

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; providing
20 legislative intent with respect to the use of
21 card-based technology; providing standards for
22 state agencies; providing for the submission of
23 certain acquisition documentation to the
24 Florida Fiscal Accounting Management
25 Information System Coordinating Council;
26 providing applicability; repealing s. 282.313,
27 F.S.; relating to data processing policy
28 boards; providing an effective date.

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30 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Section 215.322, Florida Statutes, 1996
2 Supplement, is amended to read:

3 215.322 Acceptance of credit cards, charge cards, or
4 debit cards by state agencies, units of local government, and
5 the judicial branch.--

6 (1) It is the intent of the Legislature to encourage
7 state agencies, the judicial branch and units of local
8 government to make their services more convenient to the
9 public and to reduce the administrative costs of government by
10 acceptance of payments by credit cards, charge cards, and
11 debit cards to the maximum extent practicable.

12 (2)~~(1)~~ A state agency as defined in s. 216.011, or the
13 judicial branch, may accept credit cards, charge cards, or
14 debit cards in payment for goods and services upon the
15 recommendation of the Office of Planning and Budgeting and
16 with the prior approval of the Treasurer.

17 (3)~~(2)~~ The Treasurer shall adopt rules governing the
18 establishment and acceptance of credit cards, charge cards, or
19 debit cards by state agencies or the judicial branch,
20 including, but not limited to, the following:

21 (a) Utilization of a standardized contract between the
22 financial institution and the agency or judicial branch which
23 shall be developed by the Treasurer or approval by the
24 Treasurer of a substitute agreement.

25 (b) Procedures which permit an agency or officer
26 accepting payment by credit card, charge card, or debit card
27 to impose a convenience fee upon the person making the
28 payment. However, the total amount of such convenience fees
29 shall not exceed the total cost to the state of contracting
30 for such card services. A convenience fee is not refundable to
31 the payor.~~1. The types of revenue or collections that may be~~

1 ~~subject to service fees or surcharges by the financial~~
 2 ~~institution, vending service company, or credit card company.~~
 3 ~~Only taxes, license fees, tuition, and other statutorily~~
 4 ~~prescribed revenues may be subject to a service fee or~~
 5 ~~surcharge.~~ Notwithstanding the foregoing, this section shall
 6 not be construed to permit surcharges on any other credit card
 7 purchase in violation of s. 501.0117.

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

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

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

24 ~~(4)(3)~~ The Treasurer is authorized to establish
 25 contracts with one or more financial institutions, or credit
 26 card companies, or other entities which may lawfully provide
 27 such services, in a manner consistent with chapter 287, for
 28 processing credit card, charge card, or debit card collections
 29 for deposit into the State Treasury or another qualified
 30 public depository. Any state agency, or the judicial branch,
 31 which accepts payment by credit card, charge card, or debit

1 card shall use at least one of the contractors established by
2 the Treasurer unless the state agency or judicial branch
3 obtains authorization from the Treasurer to use another
4 contractor which is more ~~financially~~ advantageous to such
5 state agency or the judicial branch. Such contracts may
6 authorize a unit of local government to use the services upon
7 the same terms and conditions for deposit of credit card,
8 charge card, or debit card transactions into its qualified
9 public depositories.

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

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1 ~~(6)(5)~~ Credit card account numbers in the possession
2 of a state agency, a unit of local government, or the judicial
3 branch are confidential and exempt from the provisions of s.
4 119.07(1).

5 (7) Any action required to be performed by a state
6 officer or agency pursuant to this section shall be performed
7 within 10-working days after receipt of the request for
8 approval or be deemed approved if not acted upon within that
9 time.

10 (8) Nothing contained in this section shall be
11 construed to prohibit a state agency or the judicial branch
12 from continuing to accept charge cards or debit cards pursuant
13 to a contract which was lawfully entered into prior to the
14 effective date of this act unless specifically directed
15 otherwise in the General Appropriations Act. However, such
16 contract shall not be extended or renewed after the effective
17 date of this act unless such renewal and extension conforms to
18 the requirements of this section.

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

21 282.20 Technology Resource Center.--

22 (1)(a) The Division of Information Services of the
23 Department of Management Services shall operate and manage the
24 Technology Resource Center.

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

26 1. "Department" means the Department of Management
27 Services.

28 2. "Division" means the Division of Information
29 Services of the Department of Management Services.

30 3. "Information-system utility" means a full-service
31 information-processing facility offering hardware, software,

1 operations, integration, networking, and consulting services
2 to ~~state agencies~~.

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

6 (2) The division and the Technology Resource Center
7 shall:

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

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

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

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

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

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

29 (4)(a) Acceptance of any new customer other than a
30 state agency which is expected to pay during the initial 12
31 months of use more than 5 percent of the previous year's

1 revenues of the Technology Resource Center shall be contingent
2 upon approval of the Office of Planning and Budgeting in a
3 manner similar to the budget amendment process in s. 216.181.

4 ~~There is created for the Technology Resource Center a data~~
5 ~~processing policy board as provided in s. 282.313.~~

6 ~~(b) In addition to the members of the policy board~~
7 ~~provided in s. 282.313, the following ex officio members are~~
8 ~~appointed to the data processing policy board of the~~
9 ~~Technology Resource Center: the Executive Director of the~~
10 ~~Information Resource Commission, the Director of the Division~~
11 ~~of Communications of the Department of Management Services,~~
12 ~~and the chair of the coordinating council to the Florida~~
13 ~~Fiscal Accounting Management Information System, as created in~~
14 ~~s. 215.96, or their respective designees. The ex officio~~
15 ~~members provided in this subsection shall vote and serve in~~
16 ~~the same manner as other policy board members.~~

17 Section 3. Section 282.21, Florida Statutes, is
18 created to read:

19 282.21 Department of Management Services' electronic
20 access services.--The Department of Management Services may
21 collect fees for providing remote electronic access pursuant
22 to s. 119.085. The fees may be imposed on individual
23 transactions or as a fixed subscription for a designated
24 period of time. All fees collected under this section shall
25 be deposited in the appropriate trust fund of the program or
26 activity that made the remote electronic access available.

27 Section 4. Section 282.22, Florida Statutes, is
28 created to read:

29 282.22 Department of Management Services production
30 and dissemination of materials and products.--

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

9 (2) To accomplish this objective the department is
10 authorized to publish, produce, or have produced materials and
11 products and to make them readily available for appropriate
12 use. The department is authorized to charge an amount adequate
13 to cover the essential cost of producing and disseminating
14 such materials and products and is authorized to sell copies
15 for use to any entity who is authorized to utilize the SUNCOM
16 Network pursuant to this chapter and to the public.

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

30 (4) All proceeds from the sale of such materials and
31 products or other money collected pursuant to this section

1 shall be deposited into the Grants and Donations Trust Fund of
2 the department and, when properly budgeted as approved by the
3 Legislature and the Executive Office of the Governor, used to
4 pay the cost of producing and disseminating materials and
5 products to carry out the intent of this section.

6 Section 5. It is the intent of the Legislature that
7 the use of card-based technology should be encouraged when the
8 technology will provide better services or reduce costs. It is
9 further intended that state agencies cooperate with each other
10 to take advantage of the existing investments in card-based
11 technology systems.

12 Section 6. Each state agency that uses a card that
13 relies on the electronic reading and use of information
14 encoded in the card must comply with the following standards
15 unless an exception is granted by the Florida Fiscal
16 Accounting Management Information System Coordinating Council.
17 The council shall follow the notice, review, and exception
18 procedures in s. 216.177, Florida Statutes, prior to granting
19 an exception. These standards apply whether the card is used
20 for electronic transfer of benefits, identification, or other
21 purposes.

22 (1) Card-based technology must conform to standards of
23 the American National Standards Institute.

24 (2) Each card must contain the digital photographic
25 image of the person to whom it is issued.

26 (3) If the card is issued for purposes of financial
27 transactions, it must be readable and usable by a portion of
28 point-of-sale devices that are sufficient to guarantee
29 reasonable access to benefits and services for card users.

30 (4) Cards must contain the words "State of Florida" to
31 identify the card as being issued by the state.

1 (5) A single-purpose card may not be procured or
2 issued.

3 (6) Provision must be made in all card-based
4 technology, whether developed by the issuing agency or
5 procured by contract, for migration to advanced systems, in
6 order to keep pace with card-based technology.

7 Section 7. (1) Whenever any state agency intends to
8 issue a bid, request for proposals, or contract in any manner
9 to acquire commodities or services that include the use of
10 card-based technology and will require the agency to expend
11 more than the threshold amount provided in s. 287.017, Florida
12 Statutes, for CATEGORY FIVE, such acquisition documentation
13 must be submitted to the Florida Fiscal Accounting Management
14 Information System Coordinating Council for approval prior to
15 issuance. The Florida Fiscal Accounting Management Information
16 System Coordinating Council shall consider whether the
17 proposed transaction is structured to encourage vendor
18 competition, cooperation among agencies in the use of
19 card-based technology, and other financial terms and
20 conditions that are appropriate with regard to the nature of
21 the card-based technology application being acquired.

22 (2) Nothing contained in this act shall be construed
23 to prohibit an agency from continuing to use a card-based
24 technology system that was lawfully acquired before the
25 effective date of this act unless specifically directed
26 otherwise in the General Appropriations Act.

27 (3) An extension or renewal of an existing contract in
28 any manner for commodities or services that include the use of
29 card-based technology and will require the agency to expend
30 more than the threshold amount provided in s. 287.017, Florida
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1 Statutes, for CATEGORY FIVE, is subject to the provisions of
2 subsection (1).

3 Section 8. Section 282.313, Florida Statutes, is
4 repealed.

5 Section 9. This act shall take effect upon becoming a
6 law.

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