

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Appropriations Subcommittee on General Government

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BILL: PCS/CS/SB 362 (690666)

INTRODUCER: Appropriations Subcommittee on General Government; Governmental Oversight and Accountability Committee; and Senator Brandes

SUBJECT: Agency for State Technology

DATE: March 17, 2017

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Peacock</u>	<u>Ferrin</u>	<u>GO</u>	<u>Fav/CS</u>
2.	<u>Davis/Wilson</u>	<u>Betta</u>	<u>AGG</u>	<u>Recommend: Fav/CS</u>
3.	_____	_____	<u>AP</u>	_____

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

PCS/CS/SB 362 establishes a chief data officer within the Agency for State Technology (AST) who must be appointed by the executive director. The bill also establishes the Geographic Information Office within the AST.

The bill amends s. 282.0051, F.S., to expand the AST's duties to include establishing a governance structure for data managed and controlled by state agencies in a manner that promotes interoperability and openness and establishing the geographic information systems enterprise architecture and governance with which state agencies must comply.

The Department of Highway Safety and Motor Vehicles (DHSMV), in collaboration with the AST, must establish and implement secure and uniform protocols and standards for issuing an optional digital proof of driver license. The DHSMV may adopt rules to ensure the valid authentication of digital proof of driver licenses. The DHSMV must procure any application, programming interface necessary to enable a private entity to securely manufacture a digital proof of driver license

The bill has an indeterminate but significant fiscal impact on state funds. In addition, the AST has requested an additional \$289,065 in its Legislative Budget Request to fund positions related to the duties in the bill.

The effective date of the bill is October 1, 2017.

## II. Present Situation:

### Agency for State Technology

The AST was created on July 1, 2014.<sup>1</sup> The executive director of the AST, who serves as the state's chief information officer, is appointed by the Governor and confirmed by the Senate.<sup>2</sup> For the 2016-2017 fiscal year, the AST is authorized 25 full-time equivalent positions within the Executive Direction and Support Services budget entity. Of those positions established within the AST, the following are appointed by the executive director:<sup>3</sup>

- Deputy executive director;
- Chief planning officer and six strategic planning coordinators;
- Chief operations officer;
- Chief information security officer; and
- Chief technology officer.

The duties and responsibilities of the AST include:<sup>4</sup>

- Developing and publishing information technology (IT) policy for management of the state's IT resources.
- Establishing and publishing IT architecture standards.
- Establishing project management and oversight standards with which state agencies must comply when implementing IT projects.
- Performing project oversight on all state IT projects with total costs of \$10 million or more.
- Identifying opportunities for standardization and consolidation of IT services that support common business functions and operations.
- Establishing best practices for procurement of IT products in collaboration with the Department of Management Services (DMS).
- Participating with the DMS in evaluating, conducting and negotiating competitive solicitations for state term contracts for IT commodities, consultant services, or staff augmentation contractual services.
- Collaborating with the DMS in IT resource acquisition planning.
- Developing standards for IT reports and updates.
- Upon request, assisting state agencies in development of IT related legislative budget requests.
- Conducting annual assessments of state agencies to determine compliance with IT standards and guidelines developed by the AST.
- Providing operational management and oversight of the state data center.
- Recommending other IT services that should be designed, delivered, and managed as enterprise IT services.
- Recommending additional consolidations of agency data centers or computing facilities into the state data center.

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<sup>1</sup> Chapter 2014-221, Laws of Florida.

<sup>2</sup> Section 20.61(1)(a), F.S.

<sup>3</sup> Section 20.61(2), F.S.

<sup>4</sup> Section 282.0051, F.S.

- In consultation with state agencies, proposing methodology for identifying and collecting current and planned IT expenditure data at the state agency level.
- Performing project oversight on any cabinet agency IT project that has a total project cost of \$25 million or more and impacts one or more other agencies.
- Consulting with departments regarding risks and other effects for IT projects implemented by an agency that must be connected to or accommodated by an IT system administered by a cabinet agency.
- Reporting annually to the Governor, the President of the Senate and the Speaker of the House regarding state IT standards or policies that conflict with federal regulations or requirements.
- Establishing policy for all IT-related state contracts, including state term contracts for IT commodities, consultant services, and staff augmentation services in collaboration with the DMS.
- In collaboration with the DMS, evaluating vendor responses for state term contract solicitations and invitations to negotiate, answering vendor questions on state term contract solicitations, and ensuring that IT policy is included in all solicitations and contracts that are administratively executed by the DMS.

### **Enterprise Geographical Information Systems (GIS) in Florida**

A geographic information system (GIS) is “a computer system for capturing, storing, checking, and displaying data related to positions on Earth’s surface. A GIS can show many different kinds of data on one map.”<sup>5</sup> Currently there is no enterprise view or governance of GIS or infrastructure in the State of Florida; rather, GIS activities are fragmented across the state with duplication of data collection and storage.<sup>6</sup> Standards are followed inconsistently, and information is not immediately accessible when needed by law enforcement, emergency management, and the State Fire Marshal. As the use of a GIS has proliferated, there has been no single entity to address its fragmented use, no national representative to pursue grant funding, nor any official state GIS leadership.<sup>7</sup>

In May 2015, the AST chartered the Florida Enterprise GIS Workgroup to assist in the identification, standardization, and coordination of GIS activities, assets, and needs across state agencies. This workgroup has been developing a business plan with recommendations for enterprise GIS leadership, identifying, inventorying, and cataloging GIS data across the state, outlining standards and best practices used by state and federal public entities, and determining feasibility of statewide enterprise licensing and training.<sup>8</sup>

Workgroup participation is currently voluntary; however, representation includes 17 state agencies, two universities, six water management districts, representatives from the US Geological Survey, and the US Army Corps of Engineers.<sup>9</sup>

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<sup>5</sup> See <http://www.nationalgeographic.org/encyclopedia/geographic-information-system-gis/> (last visited on Jan. 30, 2017).

<sup>6</sup> See AST Recommendations for Information Technology Services issued on April 1, 2016 located at <http://www.ast.myflorida.com/doc%20library/APRIL%201%20RECOMMENDATIONS%20REPORT.pdf> (last visited on Jan. 27, 2017).

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

## Digital Proof of Driver License

In 2014, the Legislature enacted s. 322.032, F.S.,<sup>10</sup> requiring the DHSMV to prepare for the development of an optional digital proof of driver license in a format that allows law enforcement to verify the authenticity of the digital proof.

Section 322.059, F.S., requires that any person whose driver license or registration has been suspended must return that driver license immediately to the DHSMV. If he or she fails to return the license or registration, a law enforcement agent may seize the driver license. This section further provides the DHSMV shall invalidate the digital proof of driver license for such person whose driver license is suspended.

Section 322.15, F.S., requires every licensee must have his or her driver license in his or her possession at all times while operating a motor vehicle and shall display that license upon demand of a law enforcement officer or an authorized representative of the DHSMV. In addition, this section allows a licensee to present or submit a digital proof of driver license in lieu of a physical driver license.

A person who possesses a false digital proof of driver license commits a second-degree misdemeanor punishable by imprisonment not to exceed 60 days.<sup>11</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 20.61, F.S., to establish a chief data officer position appointed by the executive director within the AST. Also, the Geographic Information Office is established within the AST.

**Section 2** amends s. 282.0051, F.S., to expand the powers, duties, and functions of the AST to include:

- For data managed and controlled by state agencies, establishing a governance structure that promotes interoperability and openness, to include:
  - Adopting rules governing data managed and controlled by state agencies; and
  - Establishing a catalog of data sources utilized by state agencies, which documents the acceptable use of, security and compliance requirements for, sharing agreements for, and format and methods available to access the date.
- Establishing, pursuant to s. 20.61, F.S., the GIS enterprise architecture and governance with which state agencies must comply.

The AST will inventory state agencies for their sources of data for the catalog. The AST will not maintain custody or possession of the inventoried data.

**Section 3** amends s. 322.032, F.S., to require the DHSMV, in collaboration with the AST, to establish and implement secure and uniform protocols and standards for issuing an optional digital proof of driver's license. The DHSMV must procure any application, programming

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<sup>10</sup> Chapter 2014-216, s. 27, Laws of Fla.

<sup>11</sup> Section 322.032(4)(b), F.S. *Also, see* s. 775.082, F.S.

interface necessary to enable a private entity to securely manufacture a digital proof of driver license.

The digital proof of driver license developed must be in a format that allows law enforcement to verify the authenticity of the digital proof of driver license. The DHSMV may adopt rules to ensure valid authentication of a digital proof of driver license by law enforcement.

The act of presenting to a law enforcement officer an electronic device displaying a digital proof of driver license does not constitute consent for the officer to access any information on the device other than the digital proof of driver license. A person who presents such device to the officer assumes liability for any resulting damage to the device.

**Section 4** of the bill provides an effective date of October 1, 2017.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The private sector impact of PCS/CS/SB 362 is indeterminate. The bill directs the AST to establish a catalog of data sources used by state agencies, which may result in data requirement changes affecting state agencies ultimately resulting in an impact on the state agency customers.

C. Government Sector Impact:

The bill has an indeterminate but significant fiscal impact to the DHSMV associated with the procurement of a necessary programming application for the manufacture of the optional digital proof driver license.

In addition, the bill directs the AST to establish a chief data officer and GIS office within the AST. According to the AST, four positions are needed to support the workload

associated with the duties.<sup>12</sup> The AST has requested in the Legislative Budget Request (LBR), a transfer of two positions and \$88,632 from the State Data Center (SDC) to Executive Direction for the chief data officer and a research and planning administrator position. The LBR also requests an increase of \$160,889 in Salaries and Benefits from the Working Capital Trust Fund to reclassify the positions to a chief data officer and a research and planning administrator.<sup>13</sup>

The bill also establishes the GIS office within the AST. The bill does not establish a position related to the GIS office; however, the AST has requested in the LBR, a transfer of two positions and \$90,010 from the SDC to Executive Direction for a Geographic Information Officer (GIO) and a research and planning administrator to support the workload of the GIS office.<sup>14</sup> The LBR also requests an increase of \$128,176 in Salaries and Benefits from the Working Capital Trust Fund to reclassify the positions to a GIO and a research and planning administrator.

The total fiscal impact to the AST's Working Capital Trust Fund will be \$289,065 for the additional salary and benefits if the LBR requests are funded in the General Appropriations Act.

#### **VI. Technical Deficiencies:**

None.

#### **VII. Related Issues:**

None.

#### **VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 20.61, 282.0051 and 322.032.

#### **IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

##### **Recommended CS/CS by Appropriations Subcommittee on General Government on March 15, 2017:**

- Requires the DHSMV, in collaboration with the AST, to establish and implement secure and uniform protocols and standards for issuing an optional digital proof of driver license.
- Authorizes the DHSMV to procure any application, programming interface necessary to enable a private entity to securely manufacture a digital proof of driver license.

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<sup>12</sup> See 2017 Agency Legislative Bill Analysis (AGENCY: Agency for State Technology) for SB 362, dated February 3, 2017 (on file with Senate Appropriations Subcommittee on General Government) at page 4.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

- Specifies the act of presenting to a law enforcement officer an electronic device displaying a digital proof of driver license does not constitute consent for the officer to access any information on the device other than the digital proof of driver license.

**CS by Governmental Oversight and Accountability on February 7, 2017:**

CS/SB 362 differs from SB 362 in the following ways:

- Revises the term “state government data” contained in (19)(a) to “data managed and controlled by state agencies”.
- Revises the term “catalog of state government data sources” contained in (19)(c) to “catalog of data sources utilized by state agencies”.
- Deletes (19)(d) that requires compliance with public records provisions of chapter 119. The AST, along with all state agencies, is already subject to the requirements of chapter 119.

**B. Amendments:**

None.