

1
2 An act relating to electronic commerce;
3 amending s. 117.05, F.S.; specifying that
4 certain seals be used on "paper" documents;
5 creating s. 117.20, F.S.; providing
6 application; specifying "electronic
7 notarization"; providing for the Secretary of
8 State to provide commissions for notaries
9 public to perform electronic notarizations;
10 providing procedures; requiring notice of the
11 compromise of certain keys; providing for
12 suspension under certain circumstances;
13 creating s. 282.745, F.S.; authorizing the
14 Secretary of State to establish a voluntary
15 licensure program for private certification
16 authorities; providing for fees; providing for
17 rulemaking; authorizing the Secretary of State
18 to enter into reciprocity agreements with other
19 jurisdictions; amending s. 471.025, F.S.;
20 providing for electronic engineering seals and
21 digital signatures; prohibiting certain
22 activities relating to digitally sealing or
23 signing documents; amending s. 471.033, F.S.;
24 providing for disciplinary action for illegal
25 use of a digital signature; amending s.
26 472.025, F.S.; providing for electronic land
27 surveying and mapping seals; prohibiting
28 certain activities relating to digitally
29 sealing or signing certain documents;
30 authorizing the Secretary of State to appoint
31 Florida international notaries; providing

1 definitions; providing rulemaking authority;
2 authorizing the use of authentication methods
3 by international notaries; providing for effect
4 of acts of international notaries; providing
5 for rulemaking; amending ss. 240.289 and
6 402.18, F.S., to conform; repealing ss. 118.01,
7 118.02, 118.03, and 118.04, F.S., relating to
8 commissioners of deeds; amending s. 215.322,
9 F.S.; providing for the acceptance of charge
10 cards and debit cards by state agencies, units
11 of local government, and the judicial branch;
12 providing a time period for certain actions;
13 authorizing a convenience fee; providing for
14 the application of the act on certain
15 contracts; amending s. 282.20, F.S.; revising
16 language with respect to the Technology
17 Resource Center; defining the term "customer";
18 eliminating a data processing policy board;
19 creating s. 282.21, F.S.; authorizing the
20 Department of Management Services to collect
21 fees for the use of its electronic access
22 services; creating s. 282.22, F.S.; providing
23 for the production and dissemination of
24 materials and products by the Department of
25 Management Services; providing legislative
26 intent with respect to the use of card-based
27 technology; providing standards for state
28 agencies; providing for the submission of
29 certain acquisition documentation to the
30 Florida Fiscal Accounting Management
31 Information System Coordinating Council;

1 providing applicability; repealing s. 282.313,
2 F.S.; relating to data processing policy
3 boards; providing an effective date.
4

5 Be It Enacted by the Legislature of the State of Florida:
6

7 Section 1. Subsection (3) of section 117.05, Florida
8 Statutes, is amended to read:

9 117.05 Use of notary commission; unlawful use; notary
10 fee; seal; duties; employer liability; name change;
11 advertising; photocopies; penalties.--

12 (3)(a) A notary public seal shall be affixed to all
13 notarized paper documents and shall be of the rubber stamp
14 type and shall include the words "Notary Public-State of
15 Florida." The seal shall also include the name of the notary
16 public, the date of expiration of the commission of the notary
17 public, and the commission number. The rubber stamp seal must
18 be affixed to the notarized paper document in photographically
19 reproducible black ink. Every notary public shall print, type,
20 or stamp below his or her signature on a paper document his or
21 her name exactly as commissioned. An impression-type
22 ~~impression-type~~ seal may be used in addition to the rubber
23 stamp seal, but the rubber stamp seal shall be the official
24 seal for use on a paper document ~~notary public~~, and the
25 impression-type ~~impression-type~~ seal may not be substituted
26 therefor.

27 (b) Any notary public whose term of appointment
28 extends beyond January 1, 1992, is required to use a rubber
29 stamp type notary public seal on paper documents only upon
30 reappointment on or after January 1, 1992.
31

1 Section 2. Section 117.20, Florida Statutes, is
2 created to read:

3 117.20 Electronic notarization.--

4 (1) The provisions of ss. 117.01, 117.03, and 117.04,
5 117.05(1)-(14), 117.05(16), 117.105, and 117.107 apply to all
6 notarizations under this section except as set forth in this
7 section.

8 (2) An electronic notarization shall include the name
9 of the notary public, exactly as commissioned, the date of
10 expiration of the commission of the notary public, the
11 commission number, and the notary's digital signature.
12 Neither a rubber stamp seal nor an impression-type seal is
13 required for an electronic notarization.

14 (3) Any notary public who seeks to perform electronic
15 notarizations and obtains a certificate from any certification
16 authority, as defined in s. 282.72(2), shall request an
17 amended commission from the Secretary of State as set forth in
18 s. 117.05(11). The Secretary of State shall issue an amended
19 commission to the notary public indicating that the notary is
20 a subscriber to the certification authority identified in the
21 notary's request for an amended commission. After requesting
22 an amended commission, the notary public may continue to
23 perform notarial acts, but may not use his or her digital
24 signature in the performance of notarial acts until receipt of
25 the amended commission. Any fees collected from such amended
26 commissions shall be used to fund the Secretary of State's
27 administration of electronic notary commissions.

28 (4) If the notary public's private key corresponding
29 to his or her public key has been compromised, the notary
30 public shall immediately notify the Secretary of State in
31 writing of the breach of security and shall request the

1 issuing certification authority to suspend or revoke the
2 certificate.

3 (5) Failure to comply with this section constitutes
4 grounds for suspension from office by the Governor.

5 Section 3. Section 282.745, Florida Statutes, is
6 created to read:

7 282.745 Voluntary licensure.--

8 (1) The Secretary of State may adopt, amend, or repeal
9 any rules as necessary, pursuant to chapter 120, to implement,
10 enforce, and interpret the voluntary licensure of private
11 certification authorities. Such rules shall provide, at a
12 minimum, for:

13 (a) Licensing fees sufficient to support the licensing
14 program.

15 (b) Standards and requirements for voluntary
16 licensure.

17 (c) Audit procedures and requirements to assure
18 program compliance.

19 (d) Insurance reserve or bonding requirements.

20 (e) Procedures for license revocation and suspension
21 for failure to meet licensure requirements or for misconduct.

22 (2) No private certification authority shall be
23 required to obtain a license from the Secretary of State
24 pursuant to this section.

25 (3) The Secretary of State may also enter into
26 reciprocity agreements with other jurisdictions on behalf of
27 this state to allow for the fullest possible recognition of
28 digital signatures executed under Florida law and the fullest
29 possible recognition of certification authorities licensed
30 under this section.

31

1 Section 4. Section 471.025, Florida Statutes, is
2 amended to read:

3 471.025 Seals.--

4 (1) The board shall prescribe, by rule, a form of seal
5 to be used by registrants holding valid certificates of
6 registration. Each registrant shall obtain an impression-type
7 metal seal in the form aforesaid and may, in addition,
8 register his or her seal electronically in accordance with ss.
9 282.70-282.75. All final drawings, specifications, plans,
10 reports, or documents prepared or issued by the registrant and
11 being filed for public record shall be signed by the
12 registrant, dated, and stamped with said seal. Such
13 signature, date, and seal shall be evidence of the
14 authenticity of that to which they are affixed. Drawings,
15 specifications, plans, reports, or documents prepared or
16 issued by a registrant may be transmitted electronically and
17 may be signed by the registrant, dated, and stamped
18 electronically with said seal in accordance with ss.
19 ~~282.70-282.75. It is unlawful for any person to stamp or seal~~
20 ~~any document with a seal after his certificate of registration~~
21 ~~has expired or been revoked or suspended, unless reinstated or~~
22 ~~reissued.~~

23 (2) It is unlawful for any person to stamp, seal, or
24 digitally sign any document with a seal or digital signature
25 after his or her certificate of registration has expired or
26 been revoked or suspended, unless such certificate of
27 registration has been reinstated or reissued. When the
28 certificate of registration of a registrant has been revoked
29 or suspended by the board, it shall be mandatory that the
30 registrant, ~~surrender his seal to the secretary of the board~~
31 within a period of 30 days after the revocation or suspension

1 has become effective, surrender his or her seal to the
2 secretary of the board and confirm to the secretary the
3 cancellation of the registrant's digital signature in
4 accordance with ss. 282.70-282.75. In the event the
5 registrant's certificate has been suspended for a period of
6 time, his or her seal shall be returned to him or her upon
7 expiration of the suspension period.

8 (3) No registrant shall affix or permit to be affixed
9 his or her seal, ~~or~~ name, or digital signature to any plan,
10 specification, drawing, or other document which depicts work
11 which he or she is not licensed to perform or which is beyond
12 his or her profession or specialty therein.

13 Section 5. Paragraph (j) of subsection (1) of section
14 471.033, Florida Statutes, is amended to read:

15 471.033 Disciplinary proceedings.--

16 (1) The following acts constitute grounds for which
17 the disciplinary actions in subsection (3) may be taken:

18 (j) Affixing or permitting to be affixed his or her
19 seal, ~~or his~~ name, or digital signature to any final drawings,
20 specifications, plans, reports, or documents that were not
21 prepared by him or her or under his or her responsible
22 supervision, direction, or control.

23 Section 6. Section 472.025, Florida Statutes, is
24 amended to read:

25 472.025 Seals.--

26 (1) The board shall prescribe, by rule, a form of seal
27 to be used by all registrants holding valid certificates of
28 registration, whether the registrants are corporations,
29 partnerships, or individuals. Each registrant shall obtain an
30 impression-type metal seal in that form; and all final
31 drawings, plans, specifications, plats, or reports prepared or

1 issued by the registrant in accordance with minimum technical
2 standards set by the board shall be signed by the registrant,
3 dated, and stamped with his or her seal. This signature,
4 date, and seal shall be evidence of the authenticity of that
5 to which they are affixed. Each registrant may in addition
6 register his or her seal electronically in accordance with ss.
7 282.70-282.75. Drawings, plans, specifications, reports, or
8 documents prepared or issued by a registrant may be
9 transmitted electronically and may be signed by the
10 registrant, dated, and stamped electronically with such seal
11 in accordance with ss. 282.70-282.75. It is unlawful for any
12 person to stamp or seal any document with a seal after his
13 certificate of registration has expired or been revoked or
14 suspended unless reinstated or reissued.

15 (2) It is unlawful for any person to stamp, seal, or
16 digitally sign any document with a seal or digital signature
17 after his or her certificate of registration has expired or
18 been revoked or suspended, unless such certificate of
19 registration has been reinstated or reissued.When the
20 certificate of registration of a registrant has been revoked
21 or suspended by the board, the registrant shall, ~~surrender his~~
22 ~~seal to the secretary of the board~~ within a period of 30 days
23 after the revocation or suspension has become effective,
24 surrender his or her seal to the secretary of the board and
25 confirm to the secretary the cancellation of the registrant's
26 digital signature in accordance with ss. 282.70-282.75. In
27 the event the registrant's certificate has been suspended for
28 a period of time, his or her seal shall be returned to him or
29 her upon expiration of the suspension period.

30 (3) No registrant shall affix or permit to be affixed
31 his or her seal, ~~or~~ name, or digital signature to any plan,

1 specification, drawing, or other document which depicts work
2 which he or she is not licensed to perform or which is beyond
3 his or her profession or specialty therein.

4 Section 7. (1) As used in this section, the term:

5 (a) "Authentication instrument" means an instrument
6 executed by a Florida international notary referencing this
7 section, which includes the particulars and capacities to act
8 of transacting parties, a confirmation of the full text of the
9 instrument, the signatures of the parties or legal equivalent
10 thereof, and the signature and seal of a Florida international
11 notary as prescribed by the Florida Secretary of State for use
12 in a jurisdiction outside the borders of the United States.

13 (b) "Florida international notary" means a person who
14 is admitted to the practice of law in this state, who has
15 practiced law for at least 5 years, and who is appointed by
16 the Secretary of State as a Florida international notary.

17 (c) "Protocol" means a registry maintained by a
18 Florida international notary in which the acts of the Florida
19 international notary are archived.

20 (2) The Secretary of State shall have the power to
21 appoint Florida international notaries and administer this
22 section.

23 (3) A Florida international notary is authorized to
24 issue authentication instruments for use in non-United States
25 jurisdictions. A Florida international notary is not
26 authorized to issue authentication instruments for use in a
27 non-United States jurisdiction if the United States Department
28 of State has determined that the jurisdiction does not have
29 diplomatic relations with the United States or is a terrorist
30 country, or if trade with the jurisdiction is prohibited under
31

1 the Trading With the Enemy Act of 1917, as amended, 50 U.S.C.
2 ss. 1, et seq.

3 (4) The authentication instruments of a Florida
4 international notary shall not be considered authentication
5 instruments within the borders of the United States and shall
6 have no consequences or effects as authentication instruments
7 in the United States.

8 (5) The authentication instruments of a Florida
9 international notary shall be recorded in the Florida
10 international notary's protocol in a manner prescribed by the
11 Secretary of State.

12 (6) The Secretary of State may adopt rules
13 prescribing:

14 (a) The form and content of signatures and seals or
15 their legal equivalents for authentication instruments;

16 (b) Procedures for the permanent archiving of
17 authentication instruments;

18 (c) The charging of reasonable fees to be retained by
19 the Secretary of State for the purpose of administering this
20 section;

21 (d) Educational requirements and procedures for
22 testing applicants' knowledge of the effects and consequences
23 associated with authentication instruments in jurisdictions
24 outside the United States;

25 (e) Procedures for the disciplining of Florida
26 international notaries, including the suspension and
27 revocation of appointments for misrepresentation or fraud
28 regarding the Florida international notary's authority, the
29 effect of the Florida international notary's authentication
30 instruments, or the identities or acts of the parties to a
31 transaction; and

1 (f) Other matters necessary for administering this
2 section.

3 (7) The Secretary of State shall not regulate,
4 discipline or attempt to discipline, or establish any
5 educational requirements for any Florida international notary
6 for, or with regard to, any action or conduct that would
7 constitute the practice of law in this state. The Secretary
8 of State shall not establish as a prerequisite to the
9 appointment of a Florida international notary any test
10 containing any question that inquires of the applicant's
11 knowledge regarding the practice of law in the United States.

12 (8) This section shall not be construed as abrogating
13 the provisions of any other act relating to notaries public,
14 attorneys, or the practice of law in this state.

15 Section 8. Section 240.289, Florida Statutes, is
16 amended to read:

17 240.289 Credit card, charge card, and debit card use
18 in university system; authority.--The several universities in
19 the State University System are authorized, pursuant to s.
20 215.322, to enter into agreements and accept credit card,
21 charge card, or debit card payments as compensation for goods,
22 services, tuition, and fees in accordance with rules
23 established by the Board of Regents.

24 Section 9. Subsection (6) of section 402.18, Florida
25 Statutes, is amended to read:

26 402.18 Welfare trust funds created; use of.--

27 (6) The department shall maintain accounts in the
28 welfare trust fund for the sale of goods, services, or
29 products resulting from sheltered workshop, activity center,
30 and agricultural project operations carried out in the
31 rehabilitation of the department's clients, each project being

1 accounted for separately in accordance with cost standards
2 established by the department, but the cost of such projects
3 shall not include any wage or salary expenditures funded by a
4 general revenue appropriation applicable to such
5 rehabilitative activities. The cost of materials incorporated
6 in such products sold, if funded by an appropriation of
7 general revenue, shall be restored to general revenue
8 unallocated at the end of the fiscal year of sale from the
9 proceeds of such sales; provided, however, that the cost of
10 inventories on hand June 30, 1984, shall be accounted for as
11 part of the working capital authorized for such activities.
12 The department may extend credit for the sale of products
13 produced in such activities, and for those sales made for its
14 clients through its hobby shops, to purchasers of demonstrated
15 credit standing sufficient to warrant the amount of credit
16 extended after prudent evaluation of information relating to
17 such credit standing. The department may obtain credit
18 reports from reputable credit reporting agencies to assure
19 prudence in the extending of credit, except when payment is
20 made by credit card, charge card, or debit card as authorized
21 by s. 215.322. The department shall provide an allowance for
22 doubtful accounts for credit sales and record an expense in a
23 like amount based on a good faith estimate, such provision
24 being recorded as a cost of such sales. The net revenue after
25 such provision shall be retained in the welfare trust fund and
26 used only for the benefit of the department's clients for whom
27 the trust fund was established.

28 Section 10. Sections 118.01, 118.02, and 118.03,
29 Florida Statutes, as amended by chapter 95-147, Laws of
30 Florida, and section 118.04, Florida Statutes, are repealed.

31

1 Section 11. 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.

31

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 12. 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 13. 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 14. 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.--

31

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 15. 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 16. 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 17. (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
31

1 Statutes, for CATEGORY FIVE, is subject to the provisions of
2 subsection (1).
3 Section 18. Section 282.313, Florida Statutes, is
4 repealed.
5 Section 19. This act shall take effect upon becoming a
6 law.
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