

1 A bill to be entitled
2 An act relating to information technology; amending s.
3 282.0051, F.S.; revising certain powers, duties, and
4 functions of the Agency for State Technology in
5 collaboration with the Department of Management
6 Services; amending s. 322.032, F.S.; directing the
7 Department of Highway Safety and Motor Vehicles, in
8 collaboration with the Agency for State Technology, to
9 implement protocols and standards for issuing an
10 optional digital proof of driver license, enter into a
11 contract for a specified purpose, and procure certain
12 interfaces necessary for authorized private entities
13 to consume a digital proof of driver license;
14 requiring the agency, in collaboration with the
15 department, to maintain and publish such protocols and
16 standards; requiring the agency to timely review and
17 approve all private entity requests for authorized
18 access to certain interfaces that meet the agency's
19 requirements; providing that agency approval of such
20 access designates the approved entity as an authorized
21 consumer of digital proofs of driver licenses;
22 providing for revenue sharing between such authorized
23 manufacturer and the state; requiring deposit of the
24 state share of such revenue in the Highway Safety
25 Operating Trust Fund; requiring the agency, in

26 collaboration with the department, to enter into a
27 specified agreement with such authorized manufacturer;
28 requiring that a digital proof of driver license be in
29 a format that allows law enforcement to verify the
30 authenticity of such digital proof of driver license;
31 providing that presenting an electronic device
32 displaying a digital proof of driver license does not
33 constitute consent for a law enforcement officer to
34 access any other information on such device; providing
35 for the assumption of liability; amending s. 668.50,
36 F.S.; providing and revising definitions; providing
37 that a contract may not be denied legal effect or
38 enforceability solely because it includes a smart
39 contract term; providing that rights of ownership or
40 use of certain information are not affected by the use
41 of blockchain technology to secure such information;
42 providing an effective date.

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44 Be It Enacted by the Legislature of the State of Florida:

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46 Section 1. Subsection (18) of section 282.0051, Florida
47 Statutes, is amended to read:

48 282.0051 Agency for State Technology; powers, duties, and
49 functions.—The Agency for State Technology shall have the
50 following powers, duties, and functions:

51 (18) In collaboration with the Department of Management
 52 Services:

53 (a) Establish an information technology policy for all
 54 information technology-related state contracts, including state
 55 term contracts for information technology commodities,
 56 consultant services, and staff augmentation services. The
 57 information technology policy must include:

58 1. Identification of the information technology product
 59 and service categories to be included in state term contracts.

60 2. Requirements to be included in solicitations for state
 61 term contracts.

62 3. Evaluation criteria for the award of information
 63 technology-related state term contracts.

64 4. The term of each information technology-related state
 65 term contract.

66 5. The maximum number of vendors authorized on each state
 67 term contract.

68 (b) Evaluate vendor responses for information technology-
 69 related state term contract solicitations and invitations to
 70 negotiate.

71 (c) Answer vendor questions on information technology-
 72 related state term contract solicitations.

73 (d) Ensure that all information technology-related
 74 solicitations by the department are procured and state contracts
 75 are managed in accordance with the information technology policy

76 | established under ~~pursuant to~~ paragraph (a) ~~is included in all~~
 77 | ~~solicitations and contracts which are administratively executed~~
 78 | ~~by the department.~~

79 | Section 2. Subsections (1) and (2) of section 322.032,
 80 | Florida Statutes, are amended to read:

81 | 322.032 Digital proof of driver license.-

82 | (1) (a) The department, in collaboration with the Agency
 83 | for State Technology, shall establish and implement ~~begin to~~
 84 | ~~review and prepare for the development of a secure and uniform~~
 85 | protocols and standards ~~system~~ for issuing an optional digital
 86 | proof of driver license, contract with a private entity to serve
 87 | as the authorized manufacturer of a digital proof of driver
 88 | license, and procure any application programming interface
 89 | necessary for enabling qualified and authorized private entities
 90 | to securely consume a digital proof of driver license. ~~The~~
 91 | ~~department may contract with one or more private entities to~~
 92 | ~~develop a digital proof of driver license system.~~

93 | (b) The Agency for State Technology, in collaboration with
 94 | the department, shall maintain and publish on its website the
 95 | protocols and standards necessary for a private entity to
 96 | request authorized access to an application programming
 97 | interface necessary for such private entity to consume a digital
 98 | proof of driver license. ~~The agency shall timely review requests~~
 99 | for authorized access and must approve all requests by private
 100 | entities that meet the agency's requirements. ~~The agency's~~

101 approval of a request for authorized access designates the
102 private entity that made the request as an authorized consumer
103 of digital proofs of driver licenses.

104 (c) Revenue generated from the manufacture or consumption
105 of a digital proof of driver license must be collected by the
106 authorized manufacturer of digital proofs of driver licenses and
107 such revenue must be shared with the state on a revenue-sharing
108 basis. Such authorized manufacturer is responsible for remitting
109 50 percent of all revenue collected for deposit into the Highway
110 Safety Operating Trust Fund. The Agency for State Technology, in
111 collaboration with the department, shall enter into an agreement
112 with the authorized manufacturer that provides the permitted
113 uses, terms and conditions, privacy policy, and uniform
114 remittance terms relating to the consumption of a digital proof
115 of driver license.

116 (2) (a) A ~~The digital proof of driver license developed by~~
117 ~~the department or by an entity contracted by the department must~~
118 ~~be in such a format as to allow law enforcement to verify the~~
119 ~~authenticity of the digital proof of driver license. The~~
120 ~~department may adopt rules to ensure valid authentication of a~~
121 ~~digital proof of driver license licenses by law enforcement.~~

122 (b) The act of presenting to a law enforcement officer an
123 electronic device displaying a digital proof of driver license
124 does not constitute consent for the officer to access any
125 information on the device other than the digital proof of driver

126 license.

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

129 Section 3. Subsection (20) of section 668.50, Florida
 130 Statutes, is renumbered as subsection (21), subsection (2) and
 131 paragraph (b) of subsection (7) are amended, and a new
 132 subsection (20) is added to that section, to read:

133 668.50 Uniform Electronic Transaction Act.—

134 (2) DEFINITIONS.—As used in this section:

135 (a) "Agreement" means the bargain of the parties in fact,
 136 as found in their language or inferred from other circumstances
 137 and from rules, regulations, and procedures given the effect of
 138 agreements under provisions of law otherwise applicable to a
 139 particular transaction.

140 (b) "Automated transaction" means a transaction conducted
 141 or performed, in whole or in part, by electronic means or
 142 electronic records, in which the acts or records of one or both
 143 parties are not reviewed by an individual in the ordinary course
 144 in forming a contract, performing under an existing contract, or
 145 fulfilling an obligation required by the transaction.

146 (c) "Blockchain technology" means distributed ledger
 147 technology that uses a distributed, decentralized, shared, and
 148 replicated ledger, which may be public or private, permissioned
 149 or permissionless, and driven by tokenized crypto-economics or
 150 tokenless. The data on the ledger must be immutable, auditable,

151 protected with cryptography, and provide an uncensored truth.

152 (d)~~(e)~~ "Computer program" means a set of statements or
153 instructions to be used directly or indirectly in an information
154 processing system in order to bring about a certain result.

155 (e)~~(d)~~ "Contract" means the total legal obligation
156 resulting from the parties' agreement as affected by this act
157 and other applicable provisions of law.

158 (f)~~(e)~~ "Electronic" means relating to technology having
159 electrical, digital, magnetic, wireless, optical,
160 electromagnetic, or similar capabilities.

161 (g)~~(f)~~ "Electronic agent" means a computer program or an
162 electronic or other automated means used independently to
163 initiate an action or respond to electronic records or
164 performances in whole or in part, without review or action by an
165 individual.

166 (h)~~(g)~~ "Electronic record" means a record created,
167 generated, sent, communicated, received, or stored by electronic
168 means. A record or contract that is secured through blockchain
169 technology is in an electronic form and is an electronic record.

170 (i)~~(h)~~ "Electronic signature" means an electronic sound,
171 symbol, or process attached to or logically associated with a
172 record and executed or adopted by a person with the intent to
173 sign the record. A signature that is secured through blockchain
174 technology is in an electronic form and is an electronic
175 signature.

176 (j)~~(i)~~ "Governmental agency" means an executive,
 177 legislative, or judicial agency, department, board, commission,
 178 authority, institution, or instrumentality of this state,
 179 including a county, municipality, or other political subdivision
 180 of this state and any other public or private agency, person,
 181 partnership, corporation, or business entity acting on behalf of
 182 any public agency.

183 (k)~~(j)~~ "Information" means data, text, images, sounds,
 184 codes, computer programs, software, databases, or other similar
 185 representations of knowledge.

186 (l)~~(k)~~ "Information processing system" means an electronic
 187 system for creating, generating, sending, receiving, storing,
 188 displaying, or processing information.

189 (m)~~(l)~~ "Person" means an individual, corporation, business
 190 trust, estate, trust, partnership, limited liability company,
 191 association, joint venture, governmental agency, public
 192 corporation, or any other legal or commercial entity.

193 (n)~~(m)~~ "Record" means information that is inscribed on a
 194 tangible medium or that is stored in an electronic or other
 195 medium and is retrievable in perceivable form, including public
 196 records as defined in s. 119.011.

197 (o)~~(n)~~ "Security procedure" means a procedure employed for
 198 the purpose of verifying that an electronic signature, record,
 199 or performance is that of a specific person or for detecting
 200 changes or errors in the information in an electronic record.

201 The term includes a procedure that requires the use of
202 algorithms or other codes, identifying words or numbers,
203 encryption, or callback or other acknowledgment procedures.

204 (p) "Smart contract" means an event-driven program that
205 runs on a distributed, decentralized, shared, and replicated
206 ledger and can take custody over and instruct the transfer of
207 assets on that ledger.

208 (q)~~(o)~~ "State" means a state of the United States, the
209 District of Columbia, Puerto Rico, the United States Virgin
210 Islands, or any territory or insular possession subject to the
211 jurisdiction of the United States. The term includes an Indian
212 tribe or band, or Alaskan native village, which is recognized by
213 federal law or formally acknowledged by a state.

214 (r)~~(p)~~ "Transaction" means an action or set of actions
215 occurring between two or more persons relating to the conduct of
216 business, commercial, insurance, or governmental affairs.

217 (7) LEGAL RECOGNITION OF ELECTRONIC RECORDS, ELECTRONIC
218 SIGNATURES, AND ELECTRONIC CONTRACTS.—

219 (b) A contract may not be denied legal effect or
220 enforceability solely because:

221 1. An electronic record was used in the formation of the
222 contract.

223 2. The contract contains a smart contract term.

224 (20) RIGHTS OF OWNERSHIP OR USE.—Notwithstanding any law,
225 rule, or regulation to the contrary, the use of blockchain

226 | technology to secure information while engaged in interstate or
227 | foreign commerce does not affect the rights of ownership or use
228 | held by the owner of such information unless the terms of the
229 | transaction expressly provide for the transfer of such rights.

230 | Section 4. This act shall take effect July 1, 2018.