

1 A bill to be entitled
2 An act relating to information technology; amending s.
3 322.01, F.S.; providing definitions; amending s.
4 322.032, F.S.; directing the Department of Highway
5 Safety and Motor Vehicles to implement protocols for
6 issuing an optional electronic credential and procure
7 a related technology solution and electronic
8 credential providers; providing requirements for the
9 electronic credential and verification solution;
10 requiring the department to maintain certain protocols
11 and national standards; requiring the department to
12 timely review and approve all electronic credential
13 provider requests for authorized access to certain
14 interfaces that meet the agency's requirements;
15 authorizing the department to assess a fee; requiring
16 that the department provide electronic credential
17 providers access to a standardized digital transaction
18 process that has specified capabilities; providing for
19 the collection and distribution of certain revenue;
20 requiring the department to enter into specified
21 agreements with electronic credential providers;
22 requiring that an electronic credential be in a format
23 that allows certain entities to verify the
24 authenticity of such electronic credential and to
25 validate certain privileges; providing that presenting

26 an electronic device displaying an electronic
 27 credential does not constitute consent for a law
 28 enforcement officer to access any other information on
 29 such device; providing for the assumption of
 30 liability; amending s. 322.059, F.S.; conforming a
 31 provision to changes made by the act; amending s.
 32 322.143, F.S.; revising a definition; amending s.
 33 322.15, F.S.; conforming a provision to changes made
 34 by the act; amending s. 322.61, F.S.; conforming a
 35 cross-reference; providing an effective date.

36
 37 Be It Enacted by the Legislature of the State of Florida:

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 39 Section 1. Subsections (18) through (46) of section
 40 322.01, Florida Statutes, are renumbered as subsections (24)
 41 through (52), respectively, and new subsections (18), (19),
 42 (20), (21), (22), and (23) are added to that section, to read:

43 322.01 Definitions.—As used in this chapter:

44 (18) "Electronic" means relating to technology having
 45 electrical, digital, magnetic, wireless, optical,
 46 electromagnetic, or similar capabilities.

47 (19) "Electronic credential" means an electronic
 48 representation of a physical driver license or identification
 49 card which is viewable on an electronic credential system
 50 capable of being verified and authenticated.

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

53 (21) "Electronic credential provider" means an entity
 54 contracted with the department to provide electronic credentials
 55 to electronic credential holders.

56 (22) "Electronic credential system" means a computer
 57 system used to display or transmit electronic credentials to a
 58 person or verification system and that can be accessed using an
 59 electronic device.

60 (23) "Electronic device" means a device or a portion of a
 61 device that is designed for and capable of communicating across
 62 a computer network with other computers or devices for the
 63 purpose of transmitting, receiving, or storing data, including,
 64 but not limited to, a cellular telephone, tablet, or other
 65 portable device designed for and capable of communicating with
 66 or across a computer network, and is used to render an
 67 electronic credential.

68 Section 2. Section 322.032, Florida Statutes, is amended
 69 to read:

70 322.032 Electronic credential ~~Digital proof of driver~~
 71 ~~license.-~~

72 (1)(a) The department shall develop and implement ~~begin to~~
 73 ~~review and prepare for the development of a~~ secure and uniform
 74 protocols which comply with national standards ~~system~~ for
 75 issuing an optional electronic credential. The department shall

76 procure the related technology solution that uses a revenue
77 sharing model through a competitive solicitation process
78 pursuant to s. 287.057 ~~digital proof of driver license~~. The
79 department may issue electronic credentials to persons who hold
80 a Florida driver license or identification card. The electronic
81 credential and verification solution must have the necessary
82 technological capabilities to execute the authentication of an
83 electronic credential across all states, jurisdictions, federal
84 and state agencies, and municipalities. The electronic
85 credential and verification solution must provide the system
86 integration necessary:

87 1. For qualified and authorized entities to securely
88 consume an electronic credential.

89 2. For the production of a fully compliant electronic
90 credential by qualified and authorized electronic credential
91 providers.

92 3. To successfully ensure secure authentication and
93 validation of data from disparate sources.

94 (b) The department shall procure ~~contract with~~ one or more
95 electronic credential providers through the competitive
96 solicitation process ~~private entities~~ to develop and implement a
97 secure electronic credential ~~a digital proof of driver license~~
98 system.

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

101 provider to request authorized access to an application
102 programming interface, or appropriate technological tool of at
103 least the same capabilities, necessary for such private entity
104 to consume an electronic credential. The department shall timely
105 review requests for authorized access and must approve all
106 requests by electronic credential providers that meet the
107 department's requirements. The department may assess a fee for
108 use of the electronic credential and verification solution.

109 (d) The department shall provide electronic credential
110 providers access to a standardized digital transaction process
111 that provides the proceeds of a completed financial transaction
112 to the department at the point of sale. The standardized digital
113 transaction process must enable electronic credential providers
114 to direct through their electronic commerce workflow to a
115 standardized checkout process and enable documentation of the
116 electronic credential providers participating in a transaction.
117 Revenue generated from use of the electronic credential system
118 shall be collected by the department and distributed pursuant to
119 a legislative appropriation and department agreements with
120 electronic credential providers. Any revenue shared between the
121 state and electronic credential providers shall be based solely
122 on revenues derived from the purchase of an electronic
123 credential and may not be derived from any other transaction.
124 The department shall enter into agreements with electronic
125 credential providers that provide the permitted uses, terms and

126 conditions, privacy policy, and uniform remittance terms
127 relating to the consumption of an electronic credential.

128 (2) (a) The electronic credential ~~digital proof of driver~~
129 ~~license~~ developed by the department or by an electronic
130 credential provider ~~an entity~~ contracted by the department must
131 be in such a format as to allow law enforcement or an authorized
132 consumer to verify the authenticity of the electronic credential
133 and the identity of the credential holder and to validate the
134 status of any driving privileges associated with the electronic
135 credential ~~digital proof of driver license~~. The department shall
136 adhere to protocols and national standards ~~may adopt rules~~ to
137 ensure valid authentication of electronic credentials ~~digital~~
138 ~~driver licenses~~ by law enforcement.

139 (b) The act of presenting to a law enforcement officer an
140 electronic device displaying an electronic credential does not
141 constitute consent for the officer to access any information on
142 the device other than the electronic credential.

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

145 (3) A person may not be issued an electronic credential ~~a~~
146 ~~digital proof of driver license~~ until he or she has satisfied
147 all of the requirements of this chapter for issuance of a
148 physical driver license or identification card as provided in
149 this chapter.

150 (4) A person who:

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

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

157 Section 3. Section 322.059, Florida Statutes, is amended
158 to read:

159 322.059 Mandatory surrender of suspended driver license
160 and registration.—A person whose driver license or registration
161 has been suspended as provided in s. 322.058 must immediately
162 return his or her driver license and registration to the
163 Department of Highway Safety and Motor Vehicles. The department
164 shall invalidate the electronic credential ~~digital proof of~~
165 ~~driver license~~ issued pursuant to s. 322.032 for such person. If
166 such person fails to return his or her driver license or
167 registration, a law enforcement agent may seize the license or
168 registration while the driver license or registration is
169 suspended.

170 Section 4. Paragraph (c) of subsection (1) of section
171 322.143, Florida Statutes, is amended to read:

172 322.143 Use of a driver license or identification card.—

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

174 (c) "Swipe" means the act of passing a driver license or
175 identification card through a device that is capable of

176 | deciphering, in an electronically readable format, the
 177 | information electronically encoded in a magnetic strip or bar
 178 | code on the driver license or identification card or consuming
 179 | an electronic credential.

180 | Section 5. Subsection (1) of section 322.15, Florida
 181 | Statutes, is amended to read:

182 | 322.15 License to be carried and exhibited on demand;
 183 | fingerprint to be imprinted upon a citation.—

184 | (1) Every licensee shall have his or her driver license,
 185 | which must be fully legible with no portion of such license
 186 | faded, altered, mutilated, or defaced, in his or her immediate
 187 | possession at all times when operating a motor vehicle and shall
 188 | present or submit the same upon the demand of a law enforcement
 189 | officer or an authorized representative of the department. A
 190 | licensee may present or submit an electronic credential ~~a~~
 191 | ~~digital proof of driver license~~ as provided in s. 322.032 in
 192 | lieu of a physical driver license.

193 | Section 6. Subsection (4) of section 322.61, Florida
 194 | Statutes, is amended to read:

195 | 322.61 Disqualification from operating a commercial motor
 196 | vehicle.—

197 | (4) Any person who is transporting hazardous materials as
 198 | defined in s. 322.01(30) ~~s. 322.01(24)~~ shall, upon conviction of
 199 | an offense specified in subsection (3), be disqualified from
 200 | operating a commercial motor vehicle for a period of 3 years.

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201 | The penalty provided in this subsection shall be in addition to
202 | any other applicable penalty.

203 | Section 7. This act shall take effect July 1, 2019.