

By Representative Heyman

1                                   A bill to be entitled  
2           An act relating to records of the Department of  
3           Highway Safety and Motor Vehicles; amending s.  
4           119.07, F.S.; providing an exemption from  
5           public records requirements, upon request by  
6           the subject, for personal identifying  
7           information in motor vehicle records;  
8           authorizing disclosure for specified uses;  
9           authorizing disclosure for any use with the  
10          consent of the subject; authorizing disclosure  
11          to certain entities for resale or redisclosure  
12          to persons authorized to receive such  
13          information and providing requirements with  
14          respect thereto; authorizing certain resale or  
15          redisclosure by authorized recipients of such  
16          information and requiring such persons to  
17          maintain records; providing for fees;  
18          authorizing the department to impose conditions  
19          upon requests for disclosure; amending s.  
20          319.17, F.S., relating to indexes and records  
21          of motor vehicles and mobile homes, s. 319.25,  
22          F.S., relating to title records, s. 320.05,  
23          F.S., relating to registration records, and s.  
24          322.20, F.S., relating to driver's license  
25          records, to conform; providing a finding of  
26          public necessity; providing an effective date.

27  
28   Be It Enacted by the Legislature of the State of Florida:

29  
30           Section 1. Paragraph (bb) is added to subsection (3)  
31   of section 119.07, Florida Statutes, 1996 Supplement, to read:

1           119.07 Inspection, examination, and duplication of  
2 records; exemptions.--

3           (3)

4           (bb) Upon a request made in a form designated by the  
5 Department of Highway Safety and Motor Vehicles, personal  
6 information contained in a motor vehicle record that  
7 identifies the requester is exempt from subsection (1) and s.  
8 24(a), Art. I of the State Constitution except as provided in  
9 this paragraph. Personal information includes, but is not  
10 limited to, the requester's social security number, driver  
11 identification number, name, address, telephone number, and  
12 medical or disability information. For purposes of this  
13 paragraph, personal information does not include information  
14 relating to vehicular crashes, driving violations, and  
15 driver's status. Such request may be made only by the person  
16 who is the subject of the motor vehicle record. For purposes  
17 of this paragraph, "motor vehicle record" means any record  
18 that pertains to a motor vehicle operator's permit, motor  
19 vehicle title, motor vehicle registration, or identification  
20 card issued by the Department of Highway Safety and Motor  
21 Vehicles. Personal information contained in motor vehicle  
22 records exempted by an individual's request pursuant to this  
23 paragraph shall be released by the department for any of the  
24 following uses:

25           1. For use in connection with matters of motor vehicle  
26 or driver safety and theft; motor vehicle emissions; motor  
27 vehicle product alterations, recalls, or advisories;  
28 performance monitoring of motor vehicles and dealers by motor  
29 vehicle manufacturers; and removal of nonowner records from  
30 the original owner records of motor vehicle manufacturers, to  
31 carry out the purposes of the Automobile Information

1 Disclosure Act, the Motor Vehicle Information and Cost Saving  
2 Act, the National Traffic and Motor Vehicle Safety Act of  
3 1966, the Anti-Car Theft Act of 1992, and the Clean Air Act.

4 2. For use by any government agency, including any  
5 court or law enforcement agency, in carrying out its  
6 functions, or any private person or entity acting on behalf of  
7 a federal, state, or local agency in carrying out its  
8 functions.

9 3. For use in connection with matters of motor vehicle  
10 or driver safety and theft; motor vehicle emissions; motor  
11 vehicle product alterations, recalls, or advisories;  
12 performance monitoring of motor vehicles, motor vehicle parts,  
13 and dealers; motor vehicle market research activities,  
14 including survey research; and removal of nonowner records  
15 from the original owner records of motor vehicle  
16 manufacturers.

17 4. For use in the normal course of business by a  
18 legitimate business or its agents, employees, or contractors,  
19 but only:

20 a. To verify the accuracy of personal information  
21 submitted by the individual to the business or its agents,  
22 employees, or contractors; and

23 b. If such information as so submitted is not correct  
24 or is no longer correct, to obtain the correct information,  
25 but only for the purposes of preventing fraud by, pursuing  
26 legal remedies against, or recovering on a debt or security  
27 interest against, the individual.

28 5. For use in connection with any filed civil,  
29 criminal, administrative, or arbitral proceeding in any court  
30 or agency or before any self-regulatory body, including  
31

1 service of process, execution or enforcement of judgments and  
2 orders, or pursuant to order of any court.

3 6. For use in research activities and for use in  
4 producing statistical reports, so long as the personal  
5 information is not published, redisclosed, or used to contact  
6 individuals.

7 7. For use by any insurer or insurance support  
8 organization, or by a self-insured entity, or its agents,  
9 employees, or contractors, in connection with claims  
10 investigation activities, anti-fraud activities, rating, or  
11 underwriting.

12 8. For use in providing notice to the owners of towed  
13 or impounded vehicles.

14 9. For use by any licensed private investigative  
15 agency or licensed security service for any purpose permitted  
16 under this paragraph.

17 10. For use by an employer or its agent or insurer to  
18 obtain or verify information relating to a holder of a  
19 commercial driver's license that is required under the  
20 Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. App.  
21 2710 et seq.

22 11. For use in connection with the operation of  
23 private toll transportation facilities.

24 12. For bulk distribution for surveys, marketing, or  
25 solicitations when the department has implemented methods and  
26 procedures to ensure that:

27 a. Individuals are provided an opportunity, in a clear  
28 and conspicuous manner, to prohibit such uses; and

29 b. The information will be used, rented, or sold  
30 solely for bulk distribution for survey, marketing, and  
31 solicitations, and that surveys, marketing, and solicitations

1 will not be directed at those individuals who have timely  
2 requested that they not be directed at them.

3 13. For any use if the requesting person demonstrates  
4 that he or she has obtained the written consent of the person  
5 who is the subject of the motor vehicle record.

6 14. For any other use specifically authorized by state  
7 law, if such use is related to the operation of a motor  
8 vehicle or public safety.

9  
10 Personal information exempted from public disclosure according  
11 to this paragraph may be disclosed by the Department of  
12 Highway Safety and Motor Vehicles to an individual, firm,  
13 corporation, or similar business entity whose primary business  
14 interest is to resell or redisclose the personal information  
15 to persons who are authorized to receive such information.  
16 Prior to the department's disclosure of personal information,  
17 such individual, firm, corporation, or similar business entity  
18 must first enter into a contract with the department regarding  
19 the care, custody, and control of the personal information to  
20 ensure compliance with the federal Driver's Privacy Protection  
21 Act of 1994 and applicable state laws. An authorized  
22 recipient of personal information contained in a motor vehicle  
23 record, except a recipient under subparagraph 12., may resell  
24 or redisclose the information for any use permitted under this  
25 paragraph. However, only authorized recipients of personal  
26 information under subparagraph 12. may resell or redisclose  
27 personal information pursuant to subparagraph 12. Any  
28 authorized recipient who resells or rediscloses personal  
29 information shall maintain, for a period of 5 years, records  
30 identifying each person or entity that receives the personal  
31 information and the permitted purpose for which it will be

1 used. Such records shall be made available for inspection  
2 upon request by the department. The department shall adopt  
3 rules to carry out the purposes of this paragraph and the  
4 federal Driver's Privacy Protection Act of 1994, Title XXX,  
5 Pub. L. No. 103-322. Rules adopted by the department shall  
6 provide for the payment of applicable fees and, prior to the  
7 disclosure of personal information pursuant to this paragraph,  
8 require the meeting of conditions by the requesting person for  
9 the purposes of obtaining reasonable assurance concerning the  
10 identity of such requesting person, and, to the extent  
11 required, that the use will be only as authorized, or that the  
12 consent of the person who is the subject of the personal  
13 information has been obtained. Such conditions may include,  
14 but need not be limited to, the making and filing of a written  
15 application in such form and containing such information and  
16 certification requirements as the department may require.

17 Section 2. Subsection (3) of section 319.17, Florida  
18 Statutes, is amended to read:

19 319.17 Rules; forms; indexes and records.--

20 (3) The department shall maintain indexes of motor  
21 vehicles and mobile homes by name of owner, by title number,  
22 and by manufacturer's motor number or vehicle identification  
23 number. The department shall keep a permanent record of  
24 notices of liens and satisfactions thereof. Such indexes and  
25 records shall be open to the inspection of the public at all  
26 reasonable times, except as provided in chapter 119.

27 Section 3. Subsection (2) of section 319.25, Florida  
28 Statutes, is amended to read:

29 319.25 Cancellation of certificates.--

30 (2) The department is authorized, upon application of  
31 any person and payment of the proper fees, to prepare and

1 furnish lists containing title information in such form as the  
2 department may authorize, to search the records of the  
3 department and make reports thereof, and to make photographic  
4 copies of the department records and attestations thereof,  
5 except as provided in chapter 119.

6 Section 4. Section 320.05, Florida Statutes, 1996  
7 Supplement, is amended to read:

8 320.05 Records of the department; inspection  
9 procedure; lists and searches; fees.--

10 (1) Except as provided in s. 119.07(3), the department  
11 may release records as provided in this section.

12 (2)~~(1)~~ Upon receipt of an application for the  
13 registration of a motor vehicle or mobile home, as herein  
14 provided for, the department shall register the motor vehicle  
15 or mobile home under the distinctive number assigned to such  
16 motor vehicle or mobile home by the department, which  
17 registration record shall be open to the inspection of the  
18 public during business hours. Information on a motor vehicle  
19 registration may not be made available to a person unless the  
20 person requesting the information furnishes positive proof of  
21 identification. The agency that furnishes a motor vehicle  
22 registration record shall record the name and address of any  
23 person other than a representative of a law enforcement agency  
24 who requests and receives information from a motor vehicle  
25 registration record and shall also record the name and address  
26 of the person who is the subject of the inquiry or other  
27 information identifying the entity about which information is  
28 requested. A record of each such inquiry must be maintained  
29 for a period of 6 months from the date upon which the  
30 information was released to the inquirer. Nothing in this  
31 section shall prohibit any financial institution, insurance

1 company, motor vehicle dealer, licensee under chapter 493,  
2 attorney, or other agency which the department determines has  
3 the right to know from obtaining, for professional or business  
4 use only, information in such records from the department  
5 through any means of telecommunication pursuant to a code  
6 developed by the department providing all fees specified in  
7 subsection (3)~~(2)~~ have been paid.

8 (3)~~(2)~~(a) The department is authorized, upon  
9 application of any person and payment of the proper fees, to  
10 prepare and furnish lists containing motor vehicle or vessel  
11 information in such form as the department may authorize, to  
12 search the records of the department and make reports thereof,  
13 and to make photographic copies of the department records and  
14 attestations thereof.

15 (b) Fees therefor shall be charged and collected as  
16 follows:

17 1. For providing lists of motor vehicle or vessel  
18 records for the entire state, or any part or parts thereof,  
19 divided according to counties, a sum computed at a rate of not  
20 less than 1 cent nor more than 5 cents per item.

21 2. For providing noncertified photographic copies of  
22 motor vehicle or vessel documents, \$1 per page.

23 3. For providing noncertified photographic copies of  
24 micrographic records, \$1 per page.

25 4. For providing certified copies of motor vehicle or  
26 vessel records, \$3 per record.

27 5. For providing noncertified computer-generated  
28 printouts of motor vehicle or vessel records, 50 cents per  
29 record.

30 6. For providing certified computer-generated  
31 printouts of motor vehicle or vessel records, \$3 per record.



1           7. For providing electronic access to motor vehicle,  
2 vessel, and mobile home registration data requested by tag,  
3 vehicle identification number, title number, or decal number,  
4 50 cents per item.

5           8. For providing electronic access to driver's license  
6 status report by name, sex, and date of birth or by driver  
7 license number, 50 cents per item.

8           9. For providing lists of licensed mobile home dealers  
9 and manufacturers and recreational vehicle dealers and  
10 manufacturers, \$15 per list.

11           10. For providing lists of licensed motor vehicle  
12 dealers, \$25 per list.

13           11. For each copy of a videotape record, \$15 per tape.

14           12. For each copy of the Division of Motor Vehicles  
15 Procedures Manual, \$25.

16           (c) Fees collected pursuant to paragraph (b) shall be  
17 deposited into the Highway Safety Operating Trust Fund.

18           (d) The department shall furnish such information  
19 without charge to any court or governmental entity.

20           (e) When motor vehicle, vessel, or mobile home  
21 registration data is provided by electronic access through a  
22 tax collector's office, a fee for the electronic access is not  
23 required to be assessed. However, at the tax collector's  
24 discretion, a fee equal to or less than the fee charged by the  
25 department for such information may be assessed by the tax  
26 collector for the electronic access. Notwithstanding paragraph  
27 (c), any funds collected by the tax collector as a result of  
28 providing such access shall be retained by the tax collector.

29           (4)~~(3)~~ The department is authorized to reproduce such  
30 documents, records, and reports as required to meet the  
31 requirements of the law and the needs of the public, either by

1 photographing, microphotographing, or reproducing on film the  
2 document, record, or report, or by using an electronic  
3 digitizing process capable of reproducing a true and correct  
4 image of the original source document. The photographs,  
5 microphotographs, or electronic digitized copy of any records  
6 made in compliance with the provisions of this section shall  
7 have the same force and effect as the originals thereof and  
8 shall be treated as originals for the purpose of their  
9 admissibility into evidence. Duly certified or authenticated  
10 reproductions of such photographs, microphotographs, or  
11 electronically digitized records shall be admitted into  
12 evidence equally with the original photographs,  
13 microphotographs, or electronically digitized records.

14 Section 5. Subsections (8), (9), (10), (11), (12), and  
15 (13) of section 322.20, Florida Statutes, 1996 Supplement, are  
16 renumbered as subsections (9), (10), (11), (12), (13), and  
17 (14), respectively, and a new subsection (8) is added to said  
18 section to read:

19 322.20 Records of the department; fees; destruction of  
20 records.--

21 (8) Except as provided in s. 119.07(3), the department  
22 may release records as provided in this section.

23 Section 6. The Legislature finds that it is a public  
24 necessity that personal information in a person's motor  
25 vehicle record held by the Department of Highway Safety and  
26 Motor Vehicles be exempt from public disclosure. Limiting  
27 access to motor vehicle records will afford the public an  
28 added measure of protection by preventing individuals from  
29 obtaining for malicious purposes personal information  
30 contained in the state's motor vehicle records. Further, such  
31 an exemption will conform state law to the requirements of the

551-112C-97

1 federal Driver's Privacy Protection Act of 1994, which  
 2 prohibits disclosure of such information of a sensitive,  
 3 personal nature, with specified exceptions.

4           Section 7. This act shall take effect September 13,  
 5 1997.

6  
 7 \*\*\*\*\*

8   HOUSE SUMMARY

9  
 10 Provides an exemption from public records requirements  
 11 for personal identifying information contained in motor  
 12 vehicle records held by the Department of Highway Safety  
 13 and Motor Vehicles, upon request of the subject of the  
 14 records. Authorizes disclosure for specified uses, and  
 15 for any use with the consent of the subject. Authorizes  
 disclosure to certain entities for resale or redisclosure  
 to persons authorized to receive such information, and  
 authorizes certain resale or redisclosure by authorized  
 recipients, under specified conditions. Provides for  
 fees and authorizes the department to impose conditions  
 upon requests for disclosure.

16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28  
 29  
 30  
 31