

ENROLLED

CS/HB 1313, Engrossed 1

2021 Legislature

1
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 private
22 entities from storing, selling, or sharing personal
23 information collected from scanning the digital proofs
24 of driver licenses and identification cards; providing
25 an exception by authorizing individuals to consent to

ENROLLED

CS/HB 1313, Engrossed 1

2021 Legislature

26 allow private entities to collect and store such
27 personal information; requiring that an individual is
28 informed what information is collected in such scans
29 and the purposes for which the information will be
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
49 to read:

50 322.032 Digital proof of driver license or identification

ENROLLED

CS/HB 1313, Engrossed 1

2021 Legislature

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

ENROLLED

CS/HB 1313, Engrossed 1

2021 Legislature

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
 88 identification cards ~~by law enforcement~~.

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

ENROLLED

CS/HB 1313, Engrossed 1

2021 Legislature

101 (4)~~(3)~~ A person may not be issued a digital proof of
 102 driver license or identification card until he or she satisfies
 103 all ~~has satisfied all of the~~ requirements of this chapter for
 104 issuance of the respective ~~a physical~~ driver license or
 105 identification card and has been issued a printed driver license
 106 or identification card. The electronic credentialing system
 107 must, 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
 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 contracts with one or
 123 more private entities which authorize online data calls or
 124 offline data verification through the electronic credentialing
 125 system that queries the department's driver license and

ENROLLED

CS/HB 1313, Engrossed 1

2021 Legislature

126 identification card records, displays or transmits digital
 127 proofs of driver licenses or identification cards, or verifies
 128 the authenticity of such electronic credentials.

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

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

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

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

147 (8)-(4) A person who:

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

ENROLLED

CS/HB 1313, Engrossed 1

2021 Legislature

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

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

156 322.14 Licenses issued to drivers.—

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

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

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

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

ENROLLED

CS/HB 1313, Engrossed 1

2021 Legislature

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

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

193 | 322.121 Periodic reexamination of all drivers.—

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

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

200 | (b) Failure to renew a motor vehicle or mobile home

ENROLLED

CS/HB 1313, Engrossed 1

2021 Legislature

201 registration that has been expired for 6 months or less pursuant
202 to s. 320.07(3)(a);

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

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

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

209

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

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