



DAVID—LAW ENFORCEMENT'S BEST INFORMATION TOOL

The Driver and Vehicle Information Database (*DAVID*) contains driver license and motor vehicle registration records for drivers and vehicles in Florida. This nationally awarded program has over 60,000 registered users in the State of Florida. *DAVID* is the by-product of law enforcement's need for timely, accurate information and images—pictures and signatures.

Monitoring:

The Department audits *DAVID* usage by law enforcement agencies (LEAs) and other users (non-LEAs) on a scheduled basis. Every LEA is audited once every two years. The Department audits *DAVID* usage by other users every three years. The Department also performs random audits of its own *DAVID* user-employees on a monthly basis.

Apart from their Department-required audit, LEAs may request an audit of their agency's *DAVID* usage. These are requests from law enforcement agencies asking for officer usage activity for their agency or for who may

have inquired on specific driver license/motor vehicle data.

Requests:

The public can request an audit to see who has accessed their motor vehicle and driver license records. The Department gains clearance from each agency, or if a criminal investigation is ongoing, redacts any report data related to that inquiry. After any potential redactions, the auditor prepares a report for public release.

Authorized Use:

Information accessed from *DAVID* must be **FOR LEGITIMATE BUSINESS PURPOSES ONLY.**

Some authorized use by law enforcement is during traffic stops, crashes, investigations, natural disasters and missing persons. Authorized use of Emergency Contact Information (ECI) is limited for contacting those listed in the event of an emergency.

Unauthorized Use of *DAVID*:

Unauthorized use includes queries not related to official law enforcement or judicial purposes. In other words all queries not related to official business are unauthorized.

Modernization:

The Department has begun a two-year project to modernize the *DAVID* system. At present law enforcement officers, as well as other governmental agencies, have access to the millions of driver license and motor vehicle records to conduct their day to day business needs. The redesign is the department's effort to improve security of information, improved auditing tools and enhanced service delivery.

RICHARD BROWN
Assistant General Counsel

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SUPPORT YOUR LOCAL FHP LEGAL ADVISOR

The Office of General Counsel has opened new regional offices in Jacksonville and Pinellas Park to provide direct assistance with legal issues arising within those areas. The new locations join established offices in Orlando and Lake Worth. Each Troop has an assigned legal advisor from Tallahassee or a regional office. Members are encouraged to call to discuss general legal issues related to their activities, including traffic enforcement, DUI, forfeiture, public records and questions concerning civil litigation. More complex legal issues that require a formal written opinion must be requested through the chain of command and with approval of the Troop Commander.

Legal training can also be provided on a refresher basis or as new issues or procedures warrant. The legal advisor is available to attend District or Troop meetings to act as a resource or provide answers to specific legal issues.

In addition to the main office in Tallahassee, we now have regional legal offices in Jacksonville at the Troop G Headquarters, in Orlando at the Troop D Headquarters, in Pinellas Park at the Troop C District office and in Lake Worth at the Lake Worth (Turnpike) Service Plaza. (See page four for office locations and contact numbers.)

It is the goal of your General Counsel's office to provide hands-on legal advice to each Troop by these placements. Our attorneys are eager to serve the Patrol. Call or contact us as the need arises. Support your local legal advisor!

JUDSON CHAPMAN
Senior Assistant General Counsel



DOING THE RIGHT THING



**Live one day at
a time
emphasizing
ethics rather
than rules.
— Wayne Dyer**

As I've mentioned in previous articles, the Department's Ethics Committee has been grappling with how to keep growing an ethical culture at DHSMV. Merriam Webster dictionary defines "culture" in this context as "the set of shared attitudes, values, goals, and practices that characterizes an institution or organization."

Two words jump out at me from that definition. First is the word "shared". For an ethical culture to take deep root within DHSMV, we all must look for ways to encourage ethical behavior in ourselves and others. Turning a blind eye to wrongdoing — whether yours or someone else's — is incompatible with an ethical culture.

The second word is "characterizes". Thoughts of ethical behavior can't be limited to occasional training. It must be like air: in,

around, among and through all of us, in every position and location of the Department. Whether you are a trooper in a patrol car on the turnpike, a driver license examiner in an office in Pinellas Park, or a BAR hearing officer in Panama City, you — all of us — should regularly remind ourselves of the difference between what we have a right to do and what is right to do. That, as Supreme Court Justice Potter Stewart noted, is ethics.

STEVE HURM
General Counsel



DRIVERLESS CARS IN FLORIDA?

If Google has its way, we may be seeing quite a few driverless cars on Florida's roads in the not too distant future. Google is currently testing technology which allows an autonomous vehicle to



drive on any road and highway without a human driver while using video cameras inside the car, radar sensors on top and on the front of the vehicle and a position sensor attached to one of the rear wheels that helps locate the car's position on an electronic map. The system allows the autonomous cars to drive on specific roads designated by the on-board com-

puters all while obeying traffic laws and avoiding other vehicles. Google has been lobbying state legislatures throughout the nation to allow the testing of the new system known commonly as "Google Car." The Nevada Department of Motor Vehicles issued the first license for a self-driven car in May 2012. The license was issued to a Toyota Prius modified with Google's experimental driverless technology.

Florida is not too far behind Nevada in allowing driverless vehicles on its roads. In January, the Florida Legislature passed HB 1207 which allows for the

licensing and regulation of autonomous vehicles. The bill enacts section 316.85(1), which states that "a person who possesses a valid driver license may operate an autonomous vehicle in autonomous mode."

Whether computer driven cars will one day completely replace human driven cars is anyone's guess. However, the technology appears to pave the way to allow for easier mobility for people with disabilities and the elderly and provide for safer roads in general.

JASON HELFANT
Assistant General Counsel

MICHAEL BLAINE—FIRST NATIONALLY CERTIFIED **BAR** HEARING OFFICER

Operations Analyst Michael G. Blain recently became the first Bureau of Administrative Reviews hearing officer to obtain National Certification as a Hearing Official from the National Association of Hearing Officials (NAHO).

Michael began working for the Department of Highway Safety and Motor Vehicles as a driver license examiner in February of 2004. He subsequently worked as a driver license trainer and joined BAR in October of 2006.

In order to obtain this certification with the National Association of Hearing Officials our hearing officers must meet the requirements listed below:

- have a law school degree and have at least two years of

experience as a hearing official; or

- have a medical school degree, a doctorate degree, a master's degree, or other type of graduate degree, and at least three years of experience as a hearing official; or

- have a bachelor's degree and at least four years of experience as a hearing official; or

- have between one and four years of college credits and no less than four years of experience as a hearing official.

- 56 hours of additional training.

In 1995 NAHO initiated a certification program for hearing officials. This program is dedicated to developing uniform standards of excellence and professionalism for hearing officials and administrative law judges across the country. Course requirements for certification ensure that individuals have a sound background in administrative law and hearing procedures.

Congratulations Michael on this prestigious honor! We're proud of you and thank you for your dedication to the Department and BAR.

KATHY JIMENEZ-MORALES, Chief,
GREG OZMENT, OMC,
Bureau of Administrative Reviews



THE NATIONAL
JUDICIAL COLLEGE
Est. 1965



MICHAEL G. BLAIN

FHP LEGAL CORNER — FLORIDA PUBLIC RECORDS LAW

The Public's right to inspect or copy public records is guaranteed by the Florida Constitution, Article I, § 24 and § 119.01, Florida Statutes. "It is the policy of this state that all state, county and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty for each agency." § 119.01(1), Fla. Stat. Is the requested item a public record or not? If it is not a public record, you do not have to disclose it. If it is a public record, you need to disclose it unless it is confidential or specifically exempted from disclosure. Public record may be defined as "any material

prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type". Public records are not just written documents, but "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material regardless of physical form characteristics, or means of transmission, made in connection with the transaction of official business by any agency." § 119.01(12), Fla. Stat. As a general rule, if the item is related to official business of



the agency, it is a public record. However, personal papers or documents are generally not public records. If it has been determined that it is a public record, it must be provided unless it is specifically exempted from disclosure. Erroneous beliefs regarding public records include, it is "just a draft", or "it's just my notes", or "I do not want to email it to you, I will just hand it to you so it does not become a public record." A personal email, even if sent from a government computer, is not a public record. A state related email sent from your personal computer

is a public record. Personal calls made on a state issued telephone are not public records, but state business-related telephone calls from your personal phone are public records.

Active criminal investigative information is exempt from disclosure, but in order to be active it must relate to an ongoing investigation which is continuing in reasonable, good faith anticipation of securing an arrest or prosecution in the foreseeable future. For example, a traffic homicide investigation with pending toxicology results is active and not subject to disclosure. However, the video from a DUI arrest is a public record because the individual has been arrested. We urge you to contact your supervisor or troop legal advisor when in doubt concerning public records and exemptions.

PETER N. STOUMBELIS
Senior Assistant General Counsel

News and Notes

Looking for old Legal Bulletins?
You can find them here: [http://
www.flhsmv.gov/Bulletins/
index.html](http://www.flhsmv.gov/Bulletins/index.html)



• DGC Birthdays:

Eileen Bishop 5/6
William Van Cott 5/8
Judy Medina 5/12
Pam Decambra 6/1
Judd Chapman 6/7
Emma Brock 6/11
Jennifer Clark 6/25
Hattie Jones-Williams 6/26
Jason Helfant 7/2
Patty Turnage 7/8
Damaris Reynolds 7/22

Welcome to our New DGC Members !!!

Alejandra Perez, Paralegal Specialist
(Lake Worth)
Audrey Littlefield, Paralegal Specialist
(Tallahassee)
John McCarthy, Assistant General Counsel
(Tallahassee)
Khai Patterson, Assistant General Counsel
(Tallahassee)



OFFICE LOCATIONS & TELEPHONE NUMBERS

Headquarters:
2900 Apalachee Parkway
A-432, MS 02
Tallahassee, FL 32399-0504
850 617-3101

Jacksonville:
7322 Normandy Boulevard
Jacksonville, FL 32205
904 695-4040

Lake Worth:
Lake Worth Regional Communication Center
Florida's Turnpike MM 94
Lake Worth, FL 33463
561 357-4165

Orlando:
133 S. Semoran Blvd. Suite A
Orlando, FL 32807
407 736-1919

Pinellas Park:
7651 U. S. Highway 19, North
Pinellas Park, FL 33781
727 217-8806



SPOTLIGHT ON

RICHARD COLN ASSISTANT GENERAL COUNSEL



Rich is the FHP legal advisor for Troop D. Rich was born in Atlanta, Georgia and raised in Orlando, FL. Rich earned his bachelor's degree at Florida State University in 1993 and his law degree at the University of Miami in 1997.



After joining the Florida Bar, Rich worked for the Public Defender's Office for the 18th Circuit in Seminole County, FL. In 2001, Rich moved to Tallahassee where he worked for the Department of Juvenile Justice and then for the Department of Business and Professional Regulation, as an arbitrator for the Division of Condominiums.

Rich returned to Orlando in 2004 and worked for five years with a private law firm.

In 2009, Rich joined our Orlando Legal Office, which is located at Troop D headquarters in Orlando, FL. Rich and his wife Laura, an Assistant State Attorney in Volusia County, FL, live with their two boys Alex and Sean in Oviedo, FL.