

By the Committee on Governmental Oversight and Accountability;
and Senator Brandes

585-01761-16

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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.; revising requirements for a certain
4 service-level agreement entered into by the state data
5 center within the Agency for State Technology with a
6 customer entity; authorizing extension of an original
7 agreement to a specified time; requiring the state
8 data center to submit a specified report to the
9 Executive Office of the Governor under certain
10 circumstances; deleting a requirement for a certain
11 notice to be given to the agency before an agreement
12 may be terminated; requiring the state data center to
13 plan, design, and conduct testing with information
14 technology resources and implement certain service
15 enhancements if cost-effective; providing an effective
16 date.

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

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20 Section 1. Paragraph (d) of subsection (2) of section
21 282.201, Florida Statutes, is amended, and paragraph (g) is
22 added to that subsection, to read:

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

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30 auditing requirements.

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

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

49 1. Identify the parties and their roles, duties, and
50 responsibilities under the agreement.

51 2. State the duration of the contract term and specify the
52 conditions for renewal.

53 3. Identify the scope of work.

54 4. Identify the products or services to be delivered with
55 sufficient specificity to permit an external financial or
56 performance audit.

57 5. Establish the services to be provided, the business
58 standards that must be met for each service, the cost of each

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59 service, and the metrics and processes by which the business
60 standards for each service are to be objectively measured and
61 reported.

62 6. Provide a timely billing methodology to recover the cost
63 of services provided to the customer entity pursuant to s.
64 215.422.

65 7. Provide a procedure for modifying the service-level
66 agreement based on changes in the type, level, and cost of a
67 service.

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

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

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

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

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