

By Senator Cowin

11-932A-99

1 A bill to be entitled
 2 An act relating to driver's licenses and state
 3 identification cards; amending s. 119.07, F.S.;
 4 providing that personal information provided by
 5 the Department of Highway Safety and Motor
 6 Vehicles for use in surveys, marketing, or
 7 solicitations may not include social security
 8 numbers; repealing s. 322.142(5) and (6), F.S.,
 9 relating to photographs and other information
 10 on driver's licenses and state identification
 11 cards; deleting provisions authorizing the
 12 Department of Highway Safety and Motor Vehicles
 13 to sell copies of photographs and other
 14 information on file for use in preventing fraud
 15 in certain financial transactions; deleting
 16 provisions authorizing the department to
 17 establish a fee for providing copies of
 18 photographs maintained by the department;
 19 providing an effective date.

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 21 Be It Enacted by the Legislature of the State of Florida:

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 23 Section 1. Paragraph (bb) of subsection (3) of section
 24 119.07, Florida Statutes, 1998 Supplement, is amended to read:
 25 119.07 Inspection, examination, and duplication of
 26 records; exemptions.--
 27 (3)
 28 (bb) Upon a request made in a form designated by the
 29 Department of Highway Safety and Motor Vehicles, personal
 30 information contained in a motor vehicle record that
 31 identifies the requester is exempt from subsection (1) and s.

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

18 1. For use in connection with matters of motor vehicle
19 or driver safety and theft; motor vehicle emissions; motor
20 vehicle product alterations, recalls, or advisories;
21 performance monitoring of motor vehicles and dealers by motor
22 vehicle manufacturers; and removal of nonowner records from
23 the original owner records of motor vehicle manufacturers, to
24 carry out the purposes of the Automobile Information
25 Disclosure Act, the Motor Vehicle Information and Cost Saving
26 Act, the National Traffic and Motor Vehicle Safety Act of
27 1966, the Anti-Car Theft Act of 1992, and the Clean Air Act.

28 2. For use by any government agency, including any
29 court or law enforcement agency, in carrying out its
30 functions, or any private person or entity acting on behalf of
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1 a federal, state, or local agency in carrying out its
2 functions.

3 3. For use in connection with matters of motor vehicle
4 or driver safety and theft; motor vehicle emissions; motor
5 vehicle product alterations, recalls, or advisories;
6 performance monitoring of motor vehicles, motor vehicle parts,
7 and dealers; motor vehicle market research activities,
8 including survey research; and removal of nonowner records
9 from the original owner records of motor vehicle
10 manufacturers.

11 4. For use in the normal course of business by a
12 legitimate business or its agents, employees, or contractors,
13 but only:

14 a. To verify the accuracy of personal information
15 submitted by the individual to the business or its agents,
16 employees, or contractors; and

17 b. If such information as so submitted is not correct
18 or is no longer correct, to obtain the correct information,
19 but only for the purposes of preventing fraud by, pursuing
20 legal remedies against, or recovering on a debt or security
21 interest against, the individual.

22 5. For use in connection with any civil, criminal,
23 administrative, or arbitral proceeding in any court or agency
24 or before any self-regulatory body for:

25 a. Service of process by any certified process server,
26 special process server, or other person authorized to serve
27 process in this state.

28 b. Investigation in anticipation of litigation by an
29 attorney licensed to practice law in this state or the agent
30 of the attorney.

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- 1 c. Investigation by any person in connection with any
2 filed proceeding.
- 3 d. Execution or enforcement of judgments and orders.
- 4 e. Compliance with an order of any court.
- 5 6. For use in research activities and for use in
6 producing statistical reports, so long as the personal
7 information is not published, redisclosed, or used to contact
8 individuals.
- 9 7. For use by any insurer or insurance support
10 organization, or by a self-insured entity, or its agents,
11 employees, or contractors, in connection with claims
12 investigation activities, anti-fraud activities, rating, or
13 underwriting.
- 14 8. For use in providing notice to the owners of towed
15 or impounded vehicles.
- 16 9. For use by any licensed private investigative
17 agency or licensed security service for any purpose permitted
18 under this paragraph. Personal information obtained based on
19 an exempt driver's record may not be provided to a client who
20 cannot demonstrate a need based on a police report, court
21 order, or a business or personal relationship with the subject
22 of the investigation.
- 23 10. For use by an employer or its agent or insurer to
24 obtain or verify information relating to a holder of a
25 commercial driver's license that is required under the
26 Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. App.
27 2710 et seq.
- 28 11. For use in connection with the operation of
29 private toll transportation facilities.
- 30 12. Personal information that does not include social
31 security numbers, for bulk distribution for surveys,

1 marketing, or solicitations when the department has
2 implemented methods and procedures to ensure that:

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

5 b. The information will be used, rented, or sold
6 solely for bulk distribution for survey, marketing, and
7 solicitations, and that surveys, marketing, and solicitations
8 will not be directed at those individuals who have timely
9 requested that they not be directed at them.

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

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

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17 Personal information exempted from public disclosure according
18 to this paragraph may be disclosed by the Department of
19 Highway Safety and Motor Vehicles to an individual, firm,
20 corporation, or similar business entity whose primary business
21 interest is to resell or redisclose the personal information
22 to persons who are authorized to receive such information.

23 Prior to the department's disclosure of personal information,
24 such individual, firm, corporation, or similar business entity
25 must first enter into a contract with the department regarding
26 the care, custody, and control of the personal information to
27 ensure compliance with the federal Driver's Privacy Protection
28 Act of 1994 and applicable state laws. An authorized recipient
29 of personal information contained in a motor vehicle record,
30 except a recipient under subparagraph 12., may contract with
31 the Department of Highway Safety and Motor Vehicles to resell

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

26 Section 2. Subsections (5) and (6) of section 322.142,
27 Florida Statutes, as amended by section 4 of chapter 98-223,
28 Laws of Florida, are repealed.

29 Section 3. This act shall take effect upon becoming a
30 law.

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SENATE SUMMARY

Prohibits the Department of Highway Safety and Motor Vehicles from releasing social security numbers as part of the personal information released for use in surveys, marketing, or solicitations. Repeals s. 322.142(5) and (6), F.S., which authorizes the Department of Highway Safety and Motor Vehicles to sell copies of photographs and other information contained on driver's licenses and state identification cards for use in preventing fraud in financial transactions.