

By the Committee on Governmental Operations and  
 Representative Harrington

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           restricting the disclosure of such information  
 9           upon presentation of a license plate number  
 10          only; providing conditions for the disclosure  
 11          of social security numbers; providing an  
 12          additional use for which such information may  
 13          be released; providing a finding of public  
 14          necessity; repealing s. 322.142(5) and (6),  
 15          F.S., which authorize the Department of Highway  
 16          Safety and Motor Vehicles to sell copies of  
 17          photographs, other images, and other driver's  
 18          license and identification card information  
 19          under certain conditions; providing an  
 20          effective date.

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

23  
 24           Section 1. Paragraph (bb) of subsection (3) of section  
 25   119.07, Florida Statutes, 1998 Supplement, is amended to read:  
 26           119.07 Inspection, examination, and duplication of  
 27 records; exemptions.--

28           (3)

29           (bb) Upon a request made in a form designated by the  
 30 Department of Highway Safety and Motor Vehicles, personal  
 31 information contained in a motor vehicle record that

1 identifies the requester is exempt from subsection (1) and s.  
2 24(a), Art. I of the State Constitution except as provided in  
3 this paragraph. Personal information includes, but is not  
4 limited to, the requester's social security number,  
5 photograph, driver identification number, name, address,  
6 telephone number, and medical or disability information. For  
7 purposes of this paragraph, personal information does not  
8 include information relating to vehicular crashes, driving  
9 violations, and driver's status. Such request may be made  
10 only by the person who is the subject of the motor vehicle  
11 record. For purposes of this paragraph, "motor vehicle  
12 record" means any record that pertains to a motor vehicle  
13 operator's permit, motor vehicle title, motor vehicle  
14 registration, or identification card issued by the Department  
15 of Highway Safety and Motor Vehicles. The department shall not  
16 knowingly disclose personal information that is requested by  
17 the presentation of only a license plate number unless such  
18 information is requested by an individual, firm, or  
19 corporation authorized to receive personal information for one  
20 or more of the uses permitted by this paragraph. Personal  
21 information contained in motor vehicle records exempted by an  
22 individual's request pursuant to this paragraph shall be  
23 released by the department for any of the following uses:  
24 1. For use in connection with matters of motor vehicle  
25 or driver safety and theft; motor vehicle emissions; motor  
26 vehicle product alterations, recalls, or advisories;  
27 performance monitoring of motor vehicles and dealers by motor  
28 vehicle manufacturers; and removal of nonowner records from  
29 the original owner records of motor vehicle manufacturers, to  
30 carry out the purposes of the Automobile Information  
31 Disclosure Act, the Motor Vehicle Information and Cost Saving

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

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

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

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

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

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

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

30  
31

- 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 use by members of the news media.

19 ~~15.14.~~ For any other use specifically authorized by  
20 state law, if such use is related to the operation of a motor  
21 vehicle or public safety.

22  
23 The department shall not knowingly disclose or otherwise make  
24 available to any person the social security number contained  
25 in motor vehicle records except when the person has  
26 demonstrated to the department in writing that he or she  
27 complies with the guidelines of the Individual References  
28 Services Group, on file with the Federal Trade Commission,  
29 that limit the distribution of social security numbers, or  
30 that he or she is allowed personal identifying information  
31 under subparagraph 2., subparagraph 4., subparagraph 5.,

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

1 personal information pursuant to this paragraph, shall require  
2 the meeting of conditions by the requesting person for the  
3 purposes of obtaining reasonable assurance concerning the  
4 identity of such requesting person, and, to the extent  
5 required, assurance that the use will be only as authorized or  
6 that the consent of the person who is the subject of the  
7 personal information has been obtained. Such conditions may  
8 include, but need not be limited to, the making and filing of  
9 a written application in such form and containing such  
10 information and certification requirements as the department  
11 requires.

12 Section 2. The federal Driver's Privacy Protection Act  
13 of 1994 prohibits disclosure of information obtained in  
14 connection with motor vehicle records that is of a sensitive,  
15 personal nature, with specified exceptions. The Legislature  
16 has previously found that limiting access to motor vehicle  
17 records held by the Department of Highway Safety and Motor  
18 Vehicles affords the public an added measure of protection by  
19 preventing individuals from obtaining personal information for  
20 malicious purposes. The Legislature further finds that it is a  
21 public necessity that this personal information be exempt from  
22 public disclosure when only a license plate number of a  
23 vehicle is presented. Without such a restriction sensitive,  
24 personal information about those persons who have not made a  
25 request for exemption will continue to be readily available  
26 for misuse by unscrupulous persons, defeating the public  
27 purpose served by this exemption and subjecting those persons  
28 to possible harassment and personal danger.

29 Section 3. Subsections (5) and (6) of section 322.142,  
30 Florida Statutes, 1998 Supplement, are repealed.

31

1           Section 4. This act shall take effect upon becoming a  
2 law.  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31