

By the Committees on Rules; Governmental Oversight and Accountability; and Transportation

595-03412-15

20157040c2

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 e-mail addresses collected by
5 the Department of Highway Safety and Motor Vehicles;
6 providing for future review and repeal of the
7 exemption; providing a statement of public necessity;
8 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) E-mail addresses collected by the Department of Highway
20 Safety and Motor Vehicles pursuant to s. 319.40(3), s.
21 320.95(2), or s. 322.08(8) are exempt from s. 119.07(1) and s.
22 24(a), Art. I of the State Constitution. This exemption applies
23 retroactively. This paragraph is subject to the Open Government
24 Sunset Review Act in accordance with s. 119.15 and shall stand
25 repealed on October 2, 2020, unless reviewed and saved from
26 repeal through reenactment by the Legislature.

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

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30 purpose of conducting motor vehicle record and driver license
31 transactions be made exempt from s. 119.07(1), Florida Statutes,
32 and s. 24(a), Article I of the State Constitution. The federal
33 Driver's Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et
34 seq., as enacted and last amended in 2000, does not include e-
35 mail addresses among the types of personal information protected
36 from disclosure. Customer use of e-mail addresses in conducting
37 motor vehicle and driver license record transactions
38 electronically with the department has significantly increased
39 since 1994 and 2000. Under current law, the e-mail addresses
40 collected by the department are public records and can be
41 obtained by anyone for any purpose. However, these e-mail
42 addresses are unique to each individual and, when combined with
43 other personal identifying information, can be used for identity
44 theft, consumer scams, unwanted solicitations, or other invasive
45 contacts. The public availability of personal e-mail addresses
46 puts department customers at increased risk of these problems.
47 Such risk may be significantly limited by permitting the
48 department to keep customer e-mail addresses exempt. The
49 Legislature finds that the risks to consumers outweigh the
50 state's public policy favoring open government.

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