

Bill No. CS for SB 2474

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Latvala moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 43, lines 1 and 2, delete those lines		
15			
16	and insert:		
17	Section 28. Subsections (1), (2), and (3) of section		
18	215.322, Florida Statutes, are amended to read:		
19	215.322 Acceptance of credit cards, charge cards, or		
20	debit cards by state agencies, units of local government, and		
21	the judicial branch.--		
22	(1) It is the intent of the Legislature to encourage		
23	state agencies, the judicial branch and units of local		
24	government to make their <u>goods, services, and information</u> more		
25	convenient to the public <u>through the</u> and to reduce the		
26	administrative costs of government by acceptance of payments		
27	by credit cards, charge cards, and debit cards to the maximum		
28	extent practicable <u>when the benefits to the participating</u>		
29	<u>agency and the public substantiate the cost of accepting these</u>		
30	<u>types of payments.</u>		
31	(2) A state agency as defined in s. 216.011, or the		

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1 judicial branch, may accept credit cards, charge cards, or
2 debit cards in payment for goods and services ~~upon the~~
3 ~~recommendation of the Office of Planning and Budgeting and~~
4 with the prior approval of the Treasurer. When the Internet or
5 other related electronic methods are to be used as the
6 collection medium, the State Technology Office shall review
7 and recommend to the Treasurer whether to approve the request
8 with regard to the process or procedure to be used.

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

13 (a) Utilization of a standardized contract between the
14 financial institution or other appropriate intermediaries and
15 the agency or judicial branch which shall be developed by the
16 Treasurer or approval by the Treasurer of a substitute
17 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 agency of
23 ~~contracting for such card services~~. A convenience fee is not
24 refundable to the payor. Notwithstanding the foregoing, this
25 section shall not be construed to permit surcharges on any
26 other credit card purchase in violation of s. 501.0117.

27 (c) All service fees payable pursuant to this section
28 when practicable shall be invoiced and paid by state warrant
29 or such other manner that is satisfactory to the Comptroller
30 in accordance with the time periods specified in s. 215.422.

31 (d) Submission of information to the Treasurer

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1 concerning the acceptance of credit cards, charge cards, or
2 debit cards by all state agencies or the judicial branch.

3 (e) A methodology for agencies to use when completing
4 the cost-benefit analysis referred to in subsection (1). The
5 methodology must consider all quantifiable cost reductions,
6 other benefits to the agency, and potential impact on general
7 revenue. The methodology must also consider nonquantifiable
8 benefits such as the convenience to individuals and businesses
9 that would benefit from the ability to pay for state goods and
10 services through the use of credit cards, charge cards, and
11 debit cards.

12 Section 29. Subsections (5), (11), and (15) of section
13 287.012, Florida Statutes, are amended to read:

14 287.012 Definitions.--The following definitions shall
15 apply in this part:

16 (5) "Competitive sealed bids" or "competitive sealed
17 proposals" refers to the receipt of two or more sealed bids or
18 proposals submitted by responsive and qualified bidders or
19 offerors and includes bids or proposals transmitted by
20 electronic means in lieu of or in addition to written bids or
21 proposals.

22 (11) "Invitation to bid" means a written solicitation
23 for competitive sealed bids with the title, date, and hour of
24 the public bid opening designated and specifically defining
25 the commodity, group of commodities, or services for which
26 bids are sought. It includes instructions prescribing all
27 conditions for bidding and shall be distributed to all
28 prospective bidders simultaneously. The invitation to bid is
29 used when the agency is capable of specifically defining the
30 scope of work for which a contractual service is required or
31 when the agency is capable of establishing precise

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1 specifications defining the actual commodity or group of
2 commodities required. A written solicitation includes a
3 solicitation published or transmitted by electronic means.

4 (15) "Request for proposals" means a written
5 solicitation for competitive sealed proposals with the title,
6 date, and hour of the public opening designated. A written
7 solicitation includes a solicitation published or transmitted
8 by electronic means.The request for proposals is used when
9 the agency is incapable of specifically defining the scope of
10 work for which the commodity, group of commodities, or
11 contractual service is required and when the agency is
12 requesting that a qualified offeror propose a commodity, group
13 of commodities, or contractual service to meet the
14 specifications of the solicitation document. A request for
15 proposals includes, but is not limited to, general
16 information, applicable laws and rules, functional or general
17 specifications, statement of work, proposal instructions, and
18 evaluation criteria. Requests for proposals shall state the
19 relative importance of price and any other evaluation
20 criteria.

21 Section 30. Paragraph (a) of subsection (16) of
22 section 287.042, Florida Statutes, is amended to read:

23 287.042 Powers, duties, and functions.--The department
24 shall have the following powers, duties, and functions:

25 (16)(a) To enter into joint agreements with
26 governmental agencies, as defined in s. 163.3164(10), for the
27 purpose of pooling funds for the purchase of commodities,
28 information technology resources, or services that can be used
29 by multiple agencies. However, the department shall ~~may~~
30 consult with the State Technology Office on joint agreements
31 that involve the purchase of information technology resources.

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1 Agencies entering into joint purchasing agreements with the
2 department shall authorize the department to contract for such
3 purchases on their behalf.

4 Section 31. Subsection (22) is added to section
5 287.057, Florida Statutes, to read:

6 287.057 Procurement of commodities or contractual
7 services.--

8 (22)(a) The State Technology Office of the department
9 shall develop a program for on-line procurement of commodities
10 and contractual services. Only bidders prequalified as
11 meeting mandatory requirements and qualifications criteria
12 shall be permitted to participate in on-line procurement. The
13 State Technology Office may contract for equipment and
14 services necessary to develop and implement on-line
15 procurement.

16 (b) The State Technology Office may adopt rules,
17 pursuant to ss. 120.536(1) and 120.54, to implement the
18 program for on-line procurement. The rules shall include, but
19 not be limited to:

20 1. Determining the requirements and qualification
21 criteria for prequalifying bidders.

22 2. Establishing the procedures for conducting on-line
23 procurement.

24 3. Establishing the criteria for eligible commodities
25 and contractual services.

26 4. Establishing the procedures for providing access to
27 on-line procurement.

28 Section 32. Creation and implementation of a marketing
29 and image campaign.--

30 (1) Enterprise Florida, Inc., in collaboration with
31 the private sector, shall create a marketing campaign to help

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1 attract, develop, and retain information technology businesses
2 in this state. The campaign must be coordinated with any
3 existing economic development promotion efforts in this state,
4 and shall be jointly funded from private and public resources.

5 (2) The message of the campaign shall be to increase
6 national and international awareness of this state as a state
7 ideally suited for the successful advancement of the
8 information technology business sector. Marketing strategies
9 shall include development of promotional materials, Internet
10 and print advertising, public relations and media placement,
11 trade show attendance at information technology events, and
12 appropriate followup activities. Efforts to promote this state
13 as a high-technology business leader must include
14 identification and coordination of existing business
15 technology resources, partnerships with economic development
16 organizations and private sector businesses, continued
17 retention and growth of businesses based in this state that
18 produce high-technology products or use high-technology skills
19 for manufacturing, and recruitment of new business in such
20 area.

21 Section 33. Development of an Internet-based system
22 for information technology industry promotion and workforce
23 recruitment.--

24 (1) The Department of Labor and Employment Security
25 shall facilitate efforts to ensure the development and
26 maintenance of a website that promotes and markets the
27 information technology industry in this state. The website
28 shall be designed to inform the public concerning the scope of
29 the information technology industry in the state and shall
30 also be designed to address the workforce needs of the
31 industry. The website shall include, through links or actual

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1 content, information concerning information technology
2 businesses in this state, including links to such businesses;
3 information concerning employment available at these
4 businesses; and the means by which a jobseeker may post a
5 resume on the website.

6 (2) The Department of Labor and Employment Security
7 shall coordinate with the State Technology Office and the
8 Workforce Development Board of Enterprise Florida, Inc., to
9 ensure links, where feasible and appropriate, to existing job
10 information websites maintained by the state and state
11 agencies and to ensure that information technology positions
12 offered by the state and state agencies are posted on the
13 information technology website.

14 Section 34. Establishment of a network access
15 point.--The state actively supports efforts that enhance the
16 information technology industry in this state, particularly
17 those efforts that increase broadband technology. A critical
18 initiative to enhance this industry in this state is
19 determined to be the development of a network access point,
20 which is defined to be a carrier-neutral, public-private
21 Internet traffic exchange point. The state encourages private
22 information technology businesses to forge partnerships to
23 develop a network access point in this state. Moreover, the
24 state recognizes the importance of a network access point that
25 addresses the needs of small information technology
26 businesses.

27 Section 35. Paragraph (n) is added to subsection (5)
28 of section 212.08, Florida Statutes, to read:

29 212.08 Sales, rental, use, consumption, distribution,
30 and storage tax; specified exemptions.--The sale at retail,
31 the rental, the use, the consumption, the distribution, and

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1 the storage to be used or consumed in this state of the
2 following are hereby specifically exempt from the tax imposed
3 by this chapter.

4 (5) EXEMPTIONS; ACCOUNT OF USE.--

5 (n) Equipment used to deploy broadband technologies.--

6 1. Beginning July 1, 2000, equipment purchased by a
7 communications service provider that is necessary for use in
8 the deployment of broadband technologies in the state as part
9 of the direct participation by the communications service
10 provider in a network access point, which is defined as a
11 carrier-neutral, public-private Internet traffic exchange
12 point, in this state shall be exempt from the tax imposed by
13 this chapter. This exemption inures to the communications
14 service provider only through a refund of previously paid
15 taxes. A refund shall be authorized upon an affirmative
16 showing by the taxpayer to the satisfaction of the department
17 that the requirements of this paragraph have been met.

18 2. To be entitled to a refund, an eligible
19 communications service provider must file under oath with the
20 department an application that includes:

21 a. The name and address of the communications service
22 provider claiming to be entitled to the refund.

23 b. A specific description of the property for which
24 the exemption is sought, including its serial number or other
25 permanent identification number.

26 c. The location of the property.

27 d. The sales invoice or other proof of purchase of the
28 property, showing the amount of sales tax paid, the date of
29 purchase, and the name and address of the sales tax dealer
30 from whom the property was purchased.

31 3. An application for a refund pursuant to this

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1 paragraph must be submitted to the department within 6 months
2 after the eligible property is purchased.

3 4. The provisions of s. 212.095 do not apply to any
4 refund application made pursuant to this paragraph. The
5 department shall adopt rules governing the manner and form of
6 refund applications and may establish guidelines as to the
7 requisites for an affirmative showing of qualification for
8 exemption under this paragraph.

9 5. For purposes of this paragraph:

10 a. "Broadband technology" means packaged technology
11 that has the capability of supporting transmission speeds of
12 at least 1.544 megabits per second in both directions.

13 b. "Communications service provider" means a company
14 that supports or provides individuals and other companies with
15 access to the Internet and other related services.

16 c. "Equipment" includes asynchronous transfer mode
17 switches, digital subscriber line access multiplexers,
18 routers, servers, multiplexers, fiber optic connector
19 equipment, database equipment, and other network equipment
20 used to provide broadband technology and information services.

21 6. Contingent upon annual appropriation, the
22 department may approve refunds up to the amount appropriated
23 for this refund program based on the filing of an application
24 pursuant to this paragraph. No refund shall be made with
25 respect to any application received by the department in any
26 year after the funds appropriated for that year have been
27 exhausted.

28 7. This paragraph is repealed June 30, 2005.

29 Section 36. If any provision of this act or the
30 application thereof to any person or circumstance is held
31 invalid, the invalidity shall not affect other provisions or

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1 applications of the act which can be given effect without the
2 invalid provision or application, and to this end the
3 provisions of this act are declared severable.

4 Section 37. This act shall take effect July 1, 2000.

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7 ===== T I T L E A M E N D M E N T =====

8 And the title is amended as follows:

9 On page 2, line 6, after the semicolon,

10

11 insert:

12 amending s. 215.322, F.S.; revising legislative
13 intent; specifying circumstances under which
14 governmental agencies or the judicial branch
15 may accept credit cards, charge cards, or debit
16 cards; prescribing duties of the State
17 Technology Office; removing a limitation on
18 convenience fees; amending s. 287.012, F.S.;
19 revising certain definitions to include bids or
20 proposals transmitted or received by electronic
21 means; amending s. 287.042, F.S.; requiring the
22 Department of Management Services to consult
23 with the State Technology Office on joint
24 agreements involving the purchase of
25 information technology resources; amending s.
26 287.057, F.S., requiring the office to develop
27 a program for on-line procurement of
28 commodities and contractual services; providing
29 a limitation; authorizing the office to
30 contract for certain equipment and services;
31 authorizing the office to adopt rules for

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1 certain purposes; requiring Enterprise Florida,
2 Inc., to create and implement a marketing and
3 image campaign; providing purposes of the
4 campaign; requiring development and maintenance
5 of a website for information and technology
6 industry marketing and workforce recruitment;
7 expressing support of activities to enhance
8 information technology, including a network
9 access point; amending s. 212.08, F.S.;
10 providing a sales tax exemption on sales of
11 certain equipment used to deploy broadband
12 technologies associated with a network access
13 point; providing for future repeal of the
14 exemption; providing severability;

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