

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 1195 Technology

SPONSOR(S): Government Operations Appropriations Subcommittee; Government Operations Subcommittee; Grant

TIED BILLS: **IDEN./SIM. BILLS:** CS/CS/SB 1430

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Government Operations Subcommittee	13 Y, 0 N, As CS	Toliver	Williamson
2) Government Operations Appropriations Subcommittee	11 Y, 0 N, As CS	Keith	Topp
3) State Affairs Committee	15 Y, 0 N	Toliver	Camechis

SUMMARY ANALYSIS

The Agency for State Technology (AST) is administratively housed within the Department of Management Services. 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. Current law establishes positions within the AST and establishes the agency's duties and responsibilities.

The bill establishes the position of chief data officer (CDO) within the AST. The CDO is required to develop an enterprise data inventory that describes the data created or collected by a state agency and to recommend options and associated costs for developing and maintaining an open data catalog. Additionally, the CDO is required to recommend any potential methods for standardizing data across state agencies, identify what state agency data may be considered open data, and recommend open data technical standards and terminologies.

The bill requires the AST to collaborate with the Department of Highway Safety and Motor Vehicles to develop a plan that includes associated costs for implementing a secure and uniform system for issuing an optional digital proof of driver license. The plan must be submitted to the Governor and the Legislature by December 1, 2016.

The bill authorizes one full-time equivalent position and associated salary rate of 103,000 to the AST to implement this act. The bill does not appear to have an impact on local government or the private sector.

FULL ANALYSIS

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1195e.SAC

DATE: 2/26/2016

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

In 2014, the Legislature created the Agency for State Technology (AST) within the Department of Management Services (DMS).¹ 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.² The following positions are established within the AST, all of whom are appointed by the executive director:

- Deputy executive director, who serves as the deputy chief information officer;³
- Chief planning officer and six strategic planning coordinators;⁴
- Chief operations officer;⁵
- Chief information security officer;⁶ and
- Chief technology officer.⁷

The AST's duties and responsibilities include:

- 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 for use by state agencies when implementing IT projects;
- Performing project oversight on all state agency IT projects with a total project cost of \$10 million or more that are funded in the General Appropriations Act or any other law;
- Performing project oversight on any cabinet agency IT project with a total project cost of \$25 million or more and that impacts one or more agencies;
- Providing operational management and oversight of the state data center;
- Recommending additional consolidations of agency data centers or computing facilities into the state data center;
- Identifying opportunities for standardization and consolidation of IT services that support business functions and operations that are common across state agencies;
- Establishing, in collaboration with the DMS, best practices for the procurement of IT products in order to reduce costs, increase productivity, or improve services;
- 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;
- Developing standards for IT reports and updates for use by state agencies;
- Assisting state agencies, upon request, in developing IT related legislative budget requests; and
- Conducting annual assessments of state agencies to determine their compliance with all IT standards and guidelines developed and published by the AST.⁸

Effect of the Bill

The bill establishes the position of chief data officer (CDO) within the AST, who is appointed by the executive director of the agency.

¹ The AST is administratively housed within DMS as a separate budget program and is not subject to its control, supervision, or direction.

² Section 20.61(1)(a), F.S.

³ Section 20.61(2)(a), F.S.

⁴ Section 20.61(2)(b), F.S., requires one coordinator for each of the following major program areas: health and human services, education, government operations, criminal and civil justice, agriculture and natural resources, and transportation and economic development.

⁵ Section 20.61(2)(c), F.S.

⁶ Section 20.61(2)(d), F.S.

⁷ Section 20.61(2)(e), F.S.

⁸ Section 282.0051, F.S.

The bill creates s. 282.319, F.S., regarding data catalogs. It requires the CDO to develop an enterprise data inventory that describes the data created or collected by a state agency, including data used in an agency's information systems, and to recommend options and associated costs for developing and maintaining an open data catalog. Additionally, the bill requires the CDO to, at a minimum:

- Establish a process and a reporting format for state agencies to provide to the CDO an inventory that describes all current datasets aggregated or stored by the agency;
- Recommend any potential methods for standardizing data across state agencies that will promote interoperability and reduce the collection of duplicative data;
- Identify what state agency data may be considered open data;
- Recommend open data technical standards and terminologies for use by state agencies; and
- Recommend options and all associated costs for the state to develop and maintain an open data catalog.

The bill defines terms for s. 282.319, F.S., including defining the term "open data" to mean data collected or created by a state agency and structured in a way that enables the data to be fully discoverable and usable by the public.

The bill also requires the AST to collaborate with the Department of Highway Safety and Motor Vehicles (DHSMV) to develop a plan that includes associated costs for implementing a secure and uniform system for issuing an optional digital proof of driver license pursuant to s. 322.032, F.S. The AST must submit the plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2016.

B. SECTION DIRECTORY:

Section 1 amends s. 20.61, F.S., relating to the AST.

Section 2 creates s. 282.319, F.S., relating to the enterprise data inventory and the open data catalog.

Section 3 creates an unnumbered section requiring the AST to collaborate with the DHSMV to develop a plan for the issuance of an optional digital proof of driver license.

Section 4 authorizes one full-time equivalent position and associated salary rate.

Section 5 provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill authorizes one full-time equivalent position and associated salary rate of 103,000 to the AST for Fiscal Year 2016-2017 to implement this act. On or after July 1, 2016, and pursuant to ch. 216, F.S., the AST may submit a budget amendment to transfer budget authority, if needed, into the Salaries and Benefits appropriation category within the Executive Direction and Support Services budget entity from other general revenue appropriations to provide budget authority for the CDO position established in the bill.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 26, 2016, the Government Operations Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment relocated provisions establishing a data catalog and the assigning duties to the chief data officer to chapter 282, F.S., which relates to enterprise information technology services. It also clarified that the AST administers the data catalog. Finally, the amendment provided that the provisions of the bill amending The Florida Election Code are effective January 1, 2017.

On February 16, 2016, the Government Operations Appropriations Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. Specifically, the amendment:

- Established and clarified the duties of the chief data officer (CDO);
- Authorized one full-time equivalent position and associated salary rate of 103,000 to the AST for FY 2016-2017 for the newly established CDO position created in the act;
- Removed the requirement that local governments must participate in the development of a data catalog; and
- Removed language relating to the expansion of the use of voter interface devices to all individuals instead of persons with disabilities only.

The staff analysis is drafted to the bill as amended and passed by the Government Operations Appropriations Subcommittee.