

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; providing requirements
8 for qualified entities; requiring the department to
9 maintain certain protocols and national standards;
10 requiring the department to timely review and approve
11 all electronic credential provider requests for
12 authorized access to certain interfaces that meet the
13 department's requirements; providing requirements for
14 an electronic credential provider and the electronic
15 credential and verification solution; requiring the
16 department to procure electronic credential providers
17 and a credential service provider; requiring the
18 department to enter into specified agreements with
19 electronic credential providers; requiring a report to
20 the Legislature and the Governor; requiring that the
21 department provide electronic credential providers
22 access to a standardized digital transaction process
23 that has specified capabilities; requiring that
24 certain revenue be deposited into the Motor Vehicle
25 License Clearing Trust Fund for distribution;

26 authorizing the department to assess a competitive
27 market rate fee structure; prohibiting certain fees;
28 requiring that an electronic credential be in a format
29 that allows certain entities to verify the
30 authenticity of such electronic credential and to
31 validate certain privileges; providing that presenting
32 an electronic device displaying an electronic
33 credential does not constitute consent for a law
34 enforcement officer to access any other information on
35 such device; providing for the assumption of
36 liability; amending s. 322.059, F.S.; conforming a
37 provision to changes made by the act; amending s.
38 322.143, F.S.; revising a definition; amending s.
39 322.15, F.S.; conforming a provision to changes made
40 by the act; amending s. 322.61, F.S.; conforming a
41 cross-reference; providing an effective date.

42
43 Be It Enacted by the Legislature of the State of Florida:

44
45 Section 1. Section 322.01, Florida Statutes, is amended to
46 read:

47 322.01 Definitions.—As used in this chapter:

48 (1) "Actual weight" means the weight of a motor vehicle or
49 motor vehicle combination plus the weight of the load carried on
50 it, as determined at a fixed scale operated by the state or as

51 | determined by use of a portable scale operated by a law
52 | enforcement officer.

53 | (2) "Alcohol" means any substance containing any form of
54 | alcohol including, but not limited to, ethanol, methanol,
55 | propanol, and isopropanol.

56 | (3) "Alcohol concentration" means:

57 | (a) The number of grams of alcohol per 100 milliliters of
58 | blood;

59 | (b) The number of grams of alcohol per 210 liters of
60 | breath; or

61 | (c) The number of grams of alcohol per 67 milliliters of
62 | urine.

63 | (4) "Authorized emergency vehicle" means a vehicle that is
64 | equipped with extraordinary audible and visual warning devices,
65 | that is authorized by s. 316.2397 to display red or blue lights,
66 | and that is on call to respond to emergencies. The term
67 | includes, but is not limited to, ambulances, law enforcement
68 | vehicles, fire trucks, and other rescue vehicles. The term does
69 | not include wreckers, utility trucks, or other vehicles that are
70 | used only incidentally for emergency purposes.

71 | (5) "Cancellation" means the act of declaring a driver
72 | license void and terminated.

73 | (6) "Color photographic driver license" means a color
74 | photograph of a completed driver license form meeting the
75 | requirements prescribed in s. 322.14.

76 (7) "Commercial driver license" means a Class A, Class B,
 77 or Class C driver license issued in accordance with the
 78 requirements of this chapter.

79 (8) "Commercial motor vehicle" means any motor vehicle or
 80 motor vehicle combination used on the streets or highways,
 81 which:

82 (a) Has a gross vehicle weight rating of 26,001 pounds or
 83 more;

84 (b) Is designed to transport more than 15 persons,
 85 including the driver; or

86 (c) Is transporting hazardous materials and is required to
 87 be placarded in accordance with 49 C.F.R. part 172, subpart F.

88
 89 A vehicle that occasionally transports personal property to and
 90 from a closed-course motorsport facility, as defined in s.
 91 549.09(1)(a), is not a commercial motor vehicle if the use is
 92 not for profit and corporate sponsorship is not involved. As
 93 used in this subsection, the term "corporate sponsorship" means
 94 a payment, donation, gratuity, in-kind service, or other benefit
 95 provided to or derived by a person in relation to the underlying
 96 activity, other than the display of product or corporate names,
 97 logos, or other graphic information on the property being
 98 transported.

99 (9) "Controlled substance" means any substance classified
 100 as such under 21 U.S.C. s. 802(6), Schedules I-V of 21 C.F.R.

101 part 1308, or chapter 893.

102 (10) "Convenience service" means any means whereby an
103 individual conducts a transaction with the department other than
104 in person.

105 (11) (a) "Conviction" means a conviction of an offense
106 relating to the operation of motor vehicles on highways which is
107 a violation of this chapter or any other such law of this state
108 or any other state, including an admission or determination of a
109 noncriminal traffic infraction pursuant to s. 318.14, or a
110 judicial disposition of an offense committed under any federal
111 law substantially conforming to the aforesaid state statutory
112 provisions.

113 (b) Notwithstanding any other provisions of this chapter,
114 the definition of "conviction" provided in 49 C.F.R. s. 383.5
115 applies to offenses committed in a commercial motor vehicle or
116 by a person holding a commercial driver license.

117 (12) "Court" means any tribunal in this state or any other
118 state, or any federal tribunal, which has jurisdiction over any
119 civil, criminal, traffic, or administrative action.

120 (13) "Credential service provider" means an electronic
121 credential provider competitively procured by the department to
122 supply secure credential services based on open standards for
123 identity management and verification to qualified entities.

124 (14) "Declared weight" means the maximum loaded weight
125 declared for purposes of registration, pursuant to chapter 320.

126 (15)~~(14)~~ "Department" means the Department of Highway
127 Safety and Motor Vehicles acting directly or through its duly
128 authorized representatives.

129 (16) "Digital identity verifier" means a public or private
130 entity that consumes the identity management services provided
131 by the credential service provider.

132 (17)~~(15)~~ "Disqualification" means a prohibition, other
133 than an out-of-service order, that precludes a person from
134 driving a commercial motor vehicle.

135 (18)~~(16)~~ "Drive" means to operate or be in actual physical
136 control of a motor vehicle in any place open to the general
137 public for purposes of vehicular traffic.

138 (19)~~(17)~~ "Driver license" means a certificate that,
139 subject to all other requirements of law, authorizes an
140 individual to drive a motor vehicle and denotes an operator's
141 license as defined in 49 U.S.C. s. 30301.

142 (20) "Electronic" means relating to technology having
143 electrical, digital, magnetic, wireless, optical,
144 electromagnetic, or similar capabilities.

145 (21) "Electronic credential" means an electronic
146 representation of a physical driver license or identification
147 card which is viewable on an electronic credential system and
148 capable of being verified and authenticated.

149 (22) "Electronic credential holder" means a person to whom
150 an electronic credential has been issued.

151 (23) "Electronic credential provider" means a qualified
152 entity contracted with the department to provide electronic
153 credentials to electronic credential holders.

154 (24) "Electronic credential system" means a computer
155 system used to display or transmit electronic credentials to a
156 person or verification system and that may be accessed using an
157 electronic device.

158 (25) "Electronic device" means a device or a portion of a
159 device that is designed for and capable of communicating across
160 a computer network with other computers or devices for the
161 purpose of transmitting, receiving, or storing data, including,
162 but not limited to, a cellular telephone, tablet, or other
163 portable device designed for and capable of communicating with
164 or across a computer network, and is used to render an
165 electronic credential.

166 (26) "Electronic ID" means a technology solution by which
167 a qualified entity authenticates the identity of an individual
168 receiving goods or services.

169 (27)~~(18)~~ "Endorsement" means a special authorization which
170 permits a driver to drive certain types of vehicles or to
171 transport certain types of property or a certain number of
172 passengers.

173 (28)~~(19)~~ "Farmer" means a person who grows agricultural
174 products, including aquacultural, horticultural, and forestry
175 products, and, except as provided herein, employees of such

176 persons. The term does not include employees whose primary
177 purpose of employment is the operation of motor vehicles.

178 (29)~~(20)~~ "Farm tractor" means a motor vehicle that is:

179 (a) Operated principally on a farm, grove, or orchard in
180 agricultural or horticultural pursuits and that is operated on
181 the roads of this state only incidentally for transportation
182 between the owner's or operator's headquarters and the farm,
183 grove, or orchard or between one farm, grove, or orchard and
184 another; or

185 (b) Designed and used primarily as a farm implement for
186 drawing plows, mowing machines, and other implements of
187 husbandry.

188 (30)~~(21)~~ "Felony" means any offense under state or federal
189 law that is punishable by death or by a term of imprisonment
190 exceeding 1 year.

191 (31)~~(22)~~ "Foreign jurisdiction" means any jurisdiction
192 other than a state of the United States.

193 (32)~~(23)~~ "Gross vehicle weight rating" means the value
194 specified by the manufacturer as the maximum loaded weight of a
195 single, combination, or articulated vehicle.

196 (33)~~(24)~~ "Hazardous materials" means any material that has
197 been designated as hazardous under 49 U.S.C. s. 5103 and is
198 required to be placarded under subpart F of 49 C.F.R. part 172
199 or any quantity of a material listed as a select agent or toxin
200 in 42 C.F.R. part 73.

201 (34)~~(25)~~ "Medical examiner's certificate" means a document
202 substantially in accordance with the requirements of 49 C.F.R.
203 s. 391.43.

204 (35)~~(26)~~ "Motorcycle" means a motor vehicle powered by a
205 motor with a displacement of more than 50 cubic centimeters,
206 having a seat or saddle for the use of the rider, and designed
207 to travel on not more than three wheels in contact with the
208 ground, but excluding a tractor, tri-vehicle, or moped.

209 (36)~~(27)~~ "Motor vehicle" means any self-propelled vehicle,
210 including a motor vehicle combination, not operated upon rails
211 or guideway, excluding vehicles moved solely by human power,
212 motorized wheelchairs, and motorized bicycles as defined in s.
213 316.003.

214 (37)~~(28)~~ "Motor vehicle combination" means a motor vehicle
215 operated in conjunction with one or more other vehicles.

216 (38)~~(29)~~ "Narcotic drugs" means coca leaves, opium,
217 isonipecaine, cannabis, and every substance neither chemically
218 nor physically distinguishable from them, and any and all
219 derivatives of same, and any other drug to which the narcotics
220 laws of the United States apply, and includes all drugs and
221 derivatives thereof known as barbiturates.

222 (39)~~(30)~~ "Out-of-service order" means a prohibition issued
223 by an authorized local, state, or Federal Government official
224 which precludes a person from driving a commercial motor
225 vehicle.

226 ~~(40)-(31)~~ "Owner" means the person who holds the legal
227 title to a vehicle. However, if a vehicle is the subject of an
228 agreement for the conditional sale or lease thereof with the
229 right of purchase upon performance of the conditions stated in
230 the agreement and with an immediate right of possession vested
231 in the conditional vendee or lessee, or if a mortgagor of a
232 vehicle is entitled to possession, such conditional vendee,
233 lessee, or mortgagor is the owner for the purpose of this
234 chapter.

235 ~~(41)-(32)~~ "Passenger vehicle" means a motor vehicle
236 designed to transport more than 15 persons, including the
237 driver, or a school bus designed to transport more than 15
238 persons, including the driver.

239 ~~(42)-(33)~~ "Permit" means a document authorizing the
240 temporary operation of a motor vehicle within this state subject
241 to conditions established in this chapter.

242 (43) "Qualified entity" means a public or private entity
243 which enters into a contract with the department, meets usage
244 criteria, agrees to terms and conditions, and is authorized by
245 the department to use the credential service provider for
246 authentication and identification verification services.

247 ~~(44)-(34)~~ "Resident" means a person who has his or her
248 principal place of domicile in this state for a period of more
249 than 6 consecutive months, has registered to vote, has made a
250 statement of domicile pursuant to s. 222.17, or has filed for

251 homestead tax exemption on property in this state.

252 (45)~~(35)~~ "Restriction" means a prohibition against
 253 operating certain types of motor vehicles or a requirement that
 254 a driver comply with certain conditions when driving a motor
 255 vehicle.

256 (46)~~(36)~~ "Revocation" means the termination of a
 257 licensee's privilege to drive.

258 (47)~~(37)~~ "School bus" means a motor vehicle that is
 259 designed to transport more than 15 persons, including the
 260 driver, and that is used to transport students to and from a
 261 public or private school or in connection with school
 262 activities, but does not include a bus operated by a common
 263 carrier in the urban transportation of school children. The term
 264 "school" includes all preelementary, elementary, secondary, and
 265 postsecondary schools.

266 (48)~~(38)~~ "State" means a state or possession of the United
 267 States, and, for the purposes of this chapter, includes the
 268 District of Columbia.

269 (49)~~(39)~~ "Street or highway" means the entire width
 270 between the boundary lines of a way or place if any part of that
 271 way or place is open to public use for purposes of vehicular
 272 traffic.

273 (50)~~(40)~~ "Suspension" means the temporary withdrawal of a
 274 licensee's privilege to drive a motor vehicle.

275 (51)~~(41)~~ "Tank vehicle" means a vehicle that is designed

276 to transport any liquid or gaseous material within a tank either
277 permanently or temporarily attached to the vehicle, if such tank
278 has a designed capacity of 1,000 gallons or more.

279 (52)~~(42)~~ "United States" means the 50 states and the
280 District of Columbia.

281 (53)~~(43)~~ "Vehicle" means every device in, upon, or by
282 which any person or property is or may be transported or drawn
283 upon a public highway or operated upon rails or guideway, except
284 a bicycle, motorized wheelchair, or motorized bicycle.

285 (54)~~(44)~~ "Identification card" means a personal
286 identification card issued by the department which conforms to
287 the definition in 18 U.S.C. s. 1028(d).

288 (55)~~(45)~~ "Temporary driver license" or "temporary
289 identification card" means a certificate issued by the
290 department which, subject to all other requirements of law,
291 authorizes an individual to drive a motor vehicle and denotes an
292 operator's license, as defined in 49 U.S.C. s. 30301, or a
293 personal identification card issued by the department which
294 conforms to the definition in 18 U.S.C. s. 1028(d) and denotes
295 that the holder is permitted to stay for a short duration of
296 time, as specified on the temporary identification card, and is
297 not a permanent resident of the United States.

298 (56)~~(46)~~ "Tri-vehicle" means an enclosed three-wheeled
299 passenger vehicle that:

300 (a) Is designed to operate with three wheels in contact

301 with the ground;

302 (b) Has a minimum unladen weight of 900 pounds;

303 (c) Has a single, completely enclosed, occupant
304 compartment;

305 (d) Is produced in a minimum quantity of 300 in any
306 calendar year;

307 (e) Is capable of a speed greater than 60 miles per hour
308 on level ground; and

309 (f) Is equipped with:

310 1. Seats that are certified by the vehicle manufacturer to
311 meet the requirements of Federal Motor Vehicle Safety Standard
312 No. 207, "Seating systems" (49 C.F.R. s. 571.207);

313 2. A steering wheel used to maneuver the vehicle;

314 3. A propulsion unit located forward or aft of the
315 enclosed occupant compartment;

316 4. A seat belt for each vehicle occupant certified to meet
317 the requirements of Federal Motor Vehicle Safety Standard No.
318 209, "Seat belt assemblies" (49 C.F.R. s. 571.209);

319 5. A windshield and an appropriate windshield wiper and
320 washer system that are certified by the vehicle manufacturer to
321 meet the requirements of Federal Motor Vehicle Safety Standard
322 No. 205, "Glazing Materials" (49 C.F.R. s. 571.205) and Federal
323 Motor Vehicle Safety Standard No. 104, "Windshield Wiping and
324 Washing Systems" (49 C.F.R. s. 571.104); and

325 6. A vehicle structure certified by the vehicle
326 manufacturer to meet the requirements of Federal Motor Vehicle
327 Safety Standard No. 216, "Rollover crush resistance" (49 C.F.R.
328 s. 571.216).

329 Section 2. Section 322.032, Florida Statutes, is amended
330 to read:

331 322.032 Electronic credential ~~Digital proof of driver~~
332 ~~license.-~~

333 (1)(a) The department shall develop and implement ~~begin to~~
334 ~~review and prepare for the development of~~ a secure and uniform
335 protocols which comply with national standards ~~system~~ for
336 issuing an optional electronic credential. The department shall
337 procure the related technology solution from the credential
338 service provider that uses a revenue sharing model through a
339 competitive solicitation process pursuant to s. 287.057 ~~digital~~
340 ~~proof of driver license~~. The department may issue electronic
341 credentials to persons who hold a Florida driver license or
342 identification card.

343 (b) Qualified entities must have the technological
344 capabilities necessary to integrate with the credential service
345 provider. The department shall maintain the protocols and
346 national standards necessary for a digital verifier or an
347 electronic credential provider to request authorized access to
348 an application programming interface, or appropriate
349 technological tool of at least the same capabilities, necessary

350 for such qualified entity to consume an electronic ID. The
351 department shall timely review requests for authorized access
352 and approve all requests by digital verifiers that meet the
353 department's requirements.

354 (c) The electronic credential provider must have the
355 necessary technological capabilities to execute the
356 authentication of an electronic credential across all states,
357 jurisdictions, federal and state agencies, and municipalities.
358 The electronic credential and verification solution must provide
359 the standardized system integration necessary:

360 1. For qualified entities to securely consume an
361 electronic credential.

362 2. For the production of a fully compliant electronic
363 credential by electronic credential providers.

364 3. To successfully ensure secure authentication and
365 validation of data from disparate sources.

366 (d) The department shall competitively procure at least
367 two but no more than five ~~contract with one or more~~ electronic
368 credential providers ~~private entities~~ to develop and implement
369 an initial phase to provide a secure electronic credential ~~a~~
370 digital proof of driver license system. The department shall
371 enter into agreements with electronic credential providers that
372 provide the permitted uses, terms and conditions, privacy
373 policy, and uniform remittance terms relating to the consumption
374 of an electronic credential. The department must competitively

375 procure the credential service provider before the initial phase
376 may begin. Upon completion of the initial phase, the department
377 shall submit a report to the Governor, the President of the
378 Senate, and the Speaker of the House of Representatives
379 regarding the continued implementation and tools necessary to
380 scale future phases.

381 (2) (a) The department shall provide electronic credential
382 providers access to a standardized digital transaction process
383 that provides the proceeds of a completed financial transaction
384 to the department at the point of sale. The standardized digital
385 transaction process must enable electronic credential providers
386 to direct through their electronic commerce workflow to a
387 standardized checkout process and enable documentation of the
388 electronic credential providers participating in a transaction.
389 Revenue generated from use of the electronic credential system
390 shall be deposited into the Motor Vehicle License Clearing Trust
391 Fund for distribution pursuant to a legislative appropriation
392 and department agreements with electronic credential providers.
393 Electronic credential revenue shall be shared between the state
394 and electronic credential providers.

395 (b) The department may assess a competitive market rate
396 fee structure for use of the credential service provider for any
397 qualified entity to obtain an electronic ID. Revenue generated
398 from use of the credential service provider by digital identity
399 verifiers shall be shared between the state and the credential

400 service provider. Revenues shall be deposited into the Motor
401 Vehicle License Clearing Trust Fund for distribution pursuant to
402 department agreements with digital identity verifiers. Fees may
403 not be charged to any state court, state governmental entity, or
404 law enforcement agency.

405 (3) (a) ~~(2)~~ The electronic credential ~~digital proof of~~
406 driver license developed by the department or by an electronic
407 credential provider an ~~entity~~ contracted by the department must
408 be in such a format as to allow law enforcement or an authorized
409 consumer to verify the authenticity of the electronic credential
410 and the identity of the credential holder and to validate the
411 status of any driving privileges associated with the electronic
412 credential ~~digital proof of driver license~~. The department shall
413 adhere to protocols and national standards ~~may adopt rules~~ to
414 ensure valid authentication of electronic credentials ~~digital~~
415 driver licenses by law enforcement.

416 (b) The act of presenting to a law enforcement officer an
417 electronic device displaying an electronic credential does not
418 constitute consent for the officer to access any information on
419 the device other than the electronic credential.

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

422 (4) ~~(3)~~ A person may not be issued an electronic credential
423 a ~~digital proof of driver license~~ until he or she has satisfied
424 all of the requirements of this chapter for issuance of a

425 physical driver license or identification card as provided in
426 this chapter.

427 ~~(5)-(4)~~ A person who:

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

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

434 Section 3. Section 322.059, Florida Statutes, is amended
435 to read:

436 322.059 Mandatory surrender of suspended driver license
437 and registration.—A person whose driver license or registration
438 has been suspended as provided in s. 322.058 must immediately
439 return his or her driver license and registration to the
440 Department of Highway Safety and Motor Vehicles. The department
441 shall invalidate the electronic credential ~~digital proof of~~
442 ~~driver license~~ issued pursuant to s. 322.032 for such person. If
443 such person fails to return his or her driver license or
444 registration, a law enforcement agent may seize the license or
445 registration while the driver license or registration is
446 suspended.

447 Section 4. Paragraph (c) of subsection (1) of section
448 322.143, Florida Statutes, is amended to read:

449 322.143 Use of a driver license or identification card.—

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

451 (c) "Swipe" means the act of passing a driver license or
 452 identification card through a device that is capable of
 453 deciphering, in an electronically readable format, the
 454 information electronically encoded in a magnetic strip or bar
 455 code on the driver license or identification card or consuming
 456 an electronic credential.

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

459 322.15 License to be carried and exhibited on demand;
 460 fingerprint to be imprinted upon a citation.—

461 (1) Every licensee shall have his or her driver license,
 462 which must be fully legible with no portion of such license
 463 faded, altered, mutilated, or defaced, in his or her immediate
 464 possession at all times when operating a motor vehicle and shall
 465 present or submit the same upon the demand of a law enforcement
 466 officer or an authorized representative of the department. A
 467 licensee may present or submit an electronic credential a
 468 ~~digital proof of driver license~~ as provided in s. 322.032 in
 469 lieu of a physical driver license.

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

472 322.61 Disqualification from operating a commercial motor
 473 vehicle.—

474 (4) Any person who is transporting hazardous materials as

475 defined in s. 322.01(33) ~~s. 322.01(24)~~ shall, upon conviction of
476 an offense specified in subsection (3), be disqualified from
477 operating a commercial motor vehicle for a period of 3 years.
478 The penalty provided in this subsection shall be in addition to
479 any other applicable penalty.

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