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LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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05/01/2019 09:36 AM

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Senator Hutson moved the following:

1 **Senate Amendment to Amendment (869784) (with title**
2 **amendment)**

3
4 Between lines 335 and 336
5 insert:

6 Section 6. Effective October 1, 2019, present subsections
7 (13) through (17), (18) through (24), and (25) through (46) of
8 section 322.01, Florida Statutes, are renumbered as subsections
9 (15) through (19), (23) through (29), and (31) through (52),
10 respectively, and new subsections (13), (14), (20), (21), (22),
11 and (30) are added to that section to read:



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12 322.01 Definitions.—As used in this chapter:

13 (13) “Credential service provider” means a provider
14 competitively procured by the department to provide secure
15 identity management and verification services based on open
16 standards to electronic credential providers.

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

20 (20) “Electronic” means technology having electrical,
21 digital, magnetic, wireless, optical, electromagnetic, or
22 similar capabilities.

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

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

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

34 Section 7. Effective October 1, 2019, section 322.032,
35 Florida Statutes, is amended to read:

36 322.032 Electronic credential ~~Digital proof of driver~~
37 ~~license.~~—

38 (1)(a) The department shall establish a pilot project ~~begin~~
39 ~~to review and prepare for the implementation development of a~~
40 software-as-a-service technology solution with secure and



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41 uniform protocols that comply with national standards ~~system~~ for
42 issuing an optional electronic credential ~~digital proof of~~
43 ~~driver license. The department may contract with one or more~~
44 ~~private entities to develop a digital proof of driver license~~
45 ~~system.~~

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

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

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



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70 consumption of an electronic credential; and include clear,
71 enforceable, and significant penalties for violations of the
72 agreements.

73 (e) Revenue generated from use of the electronic credential
74 technology solution shall be collected by the department and
75 deposited into the Motor Vehicle Licenses Clearing Trust Fund
76 for distribution pursuant to a legislative appropriation and
77 department agreements with the credential service provider and
78 the electronic credential providers. The terms of the agreements
79 between the department and the electronic credential providers
80 and a credential service provider shall be based on the per-
81 data-call or subscription charges to validate and authenticate
82 an electronic credential and allow the department to recover any
83 state costs for implementing and administering an electronic
84 credential solution. Provider revenues may not be derived from
85 any other transactions that generate revenue for the department
86 outside of the per-data-call or subscription charges. Nothing
87 herein shall be construed as a restriction on the provider's
88 ability to generate additional revenues from third parties
89 outside of the terms of the contract.

90 (f) The pilot project will have a duration of 18 months and
91 will begin when the department has competitively procured and
92 entered into agreements with a credential service provider and
93 at least two, but no more than five, electronic credential
94 providers.

95 (g) Upon completion of the pilot project, the department
96 shall submit a report to the Governor, the President of the
97 Senate, and the Speaker of the House of Representatives
98 regarding the continued implementation of electronic credential



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99 services.

100 (2) (a) The electronic credential ~~digital proof of driver~~
101 ~~license~~ developed by the department or by an entity or
102 electronic credential provider contracted by the department must
103 be in such a format as to allow law enforcement or a public or
104 private entity to verify the authenticity of the electronic
105 credential ~~digital proof of driver license~~. The department may
106 adopt rules to ensure valid authentication of electronic
107 credentials ~~digital 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 an electronic device to a law
113 enforcement officer assumes liability, absent a showing of
114 reckless disregard by the officer, for any resulting damage to
115 the device.

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

121 (4) A person who:

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

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



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128 Section 8. Effective October 1, 2019, section 322.059,
129 Florida Statutes, is amended to read:

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

141 Section 9. Effective October 1, 2019, subsection (1) of
142 section 322.15, Florida Statutes, is amended to read:

143 322.15 License to be carried and exhibited on demand;
144 fingerprint to be imprinted upon a citation.—

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

154 Section 10. Effective October 1, 2019, subsection (4) of
155 section 322.61, Florida Statutes, is amended to read:

156 322.61 Disqualification from operating a commercial motor



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157 vehicle.-

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

164

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

166 And the title is amended as follows:

167 Delete line 1587

168 and insert:

169 within a certain timeframe; amending s. 322.01, F.S.;

170 providing definitions; amending s. 322.032, F.S.;

171 directing the department to establish a pilot project

172 for the implementation of a certain technology

173 solution for issuing an optional electronic

174 credential; establishing procurement requirements;

175 requiring the department to enter into agreements with

176 certain electronic credential providers, subject to

177 certain requirements; providing requirements for

178 revenue generated from use of the electronic

179 credential technology solution; providing requirements

180 for the terms of certain agreements; providing

181 construction; requiring the pilot project to begin and

182 end within a specified period; requiring the

183 department to submit a certain report to the Governor

184 and Legislature; providing that presenting an

185 electronic device displaying an electronic credential



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186 does not constitute consent for a law enforcement
187 officer to access any other information on such
188 device; providing for the assumption of liability;
189 conforming provisions to changes made by the act;
190 amending ss. 322.059 and 322.15, F.S.; conforming
191 provisions to changes made by the act; amending s.
192 322.61, F.S.; conforming a cross-reference; amending
193 s. 334.175, F.S.;