

By the Committee on Transportation

596-01957-15

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.0712, F.S.; providing an exemption from public
4 records requirements for electronic mail addresses
5 collected by the Department of Highway Safety and
6 Motor Vehicles; providing for future review and repeal
7 of the exemption; providing a statement of public
8 necessity; providing an effective date.

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

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12 Section 1. Present paragraph (c) of subsection (2) of
13 section 119.0712, Florida Statutes, is redesignated as paragraph
14 (d), and a new paragraph (c) is added to that subsection, to
15 read:

16 119.0712 Executive branch agency-specific exemptions from
17 inspection or copying of public records.—

18 (2) DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES.—

19 (c) Electronic mail addresses collected by the Department
20 of Highway Safety and Motor Vehicles pursuant to s. 319.40(3),
21 s. 320.95(2), or s. 322.08(8) are exempt from s. 119.07(1) and
22 s. 24(a), Art. I of the State Constitution. This paragraph is
23 subject to the Open Government Sunset Review Act in accordance
24 with s. 119.15 and shall stand repealed on October 2, 2020,
25 unless reviewed and saved from repeal through reenactment by the
26 Legislature.

27 Section 2. The Legislature finds that it is a public
28 necessity that customers' electronic mail addresses collected
29 and held by the Department of Highway Safety and Motor Vehicles

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30 for the purpose of conducting motor vehicle record and driver
31 license transactions be made exempt from s. 119.07(1), Florida
32 Statutes, and s. 24(a), Article I of the State Constitution. The
33 federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss.
34 2721 et seq., did not include electronic mail addresses among
35 the types of personal information protected from disclosure when
36 enacted. Customer use of electronic mail addresses in conducting
37 motor vehicle and driver license record transactions
38 electronically with the department has significantly increased
39 since 1994. Under current law, the electronic mail addresses
40 collected by the department are public records and can be
41 obtained by anyone for any purpose. However, such electronic
42 mail addresses are unique to the individual and, when combined
43 with other personal identifying information, can be used for
44 identity theft, consumer scams, unwanted solicitations, or other
45 invasive contacts. The public availability of personal
46 electronic mail addresses puts department customers at increased
47 risk of these activities. This risk may be significantly limited
48 by permitting the department to keep customer electronic mail
49 addresses confidential.

50 Section 3. This act shall take effect July 1, 2015.