

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

585-03244-16

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1 A bill to be entitled
2 An act relating to state technology; amending s.
3 20.61, F.S.; establishing a chief data officer within
4 the Agency for State Technology who shall be appointed
5 by the executive director; amending s. 282.0051, F.S.;
6 authorizing the Agency for State Technology to oversee
7 the transition of various licenses and identification
8 cards to an optional digital proof of the licenses and
9 identification cards for a specified fee; requiring
10 the agency to develop standards for the digitization
11 of individual licenses and identification cards;
12 requiring the agency to develop a central digital
13 platform that can store or access data for each type
14 of digital proof of license and identification card;
15 requiring state agencies, commissions, and departments
16 to consult with the agency under certain
17 circumstances; authorizing the agency to contract with
18 a third party; providing that the agency has full
19 access to certain data and information within the
20 possession of any state agency, commission, or
21 department under certain circumstances; authorizing
22 the agency to adopt rules governing its access of such
23 data; providing for construction; requiring the agency
24 to direct the chief data officer to establish a
25 governance structure for managing state government
26 data, to establish a certain catalog of such data, and
27 to ensure that such data is available to other state
28 agencies and the public and complies with ch. 119,
29 F.S.; requiring the agency to consult with state
30 agencies on specified factors relating to cloud
31 computing; requiring state agencies to evaluate and

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32 consider cloud computing services before making
33 certain investments; amending s. 322.032, F.S.;
34 requiring the Department of Highway Safety and Motor
35 Vehicles, in coordination with the Agency for State
36 Technology, to develop, rather than begin to review
37 and prepare for the development of, a system for
38 issuing an optional digital proof of driver license
39 for a specified fee, subject to certain requirements;
40 providing for deposit of such fees; authorizing the
41 department, in coordination with the agency, to adopt
42 rules to ensure valid authentication of digital proof
43 of driver licenses; providing criteria for digital
44 proof of driver licenses; requiring the department, in
45 coordination with the agency, to implement a digital
46 proof of driver license pilot program by a specified
47 date, subject to certain requirements; requiring the
48 department to provide a report to the Governor and the
49 Legislature by a specified date; adding a penalty for
50 possession of false digital proof of driver license;
51 providing an appropriation; providing an effective
52 date.

53
54 Be It Enacted by the Legislature of the State of Florida:

55
56 Section 1. Paragraph (f) is added to subsection (2) of
57 section 20.61, Florida Statutes, to read:

58 20.61 Agency for State Technology.—The Agency for State
59 Technology is created within the Department of Management
60 Services. The agency is a separate budget program and is not

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61 subject to control, supervision, or direction by the Department
62 of Management Services, including, but not limited to,
63 purchasing, transactions involving real or personal property,
64 personnel, or budgetary matters.

65 (2) The following positions are established within the
66 agency, all of whom shall be appointed by the executive
67 director:

68 (f) Chief data officer.

69 Section 2. Present subsections (17) and (18) of section
70 282.0051, Florida Statutes, are redesignated as subsections (21)
71 and (22), respectively, and new subsections (17), (18), (19),
72 and (20) are added to that section, to read:

73 282.0051 Agency for State Technology; powers, duties, and
74 functions.—The Agency for State Technology shall have the
75 following powers, duties, and functions:

76 (17) Oversee the transition of licenses and identification
77 cards to digital proof of licenses and identification cards to
78 be issued by state agencies, commissions, and departments at the
79 option of licenseholders and cardholders upon payment of a \$5
80 fee. The agency shall develop standards for the digitization of
81 individual types of licenses and identification cards when
82 digital proofs of those licenses and identification cards are
83 authorized by law. The agency shall also develop a central
84 digital platform that can store or access data for each type of
85 digital proof of license and identification card. State
86 agencies, commissions, and departments must consult with the
87 agency before contracting with any third-party entity to develop
88 digital proof of license or identification card. If any state
89 agency, commission, or department seeks to develop its own

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90 digital proof of license or identification card without
91 contracting services to a third party, the agency shall develop
92 standards for such digital proof of license or identification
93 card and must be consulted in the development of such license or
94 identification card. The agency may contract with a third party
95 to assist in the fulfillment of the requirements of this
96 subsection.

97 (18) Have full access to all identity data, license and
98 identification card data, and other pertinent information within
99 the possession of any state agency, commission, or department
100 unless otherwise prohibited by federal law. The agency may adopt
101 rules governing its access to data held by other state agencies,
102 commissions, and departments. If any data or information
103 accessed by the agency is exempt from public disclosure pursuant
104 to general law, this section may not be construed to negate the
105 exemption.

106 (19) In consultation with other state agencies and giving
107 consideration to the feasibility study conducted pursuant to s.
108 30, chapter 2014-221, Laws of Florida, direct the chief data
109 officer to:

110 (a) Establish a governance structure for managing state
111 government data in a manner that promotes interoperability and
112 openness;

113 (b) Establish a catalog of state government data which
114 documents the acceptable use of, security and compliance
115 requirements for, sharing agreements for, and format and methods
116 available to access the data; and

117 (c) Ensure that, if legally permissible and not cost
118 prohibitive, such data is readily available to other state

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119 agencies and the public in compliance with the public records
120 requirements of chapter 119.

121 (20) Consult with each state agency on the development of
122 the agency's legislative budget request for the use of
123 commercial cloud computing services, current plans for the
124 expansion of cloud computing to leverage the utility-based
125 model, security benefits of transitioning to cloud computing,
126 and any factors delaying or inhibiting the expansion of cloud
127 computing usage. All state agencies must evaluate and consider
128 commercial cloud computing services before making any new
129 information technology or telecommunications investment.

130 Section 3. Section 322.032, Florida Statutes, is amended to
131 read:

132 322.032 Digital proof of driver license.—

133 (1) The department, in coordination with the Agency for
134 State Technology, shall develop ~~begin to review and prepare for~~
135 ~~the development of~~ a secure and uniform system for issuing an
136 optional digital proof of driver license for a fee of \$5. Such
137 fees shall be deposited into the Highway Safety Operating Trust
138 Fund. The department may contract with one or more private
139 entities to develop a digital proof of driver license system
140 pursuant to s. 282.0051(17).

141 (2) ~~The~~ Digital proof of driver license developed by the
142 department or by an entity contracted by the department must be
143 in ~~such~~ a format that allows ~~as to allow~~ law enforcement to
144 verify the authenticity of such ~~the~~ digital proof ~~of driver~~
145 ~~license.~~ The department, in coordination with the Agency for
146 State Technology, may adopt rules to ensure valid authentication
147 of digital proof of driver licenses by law enforcement.

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148 (3) Digital proof of driver license must display the same
149 required information about the licenseholder as does a driver
150 license under this chapter.

151 (4)~~(3)~~ A person may not be issued a digital proof of driver
152 license until he or she has satisfied all of the requirements of
153 this chapter for issuance of a physical driver license ~~as~~
154 ~~provided in this chapter.~~

155 (5) The department, in coordination with the Agency for
156 State Technology, shall implement a digital proof of driver
157 license pilot program by July 1, 2017, using the developed
158 secure and uniform system. Program participants must be limited
159 to elected state officials and state employee volunteers. The
160 department shall provide a report on the results of the pilot
161 program to the Governor, the President of the Senate, and the
162 Speaker of the House of Representatives by March 1, 2018.

163 (6)~~(4)~~ A person who:

164 (a) Manufactures a false digital proof of driver license
165 commits a felony of the third degree, punishable as provided in
166 s. 775.082, s. 775.083, or s. 775.084.

167 (b) Possesses a false digital proof of driver license
168 commits a misdemeanor of the second degree, punishable as
169 provided in s. 775.082 or s. 775.083.

170 Section 4. For the 2016-2017 fiscal year, the sum of
171 \$500,000 in nonrecurring funds is appropriated from the General
172 Revenue Fund to the Department of Highway Safety and Motor
173 Vehicles for the purpose of implementing the pilot program
174 created by the amendment to s. 322.032, Florida Statutes.

175 Section 5. This act shall take effect October 1, 2016.