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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/14/2018	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 82 and 83

insert:

Section 1. Subsections (18) through (46) of section 322.01, Florida Statutes, are renumbered as subsections (25) through (53), respectively, and new subsections (18) through (24) are added to that section, to read:

322.01 Definitions.—As used in this chapter:

(18) "Electronic" means relating to technology having



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11 electrical, digital, magnetic, wireless, optical,  
12 electromagnetic, or similar capabilities.

13 (19) "Electronic credential" means an electronic  
14 representation of a physical driver license or identification  
15 card which is viewable on an electronic credential system  
16 capable of being verified and authenticated.

17 (20) "Electronic credential holder" means a person to whom  
18 an electronic credential has been issued.

19 (21) "Electronic credential provider" means an entity  
20 contracted with the department to provide the electronic  
21 credential to the electronic credential holder.

22 (22) "Electronic credential system" means a computer system  
23 used to display or transmit electronic credentials to a person  
24 or verification system which can be accessed using an electronic  
25 device.

26 (23) "Electronic device" means a device or a portion of a  
27 device that is designed for and capable of communicating across  
28 a computer network with other computers or devices for the  
29 purpose of transmitting, receiving, or storing data, including,  
30 but not limited to, a cellular telephone, tablet, or other  
31 portable device designed for and capable of communicating with  
32 or across a computer network, and is used to render an  
33 electronic credential.

34 (24) "Electronic record" means a record created, generated,  
35 sent, communicated, received, or stored by electronic means.

36 Section 2. Section 322.032, Florida Statutes, is amended to  
37 read:

38 322.032 Electronic credential ~~Digital proof of driver~~  
39 ~~license.-~~



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40           (1) (a) The department shall develop and implement ~~begin to~~  
41 ~~review and prepare for the development of a~~ secure and uniform  
42 protocols that comply with national standards ~~system~~ for issuing  
43 an optional electronic credential. The department shall procure  
44 the related technology solution that uses a revenue-sharing  
45 model through a competitive solicitation process pursuant to s.  
46 287.057 ~~digital proof of driver license~~. The department may  
47 issue electronic credentials to persons who hold a Florida  
48 driver license or identification card. The electronic credential  
49 and verification solution must have the necessary technological  
50 capabilities to execute the authentication of an electronic  
51 credential across all states, jurisdictions, federal and state  
52 agencies, and municipalities. The electronic credential and  
53 verification solution must provide the system integration  
54 necessary:

55           1. For qualified and authorized entities to securely  
56 consume an electronic credential.

57           2. For the production of a fully compliant electronic  
58 credential by qualified and authorized electronic credential  
59 providers.

60           3. To successfully ensure secure authentication and  
61 validation of data from disparate sources.

62           (b) The department shall procure ~~contract with~~ one or more  
63 electronic credential providers through the competitive  
64 solicitation process ~~private entities~~ to develop and implement a  
65 secure electronic credential ~~a digital proof of driver license~~  
66 system.

67           (c) The department shall maintain the protocols and  
68 national standards necessary for an electronic credential



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69 provider to request authorized access to an application  
70 programming interface, or an appropriate technological tool of  
71 at least the same capabilities, necessary for such private  
72 entity to consume an electronic credential. The department shall  
73 timely review requests for authorized access and must approve  
74 all requests by electronic credential providers which meet the  
75 department's requirements. The department may assess a fee for  
76 use of the electronic credential and verification solution.

77 (d) The department shall provide access to a standardized  
78 digital transaction process for use by the approved electronic  
79 credential providers of compliant electronic credentials to  
80 enable the financial transaction to be completed in such a  
81 manner that the proceeds are accepted by the department at the  
82 point of sale. The standardized digital transaction process must  
83 enable the providers of an electronic credential to direct  
84 through their electronic commerce workflow to a standardized  
85 checkout process and be able to document the providers involved.  
86 Any revenue generated from the electronic credential system must  
87 be collected by the department and distributed pursuant to a  
88 legislative appropriation and department agreements with the  
89 electronic credential providers of the electronic credential.  
90 Any revenues shared between the state and electronic credential  
91 providers is based solely on revenues derived from the purchase  
92 of the optional, electronic credential and no other transaction.  
93 The department shall enter into an agreement with the electronic  
94 credential providers which describe the permitted uses, terms  
95 and conditions, privacy policy, and uniform remittance terms  
96 relating to the consumption of an electronic credential.

97 (2) (a) The ~~electronic credential digital proof of driver~~



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98 ~~license~~ developed by the department or by an electronic  
99 credential provider ~~an entity~~ contracted by the department must  
100 be in such a format as to allow law enforcement or an authorized  
101 consumer to verify the authenticity of the electronic credential  
102 and the identity of the credential holder and to validate the  
103 status of any driving privileges associated with the electronic  
104 credential ~~digital proof of driver license~~. The department shall  
105 adhere to protocols and national standards ~~may adopt rules~~ to  
106 ensure valid authentication of electronic credentials ~~digital~~  
107 ~~driver licenses~~ by law enforcement.

108 (b) The act of presenting to a law enforcement officer an  
109 electronic device displaying an electronic credential does not  
110 constitute consent for the officer to access any information on  
111 the device other than the electronic credential.

112 (c) The person who presents the device to the officer  
113 assumes liability for any resulting damage to the device.

114 (3) A person may not be issued an electronic credential a  
115 ~~digital proof of driver license~~ until he or she has satisfied  
116 all of the requirements of this chapter for issuance of a  
117 physical driver license or identification card as provided in  
118 this chapter.

119 (4) A person who:

120 (a) Manufactures a false electronic credential ~~digital~~  
121 ~~proof of driver license~~ commits a felony of the third degree,  
122 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

123 (b) Possesses a false electronic credential ~~digital proof~~  
124 ~~of driver license~~ commits a misdemeanor of the second degree,  
125 punishable as provided in s. 775.082.

126 Section 3. Section 322.059, Florida Statutes, is amended to



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127 read:

128           322.059 Mandatory surrender of suspended driver license and  
129 registration.—A person whose driver license or registration has  
130 been suspended as provided in s. 322.058 must immediately return  
131 his or her driver license and registration to the Department of  
132 Highway Safety and Motor Vehicles. The department shall  
133 invalidate the electronic credential ~~digital proof of driver~~  
134 ~~license~~ issued pursuant to s. 322.032 for such person. If such  
135 person fails to return his or her driver license or  
136 registration, a law enforcement agent may seize the license or  
137 registration while the driver license or registration is  
138 suspended.

139           Section 4. Paragraph (c) of subsection (1) of section  
140 322.143, Florida Statutes, is amended to read:

141           322.143 Use of a driver license or identification card.—

142           (1) As used in this section, the term:

143           (c) "Swipe" means the act of passing a driver license or  
144 identification card through a device that is capable of  
145 deciphering, in an electronically readable format, the  
146 information electronically encoded in a magnetic strip or bar  
147 code on the driver license or identification card or consuming  
148 an electronic credential.

149           Section 5. Subsection (1) of section 322.15, Florida  
150 Statutes, is amended to read:

151           322.15 License to be carried and exhibited on demand;  
152 fingerprint to be imprinted upon a citation.—

153           (1) Every licensee shall have his or her driver license,  
154 which must be fully legible with no portion of such license  
155 faded, altered, mutilated, or defaced, in his or her immediate



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156 possession at all times when operating a motor vehicle and shall  
157 present or submit the same upon the demand of a law enforcement  
158 officer or an authorized representative of the department. A  
159 licensee may present or submit an electronic credential ~~a~~  
160 ~~digital proof of driver license~~ as provided in s. 322.032 in  
161 lieu of a physical driver license.

162 Section 6. Subsection (4) of section 322.61, Florida  
163 Statutes, is amended to read:

164 322.61 Disqualification from operating a commercial motor  
165 vehicle.-

166 (4) Any person who is transporting hazardous materials as  
167 defined in s. 322.01(31) ~~s. 322.01(24)~~ shall, upon conviction of  
168 an offense specified in subsection (3), be disqualified from  
169 operating a commercial motor vehicle for a period of 3 years.  
170 The penalty provided in this subsection shall be in addition to  
171 any other applicable penalty.

172  
173 ===== T I T L E A M E N D M E N T =====

174 And the title is amended as follows:

175 Delete line 2

176 and insert:

177 An act relating to transportation; amending s. 322.01,  
178 F.S.; providing definitions; amending s. 322.032,  
179 F.S.; directing the Department of Highway Safety and  
180 Motor Vehicles to implement protocols for issuing an  
181 optional electronic credential and to procure a  
182 certain related technology solution, subject to  
183 certain requirements; providing requirements for the  
184 electronic credential and verification solution;



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185 directing the department to procure one or more  
186 electronic credential providers through a competitive  
187 solicitation process to develop and implement a secure  
188 electronic credential system; requiring the department  
189 to maintain certain protocols and national standards;  
190 requiring the department to timely review and approve  
191 all electronic credential provider requests for  
192 authorized access to certain interfaces which meet the  
193 agency's requirements; authorizing the department to  
194 assess a fee; requiring the department to provide  
195 access to a certain standardized digital transaction  
196 process for use by the approved electronic credential  
197 providers of compliant electronic credentials, subject  
198 to certain requirements; requiring any revenue  
199 generated from the electronic credential system to be  
200 collected by the department and distributed pursuant  
201 to a legislative appropriation and department  
202 agreements with the electronic credential providers of  
203 the electronic credential; providing that any revenues  
204 shared between the state and electronic credential  
205 providers is based solely on revenues derived from the  
206 purchase of the optional electronic credential and no  
207 other transaction; requiring the department to enter  
208 into certain agreements with electronic credential  
209 providers; requiring that an electronic credential be  
210 in a format that allows certain entities to verify its  
211 authenticity and the identity of the credential holder  
212 and to validate certain privileges; providing that  
213 presenting an electronic device displaying an





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214 electronic credential does not constitute consent for  
215 a law enforcement officer to access any other  
216 information on such device; providing that the person  
217 who presents the device to the officer assumes  
218 liability for any resulting damage to the device;  
219 conforming provisions to changes made by the act;  
220 amending s. 322.059, F.S.; conforming a provision to  
221 changes made by the act; amending s. 322.143, F.S.;  
222 revising a definition; amending s. 322.15, F.S.;  
223 conforming a provision to changes made by the act;  
224 amending s. 322.61, F.S.; conforming a cross-  
225 reference; amending