



699884

LEGISLATIVE ACTION

Senate

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House

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The Committee on Appropriations (Gaetz) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Present subsections (17) and (18) of section  
282.0051, Florida Statutes, are redesignated as subsections (19)  
and (20), respectively, and new subsections (17) and (18) are  
added to that section, to read:

282.0051 Agency for State Technology; powers, duties, and  
functions.—The Agency for State Technology shall have the



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11 following powers, duties, and functions:

12 (17) In consultation with other state agencies and giving  
13 consideration to the feasibility study conducted pursuant to s.  
14 30, chapter 2014-221, Laws of Florida:

15 (a) Establish a governance structure for managing state  
16 government data in a manner that promotes interoperability and  
17 openness; and

18 (b) Establish a catalog of state government data which  
19 documents the acceptable use of, security and compliance  
20 requirements for, sharing agreements for, and format and methods  
21 available to access the data.

22 (18) Consult with each state agency on the development of  
23 the agency's legislative budget request for the use of  
24 commercial cloud computing services, current plans for the  
25 expansion of cloud computing to leverage the utility-based  
26 model, security benefits of transitioning to cloud computing,  
27 and any factors delaying or inhibiting the expansion of cloud  
28 computing usage. All state agencies must evaluate and consider  
29 commercial cloud computing services before making any new  
30 information technology or telecommunications investment.

31 Section 2. Paragraph (d) of subsection (2) of section  
32 282.201, Florida Statutes, is amended, and paragraph (g) is  
33 added to that subsection, to read:

34 282.201 State data center.—The state data center is  
35 established within the Agency for State Technology and shall  
36 provide data center services that are hosted on premises or  
37 externally through a third-party provider as an enterprise  
38 information technology service. The provision of services must  
39 comply with applicable state and federal laws, regulations, and



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40 policies, including all applicable security, privacy, and  
41 auditing requirements.

42 (2) STATE DATA CENTER DUTIES.-The state data center shall:

43 (d) Enter into a service-level agreement with each customer  
44 entity to provide the required type and level of service or  
45 services. If a customer entity fails to execute an agreement  
46 within 60 days after commencement of a service, the state data  
47 center may cease service. A service-level agreement may not have  
48 an original ~~a~~ term exceeding 3 years, except that it may be  
49 extended for up to 6 months. If the state data center and an  
50 existing customer entity execute an extension or fail to execute  
51 a new service-level agreement before the expiration of an  
52 existing service-level agreement, the state data center shall  
53 submit a report to the Executive Office of the Governor within 5  
54 days after the date of the executed extension, or 15 days before  
55 the scheduled expiration date of the service-level agreement,  
56 which explains the specific issues preventing execution of a new  
57 service-level agreement and describing the plan and schedule for  
58 resolving those issues. Each service-level agreement, ~~and~~ at a  
59 minimum, must:

60 1. Identify the parties and their roles, duties, and  
61 responsibilities under the agreement.

62 2. State the duration of the contract term and specify the  
63 conditions for renewal.

64 3. Identify the scope of work.

65 4. Identify the products or services to be delivered with  
66 sufficient specificity to permit an external financial or  
67 performance audit.

68 5. Establish the services to be provided, the business



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69 standards that must be met for each service, the cost of each  
70 service, and the metrics and processes by which the business  
71 standards for each service are to be objectively measured and  
72 reported.

73 6. Provide a timely billing methodology to recover the cost  
74 of services provided to the customer entity pursuant to s.  
75 215.422.

76 7. Provide a procedure for modifying the service-level  
77 agreement based on changes in the type, level, and cost of a  
78 service.

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

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

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

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

93 Section 3. This act shall take effect October 1, 2016.

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95 ===== T I T L E A M E N D M E N T =====

96 And the title is amended as follows:

97 Delete everything before the enacting clause



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98 and insert:

99                   A bill to be entitled  
100           An act relating to state technology; amending s.  
101           282.0051, F.S.; requiring the agency to establish a  
102           governance structure for managing state government  
103           data and to establish a certain catalog of such data;  
104           requiring the agency to consult with state agencies on  
105           specified factors relating to cloud computing;  
106           requiring state agencies to evaluate and consider  
107           cloud computing services before making certain  
108           investments; amending s. 282.201, F.S.; revising  
109           requirements for a certain service-level agreement  
110           entered into by the state data center within the  
111           Agency for State Technology with a customer entity;  
112           authorizing extension of an original agreement to a  
113           specified time; requiring the state data center to  
114           submit a specified report to the Executive Office of  
115           the Governor under certain circumstances; deleting a  
116           requirement for a certain notice to be given to the  
117           agency before an agreement may be terminated;  
118           requiring the state data center to plan, design, and  
119           conduct testing with information technology resources  
120           and implement certain service enhancements if cost-  
121           effective; providing an effective date.