

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

585-02375-18

2018448c1

1                                   A bill to be entitled  
2           An act relating to the Agency for State Technology;  
3           amending s. 282.0051, F.S.; revising certain powers,  
4           duties, and functions of the agency in collaboration  
5           with the Department of Management Services; amending  
6           s. 282.201, F.S.; authorizing the state data center  
7           within the agency to extend, up to a specified  
8           timeframe, certain service-level agreements; requiring  
9           the state data center to submit a specified report to  
10          the Executive Office of the Governor under certain  
11          circumstances; deleting a requirement for a service-  
12          level agreement to provide a certain termination  
13          notice to the agency; requiring the state data center  
14          to plan, design, and conduct certain testing, if cost-  
15          effective; deleting obsolete provisions relating to  
16          the schedule for consolidations of agency data  
17          centers; conforming provisions to changes made by the  
18          act; providing an effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22           Section 1. Subsection (18) of section 282.0051, Florida  
23 Statutes, is amended to read:

24           282.0051 Agency for State Technology; powers, duties, and  
25 functions.—The Agency for State Technology shall have the  
26 following powers, duties, and functions:

27           (18) In collaboration with the Department of Management  
28 Services:

29           (a) Establish an information technology policy for all

585-02375-18

2018448c1

30 information technology-related state contracts, including state  
31 term contracts for information technology commodities,  
32 consultant services, and staff augmentation services. The  
33 information technology policy must include:

34 1. Identification of the information technology product and  
35 service categories to be included in state term contracts.

36 2. Requirements to be included in solicitations for state  
37 term contracts.

38 3. Evaluation criteria for the award of information  
39 technology-related state term contracts.

40 4. The term of each information technology-related state  
41 term contract.

42 5. The maximum number of vendors authorized on each state  
43 term contract.

44 (b) Evaluate vendor responses for information technology-  
45 related state term contract solicitations and invitations to  
46 negotiate.

47 (c) Answer vendor questions on information technology-  
48 related state term contract solicitations.

49 (d) Ensure that all information technology-related  
50 solicitations by the department are procured and state contracts  
51 are managed in accordance with the information technology policy  
52 established under ~~pursuant to~~ paragraph (a) ~~is included in all~~  
53 ~~solicitations and contracts which are administratively executed~~  
54 ~~by the department.~~

55 Section 2. Paragraph (d) of subsection (2) of section  
56 282.201, Florida Statutes, is amended, paragraph (g) is added to  
57 that subsection, and subsection (4) of that section is amended,  
58 to read:

585-02375-18

2018448c1

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

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

68           (d) Enter into a service-level agreement with each customer  
69 entity to provide the required type and level of service or  
70 services. If a customer entity fails to execute an agreement  
71 within 60 days after commencement of a service, the state data  
72 center may cease service. A service-level agreement may not have  
73 an original ~~a~~ term exceeding 3 years, but the service-level  
74 agreement may be extended for up to 6 months. If the state data  
75 center and an existing customer entity either execute an  
76 extension or fail to execute a new service-level agreement  
77 before the expiration of an existing service-level agreement,  
78 the state data center must submit a report to the Executive  
79 Office of the Governor within 5 days after the date of the  
80 executed extension or 15 days before the scheduled expiration  
81 date of the service-level agreement, as applicable, to explain  
82 the specific issues preventing execution of a new service-level  
83 agreement and to describe the plan and schedule for resolving  
84 those issues. A service-level agreement, and at a minimum, must:

85           1. Identify the parties and their roles, duties, and  
86 responsibilities under the agreement.

87           2. State the duration of the contract term and specify the

585-02375-18

2018448c1

88 conditions for renewal.

89 3. Identify the scope of work.

90 4. Identify the products or services to be delivered with  
91 sufficient specificity to permit an external financial or  
92 performance audit.

93 5. Establish the services to be provided, the business  
94 standards that must be met for each service, the cost of each  
95 service, and the metrics and processes by which the business  
96 standards for each service are to be objectively measured and  
97 reported.

98 6. Provide a timely billing methodology to recover the cost  
99 of services provided to the customer entity pursuant to s.  
100 215.422.

101 7. Provide a procedure for modifying the service-level  
102 agreement based on changes in the type, level, and cost of a  
103 service.

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

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

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

114 (g) Plan, design, and conduct testing with information  
115 technology resources to implement services within the scope of  
116 the services provided by the state data center, if cost-

585-02375-18

2018448c1

117 effective.

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

119 ~~(a) Consolidations of agency data centers and computing~~  
120 ~~facilities into the state data center shall be made by the dates~~  
121 ~~specified in this section and in accordance with budget~~  
122 ~~adjustments contained in the General Appropriations Act.~~

123 ~~(b) During the 2013-2014 fiscal year, the following state~~  
124 ~~agencies shall be consolidated by the specified date:~~

125 1. ~~By October 31, 2013, the Department of Economic~~  
126 ~~Opportunity.~~

127 2. ~~By December 31, 2013, the Executive Office of the~~  
128 ~~Governor, to include the Division of Emergency Management except~~  
129 ~~for the Emergency Operation Center's management system in~~  
130 ~~Tallahassee and the Camp Blanding Emergency Operations Center in~~  
131 ~~Starke.~~

132 3. ~~By March 31, 2014, the Department of Elderly Affairs.~~

133 4. ~~By October 30, 2013, the Fish and Wildlife Conservation~~  
134 ~~Commission, except for the commission's Fish and Wildlife~~  
135 ~~Research Institute in St. Petersburg.~~

136 (a)(e) The following agency data centers are exempt from  
137 state data center consolidation under this section: the  
138 Department of Law Enforcement, the Department of the Lottery's  
139 Gaming System, Systems Design and Development in the Office of  
140 Policy and Budget, the regional traffic management centers as  
141 described in s. 335.14(2) and the Office of Toll Operations of  
142 the Department of Transportation, the State Board of  
143 Administration, state attorneys, public defenders, criminal  
144 conflict and civil regional counsel, capital collateral regional  
145 counsel, and the Florida Housing Finance Corporation.

585-02375-18

2018448c1

146        (b) ~~(d)~~ A state agency that is consolidating its agency data  
147 center or computing facility into the state data center must  
148 execute a new or update an existing service-level agreement  
149 within 60 days after the commencement of the service. If a state  
150 agency and the state data center are unable to execute a  
151 service-level agreement by that date, the agency shall submit a  
152 report to the Executive Office of the Governor within 5 working  
153 days after that date which explains the specific issues  
154 preventing execution and describing the plan and schedule for  
155 resolving those issues.

156        (c) ~~(e)~~ Each state agency consolidating ~~scheduled for~~  
157 ~~consolidation~~ into the state data center shall submit a  
158 transition plan to the Agency for State Technology by July 1 of  
159 the fiscal year before the fiscal year in which the ~~scheduled~~  
160 consolidation will occur. Transition plans must ~~shall~~ be  
161 developed in consultation with the state data center and must  
162 include:

163            1. An inventory of the agency data center's resources being  
164 consolidated, including all hardware and its associated life  
165 cycle replacement schedule, software, staff, contracted  
166 services, and facility resources performing data center  
167 management and operations, security, backup and recovery,  
168 disaster recovery, system administration, database  
169 administration, system programming, job control, production  
170 control, print, storage, technical support, help desk, and  
171 managed services, but excluding application development, and the  
172 agency's costs supporting these resources.

173            2. A list of contracts in effect, including, but not  
174 limited to, contracts for hardware, software, and maintenance,

585-02375-18

2018448c1

175 which identifies the expiration date, the contract parties, and  
176 the cost of each contract.

177 3. A detailed description of the level of services needed  
178 to meet the technical and operational requirements of the  
179 platforms being consolidated.

180 4. A timetable with significant milestones for the  
181 completion of the consolidation.

182 (d) ~~(f)~~ Each state agency consolidating ~~scheduled for~~  
183 ~~consolidation~~ into the state data center shall submit with its  
184 respective legislative budget request the specific recurring and  
185 nonrecurring budget adjustments of resources by appropriation  
186 category into the appropriate data processing category pursuant  
187 to the legislative budget request instructions in s. 216.023.

188 Section 3. This act shall take effect July 1, 2018.