

1 A bill to be entitled
2 An act relating to digital driver licenses and
3 identification cards; amending s. 322.032, F.S.;
4 defining terms; requiring the Department of Highway
5 Safety and Motor Vehicles to establish a secure and
6 uniform system for issuing optional digital proofs of
7 driver licenses and identification cards; authorizing
8 the department to contract with one or more private
9 entities to develop an electronic credentialing
10 system; prohibiting such electronic credentialing
11 system from retaining certain information; revising
12 requirements for digital proofs of driver licenses and
13 providing requirements for digital proofs of
14 identification cards; revising the department's
15 rulemaking authority; revising requirements for the
16 issuance of digital proofs of driver licenses and
17 identification cards; authorizing the department to
18 use telephone numbers submitted by licensees and
19 cardholders for specified purposes only; authorizing
20 the department to enter into contracts with private
21 entities for a specified purpose; prohibiting such
22 private entities from storing, selling, or sharing
23 personal information collected from scanning the
24 digital proofs of driver licenses and identification
25 cards; providing an exception by authorizing

26 individuals to consent to allow private entities to
27 collect and store such personal information; requiring
28 that an individual is informed what information is
29 collected in such scans and the purposes for which the
30 information will be used; authorizing private entities
31 to manually collect personal information from
32 individuals under certain circumstances; providing a
33 civil penalty; providing applicability; conforming
34 provisions to changes made by the act; amending s.
35 322.14, F.S.; conforming a provision to changes made
36 by the act; amending s. 322.15, F.S.; conforming a
37 provision to changes made by the act; requiring a
38 licensee to present or submit his or her printed
39 driver license to a law enforcement officer or an
40 authorized representative of the department under
41 specified circumstances; reenacting s. 322.121(2),
42 F.S., relating to periodic reexamination of all
43 drivers, to incorporate the amendment made to s.
44 322.15, F.S., in a reference thereto; providing an
45 effective date.

46
47 Be It Enacted by the Legislature of the State of Florida:

48
49 Section 1. Section 322.032, Florida Statutes, is amended
50 to read:

51 322.032 Digital proof of driver license or identification
52 card.—

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

54 (a) "Digital proof of driver license" means an electronic
55 credential viewable on an electronic credentialing system.

56 (b) "Digital proof of identification card" means an
57 electronic credential viewable on an electronic credentialing
58 system.

59 (c) "Electronic credentialing system" means a computer
60 system accessed using a computer, a cellular telephone, or any
61 other personal device which queries the department's driver
62 license and identification card records, displays or transmits
63 digital proofs of driver licenses and identification cards, and
64 verifies the authenticity of those electronic credentials.

65 (d) "Limited profile" means an electronic credential
66 containing some, but not all, of the information displayed on a
67 printed driver license or identification card.

68 (e) "Scanning" means obtaining data from a digital proof
69 of driver license or identification card in an electronic
70 format.

71 (2) (a) The department shall establish ~~begin to review and~~
72 ~~prepare for the development of~~ a secure and uniform system for
73 issuing an optional digital proof of driver license or
74 identification card. The department may contract with one or
75 more private entities to develop an electronic credentialing a

76 ~~digital proof of driver license~~ system.

77 (b) The electronic credentialing system may not retain
78 Internet protocol addresses, geolocation data, or other
79 information that describes the location, computer, computer
80 system, or computer network from which a customer accesses the
81 system.

82 (3) (a) ~~(2)~~ The digital proof of driver license or
83 identification card established ~~developed~~ by the department or
84 by an entity contracted by the department must be in such a
85 format as to allow verification of ~~law enforcement to verify~~ the
86 authenticity of the digital proof of driver license or
87 identification card. The department may adopt rules to ensure
88 valid authentication of digital driver licenses and
89 identification cards ~~by law enforcement.~~

90 (b)1. Notwithstanding ss. 322.14, 322.141, 322.142, and
91 any other law prescribing the design for, or information
92 required to be displayed on, a driver license, a digital proof
93 of driver license may comprise a limited profile that includes
94 only information necessary to conduct a specific transaction on
95 the electronic credentialing system.

96 2. Notwithstanding ss. 322.051, 322.141, and any other law
97 prescribing the design for, or information required to be
98 displayed on, an identification card, a digital proof of
99 identification card may comprise a limited profile that includes
100 only information necessary to conduct a specific transaction on

101 the electronic credentialing system.

102 (4)~~(3)~~ A person may not be issued a digital proof of
103 driver license or identification card until he or she satisfies
104 all ~~has satisfied all of the~~ requirements of this chapter for
105 issuance of the respective ~~a physical~~ driver license or
106 identification card and has been issued a printed driver license
107 or identification card. The electronic credentialing system
108 must, upon each presentation of a digital driver license or
109 identification card, display or transmit current records for the
110 driver license or identification card. If a licensee's driving
111 privilege is suspended, revoked, or disqualified, or if his or
112 her driver license is otherwise canceled or expired, a digital
113 proof of driver license may not be issued; however, a digital
114 proof of identification card may be issued if the licensee is
115 otherwise eligible for an identification card under s. 322.051
116 ~~as provided in this chapter.~~

117 (5) The department may use a telephone number submitted by
118 a licensee or cardholder in connection with a digital driver
119 license or identification card only for purposes of
120 communication regarding the digital proof of driver license or
121 identification card or the motor vehicle records, as defined in
122 s. 119.0712(2)(a), of the licensee or cardholder.

123 (6) The department may enter into a contract with a
124 private entity which authorizes online data calls or offline
125 data verification through the electronic credentialing system

126 that queries the department's driver license and identification
127 card records, displays or transmits digital proofs of driver
128 licenses or identification cards, or verifies the authenticity
129 of such electronic credentials.

130 (7) (a) Except as provided in paragraph (b), a private
131 entity that contracts with the department and that scans a
132 digital proof of driver license or identification card may not
133 store, sell, or share personal information collected from such
134 scanning of the digital proof of driver license or
135 identification card.

136 (b) An individual may consent to allow a private entity to
137 collect and store personal information obtained by scanning his
138 or her digital proof of driver license or identification card.
139 However, the individual must be informed what information is
140 collected and the purpose or purposes for which the information
141 will be used. If the individual does not want the private entity
142 to scan his or her digital proof of the individual's driver
143 license or identification card, the private entity may manually
144 collect personal information from the individual.

145 (c) A private entity that violates this subsection is
146 subject to a civil penalty not to exceed \$5,000 per occurrence.

147 (d) This subsection does not apply to a financial
148 institution as defined in s. 655.005(1) (i).

149 (8)-(4) A person who:

150 (a) Manufactures a false digital proof of driver license

151 or identification card commits a felony of the third degree,
152 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

153 (b) Possesses a false digital proof of driver license or
154 identification card commits a misdemeanor of the second degree,
155 punishable as provided in s. 775.082.

156 Section 2. Paragraph (a) of subsection (1) of section
157 322.14, Florida Statutes, is amended to read:

158 322.14 Licenses issued to drivers.—

159 (1)(a) The department shall, upon successful completion of
160 all required examinations and payment of the required fee, issue
161 to every qualified applicant a printed driver license that must
162 bear a color photograph or digital image of the licensee; the
163 name of the state; a distinguishing number assigned to the
164 licensee; and the licensee's full name, date of birth, and
165 residence address; a brief description of the licensee,
166 including, but not limited to, the licensee's gender and height;
167 and the dates of issuance and expiration of the license. A space
168 shall be provided upon which the licensee shall affix his or her
169 usual signature. A license is invalid until it has been signed
170 by the licensee except that the signature of the licensee is not
171 required if it appears thereon in facsimile or if the licensee
172 is not present within the state at the time of issuance.

173 Section 3. Subsection (1) of section 322.15, Florida
174 Statutes, is amended to read:

175 322.15 License to be carried and exhibited on demand;

176 fingerprint to be imprinted upon a citation.—

177 (1) Every licensee shall have his or her driver license,
178 which must be fully legible with no portion of such license
179 faded, altered, mutilated, or defaced, in his or her immediate
180 possession at all times when operating a motor vehicle and shall
181 present or submit the same upon the demand of a law enforcement
182 officer or an authorized representative of the department. A
183 licensee may present or submit a digital proof of driver license
184 as provided in s. 322.032 in lieu of his or her printed a
185 physical driver license; however, if the law enforcement officer
186 or authorized representative of the department is unable to
187 immediately verify the digital proof of driver license, upon the
188 demand of the law enforcement officer or authorized
189 representative of the department, the licensee must present or
190 submit his or her printed driver license.

191 Section 4. For the purpose of incorporating the amendment
192 made by this act to section 322.15, Florida Statutes, in a
193 reference thereto, subsection (2) of section 322.121, Florida
194 Statutes, is reenacted to read:

195 322.121 Periodic reexamination of all drivers.—

196 (2) For each licensee whose driving record does not show
197 any revocations, disqualifications, or suspensions for the
198 preceding 7 years or any convictions for the preceding 3 years
199 except for convictions of the following nonmoving violations:

200 (a) Failure to exhibit a vehicle registration certificate,

201 rental agreement, or cab card pursuant to s. 320.0605;

202 (b) Failure to renew a motor vehicle or mobile home
203 registration that has been expired for 6 months or less pursuant
204 to s. 320.07(3)(a);

205 (c) Operating a motor vehicle with an expired license that
206 has been expired for 6 months or less pursuant to s. 322.065;

207 (d) Failure to carry or exhibit a license pursuant to s.
208 322.15(1); or

209 (e) Failure to notify the department of a change of
210 address or name within 10 days pursuant to s. 322.19,

211
212 the department shall cause such licensee's license to be
213 prominently marked with the notation "Safe Driver."

214 Section 5. This act shall take effect July 1, 2021.