



635976

LEGISLATIVE ACTION

Senate

.  
. .  
. .  
. .  
. .

House

---

The Committee on Innovation, Industry, and Technology (Hutson) recommended the following:

1           **Senate Substitute for Amendment (427788) (with title**  
2 **amendment)**

3  
4           Delete everything after the enacting clause  
5 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 a  
9 Department of Management Services.

10           (2) ~~The following divisions and programs within the~~



635976

11 Department of Management Services shall consist of the following  
12 ~~are established:~~

13 (a) The Facilities Program.

14 (b) The Division of Telecommunications ~~State Technology,~~  
15 ~~the director of which is appointed by the secretary of the~~  
16 ~~department and shall serve as the state chief information~~  
17 ~~officer. The state chief information officer must be a proven,~~  
18 ~~effective administrator who must have at least 10 years of~~  
19 ~~executive-level experience in the public or private sector,~~  
20 ~~preferably with experience in the development of information~~  
21 ~~technology strategic planning and the development and~~  
22 ~~implementation of fiscal and substantive information technology~~  
23 ~~policy and standards.~~

24 (c) The Workforce Program.

25 (d) 1. The Support Program.

26 2. The Federal Property Assistance Program.

27 (e) The Administration Program.

28 (f) The Division of Administrative Hearings.

29 (g) The Division of Retirement.

30 (h) The Division of State Group Insurance.

31 (i) The Florida Digital Service.

32 Section 2. Section 282.0041, Florida Statutes, is amended  
33 to read:

34 282.0041 Definitions.—As used in this chapter, the term:

35 (1) "Agency assessment" means the amount each customer  
36 entity must pay annually for services from the Department of  
37 Management Services and includes administrative and data center  
38 services costs.

39 (2) "Agency data center" means agency space containing 10



635976

40 or more physical or logical servers.

41 (3) "Breach" has the same meaning as provided in s.  
42 501.171.

43 (4) "Business continuity plan" means a collection of  
44 procedures and information designed to keep an agency's critical  
45 operations running during a period of displacement or  
46 interruption of normal operations.

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

50 (6) "Computing facility" or "agency computing facility"  
51 means agency space containing fewer than a total of 10 physical  
52 or logical servers, but excluding single, logical-server  
53 installations that exclusively perform a utility function such  
54 as file and print servers.

55 (7) "Credential service provider" means a provider  
56 competitively procured by the department to supply secure  
57 identity management and verification services based on open  
58 standards to qualified entities.

59 (8)~~(7)~~ "Customer entity" means an entity that obtains  
60 services from the Department of Management Services.

61 (9)~~(8)~~ "Data" means a subset of structured information in a  
62 format that allows such information to be electronically  
63 retrieved and transmitted.

64 (10) "Data-call" means an electronic transaction with the  
65 credential service provider that verifies the authenticity of a  
66 digital identity by querying enterprise data.

67 (11)~~(9)~~ "Department" means the Department of Management  
68 Services.



635976

69        (12)~~(10)~~ "Disaster recovery" means the process, policies,  
70 procedures, and infrastructure related to preparing for and  
71 implementing recovery or continuation of an agency's vital  
72 technology infrastructure after a natural or human-induced  
73 disaster.

74        (13) "Electronic" means technology having electrical,  
75 digital, magnetic, wireless, optical, electromagnetic, or  
76 similar capabilities.

77        (14) "Electronic credential" means a digital asset which  
78 verifies the identity of a person, organization, application, or  
79 device.

80        (15) "Enterprise" means the collection of state agencies.  
81 The term includes the Department of Legal Affairs, the  
82 Department of Agriculture and Consumer Services, the Department  
83 of Financial Services, and the judicial branch.

84        (16) "Enterprise architecture" means a comprehensive  
85 operational framework that contemplates the needs and assets of  
86 the enterprise to support interoperability across state  
87 government.

88        (17)~~(11)~~ "Enterprise information technology service" means  
89 an information technology service that is used in all agencies  
90 or a subset of agencies and is established in law to be  
91 designed, delivered, and managed at the enterprise level.

92        (18)~~(12)~~ "Event" means an observable occurrence in a system  
93 or network.

94        (19)~~(13)~~ "Incident" means a violation or imminent threat of  
95 violation, whether such violation is accidental or deliberate,  
96 of information technology resources, security, policies, or  
97 practices. An imminent threat of violation refers to a situation



635976

98 in which the state agency has a factual basis for believing that  
99 a specific incident is about to occur.

100 (20)~~(14)~~ "Information technology" means equipment,  
101 hardware, software, firmware, programs, systems, networks,  
102 infrastructure, media, and related material used to  
103 automatically, electronically, and wirelessly collect, receive,  
104 access, transmit, display, store, record, retrieve, analyze,  
105 evaluate, process, classify, manipulate, manage, assimilate,  
106 control, communicate, exchange, convert, converge, interface,  
107 switch, or disseminate information of any kind or form.

108 (21)~~(15)~~ "Information technology policy" means a definite  
109 course or method of action selected from among one or more  
110 alternatives that guide and determine present and future  
111 decisions.

112 (22)~~(16)~~ "Information technology resources" has the same  
113 meaning as provided in s. 119.011.

114 (23)~~(17)~~ "Information technology security" means the  
115 protection afforded to an automated information system in order  
116 to attain the applicable objectives of preserving the integrity,  
117 availability, and confidentiality of data, information, and  
118 information technology resources.

119 (24) "Interoperability" means the technical ability to  
120 share and use data across and throughout the enterprise.

121 (25)~~(18)~~ "Open data" means data collected or created by a  
122 state agency and structured in a way that enables the data to be  
123 fully discoverable and usable by the public. The term does not  
124 include data that are restricted from public distribution based  
125 on federal or state privacy, confidentiality, and security laws  
126 and regulations or data for which a state agency is statutorily



635976

127 authorized to assess a fee for its distribution.

128 ~~(26)-(19)~~ "Performance metrics" means the measures of an  
129 organization's activities and performance.

130 ~~(27)-(20)~~ "Project" means an endeavor that has a defined  
131 start and end point; is undertaken to create or modify a unique  
132 product, service, or result; and has specific objectives that,  
133 when attained, signify completion.

134 ~~(28)-(21)~~ "Project oversight" means an independent review  
135 and analysis of an information technology project that provides  
136 information on the project's scope, completion timeframes, and  
137 budget and that identifies and quantifies issues or risks  
138 affecting the successful and timely completion of the project.

139 ~~(29)~~ "Qualified entity" means a public or private entity or  
140 individual that enters into a binding agreement with the  
141 department, meets usage criteria, agrees to terms and  
142 conditions, and is subsequently and prescriptively authorized by  
143 the department to access data under the terms of that agreement.

144 ~~(30)-(22)~~ "Risk assessment" means the process of identifying  
145 security risks, determining their magnitude, and identifying  
146 areas needing safeguards.

147 ~~(31)-(23)~~ "Service level" means the key performance  
148 indicators (KPI) of an organization or service which must be  
149 regularly performed, monitored, and achieved.

150 ~~(32)-(24)~~ "Service-level agreement" means a written contract  
151 between the Department of Management Services and a customer  
152 entity which specifies the scope of services provided, service  
153 level, the duration of the agreement, the responsible parties,  
154 and service costs. A service-level agreement is not a rule  
155 pursuant to chapter 120.



635976

156        ~~(33)-(25)~~ "Stakeholder" means a person, group, organization,  
157 or state agency involved in or affected by a course of action.

158        ~~(34)-(26)~~ "Standards" means required practices, controls,  
159 components, or configurations established by an authority.

160        ~~(35)-(27)~~ "State agency" means any official, officer,  
161 commission, board, authority, council, committee, or department  
162 of the executive branch of state government; the Justice  
163 Administrative Commission; and the Public Service Commission.  
164 The term does not include university boards of trustees or state  
165 universities. As used in part I of this chapter, except as  
166 otherwise specifically provided, the term does not include the  
167 Department of Legal Affairs, the Department of Agriculture and  
168 Consumer Services, or the Department of Financial Services.

169        ~~(36)-(28)~~ "SUNCOM Network" means the state enterprise  
170 telecommunications system that provides all methods of  
171 electronic or optical telecommunications beyond a single  
172 building or contiguous building complex and used by entities  
173 authorized as network users under this part.

174        ~~(37)-(29)~~ "Telecommunications" means the science and  
175 technology of communication at a distance, including electronic  
176 systems used in the transmission or reception of information.

177        ~~(38)-(30)~~ "Threat" means any circumstance or event that has  
178 the potential to adversely impact a state agency's operations or  
179 assets through an information system via unauthorized access,  
180 destruction, disclosure, or modification of information or  
181 denial of service.

182        ~~(39)-(31)~~ "Variance" means a calculated value that  
183 illustrates how far positive or negative a projection has  
184 deviated when measured against documented estimates within a



635976

185 project plan.

186 Section 3. Section 282.0051, Florida Statutes, is amended  
187 to read:

188 282.0051 Florida Digital Service ~~Department of Management~~  
189 ~~Services; powers, duties, and functions.~~ There is established  
190 the Florida Digital Service within the department to create  
191 innovative solutions that securely modernize state government,  
192 achieve value through digital transformation and  
193 interoperability, and fully support the cloud-first policy as  
194 specified in s. 282.206.

195 (1) The Florida Digital Service ~~department~~ shall have the  
196 following powers, duties, and functions:

197 (a) ~~(1)~~ Develop and publish information technology policy  
198 for the management of the state's information technology  
199 resources.

200 (b) ~~(2)~~ Establish and publish information technology  
201 architecture standards to provide for the most efficient use of  
202 ~~the state's~~ information technology resources and to ensure  
203 compatibility and alignment with the needs of state agencies.

204 The Florida Digital Service ~~department~~ shall assist state  
205 agencies in complying with the standards.

206 (c) ~~(3)~~ Establish project management and oversight  
207 standards with which state agencies must comply when  
208 implementing projects that have an information technology  
209 component ~~projects~~. The Florida Digital Service ~~department~~ shall  
210 provide training opportunities to state agencies to assist in  
211 the adoption of the project management and oversight standards.  
212 To support data-driven decision making, the standards must  
213 include, but are not limited to:





635976

214           ~~1.(a)~~ Performance measurements and metrics that  
215 objectively reflect the status of a project with an information  
216 technology component ~~project~~ based on a defined and documented  
217 project scope, cost, and schedule.

218           ~~2.(b)~~ Methodologies for calculating acceptable variances  
219 in the projected versus actual scope, schedule, or cost of a  
220 project with an information technology component ~~project~~.

221           ~~3.(c)~~ Reporting requirements, including requirements  
222 designed to alert all defined stakeholders that a project with  
223 an information technology component ~~project~~ has exceeded  
224 acceptable variances defined and documented in a project plan.

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

226           ~~(d)(4)~~ Perform project oversight on all state agency  
227 ~~information technology~~ projects that have an information  
228 technology component with a total project cost ~~costs~~ of \$10  
229 million or more and that are funded in the General  
230 Appropriations Act or any other law. The Florida Digital Service  
231 ~~department~~ shall report at least quarterly to the Executive  
232 Office of the Governor, the President of the Senate, and the  
233 Speaker of the House of Representatives on any project with an  
234 information technology component ~~project~~ that the Florida  
235 Digital Service ~~department~~ identifies as high-risk due to the  
236 project exceeding acceptable variance ranges defined and  
237 documented in a project plan. The report must include a risk  
238 assessment, including fiscal risks, associated with proceeding  
239 to the next stage of the project, and a recommendation for  
240 corrective actions required, including suspension or termination  
241 of the project. The Florida Digital Service shall establish a  
242 process for state agencies to apply for an exception to the



635976

243 requirements of this paragraph for a specific project with an  
244 information technology component.

245 (e)(5)— Identify opportunities for standardization and  
246 consolidation of information technology services that support  
247 interoperability and the cloud-first policy as specified in s.  
248 282.206, business functions and operations, including  
249 administrative functions such as purchasing, accounting and  
250 reporting, cash management, and personnel, and that are common  
251 across state agencies. The Florida Digital Service ~~department~~  
252 shall biennially on April 1 provide recommendations for  
253 standardization and consolidation to the Executive Office of the  
254 Governor, the President of the Senate, and the Speaker of the  
255 House of Representatives.

256 (f)(6) Establish best practices for the procurement of  
257 information technology products and cloud-computing services in  
258 order to reduce costs, increase the quality of data center  
259 services, or improve government services.

260 (g)(7) Develop standards for information technology reports  
261 and updates, including, but not limited to, operational work  
262 plans, project spend plans, and project status reports, for use  
263 by state agencies.

264 (h)(8) Upon request, assist state agencies in the  
265 development of information technology-related legislative budget  
266 requests.

267 (i)(9) Conduct annual assessments of state agencies to  
268 determine compliance with all information technology standards  
269 and guidelines developed and published by the Florida Digital  
270 Service ~~department~~ and provide results of the assessments to the  
271 Executive Office of the Governor, the President of the Senate,



635976

272 and the Speaker of the House of Representatives.

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

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

279 2.~~(b)~~ Developing and implementing cost-recovery or other  
280 payment mechanisms that recover the full direct and indirect  
281 cost of services through charges to applicable customer  
282 entities. Such cost-recovery or other payment mechanisms must  
283 comply with applicable state and federal regulations concerning  
284 distribution and use of funds and must ensure that, for any  
285 fiscal year, no service or customer entity subsidizes another  
286 service or customer entity.

287 3.~~(c)~~ Developing and implementing appropriate operating  
288 guidelines and procedures necessary for the state data center to  
289 perform its duties pursuant to s. 282.201. The guidelines and  
290 procedures must comply with applicable state and federal laws,  
291 regulations, and policies and conform to generally accepted  
292 governmental accounting and auditing standards. The guidelines  
293 and procedures must include, but need not be limited to:

294 a.~~1~~ Implementing a consolidated administrative support  
295 structure responsible for providing financial management,  
296 procurement, transactions involving real or personal property,  
297 human resources, and operational support.

298 b.~~2~~ Implementing an annual reconciliation process to  
299 ensure that each customer entity is paying for the full direct  
300 and indirect cost of each service as determined by the customer



635976

301 entity's use of each service.

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

304 ~~d.4.~~ Requiring customer entities to validate that  
305 sufficient funds exist in the appropriate data processing  
306 appropriation category or will be transferred into the  
307 appropriate data processing appropriation category before  
308 implementation of a customer entity's request for a change in  
309 the type or level of service provided, if such change results in  
310 a net increase to the customer entity's cost for that fiscal  
311 year.

312 ~~e.5.~~ By November 15 of each year, providing to the Office  
313 of Policy and Budget in the Executive Office of the Governor and  
314 to the chairs of the legislative appropriations committees the  
315 projected costs of providing data center services for the  
316 following fiscal year.

317 ~~f.6.~~ Providing a plan for consideration by the Legislative  
318 Budget Commission if the cost of a service is increased for a  
319 reason other than a customer entity's request made pursuant to  
320 sub-subparagraph d. ~~subparagraph 4.~~ Such a plan is required only  
321 if the service cost increase results in a net increase to a  
322 customer entity for that fiscal year.

323 ~~g.7.~~ Standardizing and consolidating procurement and  
324 contracting practices.

325 ~~4.(d)~~ In collaboration with the Department of Law  
326 Enforcement, developing and implementing a process for  
327 detecting, reporting, and responding to information technology  
328 security incidents, breaches, and threats.

329 ~~5.(e)~~ Adopting rules relating to the operation of the state



635976

330 data center, including, but not limited to, budgeting and  
331 accounting procedures, cost-recovery or other payment  
332 methodologies, and operating procedures.

333 ~~(f) Conducting an annual market analysis to determine~~  
334 ~~whether the state's approach to the provision of data center~~  
335 ~~services is the most effective and cost-efficient manner by~~  
336 ~~which its customer entities can acquire such services, based on~~  
337 ~~federal, state, and local government trends; best practices in~~  
338 ~~service provision; and the acquisition of new and emerging~~  
339 ~~technologies. The results of the market analysis shall assist~~  
340 ~~the state data center in making adjustments to its data center~~  
341 ~~service offerings.~~

342 (k) ~~(11)~~ Recommend other information technology services  
343 that should be designed, delivered, and managed as enterprise  
344 information technology services. Recommendations must include  
345 the identification of existing information technology resources  
346 associated with the services, if existing services must be  
347 transferred as a result of being delivered and managed as  
348 enterprise information technology services.

349 (l) ~~(12)~~ In consultation with state agencies, propose a  
350 methodology and approach for identifying and collecting both  
351 current and planned information technology expenditure data at  
352 the state agency level.

353 (m) 1. ~~(13)~~ (a) Notwithstanding any other law, provide project  
354 oversight on any project with an information technology  
355 component ~~project~~ of the Department of Financial Services, the  
356 Department of Legal Affairs, and the Department of Agriculture  
357 and Consumer Services which has a total project cost of \$25  
358 million or more and which impacts one or more other agencies.



635976

359 Such projects with an information technology component ~~projects~~  
360 must also comply with the applicable information technology  
361 architecture, project management and oversight, and reporting  
362 standards established by the Florida Digital Service ~~department~~.  
363 The Florida Digital Service shall establish a process for the  
364 Department of Financial Services, the Department of Legal  
365 Affairs, and the Department of Agriculture and Consumer Services  
366 to apply for an exception to the requirements of this paragraph  
367 for a specific project with an information technology component.

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

380 (n) ~~(14)~~ If a project with an information technology  
381 component ~~project~~ implemented by a state agency must be  
382 connected to or otherwise accommodated by an information  
383 technology system administered by the Department of Financial  
384 Services, the Department of Legal Affairs, or the Department of  
385 Agriculture and Consumer Services, consult with these  
386 departments regarding the risks and other effects of such  
387 projects on their information technology systems and work



635976

388 cooperatively with these departments regarding the connections,  
389 interfaces, timing, or accommodations required to implement such  
390 projects.

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

401 (p) 1.~~(16)~~ ~~(a)~~ Establish an information technology policy for  
402 all information technology-related state contracts, including  
403 state term contracts for information technology commodities,  
404 consultant services, and staff augmentation services. The  
405 information technology policy must include:

406 a.1. Identification of the information technology product  
407 and service categories to be included in state term contracts.

408 b.2. Requirements to be included in solicitations for state  
409 term contracts.

410 c.3. Evaluation criteria for the award of information  
411 technology-related state term contracts.

412 d.4. The term of each information technology-related state  
413 term contract.

414 e.5. The maximum number of vendors authorized on each state  
415 term contract.

416 2.~~(b)~~ Evaluate vendor responses for information technology-



635976

417 related state term contract solicitations and invitations to  
418 negotiate.

419 3.~~(e)~~ Answer vendor questions on information technology-  
420 related state term contract solicitations.

421 4.~~(d)~~ Ensure that the information technology policy  
422 established pursuant to subparagraph 1. ~~paragraph (a)~~ is  
423 included in all solicitations and contracts that are  
424 administratively executed by the department.

425 (q)~~(17)~~ Recommend potential methods for standardizing data  
426 across state agencies which will promote interoperability and  
427 reduce the collection of duplicative data.

428 (r)~~(18)~~ Recommend open data technical standards and  
429 terminologies for use by state agencies.

430 (2) (a) The Secretary of Management Services shall appoint a  
431 state chief information officer, who shall administer the  
432 Florida Digital Service and is included in the Senior Management  
433 Service.

434 (b) The state chief information officer shall appoint a  
435 chief data officer, who shall report to the state chief  
436 information officer and is included in the Senior Management  
437 Service.

438 (3) The Florida Digital Service shall develop a  
439 comprehensive enterprise architecture that:

440 (a) Recognizes the unique needs of those included within  
441 the enterprise that results in the publication of standards,  
442 terminologies, and procurement guidelines to facilitate digital  
443 interoperability.

444 (b) Supports the cloud-first policy as specified in s.  
445 282.206.





635976

446 (c) Addresses how information technology infrastructure may  
447 be modernized to achieve cloud-first objectives.

448 (4) The Florida Digital Service shall, pursuant to  
449 legislative appropriation:

450 (a) Create and maintain a comprehensive indexed data  
451 catalog that lists what data elements are housed within the  
452 enterprise and in which legacy system or application these data  
453 elements are located.

454 (b) Develop and publish, in collaboration with the  
455 enterprise, a data dictionary for each agency that reflects the  
456 nomenclature in the comprehensive indexed data catalog.

457 (c) Review and document use cases across the enterprise  
458 architecture.

459 (d) Develop and publish standards that support the creation  
460 and deployment of application programming interfaces to  
461 facilitate integration throughout the enterprise.

462 (e) Facilitate collaborative analysis of enterprise  
463 architecture data to improve service delivery.

464 (f) Develop plans to provide a testing environment in which  
465 any newly developed solution can be tested for compliance within  
466 the enterprise architecture and for functionality assurance  
467 before deployment.

468 (g) Publish standards necessary to facilitate a secure  
469 ecosystem of data interoperability that is compliant with the  
470 enterprise architecture and allows for a qualified entity to  
471 access enterprise's data under the terms of the agreements with  
472 the department.

473 (h) Publishing standards that facilitate the deployment of  
474 applications or solutions to existing enterprise obligations in



635976

475 a controlled and phased approach, including, but not limited to:

476 1. Electronic credentials, including Digital licenses, as  
477 referenced in s. 322.032.

478 2. Interoperability that enables supervisors of elections  
479 to authenticate voter eligibility in real time at the point of  
480 service.

481 3. The criminal justice database.

482 4. Motor vehicle insurance cancellation integration between  
483 insurers and the Department of Highway Safety and Motor  
484 Vehicles.

485 5. Interoperability solutions between agencies, including,  
486 but not limited to, the Department of Health, the Agency for  
487 Health Care Administration, the Agency for Persons with  
488 Disabilities, the Department of Education, the Department of  
489 Elderly Affairs, and the Department of Children and Families.

490 6. Interoperability solutions to support military members,  
491 veterans, and their families.

492 (5) Pursuant to legislative authorization and subject to  
493 appropriation:

494 (a) The department may procure a credential service  
495 provider through a competitive process pursuant to s. 287.057.  
496 The terms of the contract developed from such procurement must  
497 pay for the value on a per-data-call or subscription basis, and  
498 there shall be no cost to the enterprise or law enforcement for  
499 using the services provided by the credential service provider.

500 (b) The department may enter into agreements with qualified  
501 entities that have the technological capabilities necessary to  
502 integrate with the credential service provider; ensure secure  
503 validation and authentication of data; meet usage criteria; and



635976

504 agree to terms and conditions, privacy policies, and uniform  
505 remittance terms relating to the consumption of enterprise data.  
506 These agreements must include clear, enforceable, and  
507 significant penalties for violations of the agreements.

508 (c) The department may enter into agreements with qualified  
509 entities that meet usage criteria and agree to the enterprise  
510 architecture terms of service and privacy policies. These  
511 agreements must include clear, enforceable, and significant  
512 penalties for violations of the agreements.

513 (d) The terms of the agreements between the department, the  
514 credential service provider and the qualified entities shall be  
515 based on the per-data-call or subscription charges to validate  
516 and authenticate and allow the department to recover any state  
517 costs for implementing and administering a solution. Credential  
518 service provider and qualifying entity revenues may not be  
519 derived from any other transactions that generate revenue for  
520 the enterprise outside of the per-data-call or subscription  
521 charges.

522 (e) All revenues generated from the agreements with the  
523 credential service provider and qualified entities shall be  
524 remitted to the department, and the department shall deposit  
525 these revenues into the Department of Management Services  
526 Operating Trust Fund for distribution pursuant to a legislative  
527 appropriation and department agreements with the credential  
528 service provider and qualified entities.

529 (f) Upon the signing of the agreement and the enterprise  
530 architecture terms of service and privacy policies with a  
531 qualified entity the department shall provide to the qualified  
532 entity, as applicable, appropriate access to enterprise data to



635976

533 facilitate authorized integrations to collaboratively solve  
534 enterprise use cases.

535 (6) The Florida Digital Service may develop a process to:

536 (a) Receive written notice from the state agencies within  
537 the enterprise of any planned or existing procurement of an  
538 information technology project that is subject to governance by  
539 the enterprise architecture.

540 (b) Intervene in any planned procurement by a state agency  
541 so that the procurement complies with the enterprise  
542 architecture.

543 (c) Report to the Governor, the President of the Senate,  
544 and the Speaker of the House of Representatives on any  
545 information technology project within the judicial branch that  
546 does not comply with the enterprise architecture.

547 (7)-(19) The Florida Digital Service may adopt rules to  
548 administer this section.

549

550 Section 4. Section 282.00515, Florida Statutes, is amended  
551 to read:

552 282.00515 Enterprise Architecture Advisory Council Duties  
553 ~~of Cabinet Agencies. The Department of Legal Affairs, the~~  
554 ~~Department of Financial Services, and the Department of~~  
555 ~~Agriculture and Consumer Services shall adopt the standards~~  
556 ~~established in s. 282.0051(2), (3), and (7) or adopt alternative~~  
557 ~~standards based on best practices and industry standards, and~~  
558 ~~may contract with the department to provide or perform any of~~  
559 ~~the services and functions described in s. 282.0051 for the~~  
560 ~~Department of Legal Affairs, the Department of Financial~~  
561 ~~Services, or the Department of Agriculture and Consumer~~



635976

562 ~~Services.~~

563 (1) (a) The Enterprise Architecture Advisory Council, an  
564 advisory council as defined in s. 20.03(7), is established  
565 within the Department of Management Services. The council shall  
566 comply with the requirements of s. 20.052, except as otherwise  
567 provided in this section.

568 (b) The council shall consist of the following members:

569 1. Four members appointed by the Governor.

570 2. One member appointed by the President of the Senate. 3.

571 One member appointed by the Speaker of the House of

572 Representatives.

573 4. One member appointed by the Chief Justice of the Supreme  
574 Court.

575 5. The director of the Office of Policy and Budget in the  
576 Executive Office of the Governor, or the person acting in the  
577 director's capacity should the position be vacant.

578 6. The Secretary of Management Services, or the person  
579 acting in the secretary's capacity should the position be  
580 vacant.

581 7. The state chief information officer, or the person  
582 acting in the state chief information officer's capacity should  
583 the position be vacant.

584 8. The chief information officer of the Department of  
585 Financial Services, or the person acting in the chief  
586 information officer's capacity should the position be vacant.

587 9. The chief information officer of the Department of Legal  
588 Affairs, or the person acting in the chief information officer's  
589 capacity should the position be vacant.

590 10. The chief information officer of the Department of



635976

591 Agriculture and Consumer Services, or the person acting in the  
592 chief information officer's capacity should the position be  
593 vacant.

594 (2) (a) The appointments made by the Governor, the President  
595 of the Senate, the Speaker of the House of Representatives, and  
596 the Chief Justice of the Supreme Court are for terms of 4 years.  
597 However, for the purpose of providing staggered terms:

598 1. The appointments made by the Governor, the President of  
599 the Senate, and the Speaker of the House of Representatives are  
600 for initial terms of 2 years.

601 2. The appointment made by the Chief Justice is for an  
602 initial term of 3 years.

603 (b) A vacancy on the council among members appointed under  
604 subparagraph (1) (b)1., subparagraph (1) (b)2., subparagraph  
605 (1) (b)3., or subparagraph (1) (b)4. shall be filled in the same  
606 manner as the original appointment for the remainder of the  
607 unexpired term.

608 (c) The council shall elect a chair from among its members.

609 (d) The council shall meet at least semiannually, beginning  
610 October 1, 2020, to discuss implementation, management, and  
611 coordination of the enterprise architecture as defined in s.  
612 282.0041; identify potential issues and threats with specific  
613 use cases; and recommend proactive solutions. The council may  
614 conduct its meetings through teleconferences or other similar  
615 means.

616 Section 5. Paragraph (a) of subsection (3) of section  
617 282.318, Florida Statutes, is amended to read:

618 282.318 Security of data and information technology.—

619 (3) The department is responsible for establishing



635976

620 standards and processes consistent with generally accepted best  
621 practices for information technology security, to include  
622 cybersecurity, and adopting rules that safeguard an agency's  
623 data, information, and information technology resources to  
624 ensure availability, confidentiality, and integrity and to  
625 mitigate risks. The department shall also:

626 (a) Designate a state chief information security officer  
627 who shall be appointed by and report to the state chief  
628 information officer of the Florida Digital Service and is in the  
629 Senior Management Service. The state chief information security  
630 officer must have experience and expertise in security and risk  
631 management for communications and information technology  
632 resources.

633 Section 6. Subsection (4) of section 287.0591, Florida  
634 Statutes, is amended to read:

635 287.0591 Information technology.—

636 (4) If the department issues a competitive solicitation for  
637 information technology commodities, consultant services, or  
638 staff augmentation contractual services, the Florida Digital  
639 Service ~~Division of State Technology~~ within the department shall  
640 participate in such solicitations.

641 Section 7. Paragraph (a) of subsection (3) of section  
642 365.171, Florida Statutes, is amended to read:

643 365.171 Emergency communications number E911 state plan.—

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

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

648 Section 8. Paragraph (s) of subsection (3) of section



635976

649 365.172, Florida Statutes, is amended to read:

650 365.172 Emergency communications number "E911."—

651 (3) DEFINITIONS.—Only as used in this section and ss.

652 365.171, 365.173, 365.174, and 365.177, the term:

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

656 Section 9. Paragraph (a) of subsection (1) of section  
657 365.173, Florida Statutes, is amended to read:

658 365.173 Communications Number E911 System Fund.—

659 (1) REVENUES.—

660 (a) Revenues derived from the fee levied on subscribers  
661 under s. 365.172(8) must be paid by the board into the State  
662 Treasury on or before the 15th day of each month. Such moneys  
663 must be accounted for in a special fund to be designated as the  
664 Emergency Communications Number E911 System Fund, a fund created  
665 in the Division of Telecommunications ~~State Technology~~, or other  
666 office as designated by the Secretary of Management Services.

667 Section 10. Subsection (5) of section 943.0415, Florida  
668 Statutes, is amended to read:

669 943.0415 Cybercrime Office.—There is created within the  
670 Department of Law Enforcement the Cybercrime Office. The office  
671 may:

672 (5) Consult with the Florida Digital Service ~~Division of~~  
673 ~~State Technology~~ within the Department of Management Services in  
674 the adoption of rules relating to the information technology  
675 security provisions in s. 282.318.

676 Section 11. Effective January 1, 2021, section 559.952,  
677 Florida Statutes, is created to read:





635976

678           559.952 Financial Technology Sandbox.-  
679           (1) SHORT TITLE.-This section may be cited as the  
680 "Financial Technology Sandbox."  
681           (2) CREATION OF THE FINANCIAL TECHNOLOGY SANDBOX.-There is  
682 created the Financial Technology Sandbox within the Office of  
683 Financial Regulation to allow financial technology innovators to  
684 test new products and services in a supervised, flexible  
685 regulatory sandbox using exceptions of specified general law and  
686 waivers of the corresponding rule requirements under defined  
687 conditions. The creation of a supervised, flexible regulatory  
688 sandbox provides a welcoming business environment for technology  
689 innovators and may lead to significant business growth.  
690           (3) DEFINITIONS.-As used in this section, the term:  
691           (a) "Commission" means the Financial Services Commission.  
692           (b) "Consumer" means a person in this state, whether a  
693 natural person or a business entity, who purchases, uses,  
694 receives, or enters into an agreement to purchase, use, or  
695 receive an innovative financial product or service made  
696 available through the Financial Technology Sandbox.  
697           (c) "Financial product or service" means a product or  
698 service related to finance, including securities, consumer  
699 credit, or money transmission, which is traditionally subject to  
700 general law or rule requirements in the provisions enumerated in  
701 paragraph (7) (a) and which is under the jurisdiction of the  
702 office.  
703           (d) "Financial Technology Sandbox" means the program  
704 created in this section which allows a person to make an  
705 innovative financial product or service available to consumers  
706 through the provisions enumerated in paragraph (7) (a) during a



635976

707 sandbox period through an exception to general laws or and a  
708 waiver of rule requirements, or portions thereof, as specified  
709 in this section.

710 (e) "Innovative" means new or emerging technology, or new  
711 uses of existing technology, which provides a product, service,  
712 business model, or delivery mechanism to the public.

713 (f) "Office" means, unless the context clearly indicates  
714 otherwise, the Office of Financial Regulation.

715 (g) "Sandbox period" means the period, initially not longer  
716 than 24 months, in which the office has:

717 1. Authorized an innovative financial product or service to  
718 be made available to consumers.

719 2. Granted the person who makes the innovative financial  
720 product or service available an exception to general law or a  
721 waiver of the corresponding rule requirements, as determined by  
722 the office, so that the authorization under subparagraph 1. is  
723 possible.

724 (4) FINANCIAL TECHNOLOGY SANDBOX APPLICATION; STANDARDS  
725 FOR APPROVAL.—

726 (a) Before filing an application to enter the Financial  
727 Technology Sandbox, a substantially affected person may seek a  
728 declaratory statement pursuant to s. 120.565 regarding the  
729 applicability of a statute, rule, or agency order to the  
730 petitioner's particular set of circumstances.

731 (b) Before making an innovative financial product or  
732 service available to consumers in the Financial Technology  
733 Sandbox, a person must file an application with the office. The  
734 commission shall prescribe by rule the form and manner of the  
735 application.



635976

736 1. In the application, the person must specify the general  
737 law or rule requirements for which an exception or waiver is  
738 sought and the reasons why these requirements prevent the  
739 innovative financial product or service from being made  
740 available to consumers.

741 2. The application must also contain the information  
742 specified in paragraph (e).

743 (c) A business entity filing an application under this  
744 section must be a domestic corporation or other organized  
745 domestic entity with a physical presence, other than that of a  
746 registered office or agent or virtual mailbox, in this state.

747 (d) Before a person applies on behalf of a business entity  
748 intending to make an innovative financial product or service  
749 available to consumers, the person must obtain the consent of  
750 the business entity.

751 (e) The office shall approve or deny in writing a Financial  
752 Technology Sandbox application within 60 days after receiving  
753 the completed application. The office and the applicant may  
754 jointly agree to extend the time beyond 60 days. Consistent with  
755 this section, the office may impose conditions on any approval.  
756 In deciding to approve or deny an application, the office must  
757 consider each of the following:

758 1. The nature of the innovative financial product or  
759 service proposed to be made available to consumers in the  
760 Financial Technology Sandbox, including all relevant technical  
761 details.

762 2. The potential risk to consumers and the methods that  
763 will be used to protect consumers and resolve complaints during  
764 the sandbox period.



635976

765       3. The business plan proposed by the applicant, including a  
766 statement regarding the applicant's current and proposed  
767 capitalization.

768       4. Whether the applicant has the necessary personnel,  
769 adequate financial and technical expertise, and a sufficient  
770 plan to test, monitor, and assess the innovative financial  
771 product or service.

772       5. If any person substantially involved in the development,  
773 operation, or management of the applicant's innovative financial  
774 product or service has pled no contest to, has been convicted or  
775 found guilty of, or is currently under investigation for, fraud,  
776 a state or federal securities violation, any property-based  
777 offense, or any crime involving moral turpitude or dishonest  
778 dealing, their application to the Sandbox will be denied. A plea  
779 of no contest, a conviction, or a finding of guilt must be  
780 reported under this subparagraph regardless of adjudication.

781       6. A copy of the disclosures that will be provided to  
782 consumers under paragraph (6) (c).

783       7. The financial responsibility of any person substantially  
784 involved in the development, operation, or management of the  
785 applicant's innovative financial product or service.

786       8. Any other factor that the office determines to be  
787 relevant.

788       (f) The office may not approve an application if:

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

792       2. Any person substantially involved in the development,  
793 operation, or management of the applicant's innovative financial



635976

794 product or service was substantially involved with another  
795 Financial Technology Sandbox applicant whose application was  
796 approved and whose application related to a substantially  
797 similar financial product or service.

798 (g) Upon approval of an application, the office shall  
799 specify the general law or rule requirements, or portions  
800 thereof, for which an exception or rule waiver is granted during  
801 the sandbox period and the length of the initial sandbox period,  
802 not to exceed 24 months. The office shall post on its website  
803 notice of the approval of the application, a summary of the  
804 innovative financial product or service, and the contact  
805 information of the person making the financial product or  
806 service available.

807 (5) OPERATION OF THE FINANCIAL TECHNOLOGY SANDBOX.—

808 (a) A person whose Financial Technology Sandbox application  
809 is approved may make an innovative financial product or service  
810 available to consumers during the sandbox period.

811 (b) The office may, on a case-by-case basis and after  
812 consultation with the person who makes the financial product or  
813 service available to consumers, specify the maximum number of  
814 consumers authorized to receive an innovative financial product  
815 or service. The office may not authorize more than 15,000  
816 consumers to receive the financial product or service until the  
817 person who makes the financial product or service available to  
818 consumers has filed the first report required under subsection  
819 (8). After the filing of the report, if the person demonstrates  
820 adequate financial capitalization, risk management process, and  
821 management oversight, the office may authorize up to 25,000  
822 consumers to receive the financial product or service.



635976

823       (c)1. Before a consumer purchases, uses, receives, or  
824 enters into an agreement to purchase, use, or receive an  
825 innovative financial product or service through the Financial  
826 Technology Sandbox, the person making the financial product or  
827 service available must provide a written statement of all of the  
828 following to the consumer:

829           a. The name and contact information of the person making  
830 the financial product or service available to consumers.

831           b. That the financial product or service has been  
832 authorized to be made available to consumers for a temporary  
833 period by the office, under the laws of this state.

834           c. That this state does not endorse the financial product  
835 or service.

836           d. That the financial product or service is undergoing  
837 testing, may not function as intended, and may entail financial  
838 risk.

839           e. That the person making the financial product or service  
840 available to consumers is not immune from civil liability for  
841 any losses or damages caused by the financial product or  
842 service.

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

844           g. The contact information for the office, and notification  
845 that suspected legal violations, complaints, or other comments  
846 related to the financial product or service may be submitted to  
847 the office.

848           h. Any other statements or disclosures required by rule of  
849 the commission which are necessary to further the purposes of  
850 this section.

851       2. The written statement must contain an acknowledgment



635976

852 from the consumer, which must be retained for the duration of  
853 the sandbox period by the person making the financial product or  
854 service available.

855 (d) The office may enter into an agreement with a state,  
856 federal, or foreign regulatory agency to allow persons:

857 1. Who make an innovative financial product or service  
858 available in this state through the Financial Technology Sandbox  
859 to make their products or services available in other  
860 jurisdictions.

861 2. Who operate in similar financial technology sandboxes in  
862 other jurisdictions to make innovative financial products and  
863 services available in this state under the standards of this  
864 section.

865 (e)1. A person whose Financial Technology Sandbox  
866 application is approved by the office shall maintain  
867 comprehensive records relating to the innovative financial  
868 product or service. The person shall keep these records for at  
869 least 5 years after the conclusion of the sandbox period. The  
870 commission may specify by rule additional records requirements.

871 2. The office may examine the records maintained under  
872 subparagraph 1. at any time, with or without notice.

873 (6) EXTENSIONS AND CONCLUSION OF SANDBOX PERIOD.—

874 (a) A person who is authorized to make an innovative  
875 financial product or service available to consumers may apply  
876 for an extension of the initial sandbox period for up to 12  
877 additional months for a purpose specified in subparagraph (b)1.  
878 or subparagraph (b)2. A complete application for an extension  
879 must be filed with the office at least 90 days before the  
880 conclusion of the initial sandbox period. The office shall



635976

881 approve or deny the application for extension in writing at  
882 least 35 days before the conclusion of the initial sandbox  
883 period. In deciding to approve or deny an application for  
884 extension of the sandbox period, the office must, at a minimum,  
885 consider the current status of the factors previously considered  
886 under paragraph (4) (e).

887 (b) An application for an extension under paragraph (a)  
888 must cite one of the following reasons as the basis for the  
889 application and must provide all relevant supporting information  
890 that:

891 1. Amendments to general law or rules are necessary to  
892 offer the innovative financial product or service in this state  
893 permanently.

894 2. An application for a license that is required in order  
895 to offer the innovative financial product or service in this  
896 state permanently has been filed with the office, and approval  
897 is pending.

898 (c) At least 30 days before the conclusion of the initial  
899 sandbox period or the extension, whichever is later, a person  
900 who makes an innovative financial product or service available  
901 shall provide written notification to consumers regarding the  
902 conclusion of the initial sandbox period or the extension and  
903 may not make the financial product or service available to any  
904 new consumers after the conclusion of the initial sandbox period  
905 or the extension, whichever is later, until legal authority  
906 outside of the Financial Technology Sandbox exists to make the  
907 financial product or service available to consumers. After the  
908 conclusion of the sandbox period or the extension, whichever is  
909 later, the person who makes the innovative financial product or





635976

910 service available may:

911 1. Collect and receive money owed to the person or pay  
912 money owed by the person, based on agreements with consumers  
913 made before the conclusion of the sandbox period or the  
914 extension.

915 2. Take necessary legal action.

916 3. Take other actions authorized by commission rule which  
917 are not inconsistent with this subsection.

918 (7) EXCEPTIONS TO GENERAL LAW AND WAIVERS OF RULE  
919 REQUIREMENTS.—

920 (a) Notwithstanding any other provision of law, upon  
921 approval of a Financial Technology Sandbox application, the  
922 office may grant an applicant a waiver of a requirement, or a  
923 portion thereof, which is imposed by rule as authorized by any  
924 of the following provisions of general law, if all of the  
925 conditions in paragraph (b) are met. If the application is  
926 approved for a person who otherwise would be subject to the  
927 provisions of chapters 560, 516, 517, 520, or 537, the following  
928 provisions shall not be applicable to the approved sandbox  
929 participant:

930 1. Section 560.1105.

931 2. Section 560.118.

932 3. Section 560.125, except for s. 560.125(2).

933 4. Section 560.128.

934 5. Section 560.1401, except for s. 560.1401(2)-(4).

935 6. Section 560.141, except for s. 560.141(1)(b)-(d).

936 7. Section 560.142, except that the office may prorate ,  
937 the license renewal fees provided in ss. 560.142 and 560.143 for  
938 an extension granted under subsection (7).



635976

939 8. Section 560.143(2) to the extent necessary for proration  
940 of the renewal fee under subparagraph 7.

941 9. Section 560.205, except for s. 560.205(1) and (3).

942 10. Section 560.208, except for s. 560.208(3)-(6).

943 11. Section 560.209, except that the office may modify the  
944 net worth, corporate surety bond, and collateral deposit amounts  
945 required under s. 560.209. The modified amounts must be in such  
946 lower amounts that the office determines to be commensurate with  
947 the considerations under paragraph (4)(e) and the maximum number  
948 of consumers authorized to receive the financial product or  
949 service under this section.

950 12. Section 516.03, except for the license and  
951 investigation fee. The office may prorate the license renewal  
952 fees for an extension granted under subsection (8). The office  
953 may not waive the evidence of liquid assets of at least \$25,000.

954 13. Section 516.05, except that the office may make an  
955 investigation of the facts concerning the applicant's  
956 background.

957 14. Section 516.12.

958 15. Section 516.19.

959 16. Section 517.07.

960 17. Section 517.12.

961 18. Section 517.121.

962 19. Section 520.03, except for the application fee. The  
963 office may prorate the license renewal fees for an extension  
964 granted under subsection (8).

965 20. Section 520.12.

966 21. Section 520.25.

967 22. Section 520.32, except for the application fee. The



635976

968 office may prorate the license renewal fees for an extension  
969 granted under subsection (8).

970 23. Section 520.39.

971 24. Section 520.52, except for the application fee. The  
972 office may prorate the license renewal fees for an extension  
973 granted under subsection (8).

974 25. Section 520.57.

975 26. Section 520.63, except for the application fee. The  
976 office may prorate the license renewal fees for an extension  
977 granted under subsection (8).

978 27. Section 520.997.

979 28. Section 520.98.

980 29. Section 537.004, except for s. 537.004(2) and (5). The  
981 office may prorate the license renewal fees for an extension  
982 granted under subsection (7).

983 30. Section 537.005, except that the office may modify the  
984 corporate surety bond amount required by s. 537.005. The  
985 modified amount must be in such lower amount that the office  
986 determines to be commensurate with the considerations under  
987 paragraph (4) (e) and the maximum number of consumers authorized  
988 to receive the product or service under this section.

989 31. Section 537.007.

990 32. Section 537.009.

991 33. Section 537.015.

992 (b) During a sandbox period, the exceptions granted in  
993 paragraph (a) are applicable if all of the following conditions  
994 are met:

995 1. The general law or corresponding rule currently prevents  
996 the innovative financial product or service to be made available



635976

997 to consumers.

998 2. The exceptions or rule waivers are not broader than  
999 necessary to accomplish the purposes and standards specified in  
1000 this section, as determined by the office.

1001 3. No provision relating to the liability of an  
1002 incorporator, director, or officer of the applicant is eligible  
1003 for a waiver.

1004 4. The other requirements of this section are met.

1005 (9) REPORT.—A person authorized to make an innovative  
1006 financial product or service available to consumers under this  
1007 section shall submit a report to the office twice a year as  
1008 prescribed by commission rule. The report must, at a minimum,  
1009 include financial reports and the number of consumers who have  
1010 received the financial product or service.

1011 (10) CONSTRUCTION.—A person whose Financial Technology  
1012 Sandbox application is approved shall be deemed licensed under  
1013 the applicable exceptions to general law or waiver of the rule  
1014 requirements specified under subsection (7), unless the person's  
1015 authorization to make the financial product or service available  
1016 to consumers under this section has been revoked or suspended.

1017 (11) VIOLATIONS AND PENALTIES.—

1018 (a) A person who makes an innovative financial product or  
1019 service available to consumers in the Financial Technology  
1020 Sandbox is:

1021 1. Not immune from civil damages for acts and omissions  
1022 relating to this section.

1023 2. Subject to all criminal statutes and any other statute  
1024 not specifically excepted under section (7)..

1025 (b)1. The office may, by order, revoke or suspend



635976

1026 authorization granted to a person to make an innovative  
1027 financial product or service available to consumers if:  
1028 a. The person has violated or refused to comply with this  
1029 section, a rule of the commission, an order of the office, or a  
1030 condition placed by the office on the approval of the person's  
1031 Financial Technology Sandbox application;  
1032 b. A fact or condition exists that, if it had existed or  
1033 become known at the time that the Financial Technology Sandbox  
1034 application was pending, would have warranted denial of the  
1035 application or the imposition of material conditions;  
1036 c. A material error, false statement, misrepresentation, or  
1037 material omission was made in the Financial Technology Sandbox  
1038 application; or  
1039 d. After consultation with the person, continued testing of  
1040 the innovative financial product or service would:  
1041 (I) Be likely to harm consumers; or  
1042 (II) No longer serve the purposes of this section because  
1043 of the financial or operational failure of the financial product  
1044 or service.  
1045 2. Written notice of a revocation or suspension order made  
1046 under subparagraph 1. must be served using any means authorized  
1047 by law. If the notice relates to a suspension, the notice must  
1048 include any condition or remedial action that the person must  
1049 complete before the office lifts the suspension.  
1050 (c) The office may refer any suspected violation of law to  
1051 an appropriate state or federal agency for investigation,  
1052 prosecution, civil penalties, and other appropriate enforcement  
1053 actions.  
1054 (d) If service of process on a person making an innovative



635976

1055 financial product or service available to consumers in the  
1056 Financial Technology Sandbox is not feasible, service on the  
1057 office shall be deemed service on such person.

1058 (12) RULES AND ORDERS.-

1059 (a) The commission shall adopt rules to administer this  
1060 section.

1061 (b) The office may issue all necessary orders to enforce  
1062 this section and may enforce the orders in accordance with  
1063 chapter 120 or in any court of competent jurisdiction. These  
1064 orders include, but are not limited to, orders for payment of  
1065 restitution for harm suffered by consumers as a result of an  
1066 innovative financial product or service.

1067 Section 11. Except as otherwise expressly provided in this  
1068 act, this act shall take effect July 1, 2020.

1069

1070

1071 ===== T I T L E A M E N D M E N T =====

1072 And the title is amended as follows:

1073 Delete everything before the enacting clause  
1074 and insert:

1075 A bill to be entitled

1076 An act relating to technology innovation; amending s.20.22,  
1077 F.S.; renaming the division of State Technology within the  
1078 department of Management Services as the Division of  
1079 Telecommunications; adding Florida Digital Service to the  
1080 department; amending s. 282.0041, F.S.; providing definitions;  
1081 amending s. 282.0051, F.S.; establishing the Florida Digital  
1082 Service within the department; transferring specified powers,  
1083 duties, and functions; providing appointments and duties of the



635976

1084 state chief information officer and chief data officer of the  
1085 Florida Digital Service; requiring the Florida Digital Service  
1086 to develop a comprehensive enterprise architecture; providing  
1087 requirements for such enterprise architecture; providing duties  
1088 and authorities of the Florida Digital Service; providing duties  
1089 of the department under certain circumstances; providing  
1090 requirements for procurement terms of contract under certain  
1091 circumstances; prohibiting costs to the enterprise and law  
1092 enforcement for using services provided by credential service  
1093 providers under certain circumstances; providing requirements  
1094 for agreements between the department and credential service  
1095 providers and qualified entities under certain circumstances;  
1096 providing disposition of revenues generated from such agreements  
1097 under certain circumstances; providing report requirements;  
1098 providing rulemaking authority to the Florida Digital Service;  
1099 establishing the Enterprise Architecture Advisory Council;  
1100 requiring the council to comply with specified requirements;  
1101 providing membership and meeting requirements and duties of the  
1102 council; deleting provisions relating to specified duties and  
1103 powers of the Department of Legal Affairs, the Department of  
1104 Financial Services, and the Department of Agriculture and  
1105 Consumer Services; amending ss. 282.318, 287.0591, 365.171,  
1106 365.172, 365.173, and 943.0415, F.S.; conforming provisions to  
1107 changes made by the act; creating s. 559.952, F.S.; providing a  
1108 short title; creating the Financial Technology Sandbox within  
1109 the Office of Financial Regulation; defining terms; authorizing  
1110 the office to grant exceptions and waivers of specified  
1111 financial regulatory requirements to certain applicants offering  
1112 certain financial products or services during a sandbox period;



635976

1113 requiring an application for the program for persons who want to  
1114 make innovative financial products or services available to  
1115 consumers; providing application requirements and procedures;  
1116 providing standards for application approval or denial;  
1117 requiring the office to perform certain actions upon approval of  
1118 an application; specifying authorized actions of, limitations  
1119 on, and disclosure requirements for persons making financial  
1120 products or services available during a sandbox period;  
1121 authorizing the office to enter into agreement with certain  
1122 regulatory agencies for specified purposes; providing  
1123 recordkeeping requirements; authorizing the office to examine  
1124 specified records; providing requirements and procedures for  
1125 applying for extensions and concluding sandbox periods;  
1126 specifying criteria for granting an extension and a waiver  
1127 requiring written notification to consumers at the end of an  
1128 extension or conclusion of the sandbox period; providing acts  
1129 that persons who make innovative financial products or services  
1130 available to consumers may and may not engage in at the end of  
1131 an extension or conclusion of the sandbox period; specifying  
1132 reporting requirements to the office; providing construction;  
1133 providing that such persons are not immune from civil damages  
1134 and are subject to criminal and consumer protection laws;  
1135 providing penalties; providing for service of process; requiring  
1136 the Financial Services Commission to adopt rules; authorizing  
1137 the office to issue orders and enforce such orders through  
1138 administrative or judicial process; authorizing the office to  
1139 issue and enforce orders for payment of restitution; providing  
1140 effective dates.

1141