

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1898

SPONSOR: Transportation Committee and Senator Brown-Waite

SUBJECT: Department of Highway Safety and Motor Vehicles

DATE: March 31, 1999

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vickers	Meyer	TR	Favorable/CS
2.				
3.				
4.				
5.				

I. Summary:

This CS repeals the Department of Highway Safety and Motor Vehicles' (DHSMV) authority to sell copies of photographs, electronically stored photographs, and other driver's license and state identification card information when such information is used for the prevention of fraud. As a result, DHSMV would be prohibited from releasing driver license photographs and digital images, except for law enforcement purposes.

In addition, this CS creates the Task Force on Privacy and Technology in the Executive Office of the Governor. The task force is composed of 19 members appointed by the Governor, the President of the Senate, and the Speaker of the House of Representatives. The task force is directed to study and make recommendations to the Governor and the Legislature by February 1, 2000, on issues relating to privacy and technology.

This CS repeals subsections 322.142(5) and (6), Florida Statutes, 1998 Supplement.

II. Present Situation:

Section 322.142, F.S., prohibits DHSMV from releasing driver license photographs and digital images except for law enforcement purposes. Notwithstanding this restriction, the section also authorizes DHSMV to sell copies of photographs, electronically stored photographs, and other driver's license and state identification card information if such information is used solely for the prevention of fraud and is intended to prevent the fraudulent use of credit cards, debit cards, or checks, or fraud in other forms of financial transactions. The use of such photographs, electronically stored photographs, or digitized images is limited to verifying the person's identity and is prohibited from being used for any other purpose.

On November 10, 1998, the DHSMV agreed to sell Florida license information to Image Data, LLC. Paragraph 7 of the agreement specifies the agreement automatically terminates if a court order results in DHSMV being prohibited from providing the information to Image Data, LLC.

On February 1, 1999, DHSMV terminated the agreement with Image Data, LLC, pursuant to paragraph 7. This was the only agreement DHSMV has entered to sell Florida license photographs.

III. Effect of Proposed Changes:

The CS repeals DHSMV's authority to sell copies of photographs, electronically stored photographs, and other driver's license and state identification card information when such information is used for the prevention of fraud. As a result, DHSMV would be prohibited from releasing driver license photographs and digital images, except for law enforcement purposes.

The CS also creates the Task Force on Privacy and Technology in the Executive Office of the Governor. The task force is composed of 19 members appointed by the Governor, the President of the Senate, and the Speaker of the House of Representatives. The task force is directed to study and make recommendations to the Governor and the Legislature on the following:

- Privacy issues under the United States and Florida Constitution and laws, the Public Records Act, and the advent of the use of advanced technology;
- Technology fraud, including the illegal use of citizens' identity, credit and other uses;
- Balancing the traditional openness of public records in Florida with the need to protect individuals' privacy and identities; and
- The sale of public records to private individuals and companies.

The task force must present its findings and recommendations to the Governor and the Legislature by February 1, 2000. This section is repealed effective July 1, 2000.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Currently, s. 119.07(3)(bb), F.S., provides an individual may make an affirmative request to DHSMV that the individual's record and personal information not be released. An individual may request his or her name, address, telephone number, social security number, driver identification number, and medical disability information not be disclosed from DHSMV records, unless there is a lawful need for such information by authorized users. However, this section provides for 14 authorized uses for which motor vehicle records are accessible, regardless of whether an individual requests his or her personal information not be released.

VIII. Amendments:

None.