CHAMBER ACTION

Senate House

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Representative Grant, J. offered the following:

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Amendment (with title amendment)

Remove lines 998-1202 and insert:

Section 24. Section 322.01, Florida Statutes, is amended to read:

322.01 Definitions.—As used in this chapter:

(1) "Actual weight" means the weight of a motor vehicle or motor vehicle combination plus the weight of the load carried on it, as determined at a fixed scale operated by the state or as determined by use of a portable scale operated by a law enforcement officer.

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- (2) "Alcohol" means any substance containing any form of alcohol including, but not limited to, ethanol, methanol, propanol, and isopropanol.
 - (3) "Alcohol concentration" means:
- (a) The number of grams of alcohol per 100 milliliters of blood;
- (b) The number of grams of alcohol per 210 liters of breath; or
- (c) The number of grams of alcohol per 67 milliliters of urine.
- (4) "Authorized emergency vehicle" means a vehicle that is equipped with extraordinary audible and visual warning devices, that is authorized by s. 316.2397 to display red, red and white, or blue lights, and that is on call to respond to emergencies. The term includes, but is not limited to, ambulances, law enforcement vehicles, fire trucks, and other rescue vehicles. The term does not include wreckers, utility trucks, or other vehicles that are used only incidentally for emergency purposes.
- (5) "Cancellation" means the act of declaring a driver license void and terminated.
- (6) "Color photographic driver license" means a color photograph of a completed driver license form meeting the requirements prescribed in s. 322.14.

- (7) "Commercial driver license" means a Class A, Class B, or Class C driver license issued in accordance with the requirements of this chapter.
- (8) "Commercial motor vehicle" means any motor vehicle or motor vehicle combination used on the streets or highways, which:
- (a) Has a gross vehicle weight rating of 26,001 pounds or more;
- (b) Is designed to transport more than 15 persons, including the driver; or
- (c) Is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. part 172, subpart F.

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

- (9) "Controlled substance" means any substance classified as such under 21 U.S.C. s. 802(6), Schedules I-V of 21 C.F.R. part 1308, or chapter 893.
- (10) "Convenience service" means any means whereby an individual conducts a transaction with the department other than in person.
- (11) (a) "Conviction" means a conviction of an offense relating to the operation of motor vehicles on highways which is a violation of this chapter or any other such law of this state or any other state, including an admission or determination of a noncriminal traffic infraction pursuant to s. 318.14, or a judicial disposition of an offense committed under any federal law substantially conforming to the aforesaid state statutory provisions.
- (b) Notwithstanding any other provisions of this chapter, the definition of "conviction" provided in 49 C.F.R. s. 383.5 applies to offenses committed in a commercial motor vehicle or by a person holding a commercial driver license.
- (12) "Court" means any tribunal in this state or any other state, or any federal tribunal, which has jurisdiction over any civil, criminal, traffic, or administrative action.
- (13) "Credential service provider" means an electronic credential provider competitively procured by the department to supply secure credential services based on open standards for identity management and verification to qualified entities.

(14)	(13)	- "Declai	red	weight"	means	the	maxin	num	loaded	weight
declared	for	purposes	of	registra	ation,	purs	suant	to	chapter	320.

- $\underline{\text{(15)}}$ "Department" means the Department of Highway Safety and Motor Vehicles acting directly or through its duly authorized representatives.
- (16) "Digital identity verifier" means a public or private entity that consumes the identity management services provided by the credential service provider.
- $\underline{(17)}$ "Disqualification" means a prohibition, other than an out-of-service order, that precludes a person from driving a commercial motor vehicle.
- (18) (16) "Drive" means to operate or be in actual physical control of a motor vehicle in any place open to the general public for purposes of vehicular traffic.
- (19) (17) "Driver license" means a certificate that, subject to all other requirements of law, authorizes an individual to drive a motor vehicle and denotes an operator's license as defined in 49 U.S.C. s. 30301.
- (20) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
- (21) "Electronic credential" means an electronic representation of a physical driver license or identification card which is viewable on an electronic credential system and capable of being verified and authenticated.

	(22)	"Electronic	crede	ntial	holder"	means	а	person	to	whom
an	electror	nic credenti	al has	been	issued.					

- (23) "Electronic credential provider" means a qualified entity contracted with the department to provide electronic credentials to electronic credential holders.
- (24) "Electronic credential system" means a computer system used to display or transmit electronic credentials to a person or verification system and that may be accessed using an electronic device.
- device that is designed for and capable of communicating across a computer network with other computers or devices for the purpose of transmitting, receiving, or storing data, including, but not limited to, a cellular telephone, tablet, or other portable device designed for and capable of communicating with or across a computer network, and is used to render an electronic credential.
- (26) "Electronic ID" means a technology solution by which a qualified entity authenticates the identity of an individual receiving goods or services.
- $\underline{(27)}$ "Endorsement" means a special authorization which permits a driver to drive certain types of vehicles or to transport certain types of property or a certain number of passengers.

<u>(28) (19) "Farmer" means a</u>	person who grows agricultural
products, including aquacultural	l, horticultural, and forestry
products, and, except as provide	ed herein, employees of such
persons. The term does not inclu	ude employees whose primary
purpose of employment is the ope	eration of motor vehicles.

- (29) (20) "Farm tractor" means a motor vehicle that is:
- (a) Operated principally on a farm, grove, or orchard in agricultural or horticultural pursuits and that is operated on the roads of this state only incidentally for transportation between the owner's or operator's headquarters and the farm, grove, or orchard or between one farm, grove, or orchard and another; or
- (b) Designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.
- $\underline{(30)}$ "Felony" means any offense under state or federal law that is punishable by death or by a term of imprisonment exceeding 1 year.
- $\underline{\text{(31)}}$ "Foreign jurisdiction" means any jurisdiction other than a state of the United States.
- (32) (23) "Gross vehicle weight rating" means the value specified by the manufacturer as the maximum loaded weight of a single, combination, or articulated vehicle.
- $\underline{(33)}$ "Hazardous materials" means any material that has been designated as hazardous under 49 U.S.C. s. 5103 and is

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required to be placarded under subpart F of 49 C.F.R. part 172 or any quantity of a material listed as a select agent or toxin in 42 C.F.R. part 73.

- (34) (25) "Medical examiner's certificate" means a document substantially in accordance with the requirements of 49 C.F.R. s. 391.43.
- (35) (26) "Motorcycle" means a motor vehicle powered by a motor with a displacement of more than 50 cubic centimeters, having a seat or saddle for the use of the rider, and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor, tri-vehicle, or moped.
- (36) (27) "Motor vehicle" means any self-propelled vehicle, including a motor vehicle combination, not operated upon rails or guideway, excluding vehicles moved solely by human power, motorized wheelchairs, and motorized bicycles as defined in s. 316.003.
- $\underline{(37)}$ "Motor vehicle combination" means a motor vehicle operated in conjunction with one or more other vehicles.
- (38) (29) "Narcotic drugs" means coca leaves, opium, isonipecaine, cannabis, and every substance neither chemically nor physically distinguishable from them, and any and all derivatives of same, and any other drug to which the narcotics laws of the United States apply, and includes all drugs and derivatives thereof known as barbiturates.

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

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

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

- $\underline{(42)}$ "Permit" means a document authorizing the temporary operation of a motor vehicle within this state subject to conditions established in this chapter.
- (43) "Qualified entity" means a public or private entity which enters into a contract with the department, meets usage criteria, agrees to terms and conditions, and is authorized by the department to use the credential service provider for authentication and identification verification services.

<u>(44) (34) "Resident" means a person who has his or her</u>
principal place of domicile in this state for a period of more
than 6 consecutive months, has registered to vote, has made a
statement of domicile pursuant to s. 222.17, or has filed for
homestead tax exemption on property in this state.

- (45) (35) "Restriction" means a prohibition against operating certain types of motor vehicles or a requirement that a driver comply with certain conditions when driving a motor vehicle.
- $\underline{(46)}$ "Revocation" means the termination of a licensee's privilege to drive.
- (47) (37) "School bus" means a motor vehicle that is designed to transport more than 15 persons, including the driver, and that is used to transport students to and from a public or private school or in connection with school activities, but does not include a bus operated by a common carrier in the urban transportation of school children. The term "school" includes all preelementary, elementary, secondary, and postsecondary schools.
- $\underline{(48)}$ "State" means a state or possession of the United States, and, for the purposes of this chapter, includes the District of Columbia.
- (49) (39) "Street or highway" means the entire width between the boundary lines of a way or place if any part of that

way or place is open to public use for purposes of vehicular traffic.

- (50) (40) "Suspension" means the temporary withdrawal of a licensee's privilege to drive a motor vehicle.
- (51) (41) "Tank vehicle" means a vehicle that is designed to transport any liquid or gaseous material within a tank either permanently or temporarily attached to the vehicle, if such tank has a designed capacity of 1,000 gallons or more.
- (52) (42) "United States" means the 50 states and the District of Columbia.
- (53) (43) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway or operated upon rails or guideway, except a bicycle, motorized wheelchair, or motorized bicycle.
- $\underline{(54)}$ "Identification card" means a personal identification card issued by the department which conforms to the definition in 18 U.S.C. s. 1028(d).
- (55) (45) "Temporary driver license" or "temporary identification card" means a certificate issued by the department which, subject to all other requirements of law, authorizes an individual to drive a motor vehicle and denotes an operator's license, as defined in 49 U.S.C. s. 30301, or a personal identification card issued by the department which conforms to the definition in 18 U.S.C. s. 1028(d) and denotes that the holder is permitted to stay for a short duration of

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- (56) (46) "Tri-vehicle" means an enclosed three-wheeled passenger vehicle that:
- (a) Is designed to operate with three wheels in contact with the ground;
 - (b) Has a minimum unladen weight of 900 pounds;
- (c) Has a single, completely enclosed, occupant
 compartment;
- (d) Is produced in a minimum quantity of 300 in any calendar year;
- (e) Is capable of a speed greater than 60 miles per hour on level ground; and
 - (f) Is equipped with:
- 1. Seats that are certified by the vehicle manufacturer to meet the requirements of Federal Motor Vehicle Safety Standard No. 207, "Seating systems" (49 C.F.R. s. 571.207);
 - 2. A steering wheel used to maneuver the vehicle;
- 3. A propulsion unit located forward or aft of the enclosed occupant compartment;
- 4. A seat belt for each vehicle occupant certified to meet the requirements of Federal Motor Vehicle Safety Standard No.
- 278 209, "Seat belt assemblies" (49 C.F.R. s. 571.209);
 - 5. A windshield and an appropriate windshield wiper and washer system that are certified by the vehicle manufacturer to

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meet the requirements of Federal Motor Vehicle Safety Standard
No. 205, "Glazing Materials" (49 C.F.R. s. 571.205) and Federal
Motor Vehicle Safety Standard No. 104, "Windshield Wiping and
Washing Systems" (49 C.F.R. s. 571.104); and

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

Section 25. Section 322.032, Florida Statutes, is amended to read:

322.032 <u>Electronic credential</u> Digital proof of driver license.-

- (1) (a) The department shall develop and implement begin to review and prepare for the development of a secure and uniform protocols which comply with national standards system for issuing an optional electronic credential. The department shall procure the related technology solution from the credential service provider that uses a revenue sharing model through a competitive solicitation process pursuant to s. 287.057 digital proof of driver license. The department may issue electronic credentials to persons who hold a Florida driver license or identification card.
- (b) Qualified entities must have the technological capabilities necessary to integrate with the credential service provider. The department shall maintain the protocols and

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national standards necessary for a digital verifier or an
electronic credential provider to request authorized access to
an application programming interface, or appropriate
technological tool of at least the same capabilities, necessary
for such qualified entity to consume an electronic ID. The
department shall timely review requests for authorized access
and approve all requests by digital verifiers that meet the
department's requirements.

- (c) The electronic credential provider must have the necessary technological capabilities to execute the authentication of an electronic credential across all states, jurisdictions, federal and state agencies, and municipalities.

 The electronic credential and verification solution must provide the standardized system integration necessary:
- 1. For qualified entities to securely consume an electronic credential.
- 2. For the production of a fully compliant electronic credential by electronic credential providers.
- 3. To successfully ensure secure authentication and validation of data from disparate sources.
- (d) The department shall competitively procure at least two but no more than five contract with one or more electronic credential providers private entities to develop and implement an initial phase to provide a secure electronic credential a digital proof of driver license system. The department shall

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enter into agreements with electronic credential providers that provide the permitted uses, terms and conditions, privacy policy, and uniform remittance terms relating to the consumption of an electronic credential. The department must competitively procure the credential service provider before the initial phase may begin. Upon completion of the initial phase, the department shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the continued implementation and tools necessary to scale future phases.

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

- (b) The department may assess a competitive market rate fee structure for use of the credential service provider for any qualified entity to obtain an electronic ID. Revenue generated from use of the credential service provider by digital identity verifiers shall be shared between the state and the credential service provider. Revenues shall be deposited into the Motor Vehicle License Clearing Trust Fund for distribution pursuant to department agreements with digital identity verifiers. Fees may not be charged to any state court, state governmental entity, or law enforcement agency.
- (3) (a) (2) The electronic credential digital proof of driver license developed by the department or by an electronic credential provider an entity contracted by the department must be in such a format as to allow law enforcement or an authorized consumer to verify the authenticity of the electronic credential and the identity of the credential holder and to validate the status of any driving privileges associated with the electronic credential digital proof of driver license. The department shall adhere to protocols and national standards may adopt rules to ensure valid authentication of electronic credentials digital driver licenses by law enforcement.
- (b) The act of presenting to a law enforcement officer an electronic device displaying an electronic credential does not constitute consent for the officer to access any information on the device other than the electronic credential.

(c)	The	perso	n wh	no p	presents	the	e devic	ce ·	to t	the	office	r
assumes	liabil	Lity f	or a	any	resultir	ng d	lamage	to	the	e de	evice.	

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

(5) $\overline{(4)}$ A person who:

- (a) Manufactures a false <u>electronic credential</u> <u>digital</u> proof of driver license commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- (b) Possesses a false <u>electronic credential</u> <u>digital proof</u> of driver license commits a misdemeanor of the second degree, punishable as provided in s. 775.082.

Section 26. Section 322.059, Florida Statutes, is amended to read:

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

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registration while the driver license or registration is suspended.

Section 27. Paragraph (c) of subsection (1) of section 322.143, Florida Statutes, is amended to read:

- 322.143 Use of a driver license or identification card.-
- (1) As used in this section, the term:
- (c) "Swipe" means the act of passing a driver license or identification card through a device that is capable of deciphering, in an electronically readable format, the information electronically encoded in a magnetic strip or bar code on the driver license or identification card or consuming an electronic credential.
- Section 28. Subsection (1) of section 322.15, Florida Statutes, is amended to read:
- 322.15 License to be carried and exhibited on demand; fingerprint to be imprinted upon a citation.—
- (1) Every licensee shall have his or her driver license, which must be fully legible with no portion of such license faded, altered, mutilated, or defaced, in his or her immediate possession at all times when operating a motor vehicle and shall present or submit the same upon the demand of a law enforcement officer or an authorized representative of the department. A licensee may present or submit an electronic credential a digital proof of driver license as provided in s. 322.032 in lieu of a physical driver license.

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Section 29. Section 322.38, Florida Statutes, is amended to read:

322.38 Renting motor vehicle to another.-

- (1) A No person may not shall rent a motor vehicle to any other person unless the other latter person is then duly licensed, or, if a nonresident, he or she shall be licensed under the laws of the state or country of his or her residence, except a nonresident whose home state or country does not require that an operator be licensed.
- (2) A No person may not shall rent a motor vehicle to another until he or she has inspected the driver license of the person to whom the vehicle is to be rented, and has compared and verified that the driver license is unexpired signature thereon with the signature of such person written in his or her presence.
- (3) Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name, and address, and driver license number of the person to whom the vehicle is rented, the number of the license of said latter person, and the date and place when and where the said license was issued. Such record shall be open to inspection by any police officer, or officer or employee of the department.
- (4) If a rental car company rents a motor vehicle to a person through digital, electronic, or other means that allows the renter to obtain possession of the motor vehicle without

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455	direct contact with an agent or employee of the rental car
456	company, or if through use of such means the renter does not
457	execute a rental contract at the time he or she takes possession
458	of the vehicle, the rental car company is deemed to have met the
459	requirements of subsections (1) and (2) when the rental car
460	company requires the renter to verify that he or she is duly
461	licensed and that the license is unexpired. Such verification
462	may occur at the time the renter enrolls in a membership
463	program, master agreement, or other means of establishing use of
464	the rental car company's services or at any time thereafter.
465	Section 30. Subsection (4) of section 322.61, Florida
466	Statutes, is amended to read:
467	322.61 Disqualification from operating a commercial motor
468	vehicle
469	(4) Any person who is transporting hazardous materials as
470	defined in s. 322.01(33) s. $322.01(24)$ shall, upon conviction of
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473	TITLE AMENDMENT
474	Remove lines 128-173 and insert:
475	liability; amending s. 322.01, F.S.; revising and
476	providing definitions; amending s. 322.032, F.S.;
477	directing the department to implement protocols for
478	issuing an optional electronic credential and procure
479	a related technology solution; providing requirements

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for qualified entities; requiring the department to maintain certain protocols and national standards; requiring the department to timely review and approve all electronic credential provider requests for authorized access to certain interfaces that meet the department's requirements; providing requirements for an electronic credential provider and the electronic credential and verification solution; requiring the department to procure electronic credential providers and a credential service provider; requiring the department to enter into specified agreements with electronic credential providers; requiring a report to the Legislature and the Governor; requiring that the department provide electronic credential providers access to a standardized digital transaction process that has specified capabilities; requiring that certain revenue be deposited into the Motor Vehicle License Clearing Trust Fund for distribution; authorizing the department to assess a competitive market rate fee structure; prohibiting certain fees; requiring that an electronic credential be in a format that allows certain entities to verify the authenticity of such electronic credential and to validate certain privileges; providing that presenting an electronic device displaying an electronic

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Bill No. CS/CS/HB 1287 (2018)

Amendment No.

credential does not constitute consent for a law enforcement officer to access any other information on such device; providing for the assumption of liability; amending s. 322.059, F.S.; conforming a provision to changes made by the act; amending s. 322.143, F.S.; revising the definition of the term "swipe"; amending s. 322.15, F.S.; conforming a provision to changes made by the act; amending s. 322.38, F.S.; revising requirements for renting a motor vehicle to another person; amending s. 322.61, F.S.; conforming a cross-