

RESOLUTION NO. 2018-294

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE FIRST AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE FLORIDA DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES AND THE CITY OF COCONUT CREEK TO ALLOW THE COCONUT CREEK POLICE DEPARTMENT ACCESS TO THE DRIVER AND VEHICLE INFORMATION DATABASE (DAVID); PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on May 4, 2016, the City entered into a Memorandum of Understanding (MOU) with the Florida Department of Highway Safety and Motor Vehicles; and

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 information within the Driver And Vehicle Information Database (DAVID) 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, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

Section 1: That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this resolution.

Section 2: That the City Commission has reviewed and hereby approves the attached Amendment No. 1 to the MOU between the Florida Department of Highway Safety and Motor Vehicles and the City of Coconut Creek.

Section 3: That the City Manager, or designee, is hereby authorized to execute the attached Amendment No. 1 to the MOU between the Florida Department of Highway Safety and Motor Vehicles and the City of Coconut Creek.

Section 4: That if any clause, section, other part, or application of this resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or in application, it shall not affect the validity of the remaining portion or applications of this resolution.

Section 5: That this resolution shall become effective immediately upon its adoption.

Adopted this 13th day of December, 2018.

Joshua Rydell, Mayor

Attest:

Leslie Wallace May, City Clerk

Rydell	<u>Aye</u>
Welch	<u>Aye</u>
Tooley	<u>Aye</u>
Sarbone	<u>Aye</u>
Belvedere	<u>Aye</u>