

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Transportation Committee

BILL: SB 1096
 INTRODUCER: Senator Crist
 SUBJECT: Facial Recognition Biometrics Database
 DATE: April 2, 2009 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Meyer	Meyer	TR	Pre-meeting
2.	_____	_____	CJ	_____
3.	_____	_____	GO	_____
4.	_____	_____	TA	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill would authorize the Department of Highway Safety and Motor Vehicles (department) to provide images of its print files or digital records in response to requests from law enforcement for multiple images, or updated images for the purpose of including the images in the law enforcement agency’s facial-recognition biometrics database. The images provided by the department would continue to be exempt from public record disclosure while in the biometrics database.

This bill substantially amends s. 322.142, F.S.

II. Present Situation:

Section 322.142(1), F.S., requires the department, upon receipt of the required fee, to issue each qualified applicant for a driver’s license a color photographic or digital imaged driver’s license bearing the full-face photograph or digital image of the licensee. The licensee is required to affix his or her signature to the license.

Section 322.142(4), F.S., authorizes the department to maintain a film negative or print file and requires the department to maintain a record of the digital image and signature of the licensee, along with other data required by the department for identification and retrieval.

Reproductions from the file or digital record are exempt from s. 119.07(1), F.S., and shall be made and issued only for departmental administrative purposes; for the issuance of duplicate licenses; in response to law enforcement agency requests; to the Department of State to facilitate determinations of eligibility of voter registration applicants and registered voters in accordance

with ss. 98.045 and 98.075, F.S.; to the Department of Revenue for the use of establishing paternity and establishing, modifying, or enforcing support obligations in Title IV-D cases; to the Department of Children and Family Services to conduct protective investigations under Part III of ch. 39, F.S.; or to the Department of Financial Services to facilitate the location of owners of unclaimed property, the validation of unclaimed property claims, and the identification of fraudulent or false claims.

III. Effect of Proposed Changes:

The bill amends s. 322.142, F.S., and would allow the department to provide images of its print files or digital records in response to requests from law enforcement for multiple images, or updated images for the purpose of including the images in the law enforcement agency's facial-recognition biometrics database. The images provided by the department would continue to be exempt from public record disclosure while in the biometrics database.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

“Multiple reproductions” is not defined. If “multiple reproductions” means the entire department's print files or digital records, then all licensees' print files or digital records would be in the law enforcement agency's biometrics database. Without a rational basis for a biometrics database, this bill may violate the Due Process Clause of the Constitution of the United States.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

“Multiple reproductions” is not defined. If “multiple reproductions” means the entire department's print files or digital records, then all licensees' print files or digital records would be in the law enforcement agency's biometrics database even though there may not be a reason for the law enforcement agency to have such information.

C. Government Sector Impact:

Law enforcement agencies having biometric databases may benefit.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.