of section 282.33, Florida Statutes, are amended to read:

282.33 Objective standards for data center energy efficiency.—

(2) State shared resource data centers and other data centers that the Agency for Enterprise Information Technology has determined will be recipients for consolidating data centers, which are designated by the Agency for Enterprise Information Technology, shall evaluate their data center facilities for energy efficiency using the standards established in this section.

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

(b) Beginning ~~By~~ December 31, 2010, and every 3 years ~~biennially~~ thereafter, the Agency for Enterprise Information Technology shall submit to the Legislature recommendations for reducing energy consumption and improving the energy efficiency of state primary data centers.

~~(3) The primary means of achieving maximum energy savings across all state data centers and computing facilities shall be the consolidation of data centers and computing facilities as determined by the Agency for Enterprise Information Technology. State data centers and computing facilities in the state data center system shall be established as an enterprise information technology service as defined in s. 282.0041. The Agency for Enterprise Information Technology shall make recommendations on consolidating state data centers and computing facilities, pursuant to s. 282.0056, by December 31, 2009.~~

~~(3)(4) If~~ When the total cost of ownership of an energy-efficient product is less than or equal to the cost of the existing data center facility or infrastructure, technical specifications for energy-efficient products should be incorporated in the plans and processes for replacing, upgrading, or expanding data center facilities or infrastructure, including, but not limited to, network, storage, or computer equipment and software.

Section 11. Section 282.34, Florida Statutes, is amended to read:

282.34 Statewide e-mail service.—A statewide state e-mail service system that includes the delivery and support of e-mail, messaging, and calendaring capabilities 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 may also be used by nonstate agency entities. 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. The center shall centrally host, manage, 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.

(2) The Agency for Enterprise Information Technology, in cooperation and consultation with all state agencies, shall prepare and submit for approval by the Legislative Budget Commission at a meeting scheduled before June 30, 2011, a proposed plan for the migration of all state agencies to the statewide e-mail service. The plan for migration must include:

(a) A cost-benefit analysis that compares the total recurring and nonrecurring 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 to the costs associated with the proposed statewide e-mail service. The analysis must also include:

1. A comparison of the estimated total 7-year life-cycle cost of the current agency e-mail systems versus the feasibility of funding the migration and operation of the statewide e-mail service.

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

3. An identification of the overall cost savings resulting from state agencies migrating to the statewide e-mail service and decommissioning their agency e-mail systems.

(b) A proposed migration date for all state agencies to be migrated to the statewide e-mail service. The Agency for Enterprise Information Technology shall work with the Executive Office of the Governor to develop the schedule for migrating all state agencies to the statewide e-mail service except for the Department of Legal Affairs. The Department of Legal Affairs shall provide to the Agency for Enterprise Information Technology by June 1, 2011, a proposed migration date based upon its decision to participate in the statewide e-mail service and the identification of any issues that require resolution in order to migrate to the statewide e-mail service.

(c) A budget amendment, submitted pursuant to chapter 216, for adjustments to each agency's approved operating budget necessary to transfer sufficient budget resources into the appropriate data processing category to support its statewide e-mail service costs.

(d) A budget amendment, submitted pursuant to chapter 216, for adjustments to the Southwood Shared Resource Center approved operating budget to include adjustments in the number of authorized positions, salary

budget and associated rate, necessary to implement the statewide e-mail service.

(3) Contingent upon approval by the Legislative Budget Commission, the Southwood Shared Resource Center may contract for the provision of a statewide e-mail service. Executive branch agencies must be completely migrated to the statewide e-mail service based upon the migration date included in the proposed plan approved by the Legislative Budget Commission.

(4) Notwithstanding chapter 216, General Revenue funds may be increased or decreased for each agency provided the net change to General Revenue in total for all agencies is zero or less.

(5) Subsequent to the approval of the consolidated budget amendment to reflect budget adjustments necessary to migrate to the statewide e-mail service, an agency may make adjustments subject to s. 216.177, notwithstanding provisions in chapter 216 which may require such adjustments to be approved by the Legislative Budget Commission.

(6) No agency may initiate a new e-mail service or execute a new e-mail contract or amend a current e-mail contract, other than with the Southwood Shared Resource Center, for nonessential products or services unless the Legislative Budget Commission denies approval for the Southwood Shared Resource Center to enter into a contract for the statewide e-mail service.

(7) The Agency for Enterprise Information Technology shall work with the Southwood Shared Resource Center to develop an implementation plan that identifies and describes the detailed processes and timelines for an agency's migration to the statewide e-mail service based on the migration date approved by the Legislative Budget Commission. The agency may establish and coordinate workgroups consisting of agency e-mail management, information technology, budget, and administrative staff to assist the agency in the development of the plan.

(8) Each executive branch agency shall provide all information necessary to develop the implementation plan, including, but not limited to, required mailbox features and the number of mailboxes that will require migration services. Each agency must also identify any known business, operational, or technical plans, limitations, or constraints that should be considered when developing the plan.

~~(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 life-cycle-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; antispam and antivirus 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) By December 31, 2010, 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 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, 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.~~

~~(b) A cost-benefit analysis that estimates all major cost elements associated with each sourcing option, focusing on the nonrecurring and recurring life-cycle costs of each option. The analysis must include a comparison of the estimated total 5-year life-cycle cost of the current agency e-mail systems versus each enterprise e-mail sourcing option 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 life-cycle 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) A comparison of the migrating schedules of each sourcing option to the statewide e-mail service, including the approach and schedule for the decommissioning of all current state agency e-mail systems beginning with phase 1 and phase 2 as provided in subsection (4).~~

~~(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) In order to develop the implementation plan for the statewide e-mail service, 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, 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.

~~(6) Unless authorized by the Legislature or as provided in subsection (7), a state agency may 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 service;~~

~~(b) Terminate a statewide e-mail 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 service.~~

~~(7) Exceptions to paragraphs (6)(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 this section, annually by December 31, until migration to the statewide service is complete.~~

Section 12. Paragraph (h) of subsection (3) and paragraph (b) of subsection (4) of section 287.042, Florida Statutes, are amended to read:

287.042 Powers, duties, and functions.—The department shall have the following powers, duties, and functions:

(3) To establish a system of coordinated, uniform procurement policies, procedures, and practices to be used by agencies in acquiring commodities and contractual services, which shall include, but not be limited to:

(h) ~~Development, in consultation with the Agency Chief Information Officers Council,~~ of procedures to be used by state agencies when procuring information technology commodities and contractual services to ensure compliance with public records requirements and records retention and archiving requirements.

(4)

(b) ~~To prescribe, in consultation with the Agency Chief Information Officers Council,~~ procedures for procuring information technology and information technology consultant services ~~which~~ provide for public announcement and qualification, competitive solicitations, contract award, and prohibition against contingent fees. Such procedures ~~are~~ shall be limited to information technology consultant contracts for which the total project costs, or planning or study activities, are estimated to exceed the threshold amount provided for in s. 287.017, for CATEGORY TWO.

Section 13. The Northwood Shared Resource Center is transferred by a type one transfer, as defined in s. 20.06(1), Florida Statutes, from the Department of Children and Family Services to the Department of Management Services.

Section 14. The Agency for Enterprise Information Technology, in coordination with the Southwood Shared Resource Center, shall provide a written status report to the Executive Office of the Governor and to the chairs of the legislative appropriations committees detailing the progress made by the agencies required to migrate to the statewide e-mail service by the required migration date. The status report must be provided every 6 months, beginning September 1, 2011, until implementation is complete.

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

Approved by the Governor May 26, 2011.

Filed in Office Secretary of State May 26, 2011.