

By the Committee on Rules; and 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 entities
22 from storing, selling, or sharing personal information
23 collected from scanning the digital proofs of driver
24 licenses and identification cards; providing an
25 exception by authorizing individuals to consent to
26 allow private entities to collect and store such
27 personal information; requiring that an individual be
28 informed what information is collected in such scans
29 and the purposes for which the information will be

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30 used; authorizing private entities to manually collect
31 personal information from individuals under certain
32 circumstances; providing a civil penalty; providing
33 applicability; conforming provisions to changes made
34 by the act; amending s. 322.14, F.S.; conforming a
35 provision to changes made by the act; amending s.
36 322.15, F.S.; conforming a provision to changes made
37 by the act; requiring a licensee to present or submit
38 his or her printed driver license to a law enforcement
39 officer or an authorized representative of the
40 department under specified circumstances; reenacting
41 s. 322.121(2), F.S., relating to periodic
42 reexamination of all drivers, to incorporate the
43 amendment made to s. 322.15, F.S., in a reference
44 thereto; providing an effective date.

45
46 Be It Enacted by the Legislature of the State of Florida:

47
48 Section 1. Section 322.032, Florida Statutes, is amended to
49 read:

50 322.032 Digital proof of driver license or identification
51 card.—

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

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

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

58 (c) "Electronic credentialing system" means a computer

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

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

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

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

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

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

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

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

100 (4)~~(3)~~ A person may not be issued a digital proof of driver
101 license ~~or identification card~~ until he or she satisfies all ~~has~~
102 ~~satisfied all of the~~ requirements of this chapter for issuance
103 of ~~the respective a physical~~ driver license or identification
104 card and has been issued a printed driver license or
105 identification card. The electronic credentialing system must,
106 upon each presentation of a digital driver license or
107 identification card, display or transmit current records for the
108 driver license or identification card. If a licensee's driving
109 privilege is suspended, revoked, or disqualified, or if his or
110 her driver license is otherwise canceled or expired, a digital
111 proof of driver license may not be issued; however, a digital
112 proof of identification card may be issued if the licensee is
113 otherwise eligible for an identification card under s. 322.051
114 as ~~provided in this chapter.~~

115 (5) The department may use a telephone number submitted by
116 a licensee or cardholder in connection with a digital driver

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

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

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

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

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

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

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146 (8)~~(4)~~ A person who:

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

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

153 Section 2. Paragraph (a) of subsection (1) of section
154 322.14, Florida Statutes, is amended to read:

155 322.14 Licenses issued to drivers.—

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

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

172 322.15 License to be carried and exhibited on demand;
173 fingerprint to be imprinted upon a citation.—

174 (1) Every licensee shall have his or her driver license,

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

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

192 322.121 Periodic reexamination of all drivers.—

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

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

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

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

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204 (d) Failure to carry or exhibit a license pursuant to s.
205 322.15(1); or
206 (e) Failure to notify the department of a change of address
207 or name within 10 days pursuant to s. 322.19,
208
209 the department shall cause such licensee's license to be
210 prominently marked with the notation "Safe Driver."
211 Section 5. This act shall take effect July 1, 2021.