



## COLUMBIA COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM REQUEST FORM

The Board of County Commissioners meets the 1st and 3rd Thursday of each month at 5:30 p.m. in the Columbia County School Board Administrative Complex Auditorium, 372 West Duval Street, Lake City, Florida 32055. All agenda items are due in the Board's office one week prior to the meeting date.

Today's Date: 1/2/2019 Meeting Date: 1/17/2019

Name: Tom Brazil Department: 9-1-1 Communications Center

Division Manager's Signature:

A handwritten signature in blue ink, appearing to read "Tom Brazil", is written over the signature line.

### 1. Nature and purpose of agenda item:

This is an amendment to the existing access agreement with Florida DHSMV for the 911 Communications Center to be able to access D.A.V.I.D. system driver and vehicle information for authorized purposes.

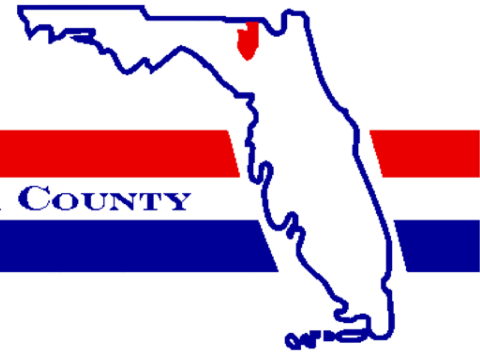
### 2. Recommended Motion/Action:

Recommend the Board approve the amended agreement for signature by the Board Chairman.

### 3. Fiscal impact on current budget.

This item has no effect on the current budget.

District No. 1 - Ronald Williams  
District No. 2 - Rocky Ford  
District No. 3 - Bucky Nash  
District No. 4 - Toby Witt  
District No. 5 - Tim Murphy



**BOARD OF COUNTY COMMISSIONERS • COLUMBIA COUNTY**

**M E M O R A N D U M**

TO: Ben Scott County Manager via David Kraus Assistant County Manager

FR: Thomas W. Brazil 911 Communications Center Manager / County 911 Coordinator

DATE: January 2, 2018

RE: Amendment to D.A.V.I.D access agreement for 911 Communications Center

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On November 1, 2011 the Social Security Administration made changes to the Death Master File (DMF) data. The deceased information provided by The Florida Department of Highway Safety and Motor Vehicles through the D.A.V.I.D. system is based upon data obtained from the Limited Access Death Master File (LADMF). DHSMV has been advised that in order to continue access to LADMF the State must insure that anyone with information is shared has the authority to access this information and is aware of the associated penalties for misuse.

***(1) Pursuant to 15 CFR §1110.102, the Requesting Party certifies that its access to DMF information is appropriate because the Requesting Party (a) has (i) a legitimate fraud prevention interest, or (ii) a legitimate business purpose pursuant to a law, governmental rule, regulation, or fiduciary duty, (b) has systems facilities, and procedures in place to safeguard such information, and experience in maintaining the confidentiality, security, and appropriate use of such information, pursuant to requirements reasonably similar to the requirements of section 6103(p)(4) of the Internal Revenue Code of 1986, and (c) agrees to satisfy such similar requirements.***

***(2) Pursuant to 15 CFR §1110.102, the Requesting Party certifies that it shall not: (i) disclose DMF information to any person other than a person who meets the requirements of Section 1 above; (ii) disclose DMF information to any person who uses the information for any purpose other than a legitimate fraud prevention interest or a legitimate business purpose pursuant to a law, governmental rule, regulation, or fiduciary duty; (iii) disclose the DMF information to any person who further discloses it to any person other than a person who meets the requirements of Section (1) above; or (iv) use the DMF information for any purpose other than a legitimate fraud prevention interest or a legitimate business purpose pursuant to a law, governmental rule, regulation or fiduciary duty.***

BOARD MEETS FIRST AND THIRD THURSDAY AT 5:30 P.M.

***(3) Failure to comply with 15 C.F.R. §1110.102 pertaining to the deceased date of an individual may result in penalties of \$1,000 for each disclosure or use, up to a maximum of \$250,000 in penalties per calendar year, pursuant to 15 CFR §1110.200.***

As such our agency must have safeguards in place as outlined in the amendment in order to continue to have access to the D.A.V.I.D system. Being we only disclose D.A.V.I.D. information for law enforcement purposes we meet the criteria as outlined in the amendment.

Therefore, it is my recommendation that the Board of Commissioners approve the attached D.A.V.I.D. amended agreement for signature by the Board Chairman.

XC:



**Terry L. Rhodes**  
Executive Director

2900 Apalachee Parkway  
Tallahassee, Florida 32399-0500  
[www.flhsmv.gov](http://www.flhsmv.gov)

November 21, 2018

Columbia County Board of County Commissioners  
Attn: Ronald Williams  
263 NW Lake City Ave.  
Lake City, FL 32055

Re: Memorandum of Understanding  
Contract No.: HSMV-0457-17

Dear Ronald Williams,

This letter is to advise that the Memorandum of Understanding (MOU) for access to the Driver and Vehicle Information Database (DAVID) is being amended pursuant to Section VIII., of the MOU to include additional requirements regarding the deceased date of individuals provided in the DAVID application (see attached amendment).

The deceased date provided by the Department of Highway Safety and Motor Vehicles (Department) via the DAVID application is obtained from the National Technical Information Service (NTIS) through the NTIS Limited Access Death Master File (DMF), as defined in 15 CFR §1110.2. We have been advised by NTIS, that in order to continue our access to the Limited Access Death Master File, we must ensure that anyone we share the data with has authority to access the information, has controls in place to protect the data, and is aware of the penalties associated with misuse of the data. In summary, access to data from the NTIS Limited Access Death Master File is subject to the following requirements:

(1) Pursuant to 15 CFR §1110.102, the Requesting Party certifies that its access to DMF information is appropriate because the Requesting Party (a) has (i) a legitimate fraud prevention interest, or (ii) a legitimate business purpose pursuant to a law, governmental rule, regulation, or fiduciary duty, (b) has systems facilities, and procedures in place to safeguard such information, and experience in maintaining the confidentiality, security, and appropriate use of such information, pursuant to requirements reasonably similar to the requirements of section 6103(p)(4) of the Internal Revenue Code of 1986, and (c) agrees to satisfy such similar requirements.

November 21, 2018

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(2) Pursuant to 15 CFR §1110.102, the Requesting Party certifies that it shall not: (i) disclose DMF information to any person other than a person who meets the requirements of Section 1 above; (ii) disclose DMF information to any person who uses the information for any purpose other than a legitimate fraud prevention interest or a legitimate business purpose pursuant to a law, governmental rule, regulation, or fiduciary duty; (iii) disclose the DMF information to any person who further discloses it to any person other than a person who meets the requirements of Section (1) above; or (iv) use the DMF information for any purpose other than a legitimate fraud prevention interest or a legitimate business purpose pursuant to a law, governmental rule, regulation or fiduciary duty.

(3) Failure to comply with 15 C.F.R. §1110.102 pertaining to the deceased date of an individual may result in penalties of \$1,000 for each disclosure or use, up to a maximum of \$250,000 in penalties per calendar year, pursuant to 15 CFR §1110.200.

Your agency must meet the above requirements and have the proper safeguards in place as outlined in the amendment to continue having access to DAVID. In order to ensure compliance with these express requirements of federal law, we are requiring that agencies with access to DAVID enter into an amendment certifying compliance with the above requirements, and providing specific information as to how your agency qualifies to receive access to information from the NTIS Limited Access Death Master File.

Pursuant to Section IX., (c), of your current MOU, this is notice that we intend to cancel your MOU if the signed amendment, including sufficient information as noted above, is not received within thirty (30) days from the date of this letter. Please return the amendment in a timely manner to avoid termination of the MOU and access to DAVID.

Please mail the signed amendment to:

Chief, Bureau of Records  
2900 Apalachee Parkway, MS 89  
Tallahassee, Florida 32399

The executed amendment can be sent electronically to the address provided below; however, please remit the original via U.S. mail. If you have any questions, please do not hesitate to contact the Data Listing Unit at (850) 617-2805 or [Datalistingunit@flhsmv.gov](mailto:Datalistingunit@flhsmv.gov).

Sincerely,

A handwritten signature in black ink, reading "Stephanie D. Duhart". The signature is written in a cursive, flowing style.

Stephanie D. Duhart, Chief  
Division of Motorist Services  
Bureau of Records

## IMPORTANT NOTICE

On November 1, 2011, the Social Security Administration (SSA) implemented an important change in the Death Master File (DMF) data. NTIS, a cost-recovery government agency, disseminates the Limited Access DMF on behalf of SSA. The Limited Access Death Master File contains data on decedants who died less than 3 years ago.

Please see the Q and A below, provided by SSA (and edited by NTIS to change the tense once the change had been implemented) for an explanation of the change.

Should you have any questions, please email [jhounsell@ntis.gov](mailto:jhounsell@ntis.gov) who will forward any questions not answered below to the Social Security Administration for reply.

### **IMPORTANT NOTICE: Change in Public Death Master File Records**

NTIS receives Death Master File (DMF) data from the Social Security Administration (SSA). SSA receives death reports from various sources, including family members, funeral homes, hospitals, and financial institutions.

**Q:** What change has SSA made to the Public DMF?

**A:** Effective November 1, 2011, the DMF data that NTIS receives from SSA no longer contains protected state death records. Section 205(r) of the [Social Security] Act prohibits SSA from disclosing the state death records SSA receives through its contracts with the states, except in limited circumstances. (Section 205r link - [http://www.ssa.gov/OP\\_Home/ssact/title02/0205.htm](http://www.ssa.gov/OP_Home/ssact/title02/0205.htm))

**Q:** How did this change affect the size of the Public DMF?

**A:** The historical Public DMF contained 89 million records. SSA removed approximately 4.2 million records from this file and adds about 1 million fewer records annually.

**REMINDER:  
DMF users should always investigate and verify the death listed before taking any adverse action against any individual."**

**AMENDMENT NO. 1  
TO THE  
MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE FLORIDA DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES  
AND  
COLUMBIA COUNTY BOARD OF COUNTY COMMISSIONERS**

THIS AMENDMENT NO. 1, is made to the MEMORANDUM OF UNDERSTANDING (MOU) between the FLORIDA DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES, hereinafter referred to as "Providing Agency" or "Department," and COLUMBIA COUNTY BOARD OF COUNTY COMMISSIONERS, hereinafter referred to as "Requesting Party," collectively referred to as "the Parties," executed on or about 6/29/2017.

WHEREAS, the MOU was executed for the purpose of establishing the conditions and limitations under which the Providing Agency agrees to provide electronic access to DAVID information to the Requesting Party; and

WHEREAS, as required in the MOU, access to and use of DAVID information shall be in accordance with Chapter 119, Florida Statutes, and the Driver's Privacy Protection Act (DPPA), and may only be disclosed to persons to whom disclosure is authorized under Florida law and federal law; and

WHEREAS, in order to ensure that this MOU complies with the requirements of Federal law, the Parties wish to add additional language addressing access to and disclosure of data that may include the deceased date of an individual; and

WHEREAS, changes to the MOU are required to be made in writing, in accordance with section VIII. Amendments; and

WHEREAS, this Amendment is required to add the additional compliance requirements to the MOU.

NOW THEREFORE, in consideration of the mutual benefits to be derived here from, the Parties hereto do hereby amend the MOU as follows:

I. Added language is shown herein as underlined. Existing language that was already underlined is shown herein with a double-underline.

II. The third paragraph of section III. Legal Authority, is hereby amended as follows:

Under this MOU, the Requesting Party will be provided, via remote electronic means, information pertaining to driver licenses and vehicles, including personal information authorized to be released pursuant to Section 119.0712(2), Florida Statutes and DPPA. By executing this MOU, Requesting Party agrees to maintain the confidential and exempt status of any, and all information provided by the Providing Agency pursuant to this agreement and to ensure that any person or entity accessing or utilizing

said information shall do so in compliance with Section 119.0712(2), Florida Statutes and DPPA. In addition, the Requesting Party agrees that insurance policy information shall be utilized pursuant to Section 324.242(2), Florida Statutes. Furthermore, the deceased date of an individual shall only be provided to a Requesting Party that meets the qualifications of 15 CFR §1110.102. Disclosure of the deceased date of an individual, which is not in compliance with 15 CFR §1110.102, is punishable under 15 CFR §1110.200. Additionally, because the Social Security Administration does not guarantee the accuracy of the Death Master File, the Requesting Party is reminded that adverse action should not be taken against any individual without further investigation to verify the death information listed (A notice from the Social Security Administration addressing the foregoing is attached hereto and incorporated herein by reference).

III. Section IV. Statement of Work, subsection B., is hereby amended by adding item 14.

14. Access and utilize the deceased date of an individual, or other information from the NTIS Limited Access Death Master File, as defined in 15 CFR §1110.2, in conformity with the following requirements:

(a) Pursuant to 15 CFR §1110.102, the Requesting Party certifies that its access to DMF information is appropriate because the Requesting Party: (i) has a legitimate fraud prevention interest, or a legitimate business purpose pursuant to a law, governmental rule, regulation, or fiduciary duty; (ii) has systems, facilities, and procedures in place to safeguard such information, and experience in maintaining the confidentiality, security, and appropriate use of such information, pursuant to requirements reasonably similar to the requirements of section 6103(p)(4) of the Internal Revenue Code of 1986; and (iii) agrees to satisfy such similar requirements.

(b) Pursuant to 15 CFR §1110.102, the Requesting Party certifies that it will not: (i) disclose DMF information to any person other than a person who meets the requirements of subsection IV. B. 14 (a), above; (ii) disclose DMF information to any person who uses the information for any purpose other than a legitimate fraud prevention interest or a legitimate business purpose pursuant to a law, governmental rule, regulation, or fiduciary duty; (iii) disclose DMF information to any person who further discloses the information to any person other than a person who meets the requirements of subsection IV. B. 14 (a), above; or (iv) use DMF information for any purpose other than a legitimate fraud prevention interest or a legitimate business purpose pursuant to a law, governmental rule, regulation or fiduciary duty.

IV. The second paragraph of section V. Safeguarding Information, is hereby amended as follows:

Any person who willfully and knowingly violates any of the provisions of this section is guilty of a misdemeanor of the first degree punishable as provided in Sections 119.10 and 775.083, Florida Statutes. In addition, any person who willfully and knowingly discloses any information in violation of DPPA may be subject to criminal sanctions and civil liability. Furthermore, failure to comply with 15.CFR §1110.102 pertaining to the deceased date of an individual may result in penalties of \$1,000 for each disclosure or use, up to a maximum of \$250,000 in penalties per calendar year, pursuant to 15 CFR §1110.200.



V. Item D., under that part of section V. Safeguarding Information, that begins with “The Parties mutually agree to the following:”, is hereby amended as follows:

D. The Requesting Party shall comply with Rule 74-2, Florida Administrative Code, and with Providing Agency’s security policies, and employ adequate security measures to protect Providing Agency’s information, applications, data, resources, and services. The applicable Providing Agency security policies shall be made available to Requesting Party. Additionally, with respect to the deceased date of an individual, the Requesting Party shall have systems, facilities, and procedures in place to safeguard such information, and experience in maintaining the confidentiality, security, and appropriate use of such information, pursuant to requirements reasonably similar to the requirements of section 6103(p)(4) of the Internal Revenue Code of 1986 and agrees to satisfy such similar requirements.

VI. Section XIII. Certification Information, is hereby added to the MOU as follows:

Pursuant to IV.B.14(a) above, the Requesting Party certifies that access to DMF information is appropriate based on the following specific purpose (please describe the legitimate purpose):

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Please indicate whether the Requesting Party desires to re-disclose the deceased date of any individual to any other person or entity. Yes \_\_\_ No \_\_\_

If the Requesting Party desires to re-disclose the deceased date of any individual to any other person or entity, the Requesting Party agrees that it will not re-disclose the data received from the Providing Agency, but rather, will contact NTIS at <https://classic.ntis.gov/products/ssa-dmf/#> to become a Certified Person, as defined by 15 CFR §1110.2. A Requesting Party who is a Certified Person may only disclose the deceased date of an individual pursuant to the Requesting Party’s obligations under 15 CFR §1110.102.”

VII. All other terms and conditions of the original MOU not herein revised shall be and remain the same in full force and effect.

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IN WITNESS WHEREOF, the undersigned have caused this AMENDMENT to be executed by their authorized officials as of the last date indicated below.

**For: Columbia County Board of County Commissioners**

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Signature

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Title

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Date

**For: Florida Department of Highway Safety and Motor Vehicles:**

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Signature of Authorized Official

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Printed/Typed Name

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Title

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Date