

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Grant, J. offered the following:

**Amendment (with title amendment)**

Between lines 1661 and 1662, insert:

Section 41. Effective October 1, 2019, subsections (13) through (17), (18) through (24), and (25) through (46) of section 322.01, Florida Statutes, are renumbered as subsections (15) through (19), (23) through (29), and (31) through (52), respectively, and new subsections (13), (14), (20), (21), (22), and (30) are added to that section to read:

322.01 Definitions.—As used in this chapter:

(13) "Credential service provider" means a provider competitively procured by the department to provide secure

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14 identity management and verification services based on open  
15 standards to electronic credential providers.

16 (14) "Data-call" means an electronic transaction with the  
17 credential service provider that verifies the authenticity of an  
18 electronic credential by querying department data.

19 (20) "Electronic" means technology having electrical,  
20 digital, magnetic, wireless, optical, electromagnetic, or  
21 similar capabilities.

22 (21) "Electronic credential" means an electronic  
23 representation of a physical driver license or identification  
24 card that is viewable in an electronic format and is capable of  
25 being verified and authenticated.

26 (22) "Electronic credential provider" means a qualified  
27 entity contracted with the department to provide electronic  
28 credentials to eligible driver license or identification card  
29 holders.

30 (30) "Interoperable" or "interoperability" means the  
31 technical ability for data to be shared permissively and  
32 accessed appropriately by all stakeholders.

33 Section 42. Effective October 1, 2019, section 322.032,  
34 Florida Statutes, is amended to read:

35 322.032 Electronic credential ~~Digital proof of driver~~  
36 ~~license.-~~

37 (1)(a) The department shall establish a pilot project  
38 ~~begin to review and prepare for the~~ implementation development

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39 of a software-as-a-service technology solution with secure and  
40 uniform protocols that comply with national standards ~~system~~ for  
41 issuing an optional electronic credential ~~digital proof of~~  
42 ~~driver license. The department may contract with one or more~~  
43 ~~private entities to develop a digital proof of driver license~~  
44 ~~system.~~

45 (b) The department shall procure the technology solution  
46 through a competitive solicitation process pursuant to s.  
47 287.057 and shall consult with the Agency for State Technology  
48 or its successor during the procurement process. Such  
49 procurement shall align the business incentives of the  
50 department with those of a credential service provider such that  
51 the terms of the contract pay for the value on a per-data-call  
52 or subscription basis and there is no cost to the department or  
53 law enforcement for using the services provided by the  
54 credential service provider.

55 (c) The department's procurement shall consider and  
56 prioritize the most secure, functional, and cost-efficient  
57 credential service provider with a scalable and interoperable  
58 system that can validate or authenticate the digital identity of  
59 a person, organization, application, or device and that does not  
60 physically store data in the process of performing the  
61 validation or authentication of a digital identity. The  
62 procurement may consider the use of a decentralized ledger  
63 immutable record to achieve the objectives stated herein.

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64       (d) The department shall enter into agreements with  
65 electronic credential providers that have the technological  
66 capabilities necessary to integrate with the credential service  
67 provider; ensure secure validation and authentication of data;  
68 meet usage criteria; agree to terms and conditions, privacy  
69 policies, and uniform remittance terms relating to the  
70 consumption of an electronic credential; and include clear,  
71 enforceable, and significant penalties for violations of the  
72 agreements.

73       (e) The department shall provide electronic credential  
74 providers access to a standardized digital transaction process  
75 that provides the proceeds of a completed financial transaction  
76 to the department at the point of sale. The standardized digital  
77 transaction process must enable electronic credential providers  
78 to direct their electronic commerce workflow to a standardized  
79 checkout process and enable documentation of the electronic  
80 credential providers participating in a transaction.

81       (f) Revenue generated from use of the electronic  
82 credential technology solution shall be collected by the  
83 department and deposited into the Motor Vehicle Licenses  
84 Clearing Trust Fund for distribution pursuant to a legislative  
85 appropriation and department agreements with the credential  
86 service provider and the electronic credential providers. The  
87 terms of the agreements between the department and the  
88 electronic credential providers and a credential service

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89 provider shall be based on the per-data-call or subscription  
90 charges to validate and authenticate an electronic credential  
91 and allow the department to recover any state costs for  
92 implementing and administering an electronic credential  
93 solution. Provider revenues may not be derived from any other  
94 transactions that generate revenue for the department outside of  
95 the per-data-call or subscription charges.

96 (g) The pilot project will have a duration of 24 months  
97 and will begin when the department has competitively procured  
98 and entered into agreements with a credential service provider  
99 and at least two, but no more than eight, electronic credential  
100 providers.

101 (h) Upon completion of the pilot project, the department  
102 shall submit a report to the Governor, the President of the  
103 Senate, and the Speaker of the House of Representatives  
104 regarding the continued implementation of electronic credential  
105 services.

106 (2)(a) The ~~electronic credential digital proof of driver~~  
107 ~~license~~ developed by the department or by an entity or  
108 electronic credential provider contracted by the department must  
109 be in such a format as to allow law enforcement or a public or  
110 private entity to verify the authenticity of the electronic  
111 credential ~~digital proof of driver license~~. The department may  
112 adopt rules to ensure valid authentication of electronic  
113 credentials ~~digital driver licenses~~ by law enforcement.

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114        (b) The act of presenting to a law enforcement officer an  
115 electronic device displaying an electronic credential does not  
116 constitute consent for the officer to access any information on  
117 the device other than the electronic credential.

118        (c) The person who presents an electronic device to a law  
119 enforcement officer assumes liability, absent a showing of  
120 reckless disregard by the officer, for any resulting damage to  
121 the device.

122        (3) A person may not be issued an electronic credential a  
123 ~~digital proof of driver license~~ until he or she has satisfied  
124 all of the requirements of this chapter for issuance of a  
125 physical driver license or identification card as provided in  
126 this chapter.

127        (4) A person who:

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

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

134        Section 43. Effective October 1, 2019, section 322.059,  
135 Florida Statutes, is amended to read:

136        322.059 Mandatory surrender of suspended driver license  
137 and registration.—A person whose driver license or registration  
138 has been suspended as provided in s. 322.058 must immediately

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139 return his or her driver license and registration to the  
140 Department of Highway Safety and Motor Vehicles. The department  
141 shall invalidate the electronic credential ~~digital proof of~~  
142 ~~driver license~~ issued pursuant to s. 322.032 for such person. If  
143 such person fails to return his or her driver license or  
144 registration, a law enforcement agent may seize the license or  
145 registration while the driver license or registration is  
146 suspended.

147 Section 44. Effective October 1, 2019, subsection (1) of  
148 section 322.15, Florida Statutes, is amended to read:

149 322.15 License to be carried and exhibited on demand;  
150 fingerprint to be imprinted upon a citation.-

151 (1) Every licensee shall have his or her driver license,  
152 which must be fully legible with no portion of such license  
153 faded, altered, mutilated, or defaced, in his or her immediate  
154 possession at all times when operating a motor vehicle and shall  
155 present or submit the same upon the demand of a law enforcement  
156 officer or an authorized representative of the department. A  
157 licensee may present an electronic credential ~~or submit a~~  
158 ~~digital proof of driver license~~ as provided in s. 322.032 in  
159 lieu of a physical driver license.

160 Section 45. Effective October 1, 2019, subsection (4) of  
161 section 322.61, Florida Statutes, is amended to read:

162 322.61 Disqualification from operating a commercial motor  
163 vehicle.-

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164 (4) ~~A~~ Any person who is transporting hazardous materials  
165 as defined in s. 322.01(29) ~~s. 322.01(24)~~ shall, upon conviction  
166 of an offense specified in subsection (3), be disqualified from  
167 operating a commercial motor vehicle for ~~a period of~~ 3 years.  
168 The penalty provided in this subsection shall be in addition to  
169 any other applicable penalty.

171 -----  
172 **T I T L E A M E N D M E N T**

173 Remove lines 147-148 and insert:

174 the act; amending s. 322.01, F.S.; revising and  
175 providing definitions; amending s. 322.032, F.S.;  
176 directing the department to establish a pilot project  
177 for the implementation of a technology solution for  
178 issuing an optional electronic credential;  
179 establishing procurement requirements; providing  
180 transaction processes; requiring a report to the  
181 Governor and Legislature; providing that presenting an  
182 electronic device displaying an electronic credential  
183 does not constitute consent for a law enforcement  
184 officer to access any other information on such  
185 device; providing for the assumption of liability;  
186 conforming provisions to changes made by the act;  
187 amending ss. 322.059 and 322.15, F.S.; conforming

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188 | provisions to changes made by the act; amending s.  
189 | 322.61, F.S.; conforming a cross-reference;

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