

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 that photographic or
14 digital images shall not be knowingly disclosed
15 except as provided in s. 322.142, F.S.;
16 providing a finding of public necessity;
17 repealing s. 322.142(5) and (6), F.S., which
18 authorize the Department of Highway Safety and
19 Motor Vehicles to sell copies of photographs,
20 other images, and other driver's license and
21 identification card information under certain
22 conditions; providing an effective date.

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

25
26 Section 1. Paragraph (bb) of subsection (3) of section
27 119.07, Florida Statutes, 1998 Supplement, is amended to read:

28 119.07 Inspection, examination, and duplication of
29 records; exemptions.--

30 (3)

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1 (bb) Upon a request made in a form designated by the
2 Department of Highway Safety and Motor Vehicles, personal
3 information contained in a motor vehicle record that
4 identifies the requester is exempt from subsection (1) and s.
5 24(a), Art. I of the State Constitution except as provided in
6 this paragraph. Personal information includes, but is not
7 limited to, the requester's social security number,
8 photograph, driver identification number, name, address,
9 telephone number, and medical or disability information. For
10 purposes of this paragraph, personal information does not
11 include information relating to vehicular crashes, driving
12 violations, and driver's status. Such request may be made
13 only by the person who is the subject of the motor vehicle
14 record. For purposes of this paragraph, "motor vehicle
15 record" means any record that pertains to a motor vehicle
16 operator's permit, motor vehicle title, motor vehicle
17 registration, or identification card issued by the Department
18 of Highway Safety and Motor Vehicles. The department shall not
19 knowingly disclose personal information that is requested by
20 the presentation of only a license plate number unless such
21 information is requested by an individual, firm, or
22 corporation authorized to receive personal information for one
23 or more of the uses permitted by this paragraph. Personal
24 information contained in motor vehicle records exempted by an
25 individual's request pursuant to this paragraph shall be
26 released by the department for any of the 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.

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

4 a. Service of process by any certified process server,
5 special process server, or other person authorized to serve
6 process in this state.

7 b. Investigation in anticipation of litigation by an
8 attorney licensed to practice law in this state or the agent
9 of the attorney.

10 c. Investigation by any person in connection with any
11 filed proceeding.

12 d. Execution or enforcement of judgments and orders.

13 e. Compliance with an order of any court.

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

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

23 8. For use in providing notice to the owners of towed
24 or impounded vehicles.

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

1 10. For use by an employer or its agent or insurer to
2 obtain or verify information relating to a holder of a
3 commercial driver's license that is required under the
4 Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. App.
5 2710 et seq.

6 11. For use in connection with the operation of
7 private toll transportation facilities.

8 12. For bulk distribution for surveys, marketing, or
9 solicitations when the department has implemented methods and
10 procedures to ensure that:

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

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

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

21 14. For use by members of the news media.

22 ~~15.14.~~ For any other use specifically authorized by
23 state law, if such use is related to the operation of a motor
24 vehicle or public safety.

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26 The department shall not knowingly disclose or otherwise make
27 available to any person the social security number contained
28 in motor vehicle records except when the person has
29 demonstrated to the department in writing that he or she
30 complies with the guidelines of the Individual References
31 Services Group, on file with the Federal Trade Commission,

1 that limit the distribution of social security numbers, or
2 that he or she is allowed personal identifying information
3 under subparagraph 2., subparagraph 4., subparagraph 5.,
4 subparagraph 7., subparagraph 9., subparagraph 10., or
5 subparagraph 12. In addition, the department shall not
6 knowingly disclose or otherwise make available any
7 photographic or digital images from motor vehicle records
8 except as provided in s. 322.142.Personal information
9 exempted from public disclosure according to this paragraph
10 may be disclosed by the Department of Highway Safety and Motor
11 Vehicles to an individual, firm, corporation, or similar
12 business entity whose primary business interest is to resell
13 or redisclose the personal information to persons who are
14 authorized to receive such information. Prior to the
15 department's disclosure of personal information, such
16 individual, firm, corporation, or similar business entity must
17 first enter into a contract with the department regarding the
18 care, custody, and control of the personal information to
19 ensure compliance with the federal Driver's Privacy Protection
20 Act of 1994 and applicable state laws. An authorized recipient
21 of personal information contained in a motor vehicle record,
22 except a recipient under subparagraph 12., may contract with
23 the Department of Highway Safety and Motor Vehicles to resell
24 or redisclose the information for any use permitted under this
25 paragraph. However, only authorized recipients of personal
26 information under subparagraph 12. may resell or redisclose
27 personal information pursuant to subparagraph 12. Any
28 authorized recipient who resells or rediscloses personal
29 information shall maintain, for a period of 5 years, records
30 identifying each person or entity that receives the personal
31 information and the permitted purpose for which it will be

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

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

1 for misuse by unscrupulous persons, defeating the public
2 purpose served by this exemption and subjecting those persons
3 to possible harassment and personal danger.

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

6 Section 4. This act shall take effect upon becoming a
7 law.

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