



## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

##### Promotes Personal Responsibility & Empowers Families

HB 1173 provides internet access to a minor's driver history records for a parent, guardian or other responsible adult who signed the minor's application for a driver's license.

#### B. EFFECT OF PROPOSED CHANGES:

Currently, s. 322.09, F.S., provides that the application of any person under the age of 18 for a driver's license must be signed and verified before a person authorized to administer oaths by the father, mother, or guardian, or, if there is no parent or guardian, by another responsible adult who is willing to assume the financial obligation imposed under chapter 322, F.S. on the person signing the application of a minor. That statutory obligation is that any negligence or willful misconduct of a minor when driving a motor vehicle on a highway shall be imputed to the person who signed the license application. The signing adult is jointly and severally liable with the minor for any damages caused by the minor's negligence or willful misconduct.

Driver history records are public records and are provided by the DHSMV or a contracted agent for the DHSMV. A person's driving history of convictions, crashes, violations that resulted in a person attending school in lieu of points being assessed and any sanctions are all public record and not covered under the Driver Privacy Protection Act (DPPA).

Section 322.20, F.S., provides that the DHSMV must maintain convenient records or notations, in order that the individual driver history record of each licensee is readily available for the consideration of the DHSMV upon application for renewal of a license and at other suitable times. With respect to crashes involving a licensee, the driver history record must not include any notation or record of a motor vehicle crash unless the licensee received a traffic citation as a direct result of the crash.

This section also authorizes the DHSMV's Division of Driver Licenses, upon application of any person and payment of the proper fees, to search for records of the DHSMV, to make reports, and to make photographic copies of the departmental records and attestations. Section 322.20, F.S., authorizes DHSMV to charge certain fees for providing any one individual's driver history records to the public. For example DHSMV charges:

- \$3.10 for providing a transcript of any one individual's driver history record for the past 7 years or for searching for such record when no record is found to be on file;
- \$1.00 per page for providing a certified photographic copy of a document; and
- \$2.00 for assisting persons in searching any one individual's driver record at a terminal located at the department's general headquarters in Tallahassee.

DHSMV must furnish this information without charge to any local, state, or federal law enforcement agency or court upon proof satisfactory to the DHSMV as to the purpose of the investigation. This information is made available by the DHSMV electronically to contracted private vendors that provide it via the internet to the general public. A driver license number is required to obtain the driver record via the internet and personal information is blocked when provided to the requestor. Most vendors only provide the driver record to the holder of the driver record or a recipient authorized by the DPPA. The DHSMV provides this information via mail or walk-ins at the DHSMV headquarters. The DHSMV also contracts with some Clerk of Courts to provide the driver history record to the public.

Currently, the DHSMV provides driver record status checks on all drivers via the department's website. These driver record status checks exhibit the validity of the driver's license and do not provide a record of citations and traffic infractions. A person may obtain a driver record status on any Florida driver record by providing a valid driver license number.

HB 1173 creates the "Jeffrey Klapatch Act". In addition to current driver's history record public access, the bill provides internet access to a minor's driver history records for a parent, guardian or other responsible adult. The bill directs the DHSMV to implement a system that allows the parent, guardian, or other responsible adult who signed a minor's application for a driver's license, to have access to the minor's driver history record through a secure website. The bill also provides for the termination of this access to the minor's driver history records on the minor's 18<sup>th</sup> birthday.

C. SECTION DIRECTORY:

**Section 1.** Gives the act the popular name the "Jeffrey Klapatch Act."

**Section 2.** Amends s. 322.20, F.S., to provide for the DHSMV to implement a system that provides the adult who signed a minor's driver license application with internet access to the driver history record of the minor; providing for the termination of internet access to the minor's driver history record when the minor attains 18 years of age.

**Section 3.** Provides that the act shall take effect July 1, 2006.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See FISCAL COMMENTS Section below.

2. Expenditures:

See FISCAL COMMENTS Section below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

This bill does not specify that the DHSMV will allow access to the minor's driving history record at no cost to the person who signs giving parental consent for the minor's application for a driver's license. Since the bill does not specifically provide an exemption from the statutory fee for a driving history record, the DHSMV or its contracted service provider would charge a fee.

This bill may have a minimal, but, indeterminate negative revenue impact on the Highway Safety Operating Trust Fund if the intent of the bill is to waive the fee for driver records provided over the

Internet to parents or guardians. If the intent is for the DHSMV to provide the driving history information at no cost to the person that signed parental consent for the minor's driver's license, it will require programming modifications to the Driver License Software Systems. According to the DHSMV this would require contracted programming of 800 hours at \$185 per hour for a total of \$148,000.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

##### **1. Applicability of Municipality/County Mandates Provision:**

Not applicable because this bill does not appear to: require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties

##### **2. Other:**

#### **B. RULE-MAKING AUTHORITY:**

DHSMV has sufficient rule-making authority to carry out the provisions of this bill.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

DHSMV has pointed out that this bill does not include custodial parents in the same manner as the signatory parent in those circumstances where the custodial parent and signatory parent are different nor does it address step-parents. As drafted, the bill only allows internet access to the adult signing the minor's license application.

### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**