



Terry L. Rhodes
Executive Director

2900 Apalachee Parkway
Tallahassee, Florida 32399-0500
www.flhsmv.gov

November 21, 2018

City of Fort Lauderdale Dept of Transportation and Mobility Parking Division
Attn: Diana Alarcon
290 N.E. 3d Ave.
Ft. Lauderdale, FL 33301

Re: Memorandum of Understanding
Contract No.: HSMV-0461-17

Dear Diana Alarcon,

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.

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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.

Sincerely,

A handwritten signature in dark ink, appearing to read "Stephanie D. Duhart". The signature is fluid and cursive, with the first name "Stephanie" being more prominent and the last name "Duhart" following in a similar style.

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