

1 A bill to be entitled
2 An act relating to public records requirements;
3 amending s. 119.07, F.S.; providing an
4 exemption from public records requirements,
5 upon request by the subject, for personal
6 identifying information in motor vehicle
7 records; authorizing disclosure for specified
8 uses; authorizing disclosure for any use with
9 the consent of the subject; authorizing
10 disclosure to certain entities for resale or
11 redisclosure to persons authorized to receive
12 such information and providing requirements
13 with respect thereto; authorizing certain
14 resale or redisclosure by authorized recipients
15 of such information and requiring such persons
16 to maintain records; providing for fees;
17 authorizing the department to impose conditions
18 upon requests for disclosure; amending s.
19 319.17, F.S., relating to indexes and records
20 of motor vehicles and mobile homes, s. 319.25,
21 F.S., relating to title records, and s. 320.05,
22 F.S., relating to registration records;
23 amending s. 322.20, F.S., to increase fees for
24 services and documents and to conform;
25 providing a finding of public necessity;
26 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 civil, criminal,
29 administrative, or arbitral proceeding in any court or agency
30 or before any self-regulatory body for:

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1 a. Service of process by any certified process server,
2 special process server, or other person authorized to serve
3 process in this state.

4 b. Investigation in anticipation of litigation by an
5 attorney licensed to practice law in this state or the agent
6 of the attorney.

7 c. Investigation by any person in connection with any
8 filed proceeding.

9 d. Execution or enforcement of judgments and orders.

10 e. Compliance with an order of any court.

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

15 7. For use by any insurer or insurance support
16 organization, or by a self-insured entity, or its agents,
17 employees, or contractors, in connection with claims
18 investigation activities, anti-fraud activities, rating, or
19 underwriting.

20 8. For use in providing notice to the owners of towed
21 or impounded vehicles.

22 9. For use by any licensed private investigative
23 agency or licensed security service for any purpose permitted
24 under this paragraph. Personal information obtained based on
25 an exempt driver's record may not be provided to a client who
26 cannot demonstrate a need based on a police report, court
27 order, or a business or personal relationship with the subject
28 of the investigation.

29 10. For use by an employer or its agent or insurer to
30 obtain or verify information relating to a holder of a
31 commercial driver's license that is required under the

1 Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. App.
2 2710 et seq.

3 11. For use in connection with the operation of
4 private toll transportation facilities.

5 12. For bulk distribution for surveys, marketing, or
6 solicitations when the department has implemented methods and
7 procedures to ensure that:

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

10 b. The information will be used, rented, or sold
11 solely for bulk distribution for survey, marketing, and
12 solicitations, and that surveys, marketing, and solicitations
13 will not be directed at those individuals who have timely
14 requested that they not be directed at them.

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

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

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22 Personal information exempted from public disclosure according
23 to this paragraph may be disclosed by the Department of
24 Highway Safety and Motor Vehicles to an individual, firm,
25 corporation, or similar business entity whose primary business
26 interest is to resell or redisclose the personal information
27 to persons who are authorized to receive such information.
28 Prior to the department's disclosure of personal information,
29 such individual, firm, corporation, or similar business entity
30 must first enter into a contract with the department regarding
31 the care, custody, and control of the personal information to

1 ensure compliance with the federal Driver's Privacy Protection
2 Act of 1994 and applicable state laws. An authorized recipient
3 of personal information contained in a motor vehicle record,
4 except a recipient under subparagraph 12., may contract with
5 the Department of Highway Safety and Motor Vehicles to resell
6 or redisclose the information for any use permitted under this
7 paragraph. However, only authorized recipients of personal
8 information under subparagraph 12. may resell or redisclose
9 personal information pursuant to subparagraph 12. Any
10 authorized recipient who resells or rediscloses personal
11 information shall maintain, for a period of 5 years, records
12 identifying each person or entity that receives the personal
13 information and the permitted purpose for which it will be
14 used. Such records shall be made available for inspection upon
15 request by the department. The department shall adopt rules to
16 carry out the purposes of this paragraph and the federal
17 Driver's Privacy Protection Act of 1994, Title XXX, Pub. L.
18 No. 103-322. Rules adopted by the department shall provide
19 for the payment of applicable fees and, prior to the
20 disclosure of personal information pursuant to this paragraph,
21 shall require the meeting of conditions by the requesting
22 person for the purposes of obtaining reasonable assurance
23 concerning the identity of such requesting person, and, to the
24 extent required, assurance that the use will be only as
25 authorized or that the consent of the person who is the
26 subject of the personal information has been obtained. Such
27 conditions may include, but need not be limited to, the making
28 and filing of a written application in such form and
29 containing such information and certification requirements as
30 the department requires.
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1 Section 2. Subsection (3) of section 319.17, Florida
2 Statutes, is amended to read:

3 319.17 Rules; forms; indexes and records.--

4 (3) The department shall maintain indexes of motor
5 vehicles and mobile homes by name of owner, by title number,
6 and by manufacturer's motor number or vehicle identification
7 number. The department shall keep a permanent record of
8 notices of liens and satisfactions thereof. Such indexes and
9 records shall be open to the inspection of the public at all
10 reasonable times, except as provided in chapter 119.

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

13 319.25 Cancellation of certificates.--

14 (2) The department is authorized, upon application of
15 any person and payment of the proper fees, to prepare and
16 furnish lists containing title information in such form as the
17 department may authorize, to search the records of the
18 department and make reports thereof, and to make photographic
19 copies of the department records and attestations thereof,
20 except as provided in chapter 119.

21 Section 4. Section 320.05, Florida Statutes, 1996
22 Supplement, is amended to read:

23 320.05 Records of the department; inspection
24 procedure; lists and searches; fees.--

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

27 (2)~~(1)~~ Upon receipt of an application for the
28 registration of a motor vehicle or mobile home, as herein
29 provided for, the department shall register the motor vehicle
30 or mobile home under the distinctive number assigned to such
31 motor vehicle or mobile home by the department, which

1 registration record shall be open to the inspection of the
2 public during business hours. Information on a motor vehicle
3 registration may not be made available to a person unless the
4 person requesting the information furnishes positive proof of
5 identification. The agency that furnishes a motor vehicle
6 registration record shall record the name and address of any
7 person other than a representative of a law enforcement agency
8 who requests and receives information from a motor vehicle
9 registration record and shall also record the name and address
10 of the person who is the subject of the inquiry or other
11 information identifying the entity about which information is
12 requested. A record of each such inquiry must be maintained
13 for a period of 6 months from the date upon which the
14 information was released to the inquirer. Nothing in this
15 section shall prohibit any financial institution, insurance
16 company, motor vehicle dealer, licensee under chapter 493,
17 attorney, or other agency which the department determines has
18 the right to know from obtaining, for professional or business
19 use only, information in such records from the department
20 through any means of telecommunication pursuant to a code
21 developed by the department providing all fees specified in
22 subsection (3)~~(2)~~ have been paid.

23 (3)~~(2)~~(a) The department is authorized, upon
24 application of any person and payment of the proper fees, to
25 prepare and furnish lists containing motor vehicle or vessel
26 information in such form as the department may authorize, to
27 search the records of the department and make reports thereof,
28 and to make photographic copies of the department records and
29 attestations thereof.

30 (b) Fees therefor shall be charged and collected as
31 follows:

- 1 1. For providing lists of motor vehicle or vessel
2 records for the entire state, or any part or parts thereof,
3 divided according to counties, a sum computed at a rate of not
4 less than 1 cent nor more than 5 cents per item.
- 5 2. For providing noncertified photographic copies of
6 motor vehicle or vessel documents, \$1 per page.
- 7 3. For providing noncertified photographic copies of
8 micrographic records, \$1 per page.
- 9 4. For providing certified copies of motor vehicle or
10 vessel records, \$3 per record.
- 11 5. For providing noncertified computer-generated
12 printouts of motor vehicle or vessel records, 50 cents per
13 record.
- 14 6. For providing certified computer-generated
15 printouts of motor vehicle or vessel records, \$3 per record.
- 16 7. For providing electronic access to motor vehicle,
17 vessel, and mobile home registration data requested by tag,
18 vehicle identification number, title number, or decal number,
19 50 cents per item.
- 20 8. For providing electronic access to driver's license
21 status report by name, sex, and date of birth or by driver
22 license number, 50 cents per item.
- 23 9. For providing lists of licensed mobile home dealers
24 and manufacturers and recreational vehicle dealers and
25 manufacturers, \$15 per list.
- 26 10. For providing lists of licensed motor vehicle
27 dealers, \$25 per list.
- 28 11. For each copy of a videotape record, \$15 per tape.
- 29 12. For each copy of the Division of Motor Vehicles
30 Procedures Manual, \$25.
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1 (c) Fees collected pursuant to paragraph (b) shall be
2 deposited into the Highway Safety Operating Trust Fund.

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

5 (e) When motor vehicle, vessel, or mobile home
6 registration data is provided by electronic access through a
7 tax collector's office, a fee for the electronic access is not
8 required to be assessed. However, at the tax collector's
9 discretion, a fee equal to or less than the fee charged by the
10 department for such information may be assessed by the tax
11 collector for the electronic access. Notwithstanding paragraph
12 (c), any funds collected by the tax collector as a result of
13 providing such access shall be retained by the tax collector.

14 (4)~~(3)~~ The department is authorized to reproduce such
15 documents, records, and reports as required to meet the
16 requirements of the law and the needs of the public, either by
17 photographing, microphotographing, or reproducing on film the
18 document, record, or report, or by using an electronic
19 digitizing process capable of reproducing a true and correct
20 image of the original source document. The photographs,
21 microphotographs, or electronic digitized copy of any records
22 made in compliance with the provisions of this section shall
23 have the same force and effect as the originals thereof and
24 shall be treated as originals for the purpose of their
25 admissibility into evidence. Duly certified or authenticated
26 reproductions of such photographs, microphotographs, or
27 electronically digitized records shall be admitted into
28 evidence equally with the original photographs,
29 microphotographs, or electronically digitized records.

30 Section 5. Subsections (8), (9), (10), (11), (12), and
31 (13) of section 322.20, Florida Statutes, 1996 Supplement, are

1 renumbered as subsections (9), (10), (11), (12), (13), and
2 (14), respectively, and amended, and a new subsection (8) is
3 added to that section, to read:

4 322.20 Records of the department; fees; destruction of
5 records.--

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

8 ~~(9)~~ The department may, upon application, furnish
9 to any person, from the records of the Division of Driver
10 Licenses, a list of the names, addresses, and birth dates of
11 the licensed drivers of the entire state or any portion
12 thereof by age group. In addition, the department may furnish
13 to the courts, for the purpose of establishing jury selection
14 lists, the names, addresses, and birth dates of the persons of
15 the entire state or any portion thereof by age group having
16 identification cards issued by the department. Each person who
17 requests such information shall pay a fee, set by the
18 department, of 1 cent per name listed, except that the
19 department shall furnish such information without charge to
20 the courts for the purpose of jury selection or to any state
21 agency or to any state attorney, sheriff, or chief of police.
22 Such court, state agency, state attorney, or law enforcement
23 agency may not sell, give away, or allow the copying of such
24 information. Noncompliance with this prohibition shall
25 authorize the department to charge the noncomplying court,
26 state agency, state attorney, or law enforcement agency the
27 appropriate fee for any subsequent lists requested. The
28 department may adopt rules necessary to implement this
29 subsection.

30 ~~(10)~~ The Division of Driver Licenses is authorized,
31 upon application of any person and payment of the proper fees,

1 to search and to assist such person in the search of the
2 records of the department and make reports thereof and to make
3 photographic copies of the departmental records and
4 attestations thereof.

5 (11)~~(10)~~(a) The department is authorized to charge the
6 following fees for the following services and documents:

7 1. For providing a transcript of any one individual's
8 driver history record or any portion thereof for the past 3
9 years or for searching for such record when no record is found
10 to be on file.....\$2.10

11 ~~\$2.00~~

12 2. For providing a transcript of any one individual's
13 driver history record or any portion thereof for the past 7
14 years or for searching for such record when no record is found
15 to be on file.....\$3.10

16 ~~\$3.00~~

17 3. For providing a certified copy of a transcript of
18 the driver history record or any portion thereof for any one
19 individual.....\$3.10 ~~\$3.00~~

20 4. For providing a certified photographic copy of a
21 document, per page.....\$1.00

22 5. For providing an exemplified record.....\$15.00

23 6. For providing photocopies of documents, papers,
24 letters, clearances, or license or insurance status reports,
25 per page.....\$0.50

26 7. For assisting persons in searching any one
27 individual's driver record at a terminal located at the
28 department's general headquarters in Tallahassee.....\$2.00

29 (b) The department shall furnish such information
30 without charge to any local, state, or federal law enforcement

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1 agency or court upon proof satisfactory to the department as
 2 to the purpose of the investigation.

3 ~~(12)(11)~~ The fees collected under this section shall
 4 be placed in the Highway Safety Operating Trust Fund.

5 ~~(13)(12)~~ The department is authorized in accordance
 6 with chapter 257 to destroy reports, records, documents,
 7 papers, and correspondence in the Division of Driver Licenses
 8 which are considered obsolete.

9 ~~(14)(13)~~ The department is authorized to photograph,
 10 microphotograph, or reproduce on film such documents, records,
 11 and reports as it may select. The photographs or
 12 microphotographs in the form of film or print of any records
 13 made in compliance with the provisions of this section shall
 14 have the same force and effect as the originals thereof and
 15 shall be treated as originals for the purpose of their
 16 admissibility in evidence. Duly certified or authenticated
 17 reproductions of such photographs or microphotographs shall be
 18 admitted in evidence equally with the original photographs or
 19 microphotographs.

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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