

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Grant offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove line 272 and insert:

5 Section 4. Subsection (18) of section 282.0051, Florida  
6 Statutes, is renumbered as subsection (20), and new subsections  
7 (18 and (19) are added to that section to read:

8 282.0051 Agency for State Technology; powers, duties, and  
9 functions.—The Agency for State Technology shall have the  
10 following powers, duties, and functions:

11 (18) Full access to all identity data, license and  
12 identification card data, and other pertinent information within  
13 the possession of any state agency, commission, or department  
14 unless otherwise prohibited by federal law. If any data or

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15 information accessed by the agency is exempt from public  
16 disclosure pursuant to general law, this subsection may not be  
17 construed to negate the exemption.

18 (18) In consultation with other state agencies and  
19 considering the feasibility study conducted pursuant to s. 30,  
20 chapter 2014-221, Laws of Florida, direct the chief data officer  
21 to establish a governance structure for managing state  
22 government data in a manner that promotes interoperability and  
23 openness.

24 Section 5. Effective October 1, 2016, present subsections  
25 (17) and (18) of section 282.0051, Florida Statutes, are  
26 renumbered as subsections (19) and (20), respectively, and new  
27 subsections (17) and (18) are added to that section, to read:

28 282.0051 Agency for State Technology; powers, duties, and  
29 functions.—The Agency for State Technology shall have the  
30 following powers, duties, and functions:

31 (17) In consultation with other state agencies and giving  
32 consideration to the feasibility study conducted pursuant to s.  
33 30, chapter 2014-221, Laws of Florida:

34 (a) Establish a governance structure for managing state  
35 government data in a manner that promotes interoperability and  
36 openness; and

37 (b) Establish a catalog of state government data which  
38 documents the acceptable use of, security and compliance  
39 requirements for, sharing agreements for, and format and methods  
40 available to access the data.

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41       (18) Consult with each state agency on the development of  
42 the agency's legislative budget request for the use of  
43 commercial cloud computing services, current plans for the  
44 expansion of cloud computing to leverage the utility-based  
45 model, security benefits of transitioning to cloud computing,  
46 and any factors delaying or inhibiting the expansion of cloud  
47 computing usage. All state agencies must evaluate and consider  
48 commercial cloud computing services before making any new  
49 information technology or telecommunications investment.

50       Section 6. Effective October 1, 2016, paragraph (d) of  
51 subsection (2) of section 282.201, Florida Statutes, is amended,  
52 and paragraph (g) is added to that subsection, to read:

53       282.201 State data center.—The state data center is  
54 established within the Agency for State Technology and shall  
55 provide data center services that are hosted on premises or  
56 externally through a third-party provider as an enterprise  
57 information technology service. The provision of services must  
58 comply with applicable state and federal laws, regulations, and  
59 policies, including all applicable security, privacy, and  
60 auditing requirements.

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

62       (d) Enter into a service-level agreement with each  
63 customer entity to provide the required type and level of  
64 service or services. If a customer entity fails to execute an  
65 agreement within 60 days after commencement of a service, the  
66 state data center may cease service. A service-level agreement

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67 | may not have an original a term exceeding 3 years, except that  
68 | it may be extended for up to 6 months. If the state data center  
69 | and an existing customer entity execute an extension or fail to  
70 | execute a new service-level agreement before the expiration of  
71 | an existing service-level agreement, the state data center shall  
72 | submit a report to the Executive Office of the Governor within 5  
73 | days after the date of the executed extension, or 15 days before  
74 | the scheduled expiration date of the service-level agreement,  
75 | which explains the specific issues preventing execution of a new  
76 | service-level agreement and describing the plan and schedule for  
77 | resolving those issues. Each service-level agreement, and at a  
78 | minimum, must:

- 79 | 1. Identify the parties and their roles, duties, and  
80 | responsibilities under the agreement.
- 81 | 2. State the duration of the contract term and specify the  
82 | conditions for renewal.
- 83 | 3. Identify the scope of work.
- 84 | 4. Identify the products or services to be delivered with  
85 | sufficient specificity to permit an external financial or  
86 | performance audit.
- 87 | 5. Establish the services to be provided, the business  
88 | standards that must be met for each service, the cost of each  
89 | service, and the metrics and processes by which the business  
90 | standards for each service are to be objectively measured and  
91 | reported.

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92 6. Provide a timely billing methodology to recover the  
93 cost of services provided to the customer entity pursuant to s.  
94 215.422.

95 7. Provide a procedure for modifying the service-level  
96 agreement based on changes in the type, level, and cost of a  
97 service.

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

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

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

108 (g) Plan, design, and conduct testing with information  
109 technology resources and implement service enhancements that are  
110 within the scope of the services provided by the state data  
111 center, if cost-effective.

112 Section 7. Except as otherwise expressly provided in this  
113 act, this act shall take effect July 1, 2016.

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116 **T I T L E A M E N D M E N T**

117 Remove line 21 and insert:

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118 breach; amending s. 282.0051, F.S.; requiring the  
119 agency to establish a governance structure for  
120 managing state government data and to establish a  
121 certain catalog of such data; requiring the agency to  
122 consult with state agencies on specified factors  
123 relating to cloud computing; requiring state agencies  
124 to evaluate and consider cloud computing services  
125 before making certain investments; amending s.  
126 282.201, F.S.; revising requirements for a certain  
127 service-level agreement entered into by the state data  
128 center within the agency with a customer entity;  
129 authorizing extension of an original agreement to a  
130 specified time; requiring the state data center to  
131 submit a specified report to the Executive Office of  
132 the Governor under certain circumstances; deleting a  
133 requirement for a certain notice to be given to the  
134 agency before an agreement may be terminated;  
135 requiring the state data center to plan, design, and  
136 conduct testing with information technology resources  
137 and implement certain service enhancements if cost-  
138 effective; amending s. 282.0051, F.S.; providing the  
139 agency with access to identification information held  
140 by specified entities; providing construction with  
141 respect to provisions specifying that certain data and  
142 information accessed by the agency are exempt from  
143 public disclosure; requiring the chief data officer to

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144 | establish a governance structure for managing state  
145 | government data in a specified manner; providing  
146 | effective dates.

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