

By the Committee on Transportation & Economic Development  
Appropriations and Representatives Heyman, King and Tobin

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; increasing the fees for  
26          providing certain transcripts or searching for  
27          certain records; providing a finding of public  
28          necessity; providing an effective date.

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30 Be It Enacted by the Legislature of the State of Florida:  
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1           Section 1. Paragraph (bb) is added to subsection (3)  
2 of section 119.07, Florida Statutes, 1996 Supplement, to read:

3           119.07 Inspection, examination, and duplication of  
4 records; exemptions.--

5           (3)

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

27           1. For use in connection with matters of motor vehicle  
28 or driver safety and theft; motor vehicle emissions; motor  
29 vehicle product alterations, recalls, or advisories;  
30 performance monitoring of motor vehicles and dealers by motor  
31 vehicle manufacturers; and removal of nonowner records from

1 the original owner records of motor vehicle manufacturers, to  
2 carry out the purposes of the Automobile Information  
3 Disclosure Act, the Motor Vehicle Information and Cost Saving  
4 Act, the National Traffic and Motor Vehicle Safety Act of  
5 1966, the Anti-Car Theft Act of 1992, and the Clean Air Act.

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

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

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

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

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

30 5. For use in connection with any filed civil,  
31 criminal, administrative, or arbitral proceeding in any court

1 or agency or before any self-regulatory body, including  
2 service of process, execution or enforcement of judgments and  
3 orders, or pursuant to order of any court.

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

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

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

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

18 10. For use by an employer or its agent or insurer to  
19 obtain or verify information relating to a holder of a  
20 commercial driver's license that is required under the  
21 Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. App.  
22 2710 et seq.

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

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

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

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

1 solicitations, and that surveys, marketing, and solicitations  
2 will not be directed at those individuals who have timely  
3 requested that they not be directed at them.

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

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

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

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

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

20 319.17 Rules; forms; indexes and records.--

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

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

30 319.25 Cancellation of certificates.--

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1           (2) The department is authorized, upon application of  
2 any person and payment of the proper fees, to prepare and  
3 furnish lists containing title information in such form as the  
4 department may authorize, to search the records of the  
5 department and make reports thereof, and to make photographic  
6 copies of the department records and attestations thereof,  
7 except as provided in chapter 119.

8           Section 4. Section 320.05, Florida Statutes, 1996  
9 Supplement, is amended to read:

10           320.05 Records of the department; inspection  
11 procedure; lists and searches; fees.--

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

14           (2)~~(1)~~ Upon receipt of an application for the  
15 registration of a motor vehicle or mobile home, as herein  
16 provided for, the department shall register the motor vehicle  
17 or mobile home under the distinctive number assigned to such  
18 motor vehicle or mobile home by the department, which  
19 registration record shall be open to the inspection of the  
20 public during business hours. Information on a motor vehicle  
21 registration may not be made available to a person unless the  
22 person requesting the information furnishes positive proof of  
23 identification. The agency that furnishes a motor vehicle  
24 registration record shall record the name and address of any  
25 person other than a representative of a law enforcement agency  
26 who requests and receives information from a motor vehicle  
27 registration record and shall also record the name and address  
28 of the person who is the subject of the inquiry or other  
29 information identifying the entity about which information is  
30 requested. A record of each such inquiry must be maintained  
31 for a period of 6 months from the date upon which the

1 information was released to the inquirer. Nothing in this  
2 section shall prohibit any financial institution, insurance  
3 company, motor vehicle dealer, licensee under chapter 493,  
4 attorney, or other agency which the department determines has  
5 the right to know from obtaining, for professional or business  
6 use only, information in such records from the department  
7 through any means of telecommunication pursuant to a code  
8 developed by the department providing all fees specified in  
9 subsection (3)~~(2)~~ have been paid.

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

17 (b) Fees therefor shall be charged and collected as  
18 follows:

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

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

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

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

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

- 1           6. For providing certified computer-generated  
2 printouts of motor vehicle or vessel records, \$3 per record.
- 3           7. For providing electronic access to motor vehicle,  
4 vessel, and mobile home registration data requested by tag,  
5 vehicle identification number, title number, or decal number,  
6 50 cents per item.
- 7           8. For providing electronic access to driver's license  
8 status report by name, sex, and date of birth or by driver  
9 license number, 50 cents per item.
- 10          9. For providing lists of licensed mobile home dealers  
11 and manufacturers and recreational vehicle dealers and  
12 manufacturers, \$15 per list.
- 13          10. For providing lists of licensed motor vehicle  
14 dealers, \$25 per list.
- 15          11. For each copy of a videotape record, \$15 per tape.
- 16          12. For each copy of the Division of Motor Vehicles  
17 Procedures Manual, \$25.
- 18          (c) Fees collected pursuant to paragraph (b) shall be  
19 deposited into the Highway Safety Operating Trust Fund.
- 20          (d) The department shall furnish such information  
21 without charge to any court or governmental entity.
- 22          (e) When motor vehicle, vessel, or mobile home  
23 registration data is provided by electronic access through a  
24 tax collector's office, a fee for the electronic access is not  
25 required to be assessed. However, at the tax collector's  
26 discretion, a fee equal to or less than the fee charged by the  
27 department for such information may be assessed by the tax  
28 collector for the electronic access. Notwithstanding paragraph  
29 (c), any funds collected by the tax collector as a result of  
30 providing such access shall be retained by the tax collector.  
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1           ~~(4)~~(3) The department is authorized to reproduce such  
2 documents, records, and reports as required to meet the  
3 requirements of the law and the needs of the public, either by  
4 photographing, microphotographing, or reproducing on film the  
5 document, record, or report, or by using an electronic  
6 digitizing process capable of reproducing a true and correct  
7 image of the original source document. The photographs,  
8 microphotographs, or electronic digitized copy of any records  
9 made in compliance with the provisions of this section shall  
10 have the same force and effect as the originals thereof and  
11 shall be treated as originals for the purpose of their  
12 admissibility into evidence. Duly certified or authenticated  
13 reproductions of such photographs, microphotographs, or  
14 electronically digitized records shall be admitted into  
15 evidence equally with the original photographs,  
16 microphotographs, or electronically digitized records.

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

22           322.20 Records of the department; fees; destruction of  
23 records.--

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

26           ~~(11)~~~~(10)~~(a) The department is authorized to charge the  
27 following fees for the following services and documents:

28           1. For providing a transcript of any one individual's  
29 driver history record for the past 3 years or for searching  
30 for such record when no record is found to be on file....\$3.00  
31 ~~\$2.00~~

- 1           2. For providing a transcript of any one individual's  
2 driver history record for the past 7 years or for searching  
3 for such record when no record is found to be on file....\$5.00  
4 ~~\$3.00~~
- 5           3. For providing a certified copy of a transcript of  
6 the driver history record for any one individual.....\$3.00
- 7           4. For providing a certified photographic copy of a  
8 document, per page.....\$1.00
- 9           5. For providing an exemplified record.....\$15.00
- 10          6. For providing photocopies of documents, papers,  
11 letters, clearances, or license or insurance status reports,  
12 per page.....\$0.50
- 13          7. For assisting persons in searching any one  
14 individual's driver record at a terminal located at the  
15 department's general headquarters in Tallahassee.....\$2.00
- 16          (b) The department shall furnish such information  
17 without charge to any local, state, or federal law enforcement  
18 agency or court upon proof satisfactory to the department as  
19 to the purpose of the investigation.
- 20          Section 6. The Legislature finds that it is a public  
21 necessity that personal information in a person's motor  
22 vehicle record held by the Department of Highway Safety and  
23 Motor Vehicles be exempt from public disclosure. Limiting  
24 access to motor vehicle records will afford the public an  
25 added measure of protection by preventing individuals from  
26 obtaining for malicious purposes personal information  
27 contained in the state's motor vehicle records. Further, such  
28 an exemption will conform state law to the requirements of the  
29 federal Driver's Privacy Protection Act of 1994, which  
30 prohibits disclosure of such information of a sensitive,  
31 personal nature, with specified exceptions.

1           Section 7. This act shall take effect September 13,  
2 1997.  
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