

STORAGE NAME: h1015z.tr

DATE: May 24, 1999

****FINAL ACTION****

****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
TRANSPORTATION
FINAL ANALYSIS**

BILL #: HB 1015

RELATING TO: Driver's Licenses/Sale of Information

SPONSOR(S): Representatives Feeney, Fasano, and others

COMPANION BILL(S): CS/S 1898 (s); CS/1ST ENG/H 0043, SB 1998, CS/S 2110, SB 2488 (c)

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

- (1) TRANSPORTATION YEAS 10 NAYS 0
- (2) TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS YEAS 8 NAYS 0
- (3)
- (4)
- (5)

I. FINAL ACTION STATUS:

On April 29, 1999, HB 1015 was passed and subsequently became Chapter 99-306, Laws of Florida.

II. 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.

The bill also requires the State Technology Council to create a Task Force on Privacy and Technology. The task force is required to issue a report with recommendations by February 1, 2000.

The bill's fiscal impact will be costs incurred by the Task Force on Privacy and Technology. These costs include, but are not limited to travel, per diem, printing materials, etc. and are to be reimbursed by the Department of Highway Safety and Motor Vehicles.

III. 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.

The bill also requires the State Technology Council to create a Task Force on Privacy and Technology. The task force must include professionals in the fields of communications, government, law enforcement, law, marketing, technology, and financial services, including, but not limited to, the Society of Consumer Affairs Professionals in Business, the Florida Retail Federation, and the Office of Statewide Prosecution. The task force is required to issue a report with recommendations by February 1, 2000, on the following issues:

- Privacy issues under the Constitutions and laws of the United States and the State of Florida, the Public Records Act, and the advent of the use of advanced technologies.
- Technology fraud, including, but not limited to, the illegal use of citizens' identities and credit.
- Balancing the traditional openness of public records in the state with the need to protect the privacy and identity of individuals.
- The sale of public records to private individuals and companies.

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?

The bill requires the State Technology Council to create a Task Force on Privacy and Technology.

(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:

ss. 282.3091 and 322.142

E. SECTION-BY-SECTION ANALYSIS:

N/A

IV. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

The bill's fiscal impact will be costs incurred by the Task Force on Privacy and Technology. These costs include, but are not limited to travel, per diem, printing materials, etc. and are to be reimbursed by the Department of Highway Safety and Motor Vehicles.

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 Department of Highway Safety and Motor Vehicles was not given additional budget to pay for the expenses that will be incurred by the Task Force on Privacy and Technology.

V. 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

VI. COMMENTS:

N/A

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VIII. 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

FINAL ANALYSIS PREPARED BY THE COMMITTEE ON TRANSPORTATION:

Prepared by:

Thomas E. Duncan

Staff Director:

John R. Johnston