

Bill No. CS for SB 2008

Amendment No. ____ Barcode 245788

CHAMBER ACTION

Senate

House

1
2
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

1/AD/2R
04/27/2004 06:44 PM

.
.
.
.
.

Senator Sebesta moved the following amendment:

Senate Amendment

On page 7, line 25, through
page 8, line 6, delete those lines

and insert:

Section 2. The Legislature finds that it is a public necessity that personal information in an individual's motor vehicle record held by the Department of Highway Safety and Motor Vehicles be exempt from public disclosure. First, making such personal information exempt conforms state law to the requirements of the Federal Driver's Privacy Protection Act of 1994, as amended by s. 350 of Pub. L. No. 106-69, which prohibits disclosure of such information of a sensitive, personal nature, with specified exceptions. Additionally, the Legislature notes that the state has a compelling interest in regulating motor vehicles and motor vehicle drivers. The sale of automobiles not only provides jobs for Floridians, but taxes collected from their sale and use provide revenues to the state. It should also be noted that automobiles also are

Bill No. CS for SB 2008

Amendment No. ____ Barcode 245788

1 attractive targets for thieves. Theft of automobiles not only
2 deprives the lawful owners of their property but such theft
3 interferes with the chain of title and causes insurance rates
4 to rise. As a result, the state must collect information about
5 automobile sales, the sellers and buyers, insurance companies,
6 and other businesses. Further, the Legislature notes that
7 automobiles, if used improperly, can cause injury and death to
8 persons in this state. The state, therefore, must ensure that
9 persons who drive in this state are properly trained,
10 licensed, and insured. As a result, the state must collect
11 personal information regarding persons who drive in this
12 state. The personal information that is contained in motor
13 vehicle records, if readily available for public inspection
14 and copying, could be used to invade the personal privacy of
15 the persons named in the records or it could be used for other
16 purposes, such as solicitation, harassment, stalking, or
17 intimidation. Limiting access to the state's motor vehicle
18 records will protect the privacy of persons who are listed in
19 those records and minimizes the opportunity for invading that
20 privacy. Thus, the Legislature finds that such personal
21 information in motor vehicle records should be exempt from the
22 requirements of Article I, section 24 of the State
23 Constitution. Nevertheless, the Legislature also notes that
24 there are a number of reasons that certain agencies,
25 businesses, and other persons should be granted limited access
26 to exempt personal information contained in motor vehicle
27 records. The Legislature finds that access to this personal
28 information by these governmental and private entities should
29 be continued in a limited, regulated fashion in order to
30 balance the privacy rights of persons named in motor vehicle
31 records with the need for these entities to perform certain

Bill No. CS for SB 2008

Amendment No. ____ Barcode 245788

1 important regulatory and economic functions that are important
2 to the health, safety, and welfare of the citizens of the
3 state. Persons named in motor vehicle records may need to be
4 notified of product recalls, advisories, or product
5 monitoring, and manufacturers and others need current
6 addresses to contact them. Government agencies, including
7 courts and law enforcement agencies and persons acting on
8 their behalf, may need access to carry out their legislatively
9 assigned functions. Additionally, researchers, investigators,
10 insurance companies, and other businesses and industries often
11 must rely on personal information in motor vehicle records to
12 operate and perform certain business functions. Such
13 information should be available in the normal course of
14 business by legitimate businesses, their agents, employees, or
15 contractors, to verify the accuracy of personal information
16 and to obtain correct information; to prevent fraud; to pursue
17 legal remedies against, or recover on a debt or security
18 interest. Further, such exempt information should be available
19 for use in connection with any civil, criminal,
20 administrative, or arbitral proceeding for service of process;
21 execution of enforcement of judgments and orders; compliance
22 with an order of any court; for use by insurers or support
23 organizations in connection with claims for investigation
24 activities, antifraud activities, rating, or underwriting; or
25 for providing notice to owners of towed or impounded vehicles.
26 Access to such exempt information should also be provided for
27 investigation in anticipation of litigation or for a filed
28 proceeding, but the Legislature finds that authorizing access
29 to motor vehicle records for these limited purposes should not
30 be construed to permit mass commercial solicitation of clients
31 for litigation against motor vehicle dealers because it would

Bill No. CS for SB 2008

Amendment No. ____ Barcode 245788

1 be contrary to the limited access contemplated by the
2 exceptions to the exemption and would further invade the
3 privacy of persons named in these records. Further,
4 researchers, investigators, or insurance companies may need to
5 access the large database of motor vehicle records for use in
6 producing statistical reports, but the Legislature finds that
7 this access should not infringe upon the privacy of the
8 persons named in the records by publishing, redisclosing, or
9 using that information or to contact the named persons. Thus,
10 the Legislature specifically finds that it is a public
11 necessity that personal information in motor vehicle records
12 must be exempt, with the limited exceptions to that exemption
13 authorized herein.

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31