

STORAGE NAME: h1015.ted

DATE: April 14, 1999

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS
ANALYSIS**

BILL #: HB 1015

RELATING TO: Driver's Licenses/Sale of Information

SPONSOR(S): Representatives Feeney and Fasano

COMPANION BILL(S): SB 1898 (i), SB 1998 (c)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) TRANSPORTATION YEAS 10 NAYS 0
 - (2) TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

The Department of Highway Safety and Motor Vehicles (DHS&MV) is prohibited from releasing driver license photographs and digital images except for law enforcement purposes. Notwithstanding this restriction, DHS&MV is authorized 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 DHS&MV agreed to sell Florida license information to Image Data, LLC. Paragraph 7 of the agreement specifies that the agreement automatically terminates if a court order results in DHS&MV being prohibited from providing the information to Image Data, LLC. On February 1, 1999, DHS&MV terminated the agreement with Image Data, LLC, pursuant to paragraph 7. This was the only agreement that DHS&MV has entered to sell Florida license information.

The bill repeals DHS&MV'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, DHS&MV would be prohibited from releasing driver license photographs and digital images, except for law enforcement purposes.

Note: An amendment was adopted by the Committee on Transportation which creates the Task Force on Privacy and Technology within the Executive Office of the Governor. Please see part VII. Amendments or Committee Substitute Changes, on page 6 for details.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Section 322.142, F.S., prohibits DHS&MV from releasing driver license photographs and digital images except for law enforcement purposes. Notwithstanding this restriction, the section also authorizes DHS&MV 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 DHS&MV agreed to sell Florida license information to Image Data, LLC. Paragraph 7 of the agreement specifies that the agreement automatically terminates if a court order results in DHS&MV being prohibited from providing the information to Image Data, LLC.

On February 1, 1999, DHS&MV terminated the agreement with Image Data, LLC, pursuant to paragraph 7. This was the only agreement that DHS&MV has entered to sell Florida license information.

B. EFFECT OF PROPOSED CHANGES:

The bill repeals DHS&MV'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, DHS&MV would be prohibited from releasing driver license photographs and digital images, except for law enforcement purposes.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

N/A

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

N/A

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

b. Does the bill require or authorize an increase in any fees?

N/A

c. Does the bill reduce total taxes, both rates and revenues?

N/A

d. Does the bill reduce total fees, both rates and revenues?

N/A

e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

s. 322.142

E. SECTION-BY-SECTION ANALYSIS:

N/A

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

The fiscal impact will be costs incurred by the Task Force on Privacy and Technology within the Executive Office of the Governor. These costs include, but are not limited to travel, per diem, printing materials, etc.

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2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

The Executive Office of the Governor was not given additional budget to pay for the expenses that will be incurred by the Task Force on Privacy and Technology.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

N/A

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V. COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 11, 1999, the Committee on Transportation adopted one amendment to HB 1015. The amendment creates the Task Force on Privacy and Technology within the Executive Office of the Governor. The task force is directed to study and make recommendations concerning:

- Privacy issues and the advent of the use of technology.
- Technology fraud, including the illegal use of citizen's identity, credit, and other uses.
- Balancing the openness of public records with individual privacy and identities.
- The sale of public records to private individuals and companies.

Some administrative costs are anticipated for the Task Force on Privacy and Technology to perform the study and make recommendations.

VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

Thomas E. Duncan

Staff Director:

John R. Johnston

AS REVISED BY THE COMMITTEE ON TRANSPORTATION & ECONOMIC DEVELOPMENT
APPROPRIATIONS:

Prepared by:

Loretta Darity

Staff Director:

Eliza Hawkins