

By Senator Harrell

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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

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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:

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

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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 of
69 driver license or identification card in an electronic format.

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

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

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

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88 identification cards ~~by law enforcement.~~

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

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

101 (4)~~(3)~~ A person may not be issued a digital proof of driver
102 license or identification card until he or she satisfies all ~~has~~
103 ~~satisfied all of the~~ requirements of this chapter for issuance
104 of the respective a ~~physical~~ driver license or identification
105 card and has been issued a printed driver license or
106 identification card. The electronic credentialing system must,
107 upon each presentation of a digital driver license or
108 identification card, display or transmit current records for the
109 driver license or identification card. If a licensee's driving
110 privilege is suspended, revoked, or disqualified, or if his or
111 her driver license is otherwise canceled or expired, a digital
112 proof of driver license may not be issued; however, a digital
113 proof of identification card may be issued if the licensee is
114 otherwise eligible for an identification card under s. 322.051
115 ~~as provided in this chapter.~~

116 (5) The department may use a telephone number submitted by

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117 a licensee or cardholder in connection with a digital driver
118 license or identification card only for purposes of
119 communication regarding the digital proof of driver license or
120 identification card or the motor vehicle records, as defined in
121 s. 119.0712(2)(a), of the licensee or cardholder.

122 (6) The department may enter into a contract with a private
123 entity which authorizes online data calls or offline data
124 verification through the electronic credentialing system that
125 queries the department's driver license and identification card
126 records, displays or transmits digital proofs of driver licenses
127 or identification cards, or verifies the authenticity of such
128 electronic credentials.

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

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

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

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

148 (8)(4) A person who:

149 (a) Manufactures a false digital proof of driver license or
150 identification card commits a felony of the third degree,
151 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

157 322.14 Licenses issued to drivers.—

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

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

174 322.15 License to be carried and exhibited on demand;

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175 fingerprint to be imprinted upon a citation.—

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

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

194 322.121 Periodic reexamination of all drivers.—

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

199 (a) Failure to exhibit a vehicle registration certificate,
200 rental agreement, or cab card pursuant to s. 320.0605;

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

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

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

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

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

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