

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Government Accountability
2 Committee

3 Representative Grant, J. offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 322.01, Florida Statutes, is amended to
8 read:

9 322.01 Definitions.—As used in this chapter:

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

15 (2) "Alcohol" means any substance containing any form of
16 alcohol including, but not limited to, ethanol, methanol,

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17 propanol, and isopropanol.

18 (3) "Alcohol concentration" means:

19 (a) The number of grams of alcohol per 100 milliliters of
20 blood;

21 (b) The number of grams of alcohol per 210 liters of
22 breath; or

23 (c) The number of grams of alcohol per 67 milliliters of
24 urine.

25 (4) "Authorized emergency vehicle" means a vehicle that is
26 equipped with extraordinary audible and visual warning devices,
27 that is authorized by s. 316.2397 to display red or blue lights,
28 and that is on call to respond to emergencies. The term
29 includes, but is not limited to, ambulances, law enforcement
30 vehicles, fire trucks, and other rescue vehicles. The term does
31 not include wreckers, utility trucks, or other vehicles that are
32 used only incidentally for emergency purposes.

33 (5) "Cancellation" means the act of declaring a driver
34 license void and terminated.

35 (6) "Color photographic driver license" means a color
36 photograph of a completed driver license form meeting the
37 requirements prescribed in s. 322.14.

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

41 (8) "Commercial motor vehicle" means any motor vehicle or

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42 motor vehicle combination used on the streets or highways,
43 which:

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

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

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

50

51 A vehicle that occasionally transports personal property to and
52 from a closed-course motorsport facility, as defined in s.
53 549.09(1)(a), is not a commercial motor vehicle if the use is
54 not for profit and corporate sponsorship is not involved. As
55 used in this subsection, the term "corporate sponsorship" means
56 a payment, donation, gratuity, in-kind service, or other benefit
57 provided to or derived by a person in relation to the underlying
58 activity, other than the display of product or corporate names,
59 logos, or other graphic information on the property being
60 transported.

61 (9) "Controlled substance" means any substance classified
62 as such under 21 U.S.C. s. 802(6), Schedules I-V of 21 C.F.R.
63 part 1308, or chapter 893.

64 (10) "Convenience service" means any means whereby an
65 individual conducts a transaction with the department other than
66 in person.

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67 (11) (a) "Conviction" means a conviction of an offense
68 relating to the operation of motor vehicles on highways which is
69 a violation of this chapter or any other such law of this state
70 or any other state, including an admission or determination of a
71 noncriminal traffic infraction pursuant to s. 318.14, or a
72 judicial disposition of an offense committed under any federal
73 law substantially conforming to the aforesaid state statutory
74 provisions.

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

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

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

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

88 (15)~~(14)~~ "Department" means the Department of Highway
89 Safety and Motor Vehicles acting directly or through its duly
90 authorized representatives.

91 (16) "Digital identity verifier" means a public or private

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92 entity that consumes the identity management services provided
93 by the credential service provider.

94 (17)-(15) "Disqualification" means a prohibition, other
95 than an out-of-service order, that precludes a person from
96 driving a commercial motor vehicle.

97 (18)-(16) "Drive" means to operate or be in actual physical
98 control of a motor vehicle in any place open to the general
99 public for purposes of vehicular traffic.

100 (19)-(17) "Driver license" means a certificate that,
101 subject to all other requirements of law, authorizes an
102 individual to drive a motor vehicle and denotes an operator's
103 license as defined in 49 U.S.C. s. 30301.

104 (20) "Electronic" means relating to technology having
105 electrical, digital, magnetic, wireless, optical,
106 electromagnetic, or similar capabilities.

107 (21) "Electronic credential" means an electronic
108 representation of a physical driver license or identification
109 card which is viewable on an electronic credential system and
110 capable of being verified and authenticated.

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

113 (23) "Electronic credential provider" means a qualified
114 entity contracted with the department to provide electronic
115 credentials to electronic credential holders.

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116 (24) "Electronic credential system" means a computer
117 system used to display or transmit electronic credentials to a
118 person or verification system and that may be accessed using an
119 electronic device.

120 (25) "Electronic device" means a device or a portion of a
121 device that is designed for and capable of communicating across
122 a computer network with other computers or devices for the
123 purpose of transmitting, receiving, or storing data, including,
124 but not limited to, a cellular telephone, tablet, or other
125 portable device designed for and capable of communicating with
126 or across a computer network, and is used to render an
127 electronic credential.

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

131 (27) ~~(18)~~ "Endorsement" means a special authorization which
132 permits a driver to drive certain types of vehicles or to
133 transport certain types of property or a certain number of
134 passengers.

135 (28) ~~(19)~~ "Farmer" means a person who grows agricultural
136 products, including aquacultural, horticultural, and forestry
137 products, and, except as provided herein, employees of such
138 persons. The term does not include employees whose primary
139 purpose of employment is the operation of motor vehicles.

140 (29) ~~(20)~~ "Farm tractor" means a motor vehicle that is:

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141 (a) Operated principally on a farm, grove, or orchard in
142 agricultural or horticultural pursuits and that is operated on
143 the roads of this state only incidentally for transportation
144 between the owner's or operator's headquarters and the farm,
145 grove, or orchard or between one farm, grove, or orchard and
146 another; or

147 (b) Designed and used primarily as a farm implement for
148 drawing plows, mowing machines, and other implements of
149 husbandry.

150 ~~(30)-(21)~~ "Felony" means any offense under state or federal
151 law that is punishable by death or by a term of imprisonment
152 exceeding 1 year.

153 ~~(31)-(22)~~ "Foreign jurisdiction" means any jurisdiction
154 other than a state of the United States.

155 ~~(32)-(23)~~ "Gross vehicle weight rating" means the value
156 specified by the manufacturer as the maximum loaded weight of a
157 single, combination, or articulated vehicle.

158 ~~(33)-(24)~~ "Hazardous materials" means any material that has
159 been designated as hazardous under 49 U.S.C. s. 5103 and is
160 required to be placarded under subpart F of 49 C.F.R. part 172
161 or any quantity of a material listed as a select agent or toxin
162 in 42 C.F.R. part 73.

163 ~~(34)-(25)~~ "Medical examiner's certificate" means a document
164 substantially in accordance with the requirements of 49 C.F.R.
165 s. 391.43.

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166 ~~(35)(26)~~ "Motorcycle" means a motor vehicle powered by a
167 motor with a displacement of more than 50 cubic centimeters,
168 having a seat or saddle for the use of the rider, and designed
169 to travel on not more than three wheels in contact with the
170 ground, but excluding a tractor, tri-vehicle, or moped.

171 ~~(36)(27)~~ "Motor vehicle" means any self-propelled vehicle,
172 including a motor vehicle combination, not operated upon rails
173 or guideway, excluding vehicles moved solely by human power,
174 motorized wheelchairs, and motorized bicycles as defined in s.
175 316.003.

176 ~~(37)(28)~~ "Motor vehicle combination" means a motor vehicle
177 operated in conjunction with one or more other vehicles.

178 ~~(38)(29)~~ "Narcotic drugs" means coca leaves, opium,
179 isonipecaine, cannabis, and every substance neither chemically
180 nor physically distinguishable from them, and any and all
181 derivatives of same, and any other drug to which the narcotics
182 laws of the United States apply, and includes all drugs and
183 derivatives thereof known as barbiturates.

184 ~~(39)(30)~~ "Out-of-service order" means a prohibition issued
185 by an authorized local, state, or Federal Government official
186 which precludes a person from driving a commercial motor
187 vehicle.

188 ~~(40)(31)~~ "Owner" means the person who holds the legal
189 title to a vehicle. However, if a vehicle is the subject of an
190 agreement for the conditional sale or lease thereof with the

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191 right of purchase upon performance of the conditions stated in
192 the agreement and with an immediate right of possession vested
193 in the conditional vendee or lessee, or if a mortgagor of a
194 vehicle is entitled to possession, such conditional vendee,
195 lessee, or mortgagor is the owner for the purpose of this
196 chapter.

197 ~~(41)-(32)~~ "Passenger vehicle" means a motor vehicle
198 designed to transport more than 15 persons, including the
199 driver, or a school bus designed to transport more than 15
200 persons, including the driver.

201 ~~(42)-(33)~~ "Permit" means a document authorizing the
202 temporary operation of a motor vehicle within this state subject
203 to conditions established in this chapter.

204 ~~(43)~~ "Qualified entity" means a public or private entity
205 which enters into a contract with the department, meets usage
206 criteria, agrees to terms and conditions, and is authorized by
207 the department to use the credential service provider for
208 authentication and identification verification services.

209 ~~(44)-(34)~~ "Resident" means a person who has his or her
210 principal place of domicile in this state for a period of more
211 than 6 consecutive months, has registered to vote, has made a
212 statement of domicile pursuant to s. 222.17, or has filed for
213 homestead tax exemption on property in this state.

214 ~~(45)-(35)~~ "Restriction" means a prohibition against
215 operating certain types of motor vehicles or a requirement that

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216 a driver comply with certain conditions when driving a motor
217 vehicle.

218 ~~(46)-(36)~~ "Revocation" means the termination of a
219 licensee's privilege to drive.

220 ~~(47)-(37)~~ "School bus" means a motor vehicle that is
221 designed to transport more than 15 persons, including the
222 driver, and that is used to transport students to and from a
223 public or private school or in connection with school
224 activities, but does not include a bus operated by a common
225 carrier in the urban transportation of school children. The term
226 "school" includes all preelementary, elementary, secondary, and
227 postsecondary schools.

228 ~~(48)-(38)~~ "State" means a state or possession of the United
229 States, and, for the purposes of this chapter, includes the
230 District of Columbia.

231 ~~(49)-(39)~~ "Street or highway" means the entire width
232 between the boundary lines of a way or place if any part of that
233 way or place is open to public use for purposes of vehicular
234 traffic.

235 ~~(50)-(40)~~ "Suspension" means the temporary withdrawal of a
236 licensee's privilege to drive a motor vehicle.

237 ~~(51)-(41)~~ "Tank vehicle" means a vehicle that is designed
238 to transport any liquid or gaseous material within a tank either
239 permanently or temporarily attached to the vehicle, if such tank
240 has a designed capacity of 1,000 gallons or more.

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241 ~~(52)-(42)~~ "United States" means the 50 states and the
242 District of Columbia.

243 ~~(53)-(43)~~ "Vehicle" means every device in, upon, or by
244 which any person or property is or may be transported or drawn
245 upon a public highway or operated upon rails or guideway, except
246 a bicycle, motorized wheelchair, or motorized bicycle.

247 ~~(54)-(44)~~ "Identification card" means a personal
248 identification card issued by the department which conforms to
249 the definition in 18 U.S.C. s. 1028(d).

250 ~~(55)-(45)~~ "Temporary driver license" or "temporary
251 identification card" means a certificate issued by the
252 department which, subject to all other requirements of law,
253 authorizes an individual to drive a motor vehicle and denotes an
254 operator's license, as defined in 49 U.S.C. s. 30301, or a
255 personal identification card issued by the department which
256 conforms to the definition in 18 U.S.C. s. 1028(d) and denotes
257 that the holder is permitted to stay for a short duration of
258 time, as specified on the temporary identification card, and is
259 not a permanent resident of the United States.

260 ~~(56)-(46)~~ "Tri-vehicle" means an enclosed three-wheeled
261 passenger vehicle that:

262 (a) Is designed to operate with three wheels in contact
263 with the ground;

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

265 (c) Has a single, completely enclosed, occupant

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266 compartment;

267 (d) Is produced in a minimum quantity of 300 in any
268 calendar year;

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

271 (f) Is equipped with:

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

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

276 3. A propulsion unit located forward or aft of the
277 enclosed occupant compartment;

278 4. A seat belt for each vehicle occupant certified to meet
279 the requirements of Federal Motor Vehicle Safety Standard No.
280 209, "Seat belt assemblies" (49 C.F.R. s. 571.209);

281 5. A windshield and an appropriate windshield wiper and
282 washer system that are certified by the vehicle manufacturer to
283 meet the requirements of Federal Motor Vehicle Safety Standard
284 No. 205, "Glazing Materials" (49 C.F.R. s. 571.205) and Federal
285 Motor Vehicle Safety Standard No. 104, "Windshield Wiping and
286 Washing Systems" (49 C.F.R. s. 571.104); and

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

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291 Section 2. Section 322.032, Florida Statutes, is amended
292 to read:

293 322.032 Electronic credential ~~Digital proof of driver~~
294 ~~license.~~

295 (1)(a) The department shall develop and implement ~~begin to~~
296 ~~review and prepare for the development of a secure and uniform~~
297 protocols which comply with national standards ~~system~~ for
298 issuing an optional electronic credential. The department shall
299 procure the related technology solution from the credential
300 service provider that uses a revenue sharing model through a
301 competitive solicitation process pursuant to s. 287.057 ~~digital~~
302 ~~proof of driver license~~. The department may issue electronic
303 credentials to persons who hold a Florida driver license or
304 identification card.

305 (b) Qualified entities must have the technological
306 capabilities necessary to integrate with the credential service
307 provider. The department shall maintain the protocols and
308 national standards necessary for a digital verifier or an
309 electronic credential provider to request authorized access to
310 an application programming interface, or appropriate
311 technological tool of at least the same capabilities, necessary
312 for such qualified entity to consume an electronic ID. The
313 department shall timely review requests for authorized access
314 and approve all requests by digital verifiers that meet the
315 department's requirements.

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316 (c) The electronic credential provider must have the
317 necessary technological capabilities to execute the
318 authentication of an electronic credential across all states,
319 jurisdictions, federal and state agencies, and municipalities.
320 The electronic credential and verification solution must provide
321 the standardized system integration necessary:

322 1. For qualified entities to securely consume an
323 electronic credential.

324 2. For the production of a fully compliant electronic
325 credential by electronic credential providers.

326 3. To successfully ensure secure authentication and
327 validation of data from disparate sources.

328 (d) The department shall competitively procure at least
329 two but no more than five ~~contract with one or more~~ electronic
330 credential providers ~~private entities~~ to develop and implement
331 an initial phase to provide a secure electronic credential a
332 digital proof of driver license system. The department shall
333 enter into agreements with electronic credential providers that
334 provide the permitted uses, terms and conditions, privacy
335 policy, and uniform remittance terms relating to the consumption
336 of an electronic credential. The department must competitively
337 procure the credential service provider before the initial phase
338 may begin. Upon completion of the initial phase, the department
339 shall submit a report to the Governor, the President of the
340 Senate, and the Speaker of the House of Representatives

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341 regarding the continued implementation and tools necessary to
342 scale future phases.

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

357 (b) The department may assess a competitive market rate
358 fee structure for use of the credential service provider for any
359 qualified entity to obtain an electronic ID. Revenue generated
360 from use of the credential service provider by digital identity
361 verifiers shall be shared between the state and the credential
362 service provider. Revenues shall be deposited into the Motor
363 Vehicle License Clearing Trust Fund for distribution pursuant to
364 department agreements with digital identity verifiers. Fees may
365 not be charged to any state court, state governmental entity, or

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366 law enforcement agency.

367 (3) (a) ~~(2)~~ The electronic credential ~~digital proof of~~
368 ~~driver license~~ developed by the department or by an electronic
369 credential provider ~~an entity~~ contracted by the department must
370 be in such a format as to allow law enforcement or an authorized
371 consumer to verify the authenticity of the electronic credential
372 and the identity of the credential holder and to validate the
373 status of any driving privileges associated with the electronic
374 credential ~~digital proof of driver license~~. The department shall
375 adhere to protocols and national standards ~~may adopt rules~~ to
376 ensure valid authentication of electronic credentials ~~digital~~
377 ~~driver licenses~~ by law enforcement.

378 (b) The act of presenting to a law enforcement officer an
379 electronic device displaying an electronic credential does not
380 constitute consent for the officer to access any information on
381 the device other than the electronic credential.

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

384 (4) ~~(3)~~ A person may not be issued an electronic credential
385 ~~a digital proof of driver license~~ until he or she has satisfied
386 all of the requirements of this chapter for issuance of a
387 physical driver license or identification card as provided in
388 this chapter.

389 (5) ~~(4)~~ A person who:

390 (a) Manufactures a false electronic credential ~~digital~~

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391 ~~proof of driver license~~ commits a felony of the third degree,
392 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

396 Section 3. Section 322.059, Florida Statutes, is amended
397 to read:

398 322.059 Mandatory surrender of suspended driver license
399 and registration.—A person whose driver license or registration
400 has been suspended as provided in s. 322.058 must immediately
401 return his or her driver license and registration to the
402 Department of Highway Safety and Motor Vehicles. The department
403 shall invalidate the electronic credential ~~digital proof of~~
404 ~~driver license~~ issued pursuant to s. 322.032 for such person. If
405 such person fails to return his or her driver license or
406 registration, a law enforcement agent may seize the license or
407 registration while the driver license or registration is
408 suspended.

409 Section 4. Paragraph (c) of subsection (1) of section
410 322.143, Florida Statutes, is amended to read:

411 322.143 Use of a driver license or identification card.—

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

413 (c) "Swipe" means the act of passing a driver license or
414 identification card through a device that is capable of
415 deciphering, in an electronically readable format, the

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416 information electronically encoded in a magnetic strip or bar
417 code on the driver license or identification card or consuming
418 an electronic credential.

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

421 322.15 License to be carried and exhibited on demand;
422 fingerprint to be imprinted upon a citation.—

423 (1) Every licensee shall have his or her driver license,
424 which must be fully legible with no portion of such license
425 faded, altered, mutilated, or defaced, in his or her immediate
426 possession at all times when operating a motor vehicle and shall
427 present or submit the same upon the demand of a law enforcement
428 officer or an authorized representative of the department. A
429 licensee may present or submit an electronic credential ~~a~~
430 ~~digital proof of driver license~~ as provided in s. 322.032 in
431 lieu of a physical driver license.

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

434 322.61 Disqualification from operating a commercial motor
435 vehicle.—

436 (4) Any person who is transporting hazardous materials as
437 defined in s. 322.01(33) ~~s. 322.01(24)~~ shall, upon conviction of
438 an offense specified in subsection (3), be disqualified from
439 operating a commercial motor vehicle for a period of 3 years.

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440 The penalty provided in this subsection shall be in addition to
441 any other applicable penalty.

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

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

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Remove everything before the enacting clause and insert:

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A bill to be entitled

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An act relating to information technology; amending s.

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322.01, F.S.; providing definitions; amending s.

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322.032, F.S.; directing the Department of Highway

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Safety and Motor Vehicles to implement protocols for

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issuing an optional electronic credential and procure

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a related technology solution; providing requirements

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for qualified entities; requiring the department to

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maintain certain protocols and national standards;

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requiring the department to timely review and approve

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all electronic credential provider requests for

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authorized access to certain interfaces that meet the

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agency's requirements; providing requirements for an

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electronic credential provider and the electronic

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credential and verification solution; requiring the

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department to procure electronic credential providers

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and a credential service provider; requiring the

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department to enter into specified agreements with

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465 | electronic credential providers; requiring a report to
466 | the Legislature and the Governor; requiring that the
467 | department provide electronic credential providers
468 | access to a standardized digital transaction process
469 | that has specified capabilities; requiring that
470 | certain revenue be deposited into the Motor Vehicle
471 | License Clearing Trust Fund for distribution;
472 | authorizing the department to assess a competitive
473 | market rate fee structure; prohibiting certain fees;
474 | requiring that an electronic credential be in a format
475 | that allows certain entities to verify the
476 | authenticity of such electronic credential and to
477 | validate certain privileges; providing that presenting
478 | an electronic device displaying an electronic
479 | credential does not constitute consent for a law
480 | enforcement officer to access any other information on
481 | such device; providing for the assumption of
482 | liability; amending s. 322.059, F.S.; conforming a
483 | provision to changes made by the act; amending s.
484 | 322.143, F.S.; revising a definition; amending s.
485 | 322.15, F.S.; conforming a provision to changes made
486 | by the act; amending s. 322.61, F.S.; conforming a
487 | cross-reference; providing an effective date.