

By Representatives Reddick, Culp, K. Pruitt, Burroughs and Mackey

1 A bill to be entitled
2 An act relating to state financial matters;
3 amending s. 215.322, F.S.; providing for the
4 acceptance of debit cards by state agencies,
5 units of local government, and the judicial
6 branch; amending s. 282.20, F.S.; revising
7 language with respect to the Technology
8 Resource Center; defining the term "customer";
9 creating s. 282.21, F.S.; authorizing the
10 Department of Management Services to collect
11 fees for the use of its electronic information
12 services; creating s. 282.22, F.S.; providing
13 for the production and dissemination of
14 materials and products by the Department of
15 Management Services; providing an effective
16 date.

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

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20 Section 1. Section 215.322, Florida Statutes, 1996
21 Supplement, is amended to read:

22 215.322 Acceptance of credit cards or debit cards by
23 state agencies, units of local government, and the judicial
24 branch.--

25 (1) It is the intent of the Legislature to encourage
26 state agencies, the judicial branch and units of local
27 government to make their services more convenient to the
28 public and to the administrative costs of government by
29 acceptance of payments by credit cards and debit cards to the
30 maximum extent practicable.

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1 (2)~~(1)~~ A state agency as defined in s. 216.011, or the
2 judicial branch, may accept credit cards or debit cards in
3 payment for goods and services upon the recommendation of the
4 Office of Planning and Budgeting and with the prior approval
5 of the Treasurer.

6 (3)~~(2)~~ The Treasurer shall adopt rules governing the
7 establishment and acceptance of credit cards or debit cards by
8 state agencies or the judicial branch, including, but not
9 limited to, the following:

10 (a) Utilization of a standardized contract between the
11 financial institution and the agency or judicial branch which
12 shall be developed by the Treasurer or approval by the
13 Treasurer of a substitute agreement.

14 ~~(b)1. The types of revenue or collections that may be~~
15 ~~subject to service fees or surcharges by the financial~~
16 ~~institution, vending service company, or credit card company.~~
17 ~~Only taxes, license fees, tuition, and other statutorily~~
18 ~~prescribed revenues may be subject to a service fee or~~
19 ~~surcharge. Notwithstanding the foregoing, this section shall~~
20 ~~not be construed to permit surcharges on any other credit card~~
21 ~~purchase in violation of s. 501.0117.~~

22 ~~2. The minimum public disclosure requirements to~~
23 ~~persons who elect to pay taxes, license fees, tuition, and~~
24 ~~other statutorily prescribed revenues by credit card which are~~
25 ~~subject to a surcharge pursuant to this section. Any state~~
26 ~~agency, unit of local government, or the judicial branch that~~
27 ~~surcharges a person who pays by credit card shall be subject~~
28 ~~to the minimum public disclosure requirements adopted by the~~
29 ~~Treasurer pursuant to this subparagraph.~~

30 ~~(c)~~ All service fees payable pursuant to this section
31 ~~financial institutions~~ when practicable shall be invoiced and

1 paid by state warrant or such other manner that is
2 satisfactory to the Comptroller in accordance with the time
3 periods specified in s. 215.422.

4 ~~(c)(d)~~ Submission of information to the Treasurer
5 concerning the acceptance of credit cards or debit cards by
6 all state agencies or the judicial branch.

7 ~~(4)(3)~~ The Treasurer is authorized to establish
8 contracts with one or more financial institutions or credit
9 card companies, in a manner consistent with chapter 287, for
10 processing credit card or debit card collections for deposit
11 into the State Treasury or another qualified public
12 depository. Any state agency, or the judicial branch, which
13 accepts payment by credit card or debit card shall use at
14 least one of the contractors established by the Treasurer
15 unless the state agency or judicial branch obtains
16 authorization from the Treasurer to use another contractor
17 which is more ~~financially~~ advantageous to such state agency or
18 the judicial branch. Such contracts may authorize a unit of
19 local government to use the services upon the same terms and
20 conditions for deposit of credit card or debit card
21 transactions into its qualified public depositories.

22 ~~(5)(4)~~ A unit of local government, which term means a
23 municipality, special district, or board of county
24 commissioners or other governing body of a county, however
25 styled, including that of a consolidated or metropolitan
26 government, and means any clerk of the circuit court, sheriff,
27 property appraiser, tax collector, or supervisor of elections,
28 is authorized to accept payment by use of credit cards and
29 bank debit cards for financial obligations that are owing to
30 such unit of local government and to surcharge the person who
31 uses a credit card or bank debit card in payment of taxes,

1 license fees, tuition, fines, civil penalties, court-ordered
2 payments, or court costs, or other statutorily prescribed
3 revenues an amount sufficient to pay the service fee charges
4 by the financial institution, vending service company, or
5 credit card company for such services. A unit of local
6 government shall verify both the validity of any credit card
7 or bank debit card used pursuant to this subsection and the
8 existence of appropriate credit with respect to the person
9 using the card. The unit of local government does not incur
10 any liability as a result of such verification or any
11 subsequent action taken.

12 (6)~~(5)~~ Credit card account numbers in the possession
13 of a state agency, a unit of local government, or the judicial
14 branch are confidential and exempt from the provisions of s.
15 119.07(1).

16 Section 2. Subsections (1), (2), (3), and (4) of
17 section 282.20, Florida Statutes, are amended to read:

18 282.20 Technology Resource Center.--

19 (1)(a) The Division of Information Services of the
20 Department of Management Services shall operate and manage the
21 Technology Resource Center.

22 (b) For the purposes of this section, the term:

23 1. "Department" means the Department of Management
24 Services.

25 2. "Division" means the Division of Information
26 Services of the Department of Management Services.

27 3. "Information-system utility" means a full-service
28 information-processing facility offering hardware, software,
29 operations, integration, networking, and consulting services
30 ~~to state agencies.~~

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1 4. "Customer" means a state agency or other entity
2 which is authorized to utilize the SUNCOM Network pursuant to
3 this chapter.

4 (2) The division and the Technology Resource Center
5 shall:

6 (a) Serve the department and other customers ~~state~~
7 ~~agencies~~ as an information-system utility.

8 (b) Cooperate with the Information Resource Commission
9 and with other customers ~~state agencies~~ to offer, develop, and
10 support a wide range of services and applications needed by
11 users of the Technology Resource Center.

12 (c) Cooperate with the Florida Legal Resource Center
13 of the Department of Legal Affairs and other state agencies to
14 develop and provide access to repositories of legal
15 information throughout the state.

16 (d) Cooperate with the Division of Communications of
17 the department to facilitate interdepartmental networking and
18 integration of network services for its customers ~~state~~
19 ~~agencies~~.

20 (e) Assist customers ~~state agencies~~ in testing and
21 evaluating new and emerging technologies that could be used to
22 meet the needs of the state.

23 (3) The division may contract with customers ~~state~~
24 ~~agencies~~ to provide any combination of services necessary for
25 agencies to fulfill their responsibilities and to serve their
26 users.

27 (4)(a) There is created for the Technology Resource
28 Center a data processing policy board as provided in s.
29 282.313.

30 (b) In addition to the members of the policy board
31 provided in s. 282.313, the following ex officio members are

1 appointed to the data processing policy board of the
2 Technology Resource Center: the Executive Director of the
3 Information Resource Commission, the Director of the Division
4 of Communications of the Department of Management Services,
5 and the chair of the coordinating council to the Florida
6 Fiscal Accounting Management Information System, as created in
7 s. 215.96, or their respective designees. The ex officio
8 members provided in this subsection shall vote and serve in
9 the same manner as other policy board members.

10 (c) Each board member shall be entitled to cast the
11 number of votes corresponding to the percentage of the data
12 processing center's prior year revenues paid by the member's
13 entity rounded to the nearest whole number.

14 (d) The duties of the policy board shall be as
15 provided in s. 282.313, except that approval of technology
16 resource acquisitions below the amount provided in s. 287.017
17 for CATEGORY TWO shall not be required. In addition, approval
18 by the policy board of new customers who are expected to pay
19 during the initial 12 months of use less than 10 percent of
20 the previous year's revenues of the data processing center
21 shall not be required, provided that existing customers' level
22 of service will not be degraded as a result of accepting a new
23 customer.

24 Section 3. Section 282.21, Florida Statutes, is
25 created to read:

26 282.21 Department of Management Services' electronic
27 information services.--The Department of Management Services
28 may collect fees for the use of its electronic information
29 services. The fees may be imposed on an individual transaction
30 basis or as a fixed subscription for a designated period of
31 time. At a minimum, the fees shall be determined in an amount

1 sufficient to cover the projected costs of such services,
2 including overhead. All fees collected pursuant to this
3 paragraph shall be deposited in the appropriate trust fund of
4 the program or activity which made the electronic information
5 service available.

6 Section 4. Section 282.22, Florida Statutes, is
7 created to read:

8 282.22 Department of Management Services production
9 and dissemination of materials and products.--

10 (1) It is the intent of the Legislature that when
11 materials and products are developed by or under the direction
12 of the Department of Management Services, through research and
13 development or other efforts, including those subject to
14 copyright, patent, or trademark, they shall be made available
15 for use by state and local government entities at the earliest
16 practicable date and in the most economical and efficient
17 manner possible.

18 (2) To accomplish this objective the department is
19 authorized to publish, produce, or have produced materials and
20 products and to make them readily available for appropriate
21 use. The department is authorized to charge an amount adequate
22 to cover the essential cost of producing and disseminating
23 such materials and products and is authorized to sell copies
24 for use to any entity who is authorized to utilize the SUNCOM
25 Network pursuant to this chapter and to the public.

26 (3) In cases in which the materials or products are of
27 such nature, or the circumstances are such, that it is not
28 practicable or feasible for the department to produce or have
29 produced materials and products so developed, it is
30 authorized, after review and approval by the Department of
31 State, to license, lease, assign, sell, or otherwise give

1 written consent to any person, firm, or corporation for the
2 manufacture or use thereof, on a royalty basis, or for such
3 other consideration as the department shall deem proper and in
4 the best interest of the state; the department is authorized
5 and directed to protect same against improper or unlawful use
6 or infringement and to enforce the collection of any sums due
7 for the manufacture or use thereof by any other party.

8 (4) All proceeds from the sale of such materials and
9 products or other money collected pursuant to this section
10 shall be deposited into the Grants and Donations Trust Fund of
11 the department and, when properly budgeted as approved by the
12 Legislature and the Executive Office of the Governor, used to
13 pay the cost of producing and disseminating materials and
14 products to carry out the intent of this section.

15 Section 5. This act shall take effect upon becoming a
16 law.

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HOUSE SUMMARY

Authorizes the acceptance of debit cards by state agencies, units of local government, and the judicial branch.

Defines the term "customer" with respect to a provision of law governing the Technology Resource Center to mean a state agency or other entity which is authorized to utilize the SUNCOM Network pursuant to chapter 282, F.S. Revises voting requirements and duties with respect to data processing policy board members.

Authorizes the Department of Management Services to collect fees for the use of its electronic information services.

Provides requirements with respect to the production and dissemination of materials and products by the Department of Management Services. Provides that it is the intent of the Legislature that when materials and products developed by or under the direction of the department, through research and development or other efforts, including those subject to copyright, patent, or trademark, they shall be made available for use by state and local government entities at the earliest practicable date and in the most economical and efficient manner possible.