

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: State Affairs Committee
2 Representative Grant, J. offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (2) of section 20.22, Florida
7 Statutes, is amended to read:

8 20.22 Department of Management Services.—There is created
9 a Department of Management Services.

10 (2) The following divisions, ~~and~~ programs, and services
11 within the Department of Management Services are established:

12 (a) The Facilities Program.

13 (b) The Florida Digital Service ~~Division of State~~
14 ~~Technology, the director of which is appointed by the secretary~~
15 ~~of the department and shall serve as the state chief information~~
16 ~~officer. The state chief information officer must be a proven,~~

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17 ~~effective administrator who must have at least 10 years of~~
18 ~~executive level experience in the public or private sector,~~
19 ~~preferably with experience in the development of information~~
20 ~~technology strategic planning and the development and~~
21 ~~implementation of fiscal and substantive information technology~~
22 ~~policy and standards.~~

23 (c) The Workforce Program.

24 (d) 1. The Support Program.

25 2. The Federal Property Assistance Program.

26 (e) The Administration Program.

27 (f) The Division of Administrative Hearings.

28 (g) The Division of Retirement.

29 (h) The Division of State Group Insurance.

30 (i) The Division of Telecommunications.

31 Section 2. Paragraph (e) of subsection (2) of section
32 110.205, Florida Statutes is amended to read:

33 (2) EXEMPT POSITIONS.—The exempt positions that are not
34 covered by this part include the following:

35 (e) The state chief information officer, the state chief
36 data officer, and the state chief information security officer.

37 ~~Unless otherwise fixed by law,~~ The Department of Management
38 Services shall set the salary and benefits of these positions ~~is~~
39 ~~position~~ in accordance with the rules of the Senior Management
40 Service.

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41 Section 3. Section 282.0041, Florida Statutes, is amended
42 to read:

43 282.0041 Definitions.—As used in this chapter, the term:

44 (1) "Agency assessment" means the amount each customer
45 entity must pay annually for services from the Department of
46 Management Services and includes administrative and data center
47 services costs.

48 (2) "Agency data center" means agency space containing 10
49 or more physical or logical servers.

50 (3) "Breach" has the same meaning as provided in s.
51 501.171.

52 (4) "Business continuity plan" means a collection of
53 procedures and information designed to keep an agency's critical
54 operations running during a period of displacement or
55 interruption of normal operations.

56 (5) "Cloud computing" has the same meaning as provided in
57 Special Publication 800-145 issued by the National Institute of
58 Standards and Technology.

59 (6) "Computing facility" or "agency computing facility"
60 means agency space containing fewer than a total of 10 physical
61 or logical servers, but excluding single, logical-server
62 installations that exclusively perform a utility function such
63 as file and print servers.

64 (7) "Customer entity" means an entity that obtains
65 services from the Department of Management Services.

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66 (8) "Data" means a subset of structured information in a
67 format that allows such information to be electronically
68 retrieved and transmitted.

69 (9) "Data governance" means the practice of organizing,
70 classifying, securing, and implementing policies, procedures,
71 and standards for the effective use of an organization's data.

72 (10)-(9) "Department" means the Department of Management
73 Services.

74 (11)-(10) "Disaster recovery" means the process, policies,
75 procedures, and infrastructure related to preparing for and
76 implementing recovery or continuation of an agency's vital
77 technology infrastructure after a natural or human-induced
78 disaster.

79 (12) "Electronic" means technology having electrical,
80 digital, magnetic, wireless, optical, electromagnetic, or
81 similar capabilities.

82 (13) "Electronic credential" means an electronic
83 representation of the identity of a person, organization,
84 application, or device.

85 (14) "Enterprise" means state agencies and the Department
86 of Legal Affairs, the Department of Agriculture and Consumer
87 Services, and the Department of Financial Services.

88 (15) "Enterprise architecture" means a comprehensive
89 operational framework that contemplates the needs and assets of
90 the enterprise to support interoperability.

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91 ~~(16)-(11)~~ "Enterprise information technology service" means
92 an information technology service that is used in all agencies
93 or a subset of agencies and is established in law to be
94 designed, delivered, and managed at the enterprise level.

95 ~~(17)-(12)~~ "Event" means an observable occurrence in a
96 system or network.

97 ~~(18)-(13)~~ "Incident" means a violation or imminent threat
98 of violation, whether such violation is accidental or
99 deliberate, of information technology resources, security,
100 policies, or practices. An imminent threat of violation refers
101 to a situation in which the state agency has a factual basis for
102 believing that a specific incident is about to occur.

103 ~~(19)-(14)~~ "Information technology" means equipment,
104 hardware, software, firmware, programs, systems, networks,
105 infrastructure, media, and related material used to
106 automatically, electronically, and wirelessly collect, receive,
107 access, transmit, display, store, record, retrieve, analyze,
108 evaluate, process, classify, manipulate, manage, assimilate,
109 control, communicate, exchange, convert, converge, interface,
110 switch, or disseminate information of any kind or form.

111 ~~(20)-(15)~~ "Information technology policy" means a definite
112 course or method of action selected from among one or more
113 alternatives that guide and determine present and future
114 decisions.

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115 ~~(21)-(16)~~ "Information technology resources" has the same
116 meaning as provided in s. 119.011.

117 ~~(22)-(17)~~ "Information technology security" means the
118 protection afforded to an automated information system in order
119 to attain the applicable objectives of preserving the integrity,
120 availability, and confidentiality of data, information, and
121 information technology resources.

122 ~~(23)~~ "Interoperability" means the technical ability to
123 share and use data across and throughout the enterprise.

124 ~~(24)-(18)~~ "Open data" means data collected or created by a
125 state agency, the Department of Legal Affairs, the Department of
126 Agriculture and Consumer Services, or the Department of
127 Financial Services, and structured in a way that enables the
128 data to be fully discoverable and usable by the public. The term
129 does not include data that are restricted from public disclosure
130 ~~distribution~~ based on federal or state privacy, confidentiality,
131 and security laws and regulations or data for which a state
132 agency, the Department of Legal Affairs, the Department of
133 Agriculture and Consumer Services, or the Department of
134 Financial Services is statutorily authorized to assess a fee for
135 its distribution.

136 ~~(25)-(19)~~ "Performance metrics" means the measures of an
137 organization's activities and performance.

138 ~~(26)-(20)~~ "Project" means an endeavor that has a defined
139 start and end point; is undertaken to create or modify a unique

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140 product, service, or result; and has specific objectives that,
141 when attained, signify completion.

142 ~~(27)-(21)~~ "Project oversight" means an independent review
143 and analysis of an information technology project that provides
144 information on the project's scope, completion timeframes, and
145 budget and that identifies and quantifies issues or risks
146 affecting the successful and timely completion of the project.

147 ~~(28)-(22)~~ "Risk assessment" means the process of
148 identifying security risks, determining their magnitude, and
149 identifying areas needing safeguards.

150 ~~(29)-(23)~~ "Service level" means the key performance
151 indicators (KPI) of an organization or service which must be
152 regularly performed, monitored, and achieved.

153 ~~(30)-(24)~~ "Service-level agreement" means a written
154 contract between the Department of Management Services and a
155 customer entity which specifies the scope of services provided,
156 service level, the duration of the agreement, the responsible
157 parties, and service costs. A service-level agreement is not a
158 rule pursuant to chapter 120.

159 ~~(31)-(25)~~ "Stakeholder" means a person, group,
160 organization, or state agency involved in or affected by a
161 course of action.

162 ~~(32)-(26)~~ "Standards" means required practices, controls,
163 components, or configurations established by an authority.

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164 ~~(33)-(27)~~ "State agency" means any official, officer,
165 commission, board, authority, council, committee, or department
166 of the executive branch of state government; the Justice
167 Administrative Commission; and the Public Service Commission.
168 The term does not include university boards of trustees or state
169 universities. As used in part I of this chapter, except as
170 otherwise specifically provided, the term does not include the
171 Department of Legal Affairs, the Department of Agriculture and
172 Consumer Services, or the Department of Financial Services.

173 ~~(34)-(28)~~ "SUNCOM Network" means the state enterprise
174 telecommunications system that provides all methods of
175 electronic or optical telecommunications beyond a single
176 building or contiguous building complex and used by entities
177 authorized as network users under this part.

178 ~~(35)-(29)~~ "Telecommunications" means the science and
179 technology of communication at a distance, including electronic
180 systems used in the transmission or reception of information.

181 ~~(36)-(30)~~ "Threat" means any circumstance or event that has
182 the potential to adversely impact a state agency's operations or
183 assets through an information system via unauthorized access,
184 destruction, disclosure, or modification of information or
185 denial of service.

186 ~~(37)-(31)~~ "Variance" means a calculated value that
187 illustrates how far positive or negative a projection has

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188 deviated when measured against documented estimates within a
189 project plan.

190 Section 4. Section 282.0051, Florida Statutes, is amended
191 to read:

192 282.0051 Florida Digital Service ~~Department of Management~~
193 ~~Services; powers, duties, and functions.~~ There is established
194 the Florida Digital Service within the department to create
195 innovative solutions that securely modernize state government,
196 achieve value through digital transformation and
197 interoperability, and fully support the cloud-first policy as
198 specified in s. 282.206.

199 (1) The Florida Digital Service, housed within the
200 department, shall have the following powers, duties, and
201 functions:

202 (a)(1) Develop and publish information technology policy
203 for the management of the state's information technology
204 resources.

205 (b)(2) Develop an enterprise architecture that: ~~Establish~~
206 ~~and publish information technology architecture standards to~~
207 ~~provide for the most efficient use of the state's information~~
208 ~~technology resources and to ensure compatibility and alignment~~
209 ~~with the needs of state agencies. The department shall assist~~
210 ~~state agencies in complying with the standards.~~

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211 1. Acknowledges the unique needs of the entities within
212 the enterprise in the development and publication of standards
213 and terminologies to facilitate digital interoperability.

214 2. Supports the cloud-first policy as specified in s.
215 282.206.

216 3. Addresses how information technology infrastructures
217 may be modernized to achieve cloud-first objectives.

218 (c)(3) Establish project management and oversight
219 standards with which state agencies must comply when
220 implementing information technology projects. The department,
221 acting through the Florida Digital Service, shall provide
222 training opportunities to state agencies to assist in the
223 adoption of the project management and oversight standards. To
224 support data-driven decisionmaking, the standards must include,
225 but are not limited to:

226 1.(a) Performance measurements and metrics that
227 objectively reflect the status of an information technology
228 project based on a defined and documented project scope, cost,
229 and schedule.

230 2.(b) Methodologies for calculating acceptable variances
231 in the projected versus actual scope, schedule, or cost of an
232 information technology project.

233 3.(e) Reporting requirements, including requirements
234 designed to alert all defined stakeholders that an information

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235 technology project has exceeded acceptable variances defined and
236 documented in a project plan.

237 ~~4.(d)~~ Content, format, and frequency of project updates.

238 ~~(d)-(4)~~ Perform project oversight on all state agency
239 information technology projects that have total project costs of
240 \$10 million or more and that are funded in the General
241 Appropriations Act or any other law. The department, acting
242 through the Florida Digital Service, shall report at least
243 quarterly to the Executive Office of the Governor, the President
244 of the Senate, and the Speaker of the House of Representatives
245 on any information technology project that the Florida Digital
246 Service ~~department~~ identifies as high-risk due to the project
247 exceeding acceptable variance ranges defined and documented in a
248 project plan. The report must include a risk assessment,
249 including fiscal risks, associated with proceeding to the next
250 stage of the project, and a recommendation for corrective
251 actions required, including suspension or termination of the
252 project.

253 ~~(e)-(5)~~ Identify opportunities for standardization and
254 consolidation of information technology services that support
255 interoperability and the cloud-first policy, as specified in s.
256 282.206, and business functions and operations, including
257 administrative functions such as purchasing, accounting and
258 reporting, cash management, and personnel, and that are common
259 across state agencies. The department, acting through the

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260 Florida Digital Service, shall biennially on April 1 provide
261 recommendations for standardization and consolidation to the
262 Executive Office of the Governor, the President of the Senate,
263 and the Speaker of the House of Representatives.

264 ~~(f)(6)~~ Establish best practices for the procurement of
265 information technology products and cloud-computing services in
266 order to reduce costs, increase the quality of data center
267 services, or improve government services.

268 ~~(g)(7)~~ Develop standards for information technology
269 reports and updates, including, but not limited to, operational
270 work plans, project spend plans, and project status reports, for
271 use by state agencies.

272 ~~(h)(8)~~ Upon request, assist state agencies in the
273 development of information technology-related legislative budget
274 requests.

275 ~~(i)(9)~~ Conduct annual assessments of state agencies to
276 determine compliance with all information technology standards
277 and guidelines developed and published by the department and
278 provide results of the assessments to the Executive Office of
279 the Governor, the President of the Senate, and the Speaker of
280 the House of Representatives.

281 ~~(j)(10)~~ Provide operational management and oversight of
282 the state data center established pursuant to s. 282.201, which
283 includes:

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284 ~~1.(a)~~ Implementing industry standards and best practices
285 for the state data center's facilities, operations, maintenance,
286 planning, and management processes.

287 ~~2.(b)~~ Developing and implementing cost-recovery or other
288 payment mechanisms that recover the full direct and indirect
289 cost of services through charges to applicable customer
290 entities. Such cost-recovery or other payment mechanisms must
291 comply with applicable state and federal regulations concerning
292 distribution and use of funds and must ensure that, for any
293 fiscal year, no service or customer entity subsidizes another
294 service or customer entity.

295 ~~3.(c)~~ Developing and implementing appropriate operating
296 guidelines and procedures necessary for the state data center to
297 perform its duties pursuant to s. 282.201. The guidelines and
298 procedures must comply with applicable state and federal laws,
299 regulations, and policies and conform to generally accepted
300 governmental accounting and auditing standards. The guidelines
301 and procedures must include, but need not be limited to:

302 ~~a.1.~~ Implementing a consolidated administrative support
303 structure responsible for providing financial management,
304 procurement, transactions involving real or personal property,
305 human resources, and operational support.

306 ~~b.2.~~ Implementing an annual reconciliation process to
307 ensure that each customer entity is paying for the full direct

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308 and indirect cost of each service as determined by the customer
309 entity's use of each service.

310 ~~c.3.~~ Providing rebates that may be credited against future
311 billings to customer entities when revenues exceed costs.

312 ~~d.4.~~ Requiring customer entities to validate that
313 sufficient funds exist in the appropriate data processing
314 appropriation category or will be transferred into the
315 appropriate data processing appropriation category before
316 implementation of a customer entity's request for a change in
317 the type or level of service provided, if such change results in
318 a net increase to the customer entity's cost for that fiscal
319 year.

320 ~~e.5.~~ By November 15 of each year, providing to the Office
321 of Policy and Budget in the Executive Office of the Governor and
322 to the chairs of the legislative appropriations committees the
323 projected costs of providing data center services for the
324 following fiscal year.

325 ~~f.6.~~ Providing a plan for consideration by the Legislative
326 Budget Commission if the cost of a service is increased for a
327 reason other than a customer entity's request made pursuant to
328 sub-subparagraph d. ~~subparagraph 4.~~ Such a plan is required only
329 if the service cost increase results in a net increase to a
330 customer entity for that fiscal year.

331 ~~g.7.~~ Standardizing and consolidating procurement and
332 contracting practices.

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333 ~~4.(d)~~ In collaboration with the Department of Law
334 Enforcement, developing and implementing a process for
335 detecting, reporting, and responding to information technology
336 security incidents, breaches, and threats.

337 ~~5.(e)~~ Adopting rules relating to the operation of the
338 state data center, including, but not limited to, budgeting and
339 accounting procedures, cost-recovery or other payment
340 methodologies, and operating procedures.

341 ~~6.(f)~~ Conducting an annual market analysis to determine
342 whether the state's approach to the provision of data center
343 services is the most effective and cost-efficient manner by
344 which its customer entities can acquire such services, based on
345 federal, state, and local government trends; best practices in
346 service provision; and the acquisition of new and emerging
347 technologies. The results of the market analysis shall assist
348 the state data center in making adjustments to its data center
349 service offerings.

350 ~~(k)(11)~~ Recommend other information technology services
351 that should be designed, delivered, and managed as enterprise
352 information technology services. Recommendations must include
353 the identification of existing information technology resources
354 associated with the services, if existing services must be
355 transferred as a result of being delivered and managed as
356 enterprise information technology services.

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357 ~~(1)-(12)~~ In consultation with state agencies, propose a
358 methodology and approach for identifying and collecting both
359 current and planned information technology expenditure data at
360 the state agency level.

361 ~~(m) 1. (13) (a)~~ Notwithstanding any other law, provide
362 project oversight on any information technology project of the
363 Department of Financial Services, the Department of Legal
364 Affairs, and the Department of Agriculture and Consumer Services
365 which has a total project cost of \$25 million or more and which
366 impacts one or more other agencies. Such information technology
367 projects must also comply with the applicable information
368 technology architecture, project management and oversight, and
369 reporting standards established by the department, acting
370 through the Florida Digital Service.

371 ~~2. (b)~~ When performing the project oversight function
372 specified in subparagraph 1. paragraph (a), report at least
373 quarterly to the Executive Office of the Governor, the President
374 of the Senate, and the Speaker of the House of Representatives
375 on any information technology project that the department,
376 acting through the Florida Digital Service, identifies as high-
377 risk due to the project exceeding acceptable variance ranges
378 defined and documented in the project plan. The report shall
379 include a risk assessment, including fiscal risks, associated
380 with proceeding to the next stage of the project and a

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381 recommendation for corrective actions required, including
382 suspension or termination of the project.

383 ~~(n)(14)~~ If an information technology project implemented
384 by a state agency must be connected to or otherwise accommodated
385 by an information technology system administered by the
386 Department of Financial Services, the Department of Legal
387 Affairs, or the Department of Agriculture and Consumer Services,
388 consult with these departments regarding the risks and other
389 effects of such projects on their information technology systems
390 and work cooperatively with these departments regarding the
391 connections, interfaces, timing, or accommodations required to
392 implement such projects.

393 ~~(o)(15)~~ If adherence to standards or policies adopted by
394 or established pursuant to this section causes conflict with
395 federal regulations or requirements imposed on an entity within
396 the enterprise ~~a state agency~~ and results in adverse action
397 against the entity ~~state agency~~ or federal funding, work with
398 the entity ~~state agency~~ to provide alternative standards,
399 policies, or requirements that do not conflict with the federal
400 regulation or requirement. The department, acting through the
401 Florida Digital Service, shall annually report such alternative
402 standards to the Governor, the President of the Senate, and the
403 Speaker of the House of Representatives.

404 ~~(p)1.(16)(a)~~ Establish an information technology policy
405 for all information technology-related state contracts,

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406 including state term contracts for information technology
407 commodities, consultant services, and staff augmentation
408 services. The information technology policy must include:
409 ~~a.1.~~ Identification of the information technology product
410 and service categories to be included in state term contracts.
411 ~~b.2.~~ Requirements to be included in solicitations for
412 state term contracts.
413 ~~c.3.~~ Evaluation criteria for the award of information
414 technology-related state term contracts.
415 ~~d.4.~~ The term of each information technology-related state
416 term contract.
417 ~~e.5.~~ The maximum number of vendors authorized on each
418 state term contract.
419 ~~2.(b)~~ Evaluate vendor responses for information
420 technology-related state term contract solicitations and
421 invitations to negotiate.
422 ~~3.(e)~~ Answer vendor questions on information technology-
423 related state term contract solicitations.
424 ~~4.(d)~~ Ensure that the information technology policy
425 established pursuant to subparagraph 1. ~~paragraph (a)~~ is
426 included in all solicitations and contracts that are
427 administratively executed by the department.
428 ~~(q)(17)~~ Recommend potential methods for standardizing data
429 across state agencies which will promote interoperability and
430 reduce the collection of duplicative data.

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431 (r) ~~(18)~~ Recommend open data technical standards and
432 terminologies for use by the enterprise state agencies.

433 (s) Ensure that enterprise information technology
434 solutions are capable of using an electronic credential and
435 comply with the enterprise architecture standards.

436 (2) (a) The Secretary of Management Services shall
437 designate a state chief information officer, who shall
438 administer the Florida Digital Service. Before being appointed,
439 the state chief information officer must have at least 5 years
440 of experience in the development of information system strategic
441 planning and development of information technology policy and,
442 preferably, have leadership-level experience in the design,
443 development, and deployment of interoperable software and data
444 solutions.

445 (b) The state chief information officer, in consultation
446 with the Secretary of Management Services, shall designate a
447 state chief data officer. The state chief data officer must be a
448 proven, effective administrator who must have significant and
449 substantive experience in data management, data governance,
450 interoperability, and security.

451 (3) Pursuant to legislative appropriation, the Florida
452 Digital Service shall:

453 (a) In collaboration with the enterprise, create and
454 maintain a comprehensive indexed data catalog that lists the
455 data elements housed within the enterprise and the legacy system

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456 or application in which these data elements are located. The
457 data catalog must, at a minimum, specifically identify all data
458 that is restricted from public disclosure based on federal or
459 state laws and regulations, and require that all such
460 information be protected in accordance with s. 282.318.

461 (b) In collaboration with the enterprise, develop and
462 publish, a data dictionary for each agency that reflects the
463 nomenclature in the comprehensive indexed data catalog.

464 (c) Review and document use cases across the enterprise
465 architecture.

466 (d) Develop and publish standards that support the
467 creation and deployment of an application programming interface
468 to facilitate integration throughout the enterprise.

469 (e) Publish standards necessary to facilitate a secure
470 ecosystem of interoperability that is compliant with the
471 enterprise architecture.

472 (f) Publish standards that facilitate the deployment of
473 applications or solutions to existing enterprise systems in a
474 controlled and phased approach, including, but not limited to:

475 1. Interoperability that enables supervisors of elections
476 to authenticate voter eligibility in real time at the point of
477 service.

478 2. The criminal justice database.

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479 3. Motor vehicle insurance cancellation integration
480 between insurers and the Department of Highway Safety and Motor
481 Vehicles.

482 4. Interoperability solutions between agencies, including,
483 but not limited to, the Department of Health, the Agency for
484 Health Care Administration, the Agency for Persons with
485 Disabilities, the Department of Education, the Department of
486 Elderly Affairs, and the Department of Children and Families.

487 5. Interoperability solutions to support military members,
488 veterans, and their families.

489 (4) Upon the adoption of the enterprise architecture
490 standards, the department, acting through the Florida Digital
491 Service, may develop a process to:

492 (a) Receive written notice from the entities within the
493 enterprise of any planned procurement of an information
494 technology project that is subject to enterprise architecture
495 standards.

496 (b) Participate in the development of specifications and
497 recommend modifications to any planned procurement by state
498 agencies so that the procurement complies with the enterprise
499 architecture.

500 (5) The department, acting through the Florida Digital
501 Service, may not retrieve or disclose any data without a data-
502 sharing agreement in place between the Florida Digital Service
503 and the enterprise entity that has primary custodial

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504 responsibility of, or data sharing responsibility for, that
505 data.

506 (6)-(19) The department, acting through the Florida Digital
507 Service, may adopt rules to administer this section.

508 Section 5. Section 282.00515, Florida Statutes, is amended
509 to read:

510 282.00515 Duties of Cabinet Agencies.—

511 (1) The Department of Legal Affairs, the Department of
512 Financial Services, and the Department of Agriculture and
513 Consumer Services shall adopt the enterprise architecture
514 standards established in s. 282.0051(1)(b), (1)(c), (1)(r), and
515 (3)(e) s. 282.0051(2), (3), and (7) or adopt alternative standards
516 based on best practices and industry standards that allow for
517 open data interoperability.

518 (2) If the Department of Legal Affairs, the Department of
519 Financial Services, or the Department of Agriculture and
520 Consumer Services adopts alternative standards in lieu of the
521 enterprise architecture standards in s. 282.0051, each
522 department must notify the Governor, the President of the
523 Senate, and the Speaker of the House of Representatives in
524 writing of the adoption of the alternative standards. The
525 notification must be submitted annually and must include the
526 following:

527 (a) A detailed plan of how the agency will comply with
528 interoperability requirements referenced in this chapter.

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529 (b) An estimated cost and time difference between adopting
530 alternative standards and adhering to the enterprise
531 architecture standards.

532 (c) A detailed security risk assessment of adopting the
533 alternative standards versus adhering to the enterprise
534 architecture standards.

535 (d) Certification by the agency head or his or her
536 designee that the agency's strategic and operational information
537 technology security plans as required by s. 282.318(4) include
538 provisions related to interoperability.

539 (3) The Department of Legal Affairs, the Department of
540 Financial Services, or the Department of Agriculture and
541 Consumer Services, and may contract with the department to
542 provide or perform any of the services and functions described
543 in s. 282.0051 for the Department of Legal Affairs, the
544 Department of Financial Services, or the Department of
545 Agriculture and Consumer Services.

546 (4) (a) Nothing in this section or in s. 282.0051 requires
547 the Department of Legal Affairs, the Department of Financial
548 Services, or the Department of Agriculture and Consumer Services
549 to integrate with information technology outside its own
550 department or with the Florida Digital Service.

551 (b) The Florida Digital Service may not retrieve or
552 disclose data without a data-sharing agreement in place between
553 the Florida Digital Service and the Department of Legal Affairs,

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554 the Department of Financial Services, or the Department of
555 Agriculture and Consumer Services.

556 Section 6. Paragraph (a) of subsection (3) of section
557 282.318, Florida Statutes, is amended to read:

558 282.318 Security of data and information technology.—

559 (3) The department is responsible for establishing
560 standards and processes consistent with generally accepted best
561 practices for information technology security, to include
562 cybersecurity, and adopting rules that safeguard an agency's
563 data, information, and information technology resources to
564 ensure availability, confidentiality, and integrity and to
565 mitigate risks. The department shall also:

566 (a) Designate a state chief information security officer
567 who shall report to the state chief information officer. The
568 state chief information security officer must have experience
569 and expertise in security and risk management for communications
570 and information technology resources.

571 Section 7. Subsection (4) of section 287.0591, Florida
572 Statutes, is amended to read:

573 287.0591 Information technology.—

574 (4) If the department issues a competitive solicitation
575 for information technology commodities, consultant services, or
576 staff augmentation contractual services, the Florida Digital
577 Service Division of State Technology within the department shall
578 participate in such solicitations.

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579 Section 8. Paragraph (a) of subsection (3) of section
580 365.171, Florida Statutes, is amended to read:

581 365.171 Emergency communications number E911 state plan.-

582 (3) DEFINITIONS.-As used in this section, the term:

583 (a) "Office" means the Division of Telecommunications
584 ~~State Technology~~ within the Department of Management Services,
585 as designated by the secretary of the department.

586 Section 9. Paragraph (s) of subsection (3) of section
587 365.172, Florida Statutes, is amended to read:

588 365.172 Emergency communications number "E911."-

589 (3) DEFINITIONS.-Only as used in this section and ss.
590 365.171, 365.173, 365.174, and 365.177, the term:

591 (s) "Office" means the Division of Telecommunications
592 ~~State Technology~~ within the Department of Management Services,
593 as designated by the secretary of the department.

594 Section 10. Paragraph (a) of subsection (1) of section
595 365.173, Florida Statutes, is amended to read:

596 365.173 Communications Number E911 System Fund.-

597 (1) REVENUES.-

598 (a) Revenues derived from the fee levied on subscribers
599 under s. 365.172(8) must be paid by the board into the State
600 Treasury on or before the 15th day of each month. Such moneys
601 must be accounted for in a special fund to be designated as the
602 Emergency Communications Number E911 System Fund, a fund created

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603 in the Division of Telecommunications ~~State Technology~~, or other
604 office as designated by the Secretary of Management Services.

605 Section 11. Subsection (5) of section 943.0415, Florida
606 Statutes, is amended to read:

607 943.0415 Cybercrime Office.—There is created within the
608 Department of Law Enforcement the Cybercrime Office. The office
609 may:

610 (5) Consult with the Florida Digital Service ~~Division of~~
611 ~~State Technology~~ within the Department of Management Services in
612 the adoption of rules relating to the information technology
613 security provisions in s. 282.318.

614 Section 12. If House Bill 821 or similar legislation
615 becomes law, the Division of Law Revision is directed to replace
616 the term "Division of State Technology" wherever it occurs in s.
617 282.318, Florida Statutes, with the term "Florida Digital
618 Service."

619 Section 13. Effective January 1, 2021, section 559.952,
620 Florida Statutes, is created to read:

621 559.952 Financial Technology Sandbox.—

622 (1) SHORT TITLE.—This section may be cited as the
623 "Financial Technology Sandbox."

624 (2) CREATION OF THE FINANCIAL TECHNOLOGY SANDBOX.—There is
625 created the Financial Technology Sandbox within the Office of
626 Financial Regulation to allow financial technology innovators to
627 test new products and services in a supervised, flexible

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628 regulatory sandbox using exceptions to specified general law and
629 waivers of the corresponding rule requirements under defined
630 conditions. The creation of a supervised, flexible regulatory
631 sandbox provides a welcoming business environment for technology
632 innovators and may lead to significant business growth.

633 (3) DEFINITIONS.—As used in this section, the term:

634 (a) "Business entity" means a domestic corporation or
635 other organized domestic entity with a physical presence, other
636 than that of a registered office or agent or virtual mailbox, in
637 the state.

638 (b) "Commission" means the Financial Services Commission.

639 (c) "Consumer" means a person in the state, whether a
640 natural person or a business organization, who purchases, uses,
641 receives, or enters into an agreement to purchase, use, or
642 receive an innovative financial product or service made
643 available through the Financial Technology Sandbox.

644 (d) "Control person" means an individual, a partnership, a
645 corporation, a trust, or other organization that possesses the
646 power, directly or indirectly, to direct the management or
647 policies of a company, whether through ownership of securities,
648 by contract, or through other means. A person is presumed to
649 control a company if, with respect to a particular company, that
650 person:

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651 1. Is a director, a general partner, or an officer
652 exercising executive responsibility or having similar status or
653 functions;

654 2. Directly or indirectly may vote 10 percent or more of a
655 class of a voting security or sell or direct the sale of 10
656 percent or more of a class of voting securities; or

657 3. In the case of a partnership, may receive upon
658 dissolution or has contributed 10 percent or more of the
659 capital.

660 (e) "Corresponding rule requirements" mean the commission
661 rules, or portions thereof, which implement the general laws
662 enumerated in paragraph (4) (a).

663 (f) "Financial product or service" means a product or
664 service related to a consumer finance loan, as defined in s.
665 516.01, or a money transmitter or payment instrument seller, as
666 those terms are defined in s. 560.103, including mediums of
667 exchange that are in electronic or digital form, which is
668 subject to the general laws enumerated in paragraph (4) (a) and
669 corresponding rule requirements and which is under the
670 jurisdiction of the office.

671 (g) "Financial Technology Sandbox" means the program
672 created by this section which allows a licensee to make an
673 innovative financial product or service available to consumers
674 during a sandbox period through exceptions to general laws and
675 waivers of corresponding rule requirements.

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676 (h) "Innovative" means new or emerging technology or new
677 uses of existing technology which provide a product, service,
678 business model, or delivery mechanism to the public and which
679 are not known to have a comparable offering in the state outside
680 the Financial Technology Sandbox.

681 (i) "Licensee" means a business entity that has been
682 approved by the office to participate in the Financial
683 Technology Sandbox.

684 (j) "Office" means, unless the context clearly indicates
685 otherwise, the Office of Financial Regulation.

686 (k) "Sandbox period" means:

687 1. The initial 24-month period in which the office has
688 authorized a licensee to make an innovative financial product or
689 service available to consumers.

690 2. Any extension granted pursuant to subsection (7).

691 (4) EXCEPTIONS TO GENERAL LAW AND WAIVERS OF RULE
692 REQUIREMENTS.—

693 (a) Notwithstanding any other law, upon approval of a
694 Financial Technology Sandbox application, the following
695 provisions and corresponding rule requirements are not
696 applicable to the licensee during the sandbox period:

697 1. Section 516.03(1), except for the application fee, the
698 investigation fee, the requirement to provide the social
699 security numbers of control persons, evidence of liquid assets
700 of at least \$25,000, and the office's authority to investigate

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701 the applicant's background. The office may prorate the license
702 renewal fee for an extension granted under subsection (7).

703 2. Sections 516.05(1) and (2), except that the office must
704 investigate the applicant's background.

705 3. Section 560.109, only to the extent that section
706 requires the office to examine a licensee at least once every 5
707 years.

708 4. Section 560.118(2).

709 5. Section 560.125(1), only to the extent that subsection
710 would prohibit a licensee from engaging in the business of a
711 money transmitter or payment instrument seller during the
712 sandbox period.

713 6. Section 560.125(2), only to the extent that subsection
714 would prohibit a licensee from appointing an authorized vendor
715 during the sandbox period. Any authorized vendor of such a
716 licensee during the sandbox period remains liable to the holder
717 or remitter.

718 7. Section 560.128.

719 8. Section 560.141, excluding s. 560.141(1)(a)1., 3., and
720 7.-10. and (1)(b), (c), and (d).

721 9. Section 560.142(1) and (2), except that the office may
722 prorate, but may not entirely eliminate, the license renewal
723 fees in s. 560.143 for an extension granted under subsection
724 (7).

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725 10. Section 560.143(2), only to the extent necessary for
726 proration of the renewal fee under subparagraph 9.

727 11. Section 560.204(1), only to the extent that subsection
728 would prohibit a licensee from engaging in, or advertising that
729 it engages in, the selling or issuing of payment instruments or
730 in the activity of a money transmitter during the sandbox
731 period.

732 12. Section 560.205(2).

733 13. Section 560.208(2).

734 14. Section 560.209, only to the extent that the office
735 may modify, but may not entirely eliminate, the net worth,
736 corporate surety bond, and collateral deposit amounts required
737 under that section. The modified amounts must be in such lower
738 amounts that the office determines to be commensurate with the
739 factors under paragraph (5)(c) and the maximum number of
740 consumers authorized to receive the financial product or service
741 under this section.

742 (b) The office may approve a Financial Technology Sandbox
743 application if one or more of the general laws enumerated in
744 paragraph (a) currently prevent the innovative financial product
745 or service from being made available to consumers and if all
746 other requirements of this section are met.

747 (c) A licensee may conduct business through electronic
748 means, including through the Internet or a software application.

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749 (5) FINANCIAL TECHNOLOGY SANDBOX APPLICATION; STANDARDS
750 FOR APPROVAL.—

751 (a) Before filing an application for licensure under this
752 section, a substantially affected person may seek a declaratory
753 statement pursuant to s. 120.565 regarding the applicability of
754 a statute, a rule, or an agency order to the petitioner's
755 particular set of circumstances or a variance or waiver of a
756 rule pursuant to s. 120.542.

757 (b) Before making an innovative financial product or
758 service available to consumers in the Financial Technology
759 Sandbox, a business entity must file with the office an
760 application for licensure under the Financial Technology
761 Sandbox. The commission shall, by rule, prescribe the form and
762 manner of the application and the standards for the office to
763 evaluate and apply each factor specified in paragraph (c).

764 1. The application must specify each provision of general
765 law enumerated in paragraph (4) (a) which currently prevents the
766 innovative financial product or service from being made
767 available to consumers and the reasons why such provisions of
768 general law prevent the innovative financial product or service
769 from being made available to consumers.

770 2. The application must contain sufficient information for
771 the office to evaluate the factors specified in paragraph (c).

772 3. An application submitted on behalf of a business entity
773 must include evidence that the business entity has authorized

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774 the person to submit the application on behalf of the business
775 entity intending to make an innovative financial product or
776 service available to consumers.

777 4. The application must specify the maximum number of
778 consumers, which may not exceed the number of consumers
779 specified in paragraph (f), to whom the applicant proposes to
780 provide the innovative financial product or service.

781 5. The application must include a proposed draft of the
782 statement meeting the requirements of paragraph (6)(b) which the
783 applicant proposes to provide to consumers.

784 (c) The office shall approve or deny in writing a
785 Financial Technology Sandbox application within 60 days after
786 receiving the completed application. The office and the
787 applicant may jointly agree to extend the time beyond 60 days.
788 Consistent with this section, the office may impose conditions
789 on any approval. In deciding whether to approve or deny an
790 application for licensure, the office must consider each of the
791 following:

792 1. The nature of the innovative financial product or
793 service proposed to be made available to consumers in the
794 Financial Technology Sandbox, including all relevant technical
795 details.

796 2. The potential risk to consumers and the methods that
797 will be used to protect consumers and resolve complaints during
798 the sandbox period.

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799 3. The business plan proposed by the applicant, including
800 company information, market analysis, and financial projections
801 or pro forma financial statements, and evidence of the financial
802 viability of the applicant.

803 4. Whether the applicant has the necessary personnel,
804 adequate financial and technical expertise, and a sufficient
805 plan to test, monitor, and assess the innovative financial
806 product or service.

807 5. Whether any control person of the applicant, regardless
808 of adjudication, has pled no contest to, has been convicted or
809 found guilty of, or is currently under investigation for, fraud,
810 a state or federal securities violation, a property-based
811 offense, or a crime involving moral turpitude or dishonest
812 dealing, in which case the application to the Financial
813 Technology Sandbox must be denied.

814 6. A copy of the disclosures that will be provided to
815 consumers under paragraph (6) (b).

816 7. The financial responsibility of the applicant and any
817 control person, including whether the applicant or any control
818 person has a history of unpaid liens, unpaid judgments, or other
819 general history of nonpayment of legal debts, including, but not
820 limited to, having been the subject of a petition for bankruptcy
821 under the United States Bankruptcy Code within the past 7
822 calendar years.

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823 8. Any other factor that the office determines to be
824 relevant.

825 (d) The office may not approve an application if:

826 1. The applicant had a prior Financial Technology Sandbox
827 application that was approved and that related to a
828 substantially similar financial product or service;

829 2. Any control person of the applicant was substantially
830 involved in the development, operation, or management with
831 another Financial Technology Sandbox applicant whose application
832 was approved and whose application related to a substantially
833 similar financial product or service; or

834 3. The applicant or any control person has failed to
835 affirmatively demonstrate financial responsibility.

836 (e) Upon approval of an application, the office shall
837 notify the licensee that the licensee is exempt from the
838 provisions of general law enumerated in paragraph (4) (a) and the
839 corresponding rule requirements during the sandbox period. The
840 office shall post on its website notice of the approval of the
841 application, a summary of the innovative financial product or
842 service, and the contact information of the licensee.

843 (f) The office, on a case-by-case basis, must specify the
844 maximum number of consumers authorized to receive an innovative
845 financial product or service, after consultation with the
846 Financial Technology Sandbox applicant. The office may not
847 authorize more than 15,000 consumers to receive the financial

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848 product or service until the licensee has filed the first report
849 required under subsection (8). After the filing of that report,
850 if the licensee demonstrates adequate financial capitalization,
851 risk management processes, and management oversight, the office
852 may authorize up to 25,000 consumers to receive the financial
853 product or service.

854 (g) A licensee has a continuing obligation to promptly
855 inform the office of any material change to the information
856 provided under paragraph (b).

857 (6) OPERATION OF THE FINANCIAL TECHNOLOGY SANDBOX.—

858 (a) A licensee under this section may make an innovative
859 financial product or service available to consumers during the
860 sandbox period.

861 (b)1. Before a consumer purchases, uses, receives, or
862 enters into an agreement to purchase, use, or receive an
863 innovative financial product or service through the Financial
864 Technology Sandbox, the licensee must provide a written
865 statement of all of the following to the consumer:

866 a. The name and contact information of the licensee.

867 b. That the financial product or service has been
868 authorized to be made available to consumers for a temporary
869 period by the office, under the laws of the state.

870 c. That the state does not endorse the financial product
871 or service.

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872 d. That the financial product or service is undergoing
873 testing, may not function as intended, and may entail financial
874 risk.

875 e. That the licensee is not immune from civil liability
876 for any losses or damages caused by the financial product or
877 service.

878 f. The expected end date of the sandbox period.

879 g. The contact information for the office and notification
880 that suspected legal violations, complaints, or other comments
881 related to the financial product or service may be submitted to
882 the office.

883 h. Any other information or disclosures required by rule
884 of the commission which are necessary to further the purposes of
885 this section.

886 2. The written statement under subparagraph 1. must
887 contain an acknowledgment from the consumer, which must be
888 retained for the duration of the sandbox period by the licensee.

889 (c) The office may enter into an agreement with a state,
890 federal, or foreign regulatory agency to allow licensees under
891 the Financial Technology Sandbox to make their products or
892 services available in other jurisdictions. The commission shall
893 adopt rules to implement this paragraph.

894 (d) The office may examine the records of a licensee at
895 any time, with or without prior notice.

896 (7) EXTENSION AND CONCLUSION OF SANDBOX PERIOD.-

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897 (a) A licensee may apply for one extension of the initial
898 24-month sandbox period for 12 additional months for a purpose
899 specified in subparagraph (b)1. or subparagraph (b)2. A complete
900 application for an extension must be filed with the office at
901 least 90 days before the conclusion of the initial sandbox
902 period. The office shall approve or deny the application for
903 extension in writing at least 35 days before the conclusion of
904 the initial sandbox period. In deciding to approve or deny an
905 application for extension of the sandbox period, the office
906 must, at a minimum, consider the current status of the factors
907 previously considered under paragraph (5) (c).

908 (b) An application for an extension under paragraph (a)
909 must cite one of the following reasons as the basis for the
910 application and must provide all relevant supporting information
911 that:

912 1. Amendments to general law or rules are necessary to
913 offer the innovative financial product or service in the state
914 permanently.

915 2. An application for a license that is required in order
916 to offer the innovative financial product or service in the
917 state permanently has been filed with the office, and approval
918 is pending.

919 (c) At least 30 days before the conclusion of the initial
920 24-month sandbox period or the extension, whichever is later, a
921 licensee shall provide written notification to consumers

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922 regarding the conclusion of the initial sandbox period or the
923 extension and may not make the financial product or service
924 available to any new consumers after the conclusion of the
925 initial sandbox period or the extension, whichever is later,
926 until legal authority outside of the Financial Technology
927 Sandbox exists for the licensee to make the financial product or
928 service available to consumers. After the conclusion of the
929 sandbox period or the extension, whichever is later, the
930 business entity formerly licensed under the Financial Technology
931 Sandbox may:

932 1. Collect and receive money owed to the business entity
933 or pay money owed by the business entity, based on agreements
934 with consumers made before the conclusion of the sandbox period
935 or the extension.

936 2. Take necessary legal action.

937 3. Take other actions authorized by commission rule which
938 are not inconsistent with this section.

939 (8) REPORT.—A licensee shall submit a report to the office
940 twice a year as prescribed by commission rule. The report must,
941 at a minimum, include financial reports and the number of
942 consumers who have received the financial product or service.

943 (9) CONSTRUCTION.—A business entity whose Financial
944 Technology Sandbox application is approved under this section:

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945 (a) Is licensed under chapter 516, chapter 560, or both
946 chapters 516 and 560, as applicable to the business entity's
947 activities.

948 (b) Is subject to any provision of chapter 516 or chapter
949 560 not specifically excepted under paragraph (4) (a), as
950 applicable to the business entity's activities, and must comply
951 with such provisions.

952 (c) May not engage in activities authorized under part III
953 of chapter 560, notwithstanding s. 560.204(2).

954 (10) VIOLATIONS AND PENALTIES.—

955 (a) A licensee who makes an innovative financial product
956 or service available to consumers in the Financial Technology
957 Sandbox remains subject to:

958 1. Civil damages for acts and omissions arising from or
959 related to any innovative financial product or services provided
960 or made available by the licensee or relating to this section.

961 2. All criminal and consumer protection laws and any other
962 statute not specifically excepted under paragraph (4) (a).

963 (b)1. The office may, by order, revoke or suspend a
964 licensee's approval to participate in the Financial Technology
965 Sandbox if:

966 a. The licensee has violated or refused to comply with
967 this section, any statute not specifically excepted under
968 paragraph (4) (a), a rule of the commission that has not been
969 waived, an order of the office, or a condition placed by the

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970 office on the approval of the licensee's Financial Technology
971 Sandbox application;

972 b. A fact or condition exists that, if it had existed or
973 become known at the time that the Financial Technology Sandbox
974 application was pending, would have warranted denial of the
975 application or the imposition of material conditions;

976 c. A material error, false statement, misrepresentation,
977 or material omission was made in the Financial Technology
978 Sandbox application; or

979 d. After consultation with the licensee, the office
980 determines that continued testing of the innovative financial
981 product or service would:

982 (I) Be likely to harm consumers; or

983 (II) No longer serve the purposes of this section because
984 of the financial or operational failure of the financial product
985 or service.

986 2. Written notice of a revocation or suspension order made
987 under subparagraph 1. must be served using any means authorized
988 by law. If the notice relates to a suspension, the notice must
989 include any condition or remedial action that the licensee must
990 complete before the office lifts the suspension.

991 (c) The office may refer any suspected violation of law to
992 an appropriate state or federal agency for investigation,
993 prosecution, civil penalties, and other appropriate enforcement
994 action.

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995 (d) If service of process on a licensee is not feasible,
996 service on the office is deemed service on the licensee.

997 (11) RULES AND ORDERS.—

998 (a) The commission must adopt rules to administer this
999 section before approving any application under this section.

1000 (b) The office may issue all necessary orders to enforce
1001 this section and may enforce these orders in accordance with
1002 chapter 120 or in any court of competent jurisdiction. These
1003 orders include, but are not limited to, orders for payment of
1004 restitution for harm suffered by consumers as a result of an
1005 innovative financial product or service.

1006 Section 14. For the 2020-2021 fiscal year, the sum of
1007 \$50,000 in nonrecurring funds is appropriated from the
1008 Administrative Trust Fund to the Office of Financial Regulation
1009 for the purposes of implementing s. 559.952, Florida Statutes,
1010 as created by this act.

1011 Section 15. The creation of s. 559.952, Florida Statutes,
1012 and the appropriation to implement s. 559.952, Florida Statutes,
1013 by this act shall take effect only if CS/HB 1393 or similar
1014 legislation takes effect and if such legislation is adopted in
1015 the same legislative session or an extension thereof and becomes
1016 a law.

1017 Section 16. Except as otherwise expressly provided in this
1018 act, this act shall take effect July 1, 2020.

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

Remove everything before the enacting clause and insert:
A bill to be entitled
An act relating to technology innovation; amending s.
20.22, F.S.; deleting the Division of State Technology
from, and adding the Florida Digital Service and the
Division of Telecommunications to, the Department of
Management Services; amending s. 110.205, F.S.;
providing additional positions that are exempt from
certain requirements in the career service system;
requiring the department to set the salary and
benefits of such positions; amending s. 282.0041,
F.S.; providing definitions; amending s. 282.0051,
F.S.; establishing and housing the Florida Digital
Service within the department; providing purpose;
transferring and revising specified powers, duties,
and functions of the Division of State Technology to
the Florida Digital Service; requiring the Florida
Digital Service to develop an enterprise architecture;
providing requirements for such enterprise

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1391 (2020)

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1045 | architecture; requiring the department to act through
1046 | the Florida Digital Service for certain duties and
1047 | powers; requiring designations and duties of specified
1048 | officers; providing experience requirements for such
1049 | officers; providing powers and duties of the Florida
1050 | Digital Service; prohibiting the department from
1051 | retrieving or disclosing data under circumstances;
1052 | authorizing the department to adopt rules through the
1053 | Florida Digital Service; amending s. 282.00515, F.S.;
1054 | revising certain standards that the Department of
1055 | Legal Affairs, the Department of Financial Services,
1056 | and the Department of Agriculture and Consumer
1057 | Services must adopt; requiring the departments to
1058 | notify the Governor and the Legislature if the
1059 | departments adopt alternative standards in lieu of
1060 | enterprise architecture standards; providing
1061 | requirements for the notification; providing
1062 | construction; prohibiting the Florida Digital Service
1063 | from retrieving or disclosing data under certain
1064 | circumstances; amending ss. 282.318, 287.0591,
1065 | 365.171, 365.172, 365.173, and 943.0415, F.S.;
1066 | conforming provisions to changes made by the act;
1067 | providing a directive to the Division of Law Revision;
1068 | creating s. 559.952, F.S.; providing a short title;
1069 | creating the Financial Technology Sandbox within the

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1391 (2020)

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1070 Office of Financial Regulation; providing definitions;
1071 providing certain exceptions to general law and
1072 certain waivers of rule requirements to specified
1073 persons under certain circumstances; providing
1074 circumstances under which the office may approve a
1075 Financial Technology Sandbox application; authorizing
1076 licensees to conduct business through electronic
1077 means; requiring certain persons to seek a declaratory
1078 statement before filing an application for the
1079 program; requiring an application for the program for
1080 business entities to make innovative financial
1081 products or services available to consumers; providing
1082 application requirements; providing standards for
1083 application approval or refusal; providing limitations
1084 on the number of consumers of innovative financial
1085 products or services; providing a licensee's
1086 continuing obligation; providing operation of the
1087 sandbox; requiring a licensee to provide written
1088 statements to consumers under certain circumstances;
1089 authorizing the office to enter into an agreement with
1090 certain regulatory agencies for specified purposes;
1091 authorizing the office to examine specified records;
1092 providing extension and conclusion of the sandbox
1093 period; requiring written notification to consumers
1094 within a timeframe before the end of an extension or

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1391 (2020)

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1095 | the conclusion of the sandbox period; providing acts
1096 | that licensees may and may not engage in at the end of
1097 | an extension or the conclusion of the sandbox period;
1098 | requiring licensees to submit a report; providing
1099 | report requirements; providing construction; providing
1100 | that licensees are not immune from civil damages and
1101 | are subject to criminal and consumer protection laws
1102 | and certain general laws; providing penalties;
1103 | providing service of process; requiring the Financial
1104 | Services Commission to adopt rules; authorizing the
1105 | office to issue certain orders and to enforce them in
1106 | accordance with ch. 120, F.S., or in court; providing
1107 | that such orders include orders for payment of
1108 | restitution; providing an appropriation; providing
1109 | that specified provisions of the act are contingent
1110 | upon passage of other provisions addressing public
1111 | records; providing effective dates.

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