

1 A bill to be entitled
2 An act relating to information technology; amending s.
3 282.0051, F.S.; revising certain powers, duties, and
4 functions of the Agency for State Technology in
5 collaboration with the Department of Management
6 Services; amending s. 282.201, F.S.; authorizing the
7 state data center within the agency to extend, up to a
8 specified timeframe, certain service-level agreements;
9 requiring the state data center to submit a specified
10 report to the Executive Office of the Governor under
11 certain circumstances; deleting a requirement for a
12 service-level agreement to provide a certain
13 termination notice to the agency; requiring the state
14 data center to plan, design, and conduct certain
15 testing, if cost-effective; deleting obsolete
16 provisions relating to the schedule for consolidations
17 of agency data centers; conforming provisions to
18 changes made by the act; amending s. 322.032, F.S.;
19 directing the Department of Highway Safety and Motor
20 Vehicles, in collaboration with the Agency for State
21 Technology, to implement protocols and standards for
22 issuing an optional digital proof of driver license,
23 enter into a contract for a specified purpose, and
24 procure certain interfaces necessary for authorized
25 private entities to consume a digital proof of driver

26 | license; requiring the agency, in collaboration with
27 | the department, to maintain and publish such protocols
28 | and standards; requiring the agency to timely review
29 | and approve all private entity requests for authorized
30 | access to certain interfaces that meet the agency's
31 | requirements; providing that agency approval of such
32 | access designates the approved entity as an authorized
33 | consumer of digital proofs of driver licenses;
34 | providing for revenue sharing between such authorized
35 | manufacturer and the state; requiring deposit of the
36 | state share of such revenue in the Highway Safety
37 | Operating Trust Fund; requiring the agency, in
38 | collaboration with the department, to enter into a
39 | specified agreement with such authorized manufacturer;
40 | requiring that a digital proof of driver license be in
41 | a format that allows law enforcement to verify the
42 | authenticity of such digital proof of driver license;
43 | providing that presenting an electronic device
44 | displaying a digital proof of driver license does not
45 | constitute consent for a law enforcement officer to
46 | access any other information on such device; providing
47 | for the assumption of liability; amending s. 668.50,
48 | F.S.; providing and revising definitions; providing
49 | that a contract may not be denied legal effect or
50 | enforceability solely because it includes a smart

51 contract term; providing that rights of ownership or
52 use of certain information are not affected by the use
53 of blockchain technology to secure such information;
54 providing an effective date.

55

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

57

58 Section 1. Subsection (18) of section 282.0051, Florida
59 Statutes, is amended to read:

60 282.0051 Agency for State Technology; powers, duties, and
61 functions.—The Agency for State Technology shall have the
62 following powers, duties, and functions:

63 (18) In collaboration with the Department of Management
64 Services:

65 (a) Establish an information technology policy for all
66 information technology-related state contracts, including state
67 term contracts for information technology commodities,
68 consultant services, and staff augmentation services. The
69 information technology policy must include:

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

72 2. Requirements to be included in solicitations for state
73 term contracts.

74 3. Evaluation criteria for the award of information
75 technology-related state term contracts.

76 4. The term of each information technology-related state
77 term contract.

78 5. The maximum number of vendors authorized on each state
79 term contract.

80 (b) Evaluate vendor responses for information technology-
81 related state term contract solicitations and invitations to
82 negotiate.

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

85 (d) Ensure that all information technology-related
86 solicitations by the department are procured and state contracts
87 are managed in accordance with the information technology policy
88 established under ~~pursuant to~~ paragraph (a) ~~is included in all~~
89 ~~solicitations and contracts which are administratively executed~~
90 ~~by the department.~~

91 Section 2. Paragraph (d) of subsection (2) of section
92 282.201, Florida Statutes, is amended, paragraph (g) is added to
93 that subsection, and subsection (4) of that section is amended,
94 to read:

95 282.201 State data center.—The state data center is
96 established within the Agency for State Technology and shall
97 provide data center services that are hosted on premises or
98 externally through a third-party provider as an enterprise
99 information technology service. The provision of services must
100 comply with applicable state and federal laws, regulations, and

101 policies, including all applicable security, privacy, and
102 auditing requirements.

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

104 (d) Enter into a service-level agreement with each
105 customer entity to provide the required type and level of
106 service or services. If a customer entity fails to execute an
107 agreement within 60 days after commencement of a service, the
108 state data center may cease service. A service-level agreement
109 may not have an original ~~a~~ term exceeding 3 years, but the
110 service-level agreement may be extended for up to 6 months. If
111 the state data center and an existing customer entity either
112 execute an extension or fail to execute a new service-level
113 agreement before the expiration of an existing service-level
114 agreement, the state data center must submit a report to the
115 Executive Office of the Governor within 5 days after the date of
116 the executed extension or 15 days before the scheduled
117 expiration date of the service-level agreement, as applicable,
118 to explain the specific issues preventing execution of a new
119 service-level agreement and to describe the plan and schedule
120 for resolving those issues. A service-level agreement, and at a
121 minimum, must:

122 1. Identify the parties and their roles, duties, and
123 responsibilities under the agreement.

124 2. State the duration of the contract term and specify the
125 conditions for renewal.

126 3. Identify the scope of work.

127 4. Identify the products or services to be delivered with
128 sufficient specificity to permit an external financial or
129 performance audit.

130 5. Establish the services to be provided, the business
131 standards that must be met for each service, the cost of each
132 service, and the metrics and processes by which the business
133 standards for each service are to be objectively measured and
134 reported.

135 6. Provide a timely billing methodology to recover the
136 cost of services provided to the customer entity pursuant to s.
137 215.422.

138 7. Provide a procedure for modifying the service-level
139 agreement based on changes in the type, level, and cost of a
140 service.

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

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

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

151 (g) Plan, design, and conduct testing with information
152 technology resources to implement services within the scope of
153 the services provided by the state data center, if cost-
154 effective.

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

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

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

162 1. ~~By October 31, 2013, the Department of Economic~~
163 ~~Opportunity.~~

164 2. ~~By December 31, 2013, the Executive Office of the~~
165 ~~Governor, to include the Division of Emergency Management except~~
166 ~~for the Emergency Operation Center's management system in~~
167 ~~Tallahassee and the Camp Blanding Emergency Operations Center in~~
168 ~~Starke.~~

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

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

173 (a)(e) The following agency data centers are exempt from
174 state data center consolidation under this section: the
175 Department of Law Enforcement, the Department of the Lottery's

176 Gaming System, Systems Design and Development in the Office of
177 Policy and Budget, the regional traffic management centers as
178 described in s. 335.14(2) and the Office of Toll Operations of
179 the Department of Transportation, the State Board of
180 Administration, state attorneys, public defenders, criminal
181 conflict and civil regional counsel, capital collateral regional
182 counsel, and the Florida Housing Finance Corporation.

183 (b)~~(d)~~ A state agency that is consolidating its agency
184 data center or computing facility into the state data center
185 must execute a new or update an existing service-level agreement
186 within 60 days after the commencement of the service. If a state
187 agency and the state data center are unable to execute a
188 service-level agreement by that date, the agency shall submit a
189 report to the Executive Office of the Governor within 5 working
190 days after that date which explains the specific issues
191 preventing execution and describing the plan and schedule for
192 resolving those issues.

193 (c)~~(e)~~ Each state agency consolidating ~~scheduled for~~
194 ~~consolidation~~ into the state data center shall submit a
195 transition plan to the Agency for State Technology by July 1 of
196 the fiscal year before the fiscal year in which the ~~scheduled~~
197 consolidation will occur. Transition plans must ~~shall~~ be
198 developed in consultation with the state data center and must
199 include:

200 1. An inventory of the agency data center's resources

201 being consolidated, including all hardware and its associated
202 life cycle replacement schedule, software, staff, contracted
203 services, and facility resources performing data center
204 management and operations, security, backup and recovery,
205 disaster recovery, system administration, database
206 administration, system programming, job control, production
207 control, print, storage, technical support, help desk, and
208 managed services, but excluding application development, and the
209 agency's costs supporting these resources.

210 2. A list of contracts in effect, including, but not
211 limited to, contracts for hardware, software, and maintenance,
212 which identifies the expiration date, the contract parties, and
213 the cost of each contract.

214 3. A detailed description of the level of services needed
215 to meet the technical and operational requirements of the
216 platforms being consolidated.

217 4. A timetable with significant milestones for the
218 completion of the consolidation.

219 (d) ~~(f)~~ Each state agency consolidating ~~scheduled for~~
220 ~~consolidation~~ into the state data center shall submit with its
221 respective legislative budget request the specific recurring and
222 nonrecurring budget adjustments of resources by appropriation
223 category into the appropriate data processing category pursuant
224 to the legislative budget request instructions in s. 216.023.

225 Section 3. Subsections (1) and (2) of section 322.032,

226 Florida Statutes, are amended to read:

227 322.032 Digital proof of driver license.—

228 (1) (a) The department, in collaboration with the Agency
229 for State Technology, shall establish and implement ~~begin to~~
230 ~~review and prepare for the development of a secure and uniform~~
231 protocols and standards ~~system~~ for issuing an optional digital
232 proof of driver license, contract with a private entity to serve
233 as the authorized manufacturer of a digital proof of driver
234 license, and procure any application programming interface
235 necessary for enabling qualified and authorized private entities
236 to securely consume a digital proof of driver license. ~~The~~
237 ~~department may contract with one or more private entities to~~
238 ~~develop a digital proof of driver license system.~~

239 (b) The Agency for State Technology, in collaboration with
240 the department, shall maintain and publish on its website the
241 protocols and standards necessary for a private entity to
242 request authorized access to an application programming
243 interface necessary for such private entity to consume a digital
244 proof of driver license. The agency shall timely review requests
245 for authorized access and must approve all requests by private
246 entities that meet the agency's requirements. The agency's
247 approval of a request for authorized access designates the
248 private entity that made the request as an authorized consumer
249 of digital proofs of driver licenses.

250 (c) Revenue generated from the manufacture or consumption

251 of a digital proof of driver license must be collected by the
252 authorized manufacturer of digital proofs of driver licenses and
253 such revenue must be shared with the state on a revenue-sharing
254 basis. Such authorized manufacturer is responsible for remitting
255 50 percent of all revenue collected for deposit into the Highway
256 Safety Operating Trust Fund. The Agency for State Technology, in
257 collaboration with the department, shall enter into an agreement
258 with the authorized manufacturer that provides the permitted
259 uses, terms and conditions, privacy policy, and uniform
260 remittance terms relating to the consumption of a digital proof
261 of driver license.

262 (2) (a) A ~~The digital proof of driver license developed by~~
263 ~~the department or by an entity contracted by the department~~ must
264 be in such a format as to allow law enforcement to verify the
265 authenticity of the digital proof of driver license. The
266 department may adopt rules to ensure valid authentication of a
267 digital proof of driver license ~~licenses~~ by law enforcement.

268 (b) The act of presenting to a law enforcement officer an
269 electronic device displaying a digital proof of driver license
270 does not constitute consent for the officer to access any
271 information on the device other than the digital proof of driver
272 license.

273 (c) The person who presents the device to the officer
274 assumes liability for any resulting damage to the device.

275 Section 4. Subsection (20) of section 668.50, Florida

276 Statutes, is renumbered as subsection (21), subsection (2) and
277 paragraph (b) of subsection (7) are amended, and a new
278 subsection (20) is added to that section, to read:

279 668.50 Uniform Electronic Transaction Act.—

280 (2) DEFINITIONS.—As used in this section:

281 (a) "Agreement" means the bargain of the parties in fact,
282 as found in their language or inferred from other circumstances
283 and from rules, regulations, and procedures given the effect of
284 agreements under provisions of law otherwise applicable to a
285 particular transaction.

286 (b) "Automated transaction" means a transaction conducted
287 or performed, in whole or in part, by electronic means or
288 electronic records, in which the acts or records of one or both
289 parties are not reviewed by an individual in the ordinary course
290 in forming a contract, performing under an existing contract, or
291 fulfilling an obligation required by the transaction.

292 (c) "Blockchain technology" means distributed ledger
293 technology that uses a distributed, decentralized, shared, and
294 replicated ledger, which may be public or private, permissioned
295 or permissionless, and driven by tokenized crypto-economics or
296 tokenless. The data on the ledger must be immutable, auditable,
297 protected with cryptography, and provide an uncensored truth.

298 (d)~~(e)~~ "Computer program" means a set of statements or
299 instructions to be used directly or indirectly in an information
300 processing system in order to bring about a certain result.

301 ~~(e)~~ ~~(d)~~ "Contract" means the total legal obligation
302 resulting from the parties' agreement as affected by this act
303 and other applicable provisions of law.

304 ~~(f)~~ ~~(e)~~ "Electronic" means relating to technology having
305 electrical, digital, magnetic, wireless, optical,
306 electromagnetic, or similar capabilities.

307 ~~(g)~~ ~~(f)~~ "Electronic agent" means a computer program or an
308 electronic or other automated means used independently to
309 initiate an action or respond to electronic records or
310 performances in whole or in part, without review or action by an
311 individual.

312 ~~(h)~~ ~~(g)~~ "Electronic record" means a record created,
313 generated, sent, communicated, received, or stored by electronic
314 means. A record or contract that is secured through blockchain
315 technology is in an electronic form and is an electronic record.

316 ~~(i)~~ ~~(h)~~ "Electronic signature" means an electronic sound,
317 symbol, or process attached to or logically associated with a
318 record and executed or adopted by a person with the intent to
319 sign the record. A signature that is secured through blockchain
320 technology is in an electronic form and is an electronic
321 signature.

322 ~~(j)~~ ~~(i)~~ "Governmental agency" means an executive,
323 legislative, or judicial agency, department, board, commission,
324 authority, institution, or instrumentality of this state,
325 including a county, municipality, or other political subdivision

326 of this state and any other public or private agency, person,
327 partnership, corporation, or business entity acting on behalf of
328 any public agency.

329 (k)~~(j)~~ "Information" means data, text, images, sounds,
330 codes, computer programs, software, databases, or other similar
331 representations of knowledge.

332 (l)~~(k)~~ "Information processing system" means an electronic
333 system for creating, generating, sending, receiving, storing,
334 displaying, or processing information.

335 (m)~~(l)~~ "Person" means an individual, corporation, business
336 trust, estate, trust, partnership, limited liability company,
337 association, joint venture, governmental agency, public
338 corporation, or any other legal or commercial entity.

339 (n)~~(m)~~ "Record" means information that is inscribed on a
340 tangible medium or that is stored in an electronic or other
341 medium and is retrievable in perceivable form, including public
342 records as defined in s. 119.011.

343 (o)~~(n)~~ "Security procedure" means a procedure employed for
344 the purpose of verifying that an electronic signature, record,
345 or performance is that of a specific person or for detecting
346 changes or errors in the information in an electronic record.
347 The term includes a procedure that requires the use of
348 algorithms or other codes, identifying words or numbers,
349 encryption, or callback or other acknowledgment procedures.

350 (p) "Smart contract" means an event-driven program that

351 runs on a distributed, decentralized, shared, and replicated
 352 ledger and can take custody over and instruct the transfer of
 353 assets on that ledger.

354 (g)~~(e)~~ "State" means a state of the United States, the
 355 District of Columbia, Puerto Rico, the United States Virgin
 356 Islands, or any territory or insular possession subject to the
 357 jurisdiction of the United States. The term includes an Indian
 358 tribe or band, or Alaskan native village, which is recognized by
 359 federal law or formally acknowledged by a state.

360 (r)~~(p)~~ "Transaction" means an action or set of actions
 361 occurring between two or more persons relating to the conduct of
 362 business, commercial, insurance, or governmental affairs.

363 (7) LEGAL RECOGNITION OF ELECTRONIC RECORDS, ELECTRONIC
 364 SIGNATURES, AND ELECTRONIC CONTRACTS.—

365 (b) A contract may not be denied legal effect or
 366 enforceability solely because:

367 1. An electronic record was used in the formation of the
 368 contract.

369 2. The contract contains a smart contract term.

370 (20) RIGHTS OF OWNERSHIP OR USE.—Notwithstanding any law,
 371 rule, or regulation to the contrary, the use of blockchain
 372 technology to secure information while engaged in interstate or
 373 foreign commerce does not affect the rights of ownership or use
 374 held by the owner of such information unless the terms of the
 375 transaction expressly provide for the transfer of such rights.

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376 | Section 5. This act shall take effect July 1, 2018. |