

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.