

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.0712, F.S.; providing a public records exemption
 4 for e-mail addresses obtained from customers when
 5 conducting driver license or motor vehicle record
 6 transactions; providing for future legislative review
 7 and repeal of the exemption; providing a statement of
 8 public 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. Subsection (2) of section 119.0712, Florida
 13 Statutes, is amended to read:

14 119.0712 Executive branch agency-specific exemptions from
 15 inspection or copying of public records.—

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

17 (a) For purposes of this subsection, the term "motor
 18 vehicle record" means any record that pertains to a motor
 19 vehicle operator's permit, motor vehicle title, motor vehicle
 20 registration, or identification card issued by the Department of
 21 Highway Safety and Motor Vehicles.

22 (b) Personal information, including highly restricted
 23 personal information as defined in 18 U.S.C. s. 2725, contained
 24 in a motor vehicle record is confidential pursuant to the
 25 federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss.
 26 2721 et seq. Such information may be released only as authorized

27 | by that act; however, information received pursuant to that act
28 | may not be used for mass commercial solicitation of clients for
29 | litigation against motor vehicle dealers.

30 | (c)1. Emergency contact information contained in a motor
31 | vehicle record is confidential and exempt from s. 119.07(1) and
32 | s. 24(a), Art. I of the State Constitution.

33 | 2. Without the express consent of the person to whom such
34 | emergency contact information applies, the emergency contact
35 | information contained in a motor vehicle record may be released
36 | only to law enforcement agencies for purposes of contacting
37 | those listed in the event of an emergency.

38 | (d)1. Electronic mail addresses, also known as e-mail
39 | addresses, held by the Department of Highway Safety and Motor
40 | Vehicles pursuant to ss. 319.40(3), 320.95(2), and 322.08(8) are
41 | exempt from s. 119.07(1) and s. 24(a), Art. I of the State
42 | Constitution.

43 | 2. This paragraph is subject to the Open Government Sunset
44 | Review Act in accordance with s. 119.15 and shall stand repealed
45 | on October 2, 2020, unless reviewed and saved from repeal
46 | through reenactment by the Legislature.

47 | Section 2. The Legislature finds that it is a public
48 | necessity that electronic mail addresses, also known as e-mail
49 | addresses, held by the Department of Highway Safety and Motor
50 | Vehicles for the purpose of conducting motor vehicle record and
51 | driver license transactions be made exempt from s. 119.07(1),
52 | Florida Statutes, and s. 24(a), Article I of the State

HB 7041

2015

53 Constitution. The federal Driver's Privacy Protection Act of
54 1994, 18 U.S.C. ss. 2721 et seq., did not include e-mail
55 addresses among the types of personal information protected from
56 disclosure when enacted in 1994. Customer use of e-mail
57 addresses in conducting motor vehicle and driver license record
58 transactions electronically with the department has
59 significantly increased during the past two decades. Under
60 current law, e-mail addresses collected by the department are
61 public records and can be obtained by anyone for any purpose.
62 However, such e-mail addresses are unique to the individual and,
63 when combined with other personal identifying information, can
64 be used for identity theft, customer scams, unwanted
65 solicitations, or other invasive contacts. The public
66 availability of personal e-mail addresses puts the department's
67 customers at increased risk of these activities. Such risk may
68 be significantly limited by permitting the department to keep
69 customer e-mail addresses exempt.

70 Section 3. This act shall take effect upon becoming a law.