	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	WITHDRAWN (Y/N)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: Transportation &
2	Infrastructure Subcommittee
3	Representative Grant, J. offered the following:
4	
5	Amendment (with title amendment)
6	Between lines 961 and 962, insert:
7	Section 13. Effective July 1, 2020, section 322.01,
8	Florida Statutes, is amended to 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.

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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 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.

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- (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.

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- (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 the electronic credential provider competitively procured by the department which supplies secure credential services based on open

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standards for identity management and verification to qualified entities.

- (14) (13) "Declared weight" means the maximum loaded weight declared for purposes of registration, pursuant to chapter 320.
- $\underline{(15)}$ "Department" means the Department of Highway Safety and Motor Vehicles acting directly or through its duly authorized representatives.
- (16) "Digital identity verifier" means a digital system capable of securely authenticating the identity of an external agent, whether a person, organization, application, or device, without physically storing the necessary data to validate a digital identity.
- $\underline{(17)}$ "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.

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	(21	L)	"Ele	ctro	nic cr	rede	ntial" :	means	an	ele	ectro	onic	
repre	eser	ntat	cion (of a	physi	cal	driver	lice	ense	or	ider	ntifica	tion
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capal	ole	of	bein	g ve	rified	l and	d authe	ntica	ated	<u>. </u>			

- (22) "Electronic credential holder" means a person to whom an electronic credential 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.

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(27) (18) "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.

- (28) "Enterprise" means Florida or Florida's government.
- (29) (19) "Farmer" means a person who grows agricultural products, including aquacultural, horticultural, and forestry products, and, except as provided herein, employees of such persons. The term does not include employees whose primary purpose of employment is the operation of motor vehicles.
 - (30) (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.
- $\underline{\text{(31)}}$ "Felony" means any offense under state or federal law that is punishable by death or by a term of imprisonment exceeding 1 year.
- (32) "Foreign jurisdiction" means any jurisdiction other than a state of the United States.

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<u>(33) (23) </u>	"Gross vehicle	e weight	rating"	means	the valu	ıe	
specified by the	e manufacture	r as the	maximum	loaded	weight	of	а
single, combinat	tion, or artic	culated '	vehicle.				

- (34) (24) "Hazardous materials" means any material that has been designated as hazardous under 49 U.S.C. s. 5103 and is 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.
- (35) "Interoperable" or "interoperability" means the technical ability for data to permissively be shared across the entire enterprise.
- $\underline{(36)}$ "Medical examiner's certificate" means a document substantially in accordance with the requirements of 49 C.F.R. s. 391.43.
- (37) (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.
- (38) (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.

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

(40) (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.

 $\underline{(41)}$ "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.

(42) (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.

(43) (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.

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	(44)	(33)	"Perm	nit"	means	a docume	nt autho	orizir	ng the	
tem	porary	opera	ation	of a	motor	vehicle	within	this	state	subject
to	conditi	ions (establ	ishe	d in t	his chapt	ter.			

- (45) "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.
- (46)(34) "Resident" means a person who has his or her 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.
- (47) (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.
- $\underline{(48)}$ "Revocation" means the termination of a licensee's privilege to drive.
- (49) (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

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233	"school"	includes	all	preelementary,	elementary,	secondary,	and
234	postsecor	ndary scho	ools				

- (50) (38) "State" means a state or possession of the United States, and, for the purposes of this chapter, includes the District of Columbia.
- (51) (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.
- (52) (40) "Suspension" means the temporary withdrawal of a licensee's privilege to drive a motor vehicle.
- (53) (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.
- (54) "United States" means the 50 states and the District of Columbia.
- (55) (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.
- $\underline{(56)}$ (44) "Identification card" means a personal identification card issued by the department which conforms to the definition in 18 U.S.C. s. 1028(d).

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(57) (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
time, as specified on the temporary identification card, and is
not a permanent resident of the United States.

- (58) (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);

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- 282 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. 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 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 14. Effective July 1, 2020, 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 digital proof of driver license. Instead of authorizing the appropriation of tax

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the event of nonperformance or underperformance by the credential service provider, 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. Such procurement shall align the incentives of the enterprise with those of the credential service provider such that the terms of the contract pay for value on a per-data-call basis, incentivize continuous and agile development, and discourage the delivery of a solution that is considered finished upon delivery to the enterprise. The agreement between the department and the credential service provider shall allow for the parties to enter into subsequently mutually agreed-upon amendments that modify the cost of a data call so long as such modifications are market based to facilitate greater participation in the ecosystem. (b) The revenue generated from qualified entities and digital identity verifiers shall be accounted for with the credential service provider's portion being remitted on a regular and manageable payment cycle, not to exceed monthly. The enterprise's share of the revenue shall be distributed as follows: 20 percent to the department to manage and scale the

dollars on a fixed-price basis which risks taxpayer dollars in

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electronic credential initiative; 30 percent to fund the

Technology, should it be created, and if not created, to the

operational budget of the Department of Innovation and

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the	int	tero	pei	rabil	Lity i	niti	ati [,]	ves	acro	ss t	the e	nte	rprise	· ·		

- (c) The department's procurement shall consider and prioritize the most secure, functional, and cost-efficient technology to deploy a scalable and interoperable credential service provider and a credential service provider that does not physically store data in the process of performing the validation of a digital identity. The procurement shall consider the use of a decentralized ledger immutable record to achieve the objectives stated herein.
- (d) The department may <u>issue electronic credentials to</u> persons who hold a Florida driver license or identification <u>card.</u>
- (e) Qualified entities must have the technological capabilities necessary to integrate with the credential service provider. The department shall maintain the protocols and 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

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356	and	approve	all	requests	by	digital	verifiers	that	meet	the
357	depa	artment'	s re	quirement	s.					

- (f) 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.
- five electronic credential providers contract with one or more private entities to develop and implement an initial phase to provide a secure electronic credential a digital proof of driver license system. The procurement of electronic credential providers shall focus on functionality and ability to execute in context with the enterprise's needs. The department shall 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 and include clear, enforceable, and

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significant penalties for violations of the agreements. 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 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 person who presents the device to the officer assumes liability, absent a showing of reckless disregard by the officer, for any resulting damage to the device.

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- (3) A person may not be issued <u>an electronic credential adigital proof of driver license</u> until he or she has satisfied all of the requirements of this chapter for issuance of a physical driver license <u>or identification card</u> as provided in this chapter.
 - (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 15. Effective July 1, 2020, 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 <u>electronic credential digital proof of driver license</u> 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 registration while the driver license or registration is suspended.

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Section 16. Effective July 1, 2020, 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 17. Effective July 1, 2020, 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 18. Effective July 1, 2020, subsection (4) of section 322.61, Florida Statutes, is amended to read:

322.61 Disqualification from operating a commercial motor vehicle.—

(4) Any person who is transporting hazardous materials as defined in s. 322.01(34) s. 322.01(24) shall, upon conviction of an offense specified in subsection (3), be disqualified from operating a commercial motor vehicle for a period of 3 years. The penalty provided in this subsection shall be in addition to any other applicable penalty.

TITLE AMENDMENT

Remove line 48 and insert:

withheld by the department; amending s. 322.01, F.S.; providing definitions; amending s. 322.032, F.S.; directing the department to implement protocols for issuing an optional electronic credential and procure a related technology solution, subject to certain requirements; providing requirements 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

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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 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 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 a definition; amending s. 322.15, F.S.; conforming a provision to changes made by the act; amending s. 322.61, F.S.; conforming a cross-reference; providing effective dates.

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