

By the Committee on Transportation and Senator Saunders

306-2127-99

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.07, F.S.; revising the exemption from
 4 public records requirements for personal
 5 information contained in a motor vehicle
 6 record; specifying that such personal
 7 information includes a person's photograph;
 8 providing conditions for the disclosure of
 9 social security numbers; providing that
 10 photographic or digital images shall not be
 11 knowingly disclosed except as provided in s.
 12 322.142, F.S.; repealing s. 322.142(5) and (6),
 13 F.S., which authorize the Department of Highway
 14 Safety and Motor Vehicles to sell copies of
 15 photographs, other images, and other driver's
 16 license and identification card information
 17 under certain conditions; providing an
 18 effective date.

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

21
 22 Section 1. Paragraph (bb) of subsection (3) of section
 23 119.07, Florida Statutes, 1998 Supplement, is amended to read:
 24 119.07 Inspection, examination, and duplication of
 25 records; exemptions.--
 26 (3)
 27 (bb) Upon a request made in a form designated by the
 28 Department of Highway Safety and Motor Vehicles, personal
 29 information contained in a motor vehicle record that
 30 identifies the requester is exempt from subsection (1) and s.
 31 24(a), Art. I of the State Constitution except as provided in

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

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

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

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

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

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

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

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

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

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

29 c. Investigation by any person in connection with any
30 filed proceeding.

31 d. Execution or enforcement of judgments and orders.

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

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

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

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

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13 The department shall not knowingly disclose or otherwise make
14 available to any person the social security number contained
15 in motor vehicle records except when the person has
16 demonstrated to the department in writing that he or she
17 complies with the guidelines of the Individual References
18 Services Group, on file with the Federal Trade Commission,
19 that limit the distribution of social security numbers, or
20 that he or she is allowed personal identifying information
21 under subparagraph 2., subparagraph 4., subparagraph 5.,
22 subparagraph 7., subparagraph 9., subparagraph 10., or
23 subparagraph 12. In addition, the department shall not
24 knowingly disclose or otherwise make available any
25 photographic or digital images from motor vehicle records
26 except as provided in s. 322.142. Personal information
27 exempted from public disclosure according to this paragraph
28 may be disclosed by the Department of Highway Safety and Motor
29 Vehicles to an individual, firm, corporation, or similar
30 business entity whose primary business interest is to resell
31 or redisclose the personal information to persons who are

1 authorized to receive such information. Prior to the
2 department's disclosure of personal information, such
3 individual, firm, corporation, or similar business entity must
4 first enter into a contract with the department regarding the
5 care, custody, and control of the personal information to
6 ensure compliance with the federal Driver's Privacy Protection
7 Act of 1994 and applicable state laws. An authorized recipient
8 of personal information contained in a motor vehicle record,
9 except a recipient under subparagraph 12., may contract with
10 the Department of Highway Safety and Motor Vehicles to resell
11 or redisclose the information for any use permitted under this
12 paragraph. However, only authorized recipients of personal
13 information under subparagraph 12. may resell or redisclose
14 personal information pursuant to subparagraph 12. Any
15 authorized recipient who resells or rediscloses personal
16 information shall maintain, for a period of 5 years, records
17 identifying each person or entity that receives the personal
18 information and the permitted purpose for which it will be
19 used. Such records shall be made available for inspection upon
20 request by the department. The department shall adopt rules to
21 carry out the purposes of this paragraph and the federal
22 Driver's Privacy Protection Act of 1994, Title XXX, Pub. L.
23 No. 103-322. Rules adopted by the department shall provide for
24 the payment of applicable fees and, prior to the disclosure of
25 personal information pursuant to this paragraph, shall require
26 the meeting of conditions by the requesting person for the
27 purposes of obtaining reasonable assurance concerning the
28 identity of such requesting person, and, to the extent
29 required, assurance that the use will be only as authorized or
30 that the consent of the person who is the subject of the
31 personal information has been obtained. Such conditions may

1 include, but need not be limited to, the making and filing of
2 a written application in such form and containing such
3 information and certification requirements as the department
4 requires.

5 Section 2. Subsections (5) and (6) of section 322.142,
6 Florida Statutes, 1998 Supplement, are repealed.

7 Section 3. This act shall take effect upon becoming a
8 law.

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10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
11 COMMITTEE SUBSTITUTE FOR
12 SB 2110

13 The CS deletes a provision exempting personal information in
14 all motor vehicle records from public disclosure, unless the
15 information is used for specified business or government
16 purposes. The CS restores language allowing individuals to
17 request their personal information be withheld from public
18 disclosure.

19 The CS repeals chapter 98-223, which authorized DHSMV to
20 release all driver license photographs, digital images, and
21 other driver's license and state identification card
22 information if such information is used solely for the
23 prevention of fraud.

24 The CS prohibits DHSMV from releasing the social security
25 number to a request or unless that person has demonstrated
26 compliance with the guidelines of the Individual References
27 Services Group or is allowed to receive such information under
28 specified paragraphs of this section. The CS also deletes a
29 statement of public necessity.
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