

Fla. Stat. § 322.032

Current through Chapter 1 of the 2024 session and through the 2023 C special session.

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§ 322.032. Digital proof of driver license or identification card.

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

- (a) “Digital proof of driver license” means an electronic credential viewable on an electronic credentialing system.
- (b) “Digital proof of identification card” means an electronic credential viewable on an electronic credentialing system.
- (c) “Electronic credentialing system” means a computer system accessed using a computer, a cellular telephone, or any other personal device which queries the department’s driver license and identification card records, displays or transmits digital proofs of driver licenses and identification cards, and verifies the authenticity of those electronic credentials.
- (d) “Limited profile” means an electronic credential containing some, but not all, of the information displayed on a printed driver license or identification card.
- (e) “Scanning” means obtaining data from a digital proof of driver license or identification card in an electronic format.

(2)

- (a) The department shall establish a secure and uniform system for issuing an optional digital proof of driver license or identification card. The department may contract with one or more private entities to develop an electronic credentialing system.
- (b) The electronic credentialing system may not retain Internet protocol addresses, geolocation data, or other information that describes the location, computer, computer system, or computer network from which a customer accesses the system.

(3)

- (a) The digital proof of driver license or identification card established by the department or by an entity contracted by the department must be in such a format as to allow verification of the authenticity of the digital proof of driver license or identification card. The department may adopt rules to ensure valid authentication of digital driver licenses and identification cards.

(b)

1. Notwithstanding ss. 322.14-322.142, and any other law prescribing the design for, or information required to be displayed on, a driver license, a digital proof of driver license may comprise a limited profile that includes only information necessary to conduct a specific transaction on the electronic credentialing system.
 2. Notwithstanding ss. 322.051 and 322.141, and any other law prescribing the design for, or information required to be displayed on, an identification card, a digital proof of identification card may comprise a limited profile that includes only information necessary to conduct a specific transaction on the electronic credentialing system.
- (4) A person may not be issued a digital proof of driver license or identification card until he or she satisfies all requirements of this chapter for issuance of the respective driver license or identification card and has been issued a printed driver license or identification card. The electronic credentialing system must, upon each presentation of a digital driver license or identification card, display or transmit current records for the driver license or identification card. If a licensee's driving privilege is suspended, revoked, or disqualified, or if his or her driver license is otherwise canceled or expired, a digital proof of driver license may not be issued; however, a digital proof of identification card may be issued if the licensee is otherwise eligible for an identification card under s. 322.051.
- (5) The department may use a telephone number submitted by a licensee or cardholder in connection with a digital driver license or identification card only for purposes of communication regarding the digital proof of driver license or identification card or the motor vehicle records, as defined in s. 119.0712(2)(a), of the licensee or cardholder.
- (6) The department may enter into contracts with one or more private entities which authorize online data calls or offline data verification through the electronic credentialing system that queries the department's driver license and identification card records, displays or transmits digital proofs of driver licenses or identification cards, or verifies the authenticity of such electronic credentials.
- (7)
- (a) Except as provided in paragraph (b), a private entity that scans a digital proof of driver license or identification card may not store, sell, or share personal information collected from such scanning of the digital proof of driver license or identification card.
 - (b) An individual may consent to allow a private entity to collect and store personal information obtained by scanning his or her digital proof of driver license or identification card. However, the individual must be informed what information is collected and the purpose or purposes for which the information will be used. If the individual does not want the private entity to scan his or her digital proof of the individual's driver license or identification card, the private entity may manually collect personal information from the individual.
 - (c) A private entity that violates this subsection is subject to a civil penalty not to exceed \$5,000 per occurrence.
 - (d) This subsection does not apply to a financial institution as defined in s. 655.005(1)(i).
- (8) A person who:

- (a)** Manufactures a false digital proof of driver license or identification card commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- (b)** Possesses a false digital proof of driver license or identification card commits a misdemeanor of the second degree, punishable as provided in s. 775.082.

History

S. 27, ch. 2014-216, effective July 1, 2014; s. 1, ch. 2021-235, effective July 1, 2021; s. 22, ch. 2022-4, effective May 13, 2022.

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