

By the Committee on Transportation; and Senator Sebesta

306-2264-03

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A bill to be entitled
An act relating to public records; creating s.
319.42, F.S.; providing that certain motor
vehicle dealer information is confidential and
exempt from public-records requirements;
providing exceptions; providing penalties;
providing for future legislative review and
repeal; providing a finding of public
necessity; providing an effective date.

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

Section 1. Section 319.42, Florida Statutes, is
created to read:

319.42 Motor vehicle dealer identification
information.--

(1) A motor vehicle dealer name or identification
number contained in, or indexed by, motor vehicle title
history or registration databases received by any agency that
regularly receives or collects this information is
confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
of the State Constitution. This information may be made
available:

(a) For use in connection with matters of motor
vehicle or driver safety and theft; motor vehicle emissions;
motor vehicle product alterations, recalls, or advisories;
performance monitoring of motor vehicles and dealers by motor
vehicle manufacturers; and removal of nonowner records from
the original owner records of motor vehicle manufacturers, to
carry out the purposes of the Automobile Information
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 (b) 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 (c) For use in connection with matters of motor
9 vehicle or driver safety and theft; motor vehicle emissions;
10 motor 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 (d) To newspapers qualified to publish legal notices
17 under ss. 50.011 and 50.031, and free newspapers of general
18 circulation, published once a week or more often, available
19 and of interest to the public generally for the dissemination
20 of news.

21 (e) For use in research activities and for use in
22 producing statistical reports.

23 (f) For use by any insurer or insurance support
24 organization, or by a self-insured entity, or its agents,
25 employees, or contractors, in connection with claims
26 investigation activities, anti-fraud activities, rating, or
27 underwriting.

28 (g) To any state or federal agency that is authorized
29 to have access to such information by any provision of law
30 shall be granted such access in the furtherance of the
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1 agency's statutory duties notwithstanding the provisions of
2 this subsection.

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4 Any person attempting to access this information must present
5 legitimate credentials or identification that demonstrates his
6 or her qualifications to access that information. This
7 exemption is subject to the Open Government Sunset Review Act
8 of 1995 in accordance with s. 119.15, and shall stand repealed
9 on October 2, 2008, unless reviewed and saved from repeal
10 through reenactment by the Legislature.

11 (2) Any employee in possession of information made
12 confidential by this section who knowingly discusses such
13 confidential information to a person not entitled to access
14 such information under this section, or any person, knowing
15 that he or she is not entitled to obtain information made
16 confidential by this section, who obtains or attempts to
17 obtain such information commits a felony of the third degree,
18 punishable as provided in s. 775.082, s. 775.083, or s.
19 775.084.

20 (3) Information that is exempt from s. 119.07(1) and
21 s. 24(a), Art. I of the State Constitution by this section may
22 be made available to a specific person or entity not otherwise
23 entitled to the information with the written permission of the
24 applicable motor vehicle dealer.

25 Section 2. The Legislature finds that it is a public
26 necessity that motor vehicle dealer identification information
27 contained in motor vehicle records that are mandated to be
28 provided by law be exempt from public disclosure because such
29 information is of a sensitive business nature and disclosure
30 of such information would allow confidential business customer
31 lists to be available for inappropriate uses to the detriment

1 of the licensed motor vehicle dealer whose information is
2 revealed.

3 Section 3. This act shall take effect upon becoming
4 law.

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6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 Senate Bill 2416

9 The CS makes confidential and exempt a motor vehicle dealer
10 name or identification number contained in, or indexed by,
11 motor vehicle title history or registration databases received
12 by any agency that regularly receives or collects this
13 information. The CS provides exceptions for such information
14 to be released.
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