

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

HB 1359 — Public Records/Department of Highway Safety and Motor Vehicles

by Rep. Brannan (CS/SB 1502 by Committee on Transportation and Senator Harrell)

The bill, which is contingent on SB 1134 becoming law, creates four public records exemptions, each making confidential and exempt from public disclosure information received by the Department of Highway Safety and Motor Vehicles (DHSMV) as part of its investigations or examinations of:

- Suspected violations by private rebuilt inspection providers, or any contract entered into thereunder by such a provider;
- Suspected violations of ch. 319, F.S., relating to motor vehicle titles, or any rule or order thereunder;
- Suspected violations of ch. 320, F.S., relating to motor vehicle registrations and motor vehicle dealer and manufacturer licensing, or any rule or order thereunder; and
- Suspected violations of ch. 322, F.S., relating to driver licenses and identification cards, or any rule or order thereunder.

The above exemptions shield investigative records until the investigation ceases to be active or administrative action taken by the DHSMV has concluded or been made part of any hearing or court proceeding, after which the investigative records are no longer confidential and exempt.

The bill provides that the public record exemption is subject to the Open Government Sunset Review Act and will repeal on October 2, 2026, unless the Legislature reviews and reenacts the exemption by that date. The bill provides a statement of public necessity as required by the State Constitution.

If approved by the Governor, these provisions take effect on the same date that CS/HB 1151 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

Vote: Senate 40-0; House 118-0