

By the Committee on Finance & Taxation and 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 charge cards and debit cards by  
 5           state agencies, units of local government, and  
 6           the judicial branch; providing a time period  
 7           for certain actions; authorizing a convenience  
 8           fee; providing for the application of the act  
 9           on certain contracts; amending s. 282.20, F.S.;  
 10          revising language with respect to the  
 11          Technology Resource Center; defining the term  
 12          "customer"; eliminating a data processing  
 13          policy board; creating s. 282.21, F.S.;  
 14          authorizing the Department of Management  
 15          Services to collect fees for the use of its  
 16          electronic access services; creating s. 282.22,  
 17          F.S.; providing for the production and  
 18          dissemination of materials and products by the  
 19          Department of Management Services; repealing s.  
 20          282.313, F.S.; relating to data processing  
 21          policy boards; providing an effective date.

22  
 23 Be It Enacted by the Legislature of the State of Florida:

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 25           Section 1. Section 215.322, Florida Statutes, 1996  
 26 Supplement, is amended to read:

27           215.322 Acceptance of credit cards, charge cards, or  
 28 debit cards by state agencies, units of local government, and  
 29 the judicial branch.--

30           (1) It is the intent of the Legislature to encourage  
 31 state agencies, the judicial branch and units of local

1 government to make their services more convenient to the  
2 public and to reduce the administrative costs of government by  
3 acceptance of payments by credit cards, charge cards, and  
4 debit cards to the maximum extent practicable.

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

10 (3)(2) The Treasurer shall adopt rules governing the  
11 establishment and acceptance of credit cards, charge cards, or  
12 debit cards by state agencies or the judicial branch,  
13 including, but not limited to, the following:

14 (a) Utilization of a standardized contract between the  
15 financial institution and the agency or judicial branch which  
16 shall be developed by the Treasurer or approval by the  
17 Treasurer of a substitute agreement.

18 (b) Procedures which permit an agency or officer  
19 accepting payment by credit card, charge card, or debit card  
20 to impose a convenience fee upon the person making the  
21 payment. However, the total amount of such convenience fees  
22 shall not exceed the total cost to the state of contracting  
23 for such card services. A convenience fee is not refundable to  
24 the payor.1. The types of revenue or collections that may be  
25 subject to service fees or surcharges by the financial  
26 institution, vending service company, or credit card company.  
27 Only taxes, license fees, tuition, and other statutorily  
28 prescribed revenues may be subject to a service fee or  
29 surcharge. Notwithstanding the foregoing, this section shall  
30 not be construed to permit surcharges on any other credit card  
31 purchase in violation of s. 501.0117.

1           ~~2. The minimum public disclosure requirements to~~  
2 ~~persons who elect to pay taxes, license fees, tuition, and~~  
3 ~~other statutorily prescribed revenues by credit card which are~~  
4 ~~subject to a surcharge pursuant to this section. Any state~~  
5 ~~agency, unit of local government, or the judicial branch that~~  
6 ~~surcharges a person who pays by credit card shall be subject~~  
7 ~~to the minimum public disclosure requirements adopted by the~~  
8 ~~Treasurer pursuant to this subparagraph.~~

9           (c) All service fees payable pursuant to this section  
10 ~~financial institutions~~ when practicable shall be invoiced and  
11 paid by state warrant or such other manner that is  
12 satisfactory to the Comptroller in accordance with the time  
13 periods specified in s. 215.422.

14           (d) Submission of information to the Treasurer  
15 concerning the acceptance of credit cards, charge cards, or  
16 debit cards by all state agencies or the judicial branch.

17           ~~(4)(3)~~ The Treasurer is authorized to establish  
18 contracts with one or more financial institutions, ~~or~~ credit  
19 card companies, or other entities which may lawfully provide  
20 such services, in a manner consistent with chapter 287, for  
21 processing credit card, charge card, or debit card collections  
22 for deposit into the State Treasury or another qualified  
23 public depository. Any state agency, or the judicial branch,  
24 which accepts payment by credit card, charge card, or debit  
25 card shall use at least one of the contractors established by  
26 the Treasurer unless the state agency or judicial branch  
27 obtains authorization from the Treasurer to use another  
28 contractor which is more ~~financially~~ advantageous to such  
29 state agency or the judicial branch. Such contracts may  
30 authorize a unit of local government to use the services upon  
31 the same terms and conditions for deposit of credit card,

1 charge card, or debit card transactions into its qualified  
2 public depositories.

3 ~~(5)(4)~~ A unit of local government, which term means a  
4 municipality, special district, or board of county  
5 commissioners or other governing body of a county, however  
6 styled, including that of a consolidated or metropolitan  
7 government, and means any clerk of the circuit court, sheriff,  
8 property appraiser, tax collector, or supervisor of elections,  
9 is authorized to accept payment by use of credit cards, charge  
10 cards, and bank debit cards for financial obligations that are  
11 owing to such unit of local government and to surcharge the  
12 person who uses a credit card, charge card, or bank debit card  
13 in payment of taxes, license fees, tuition, fines, civil  
14 penalties, court-ordered payments, or court costs, or other  
15 statutorily prescribed revenues an amount sufficient to pay  
16 the service fee charges by the financial institution, vending  
17 service company, or credit card company for such services. A  
18 unit of local government shall verify both the validity of any  
19 credit card, charge card, or bank debit card used pursuant to  
20 this subsection and the existence of appropriate credit with  
21 respect to the person using the card. The unit of local  
22 government does not incur any liability as a result of such  
23 verification or any subsequent action taken.

24 ~~(6)(5)~~ Credit card account numbers in the possession  
25 of a state agency, a unit of local government, or the judicial  
26 branch are confidential and exempt from the provisions of s.  
27 119.07(1).

28 (7) Any action required to be performed by a state  
29 officer or agency pursuant to this section shall be performed  
30 within 10-working days after receipt of the request for  
31

1 approval or be deemed approved if not acted upon within that  
2 time.  
3 (8) Nothing contained in this section shall be  
4 construed to prohibit a state agency or the judicial branch  
5 from continuing to accept charge cards or debit cards pursuant  
6 to a contract which was lawfully entered into prior to the  
7 effective date of this act unless specifically directed  
8 otherwise in the General Appropriations Act. However, such  
9 contract shall not be extended or renewed after the effective  
10 date of this act unless such renewal and extension conforms to  
11 the requirements of this section.  
12 Section 2. Subsections (1), (2), (3), and (4) of  
13 section 282.20, Florida Statutes, are amended to read:  
14 282.20 Technology Resource Center.--  
15 (1)(a) The Division of Information Services of the  
16 Department of Management Services shall operate and manage the  
17 Technology Resource Center.  
18 (b) For the purposes of this section, the term:  
19 1. "Department" means the Department of Management  
20 Services.  
21 2. "Division" means the Division of Information  
22 Services of the Department of Management Services.  
23 3. "Information-system utility" means a full-service  
24 information-processing facility offering hardware, software,  
25 operations, integration, networking, and consulting services  
26 ~~to state agencies.~~  
27 4. "Customer" means a state agency or other entity  
28 which is authorized to utilize the SUNCOM Network pursuant to  
29 this chapter.  
30 (2) The division and the Technology Resource Center  
31 shall:

- 1           (a) Serve the department and other customers ~~state~~  
2 ~~agencies~~ as an information-system utility.
- 3           (b) Cooperate with the Information Resource Commission  
4 and with other customers ~~state agencies~~ to offer, develop, and  
5 support a wide range of services and applications needed by  
6 users of the Technology Resource Center.
- 7           (c) Cooperate with the Florida Legal Resource Center  
8 of the Department of Legal Affairs and other state agencies to  
9 develop and provide access to repositories of legal  
10 information throughout the state.
- 11           (d) Cooperate with the Division of Communications of  
12 the department to facilitate interdepartmental networking and  
13 integration of network services for its customers ~~state~~  
14 ~~agencies~~.
- 15           (e) Assist customers ~~state agencies~~ in testing and  
16 evaluating new and emerging technologies that could be used to  
17 meet the needs of the state.
- 18           (3) The division may contract with customers ~~state~~  
19 ~~agencies~~ to provide any combination of services necessary for  
20 agencies to fulfill their responsibilities and to serve their  
21 users.
- 22           (4)~~(a)~~ Acceptance of any new customer other than a  
23 state agency which is expected to pay during the initial 12  
24 months of use more than 5 percent of the previous year's  
25 revenues of the Technology Resource Center shall be contingent  
26 upon approval of the Office of Planning and Budgeting in a  
27 manner similar to the budget amendment process in s. 216.181.  
28 ~~There is created for the Technology Resource Center a data~~  
29 ~~processing policy board as provided in s. 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 Section 3. Section 282.21, Florida Statutes, is  
11 created to read:

12 282.21 Department of Management Services' electronic  
13 access services.--The Department of Management Services may  
14 collect fees for providing remote electronic access pursuant  
15 to s. 119.085. The fees may be imposed on individual  
16 transactions or as a fixed subscription for a designated  
17 period of time. All fees collected under this section shall  
18 be deposited in the appropriate trust fund of the program or  
19 activity that made the remote electronic access available.

20 Section 4. Section 282.22, Florida Statutes, is  
21 created to read:

22 282.22 Department of Management Services production  
23 and dissemination of materials and products.--

24 (1) It is the intent of the Legislature that when  
25 materials and products are developed by or under the direction  
26 of the Department of Management Services, through research and  
27 development or other efforts, including those subject to  
28 copyright, patent, or trademark, they shall be made available  
29 for use by state and local government entities at the earliest  
30 practicable date and in the most economical and efficient  
31 manner possible and consistent with chapter 119.

1       (2) To accomplish this objective the department is  
2 authorized to publish, produce, or have produced materials and  
3 products and to make them readily available for appropriate  
4 use. The department is authorized to charge an amount adequate  
5 to cover the essential cost of producing and disseminating  
6 such materials and products and is authorized to sell copies  
7 for use to any entity who is authorized to utilize the SUNCOM  
8 Network pursuant to this chapter and to the public.

9       (3) In cases in which the materials or products are of  
10 such nature, or the circumstances are such, that it is not  
11 practicable or feasible for the department to produce or have  
12 produced materials and products so developed, it is  
13 authorized, after review and approval by the Department of  
14 State, to license, lease, assign, sell, or otherwise give  
15 written consent to any person, firm, or corporation for the  
16 manufacture or use thereof, on a royalty basis, or for such  
17 other consideration as the department shall deem proper and in  
18 the best interest of the state; the department is authorized  
19 and directed to protect same against improper or unlawful use  
20 or infringement and to enforce the collection of any sums due  
21 for the manufacture or use thereof by any other party.

22       (4) All proceeds from the sale of such materials and  
23 products or other money collected pursuant to this section  
24 shall be deposited into the Grants and Donations Trust Fund of  
25 the department and, when properly budgeted as approved by the  
26 Legislature and the Executive Office of the Governor, used to  
27 pay the cost of producing and disseminating materials and  
28 products to carry out the intent of this section.

29       Section 5. Section 282.313, Florida Statutes, is  
30 repealed.

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1           Section 6. This act shall take effect upon becoming a  
2 law.  
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