

STORAGE NAME: h1967.tr
DATE: March 28, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
TRANSPORTATION
ANALYSIS**

BILL #: HB 1967
RELATING TO: Public Records/Motor Vehicle Info
SPONSOR(S): Representative Harrington
TIED BILL(S):

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) TRANSPORTATION
 - (2) GOVERNMENTAL OPERATIONS
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

Currently, the Department of Highway Safety and Motor Vehicles may release personal information contained in a motor vehicle record to the public. An individual may submit a form requesting his or her personal information be withheld. There are, however, 14 exemptions provided in law which allows for the release of all personal information, irregardless of a request by an individual to block his or her information.

This bill provides that all personal information is exempt from being released to the public unless an individual submits to the department written permission to release his or her information. Most of the blocked information may still be released under the 14 exemptions.

The bill, however, provides for tighter restrictions relating to the release of an individual's social security number and medical or disability information.

This bill stipulates that the new restrictions on the disclosure of personal information will not affect the use of organ donor information on an individual's driver's license nor will it affect the administration or organ donor initiatives in this state.

This bill has an effective date of June 1, 2000.

This bill would have a significant impact on the Department of Highway Safety and Motor Vehicles. See Fiscal Analysis III.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

B. PRESENT SITUATION:

Currently, chapter 119, F.S., provides that the Department of Highway Safety and Motor Vehicles may release personal information contained in a motor vehicle record to the public. An individual may, however, submit a form requesting his or her personal information be withheld.

Personal information contained in a motor vehicle record include the requester's social security number, driver identification number, name, address, telephone number, and medical or disability information. Information relating to accidents, driving violations, and a driver's status is not considered personal information.

There are 14 exemptions in s. 119.07, F.S., which allows for the release of all personal information, irregardless of a request by an individual to block his or her information.

These exemptions are for use:

- In matters of motor vehicle or driver safety and theft, emissions, product alterations, recalls, or advisories; performance monitoring of motor vehicles and dealers by motor vehicle manufacturers; to carry out the purposes of the Automobile Information Disclosure Act, the Motor Vehicle Information and Cost Saving Act, the National Traffic and Motor Vehicle Safety Act of 1996, the Anti-Car Theft Act of 1992, and the Clean Air Act;
- By any government agency for the purpose of carrying out its functions or any private person or entity acting on behalf of a government agency;
- In matters of motor vehicle or driver safety and theft, emissions, product alterations, recalls, or advisories, performance monitoring of motor vehicles, motor vehicle parts, and dealers; motor vehicle market research activities; removal of non-owner records of motor vehicle manufacturers;
- In the normal course of business to verify the accuracy of personal information submitted by an individual;
- In connection with any field civil, criminal, administrative, or arbitral proceeding in any court or before any self-regulating body;
- In research activities and in producing statistical reports, as long as the personal information is not published, re-disclosed, or used to contact the individuals;
- By insurers or insurance support organizations;
- In providing notice to the owners of towed or impounded vehicles;
- By any licensed private investigative agency or licensed security service;

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- By an employer or its agent or insurer to obtain or verify information on a person holding a commercial driver's license as required under the Commercial Motor Vehicle Safety Act;
- In connection with the operation of private toll transportation facilities;
- In connection with bulk distribution of surveys, marketing, or solicitations unless an individual has prevented the release of information for this purpose;
- When the person requesting information provides proof that he or she has obtained the written consent of the individual who is the subject of the motor vehicle record; and
- When specifically authorized by state law, if the use is related to the operation of a motor vehicle or public safety.

C. EFFECT OF PROPOSED CHANGES:

This bill amends s. 119.07, F.S., to provide that all personal information is exempt from being released to the public unless an individual submits to the department written permission to release his or her information.

Most of the blocked information may still be released under the 14 exemptions. The bill, however, provides for tighter restrictions relating to the release of an individual's social security number and medical or disability information. This particular information may only be released for the use:

- By any government agency for the purpose of carrying out its functions or any private person or entity acting on behalf of a government agency;
- In connection with any field civil, criminal, administrative, or arbitral proceeding in any court or before any self-regulating body;
- By insurers or insurance support organizations;
- By an employer or its agent or insurer to obtain or verify information on a person holding a commercial driver's license as required under the Commercial Motor Vehicle Safety Act; and
- When the individual for whom the information relates submits a written consent form to the department authorizing the release of his or her personal information.

This bill stipulates that the new restrictions on the disclosure of personal information will not affect the use of organ donor information on an individual's driver's license nor will it affect the administration or organ donor initiatives in this state.

D. SECTION-BY-SECTION ANALYSIS:

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

The department will require contracted programming modifications to the driver license software system at a total cost of \$94,000.

The department expects a \$1.6 million reduction annually to the Highway Safety Operating Trust Fund due to the restrictions on releasing social security numbers to bulk distributors.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

N/A

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

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B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

This bill would bring the state in compliance with the federal Driver's Privacy Protection Act of 1994, as amended by s. 350 of Pub. L. No. 106-9, which prohibits the release of sensitive, personal information with specified exemptions.

According to the Department of Highway Safety and Motor Vehicles, the possible consequences of not enacting this bill could be a \$5,000 a day fine through the United States Justice Department and the withholding of federal transportation dollars.

Amendment

The sponsor intends to offer an amendment to change the effective date to January 1, 2001.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

Staff Director:

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