



1 subsection, personal information does not include information  
2 relating to vehicular crashes, driving violations, and  
3 driver's status. For purposes of this subsection, the term  
4 "motor vehicle record" means any record that pertains to a  
5 motor vehicle operator's permit, motor vehicle title, motor  
6 vehicle registration, or identification card issued by the  
7 Department of Highway Safety and Motor Vehicles. Personal  
8 information contained in motor vehicle records exempted by  
9 this subsection shall be released by the department for any of  
10 the following uses:

11 1.(a) For use in connection with matters of motor  
12 vehicle or driver safety and theft; motor vehicle emissions;  
13 motor vehicle product alterations, recalls, or advisories;  
14 performance monitoring of motor vehicles and dealers by motor  
15 vehicle manufacturers; and removal of nonowner records from  
16 the original owner records of motor vehicle manufacturers, to  
17 carry out the purposes of Titles I and IV of the Anti-Car  
18 Theft Act of 1992, the Automobile Information Disclosure Act,  
19 15 U.S.C. ss. 1231 et seq., the Clean Air Act, 42 U.S.C. ss.  
20 7401 et seq., and chapters 301, 305, and 321-331 of Title 49  
21 U.S.C. the Automobile Information Disclosure Act, the Motor  
22 Vehicle Information and Cost Saving Act, the National Traffic  
23 and Motor Vehicle Safety Act of 1966, the Anti Car Theft Act  
24 of 1992, and the Clean Air Act.

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

30 3.(c) For use in connection with matters of motor  
31 vehicle or driver safety and theft; motor vehicle emissions;

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

7 |       ~~4.(d)~~ For use in the normal course of business by a  
8 | legitimate business or its agents, employees, or contractors,  
9 | but only:

10 |       ~~a.1.~~ To verify the accuracy of personal information  
11 | submitted by the individual to the business or its agents,  
12 | employees, or contractors; and

13 |       ~~b.2.~~ If such information as so submitted is not  
14 | correct or is no longer correct, to obtain the correct  
15 | information, but only for the purposes of preventing fraud by,  
16 | pursuing legal remedies against, or recovering on a debt or  
17 | security interest against, the individual.

18 |       ~~5.(e)~~ For use in connection with any civil, criminal,  
19 | administrative, or arbitral proceeding in any court or agency  
20 | or before any self-regulatory body for:

21 |       ~~a.1.~~ Service of process by any certified process  
22 | server, special process server, or other person authorized to  
23 | serve process in this state.

24 |       ~~b.2.~~ Investigation in anticipation of litigation by an  
25 | attorney licensed to practice law in this state or the agent  
26 | of the attorney; however, the information may not be used for  
27 | mass commercial solicitation of clients for litigation against  
28 | motor vehicle dealers.

29 |       ~~c.3.~~ Investigation by any person in connection with  
30 | any filed proceeding; however, the information may not be used  
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1 for mass commercial solicitation of clients for litigation  
2 against motor vehicle dealers.

3       ~~d.4.~~ Execution or enforcement of judgments and orders.  
4       ~~e.5.~~ Compliance with an order of any court.

5       ~~6.(f)~~ For use in research activities and for use in  
6 producing statistical reports, so long as the personal  
7 information is not published, redisclosed, or used to contact  
8 individuals.

9       ~~7.(g)~~ For use by any insurer or insurance support  
10 organization, or by a self-insured entity, or its agents,  
11 employees, or contractors, in connection with claims  
12 investigation activities, anti-fraud activities, rating, or  
13 underwriting.

14       ~~8.(h)~~ For use in providing notice to the owners of  
15 towed or impounded vehicles.

16       ~~9.(i)~~ For use by any licensed private investigative  
17 agency or licensed security service for any purpose permitted  
18 under this subsection. Personal information obtained based on  
19 an exempt driver's record may not be provided to a client who  
20 cannot demonstrate a need based on a police report, court  
21 order, or business or personal relationship with the subject  
22 of the investigation.

23       ~~10.(j)~~ For use by an employer or its agent or insurer  
24 to obtain or verify information relating to a holder of a  
25 commercial driver's license that is required under 49 U.S.C.  
26 ss. 31301 et seq.

27       ~~11.(k)~~ For use in connection with the operation of  
28 private toll transportation facilities.

29       ~~12.(l)~~ For bulk distribution for surveys, marketing,  
30 or solicitations when the department has obtained the express  
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1 consent of the person to whom such personal information  
2 pertains.

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

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

9 ~~15.(o)~~ For any other use if the person to whom the  
10 information pertains has given express consent in a format ~~on~~  
11 ~~a form~~ prescribed by the department. Such consent shall remain  
12 in effect until it is revoked by the person on a form  
13 prescribed by the department.

14 (b) Notwithstanding paragraph (a), without the express  
15 consent of the person to whom such information applies, the  
16 following information contained in motor vehicle records may  
17 be released only as specified in this paragraph:

18 1. Notwithstanding s. 119.071(5)(a), social security  
19 numbers may be released only as provided in subparagraphs  
20 (a)2., 5., 7., and 10.

21 2. An individual's photograph or image may be released  
22 only as provided in s. 322.142.

23 3. Medical disability information may be released only  
24 as provided in ss. 322.125 and 322.126.

25 4. Emergency contact information held by the  
26 department may be released in the event of an emergency only  
27 to a law enforcement agency for purposes of contacting persons  
28 listed in that information and may not be released for any  
29 other purpose.

30 (c) The restrictions on disclosure of personal  
31 information provided by this subsection shall not in any way

1 affect the use of organ donation information on individual  
2 driver licenses or affect the administration of organ donation  
3 initiatives in this state. Personal information exempted from  
4 public disclosure according to this subsection may be  
5 disclosed by the Department of Highway Safety and Motor  
6 Vehicles to an individual, firm, corporation, or similar  
7 business entity whose primary business interest is to resell  
8 or redisclose the personal information to persons who are  
9 authorized to receive such information. Prior to the  
10 department's disclosure of personal information, such  
11 individual, firm, corporation, or similar business entity must  
12 first enter into a contract with the department regarding the  
13 care, custody, and control of the personal information to  
14 ensure compliance with the federal Driver's Privacy Protection  
15 Act of 1994 and applicable state laws. An authorized recipient  
16 of personal information contained in a motor vehicle record,  
17 except a recipient under subparagraph (a)12. ~~paragraph (1)~~,  
18 may contract with the Department of Highway Safety and Motor  
19 Vehicles to resell or redisclose the information for any use  
20 permitted under this section. However, only authorized  
21 recipients of personal information under subparagraph (a)12.  
22 ~~paragraph (1)~~ may resell or redisclose personal information  
23 pursuant to subparagraph (a)12. ~~paragraph (1)~~. Any authorized  
24 recipient who resells or rediscloses personal information  
25 shall maintain, for a period of 5 years, records identifying  
26 each person or entity that receives the personal information  
27 and the permitted purpose for which it will be used. Such  
28 records shall be made available for inspection upon request by  
29 the department. The department shall adopt rules to carry out  
30 the purposes of this subsection and the federal Driver's  
31 Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq.

1 Rules adopted by the department shall provide for the payment  
2 of applicable fees and, prior to the disclosure of personal  
3 information pursuant to this subsection, shall require the  
4 meeting of conditions by the requesting person for the  
5 purposes of obtaining reasonable assurance concerning the  
6 identity of such requesting person, and, to the extent  
7 required, assurance that the use will be only as authorized or  
8 that the consent of the person who is the subject of the  
9 personal information has been obtained. Such conditions may  
10 include, but need not be limited to, the making and filing of  
11 a written application in such form and containing such  
12 information and certification requirements as the department  
13 requires.

14 Section 2. This act shall take effect upon becoming a  
15 law.

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18 SENATE SUMMARY

19 Revises and clarifies certain requirements governing the  
20 release of motor vehicle records held by the Department  
21 of Highway Safety and Motor Vehicles. Specifies  
22 circumstances under which social security numbers,  
23 photographs and images, medical disability information,  
24 and emergency contact information may be released.  
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