

By Senator Sebesta

16-1151-03

1                                   A bill to be entitled  
2           An act relating to public records; amending s.  
3           119.07, F.S.; providing an exemption from the  
4           public-records law for personal information  
5           contained in a motor vehicle registration  
6           record; removing the requirement that such  
7           exemption be at the request of the person who  
8           is the subject of the record; providing  
9           conditions under which personal information may  
10          be released at the request of a party to a  
11          pending administrative, court, or other  
12          proceeding; providing conditions for release if  
13          a proceeding is not pending; providing a  
14          statement of public necessity; providing an  
15          effective date.

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

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19           Section 1. Paragraph (aa) of subsection (3) of section  
20 119.07, Florida Statutes, is amended to read:

21           119.07 Inspection, examination, and duplication of  
22 records; exemptions.--

23           (3)

24           (aa) ~~Upon a request made in a form designated by the~~  
25 ~~Department of Highway Safety and Motor Vehicles,~~ Personal  
26 information contained in a motor vehicle record which ~~that~~  
27 identifies the motor vehicle registrant ~~requester~~ is exempt  
28 from subsection (1) and s. 24(a), Art. I of the State  
29 Constitution except as provided in this paragraph. Personal  
30 information includes, but is not limited to, the ~~requester's~~  
31 social security number, driver identification number, name,

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

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

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

29 3. For use in connection with matters of motor vehicle  
30 or driver safety and theft; motor vehicle emissions; motor  
31 vehicle product alterations, recalls, or advisories;

1 performance monitoring of motor vehicles, motor vehicle parts,  
2 and dealers; motor vehicle market research activities,  
3 including survey research; and removal of nonowner records  
4 from the original owner records of motor vehicle  
5 manufacturers.

6 4. For use in the normal course of business by a  
7 legitimate business or its agents, employees, or contractors,  
8 but only:

9 a. To verify the accuracy of personal information  
10 submitted by the individual to the business or its agents,  
11 employees, or contractors; and

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

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

20 a. Service of process by any certified process server,  
21 special process server, or other person authorized to serve  
22 process in this state.

23 b. Investigation in anticipation of litigation on  
24 behalf of a client by an attorney licensed to practice law in  
25 this state or the agent of the attorney.

26 c. Investigation by any person in connection with any  
27 filed proceeding.

28 d. Execution or enforcement of judgments and orders.

29 e. Compliance with an order of any court.

30 6. For use in research activities and for use in  
31 producing statistical reports, so long as the personal

1 information is not published, redisclosed, or used to contact  
2 individuals.

3 7. For use by any insurer or insurance support  
4 organization, or by a self-insured entity, or its agents,  
5 employees, or contractors, in connection with claims  
6 investigation activities, anti-fraud activities, rating, or  
7 underwriting.

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

10 9. For use by any licensed private investigative  
11 agency or licensed security service for any purpose permitted  
12 under this paragraph. Personal information obtained based on  
13 an exempt driver's record may not be provided to a client who  
14 cannot demonstrate a need based on a police report, court  
15 order, or a business or personal relationship with the subject  
16 of the investigation.

17 10. For use by an employer or its agent or insurer to  
18 obtain or verify information relating to a holder of a  
19 commercial driver's license that is required under the  
20 Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. App.  
21 2710 et seq.

22 11. For use in connection with the operation of  
23 private toll transportation facilities.

24 12. For bulk distribution for surveys, marketing, or  
25 solicitations when the department has implemented methods and  
26 procedures to ensure that:

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

29 b. The information will be used, rented, or sold  
30 solely for bulk distribution for survey, marketing, and  
31 solicitations, and that surveys, marketing, and solicitations

1 will not be directed at those individuals who have timely  
2 requested that they not be directed at them.

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

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

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10 Personal information exempted from public disclosure according  
11 to this paragraph may be disclosed by the Department of  
12 Highway Safety and Motor Vehicles to an individual, firm,  
13 corporation, or similar business entity whose primary business  
14 interest is to resell or redisclose the personal information  
15 to persons who are authorized to receive such information.  
16 Prior to the department's disclosure of personal information,  
17 such individual, firm, corporation, or similar business entity  
18 must first enter into a contract with the department regarding  
19 the care, custody, and control of the personal information to  
20 ensure compliance with the federal Driver's Privacy Protection  
21 Act of 1994 and applicable state laws. An authorized recipient  
22 of personal information contained in a motor vehicle record,  
23 except a recipient under subparagraph 12., may contract with  
24 the Department of Highway Safety and Motor Vehicles to resell  
25 or redisclose the information for any use permitted under this  
26 paragraph. However, only authorized recipients of personal  
27 information under subparagraph 12. may resell or redisclose  
28 personal information pursuant to subparagraph 12. Any  
29 authorized recipient who resells or rediscloses personal  
30 information shall maintain, for a period of 5 years, records  
31 identifying each person or entity that receives the personal

1 information and the permitted purpose for which it will be  
2 used. Such records shall be made available for inspection upon  
3 request by the department. Personal information sought under  
4 sub-subparagraph 5.b., sub-subparagraph 5.c., or  
5 sub-subparagraph 5.d. shall be released only if, at the  
6 request of a party to a pending proceeding, the court finds  
7 that cause exists under subparagraph 5. to release the  
8 information. Upon such finding, the court shall issue a  
9 subpoena to be served on the department for such information.  
10 If proceedings are not pending, before releasing such personal  
11 information, the department shall require that an attorney  
12 certify in writing that the personal information sought is  
13 reasonably calculated to lead to the discovery of evidence  
14 that would be admissible at trial if a proceeding were to be  
15 instituted. The department shall adopt rules to carry out the  
16 purposes of this paragraph and the federal Driver's Privacy  
17 Protection Act of 1994, Title XXX, Pub. L. No. 103-322. Rules  
18 adopted by the department shall provide for the payment of  
19 applicable fees and, prior to the disclosure of personal  
20 information pursuant to this paragraph, shall require the  
21 meeting of conditions by the requesting person for the  
22 purposes of obtaining reasonable assurance concerning the  
23 identity of such requesting person, and, to the extent  
24 required, assurance that the use will be only as authorized or  
25 that the consent of the person who is the subject of the  
26 personal information has been obtained. Such conditions may  
27 include, but need not be limited to, the making and filing of  
28 a written application in such form and containing such  
29 information and certification requirements as the department  
30 requires.  
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