

By Senator Brandes

22-00592-16

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1 A bill to be entitled
2 An act relating to the state data center; amending s.
3 282.201, F.S.; providing for terms of continuation of
4 service if the state data center within the Agency for
5 State Technology and an existing customer entity fail
6 to execute a new service-level agreement within a
7 specified time after an existing agreement expires;
8 making a technical change; requiring the state data
9 center to plan, design, and establish pilot projects
10 for and conduct experiments with information
11 technology resources and to implement service
12 enhancements if cost-effective; providing an effective
13 date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Paragraph (d) of subsection (2) of section
18 282.201, Florida Statutes, is amended, and paragraph (g) is
19 added to that subsection, to read:

20 282.201 State data center.—The state data center is
21 established within the Agency for State Technology and shall
22 provide data center services that are hosted on premises or
23 externally through a third-party provider as an enterprise
24 information technology service. The provision of services must
25 comply with applicable state and federal laws, regulations, and
26 policies, including all applicable security, privacy, and
27 auditing requirements.

28 (2) STATE DATA CENTER DUTIES.—The state data center shall:

29 (d) Enter into a service-level agreement with each customer

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30 entity to provide the required type and level of service or
31 services. If a customer entity fails to execute an agreement
32 within 60 days after commencement of a service, the state data
33 center may cease service. If the state data center and existing
34 customer entity fail to execute a new service-level agreement
35 within 60 days after expiration of the service-level agreement
36 from the prior fiscal year, services provided by the state data
37 center thereafter are deemed to be governed under the terms of
38 the expired service-level agreement. A service-level agreement
39 may not have a term exceeding 3 years and at a minimum must:

40 1. Identify the parties and their roles, duties, and
41 responsibilities under the agreement.

42 2. State the duration of the contract term and specify the
43 conditions for renewal.

44 3. Identify the scope of work.

45 4. Identify the products or services to be delivered with
46 sufficient specificity to permit an external financial or
47 performance audit.

48 5. Establish the services to be provided, the business
49 standards that must be met for each service, the cost of each
50 service, and the metrics and processes by which the business
51 standards for each service are to be objectively measured and
52 reported.

53 6. Provide a timely billing methodology to recover the cost
54 of services provided to the customer entity pursuant to s.
55 215.422.

56 7. Provide a procedure for modifying the service-level
57 agreement based on changes in the type, level, and cost of a
58 service.

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59 8. Include a right-to-audit clause to ensure that the
60 parties to the agreement have access to records for audit
61 purposes during the term of the service-level agreement.

62 9. Provide that a service-level agreement may be terminated
63 by either party for cause only after giving the other party ~~and~~
64 ~~the Agency for State Technology~~ notice in writing of the cause
65 for termination and an opportunity for the other party to
66 resolve the identified cause within a reasonable period.

67 10. Provide for mediation of disputes by the Division of
68 Administrative Hearings pursuant to s. 120.573.

69 (g) Plan, design, and establish pilot projects for and
70 conduct experiments with information technology resources and
71 implement service enhancements if cost-effective.

72 Section 2. This act shall take effect July 1, 2016.