



471932

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2019	.	
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The Committee on Infrastructure and Security (Lee) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Subsection (2) of section 119.0712, Florida Statutes, is amended to read:

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

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

(a) For purposes of this subsection, the term "motor



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11 vehicle record" means any record that pertains to a motor  
12 vehicle operator's permit, motor vehicle title, motor vehicle  
13 registration, or identification card issued by the Department of  
14 Highway Safety and Motor Vehicles.

15 (b) Personal information, including highly restricted  
16 personal information as defined in 18 U.S.C. s. 2725, contained  
17 in a motor vehicle record is confidential pursuant to the  
18 federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss.  
19 2721 et seq. Such information may be released only as authorized  
20 by that act; however, information received pursuant to that act  
21 may not be used for mass commercial solicitation of clients for  
22 litigation against motor vehicle dealers.

23 (c)1. Personal information, including highly restricted  
24 personal information, contained in any record that pertains to a  
25 vessel title or vessel registration issued by the Department of  
26 Highway Safety and Motor Vehicles is confidential and exempt  
27 from s. 119.07(1) and s. 24(a), Art. I of the State  
28 Constitution. Such information in a vessel record may be  
29 released only in the same manner provided for a motor vehicle  
30 record pursuant to the federal Driver's Privacy Protection Act  
31 of 1994, 18 U.S.C. ss. 2721 et seq. This exemption applies to  
32 vessel records held before, on, or after the effective date of  
33 this exemption.

34 2. This paragraph is subject to the Open Government Sunset  
35 Review Act in accordance with s. 119.15 and shall stand repealed  
36 on October 2, 2024, unless reviewed and saved from repeal  
37 through reenactment by the Legislature.

38 (d)1.(e) E-mail addresses and cellular telephone numbers  
39 collected by the Department of Highway Safety and Motor Vehicles



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40 pursuant to chapter 319, chapter 320, chapter 322, chapter 324,  
41 or chapter 328 s. 319.40(3), s. 320.95(2), or s. 322.08(9) are  
42 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
43 of the State Constitution. This exemption applies to e-mail  
44 addresses and cellular telephone numbers held before, on, or  
45 after the effective date of this exemption retroactively.

46 2. The department may disclose such e-mail addresses or  
47 cellular telephone numbers to a tax collector if, by interagency  
48 agreement, the department authorizes the tax collector to send  
49 electronic communications to such e-mail addresses or cellular  
50 telephone numbers for the purpose of providing information about  
51 the issuance of titles, registrations, disabled parking permits,  
52 driver licenses, and identification cards; renewal notices; or  
53 the tax collector's office locations, hours of operation,  
54 contact information, driving skills testing locations,  
55 appointment scheduling information, or website information.

56 3. This paragraph is subject to the Open Government Sunset  
57 Review Act in accordance with s. 119.15 and shall stand repealed  
58 on October 2, 2024 2020, unless reviewed and saved from repeal  
59 through reenactment by the Legislature.

60 (e)-(d)1. Emergency contact information contained in a motor  
61 vehicle record is confidential and exempt from s. 119.07(1) and  
62 s. 24(a), Art. I of the State Constitution.

63 2. Without the express consent of the person to whom such  
64 emergency contact information applies, the emergency contact  
65 information contained in a motor vehicle record may be released  
66 only to law enforcement agencies for purposes of contacting  
67 those listed in the event of an emergency.

68 Section 2. (1) The Legislature finds that it is a public



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69 necessity that personal information, including highly restricted  
70 personal information, contained in any record that pertains to a  
71 vessel title or vessel registration issued by the Department of  
72 Highway Safety and Motor Vehicles be made confidential and  
73 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),  
74 Article I of the State Constitution. Motorist personal  
75 information, when held by the Department of Highway Safety and  
76 Motor Vehicles in motor vehicle records, is confidential  
77 pursuant to the federal Driver's Privacy Protection Act of 1994,  
78 18 U.S.C. ss. 2721 et seq., and s. 119.0712(2), Florida  
79 Statutes. These restrictions on the disclosure of motorist  
80 personal information do not apply to vessel titles or vessel  
81 registrations. Because the personal information in vessel  
82 records comprises much of the same information contained in  
83 motor vehicle records, when personal information revealed in  
84 vessel records is made available to the public, the protections  
85 afforded by the federal Driver's Privacy Protection Act of 1994,  
86 18 U.S.C. ss. 2721 et seq., are significantly undermined,  
87 eroding the privacy and safety of motorists. Therefore, the  
88 Legislature finds that it is a public necessity to make personal  
89 information contained in such vessel records confidential and  
90 exempt from public records requirements. The Legislature further  
91 finds that this public records exemption must be given  
92 retroactive application because it is remedial in nature.

93 (2) The Legislature finds that it is a public necessity  
94 that e-mail addresses and cellular telephone numbers collected  
95 by the Department of Highway Safety and Motor Vehicles pursuant  
96 to chapter 319, chapter 320, chapter 322, chapter 324, or  
97 chapter 328, Florida Statutes, be made confidential and exempt



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98 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of  
99 the State Constitution. In order to communicate more effectively  
100 with motorists through enhancements in information technology,  
101 including efforts of the Motorist Modernization project, the  
102 Department of Highway Safety and Motor Vehicles seeks to  
103 increase communications with motorists through e-mail and text  
104 messaging. If the e-mail addresses or cellular telephone numbers  
105 of motorists are made available to the public, the impact on  
106 motorist privacy and risk of unsolicited commercial solicitation  
107 by e-mail or text message would have an undesirable chilling  
108 effect on motorists' voluntary use of electronic portals to  
109 communicate with the department, thereby undermining the  
110 effective use of these enhancements in information technology.  
111 Therefore, the Legislature finds that it is a public necessity  
112 to make such e-mail addresses and cellular telephone numbers  
113 collected by the Department of Highway Safety and Motor Vehicles  
114 confidential and exempt from public records requirements. The  
115 Legislature further finds that this public records exemption  
116 must be given retroactive application because it is remedial in  
117 nature.

118 Section 3. Present subsection (6) of section 319.1414,  
119 Florida Statutes, as created by SB 7090, 2019 Regular Session,  
120 is redesignated as subsection (7), and a new subsection (6) is  
121 added to that section, to read:

122 319.1414 Investigations; examinations; subpoenas; hearings;  
123 witnesses.—

124 (6) Information received by the department as a result of  
125 an investigation or examination conducted pursuant to this  
126 section is confidential and exempt from the disclosure



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127 requirements in s. 119.07(1) and s. 24(a), Art. I of the State  
128 Constitution until the investigation or examination ceases to be  
129 active or administrative action taken by the department has  
130 concluded or been made part of any hearing or court proceeding.  
131 The department may release information that is made confidential  
132 and exempt under this subsection in furtherance of its official  
133 duties and responsibilities or, if released to another  
134 governmental agency, in the furtherance of that agency's  
135 official duties and responsibilities. This subsection is subject  
136 to the Open Government Sunset Review Act in accordance with s.  
137 119.15 and shall stand repealed on October 2, 2024, unless  
138 reviewed and saved from repeal through reenactment by the  
139 Legislature.

140 Section 4. Present subsection (8) of section 319.25,  
141 Florida Statutes, as created by SB 7090, 2019 Regular Session,  
142 is redesignated as subsection (9), and a new subsection (8) is  
143 added to that section, to read:

144 319.25 Cancellation of certificates; investigations;  
145 subpoenas and other process; oaths; rules.-

146 (8) Information received by the department as a result of  
147 an investigation or examination conducted pursuant to this  
148 section is confidential and exempt from disclosure requirements  
149 in s. 119.07(1) and s. 24(a), Art. I of the State Constitution  
150 until the investigation or examination ceases to be active or  
151 administrative action taken by the department has concluded or  
152 been made part of any hearing or court proceeding. The  
153 department may release information that is made confidential and  
154 exempt under this subsection in furtherance of its official  
155 duties and responsibilities or, if released to another



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156 governmental agency, in the furtherance of that agency's  
157 official duties and responsibilities. This subsection is subject  
158 to the Open Government Sunset Review Act in accordance with s.  
159 119.15 and shall stand repealed on October 2, 2024, unless  
160 reviewed and saved from repeal through reenactment by the  
161 Legislature.

162 Section 5. Present subsection (6) of section 320.861,  
163 Florida Statutes, as created by SB 7090, 2019 Regular Session,  
164 is redesignated as subsection (7), and a new subsection (6) is  
165 added to that section, to read:

166 320.861 Investigations; subpoenas and other process; oaths;  
167 rules.-

168 (6) Information received by the department as a result of  
169 an investigation or examination conducted pursuant to this  
170 chapter is confidential and exempt from disclosure requirements  
171 in s. 119.07(1) and s. 24(a), Art. I of the State Constitution  
172 until the investigation or examination ceases to be active or  
173 administrative action taken by the department has concluded or  
174 been made part of any hearing or court proceeding. The  
175 department may release information that is made confidential and  
176 exempt under this subsection in furtherance of its official  
177 duties and responsibilities or, if released to another  
178 governmental agency, in the furtherance of that agency's  
179 official duties and responsibilities. This subsection is subject  
180 to the Open Government Sunset Review Act in accordance with s.  
181 119.15 and shall stand repealed on October 2, 2024, unless  
182 reviewed and saved from repeal through reenactment by the  
183 Legislature.

184 Section 6. Present subsection (6) of section 322.71,



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185 Florida Statutes, as created by SB 7090, 2019 Regular Session,  
186 is redesignated as subsection (7) of that section, and a new  
187 subsection (6) is added to that section, to read:

188       322.71 Investigations; subpoenas and other process; oaths;  
189 rules.—

190       (6) Information received by the department as a result of  
191 an investigation or examination conducted pursuant to this  
192 chapter is confidential and exempt from disclosure requirements  
193 in s. 119.07(1) and s. 24(a), Art. I of the State Constitution  
194 until the investigation or examination ceases to be active or  
195 administrative action taken by the department has concluded or  
196 been made part of any hearing or court proceeding. The  
197 department may release information that is made confidential and  
198 exempt under this subsection in furtherance of its official  
199 duties and responsibilities or, if released to another  
200 governmental agency, in the furtherance of that agency's  
201 official duties and responsibilities. This subsection is subject  
202 to the Open Government Sunset Review Act in accordance with s.  
203 119.15 and shall stand repealed on October 2, 2024, unless  
204 reviewed and saved from repeal through reenactment by the  
205 Legislature.

206       Section 7. The Legislature finds that it is a public  
207 necessity that information received by the Department of Highway  
208 Safety and Motor Vehicles as a result of an investigation or  
209 examination conducted pursuant to s. 319.1414, s. 319.25,  
210 chapter 320 as provided in s. 320.861, and chapter 322 as  
211 provided in s. 322.71, Florida Statutes, be made confidential  
212 and exempt from s. 119.07(1), Florida Statutes, and s. 24(a),  
213 Article I of the State Constitution until the investigation or





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214 examination ceases to be active or administrative action taken  
215 by the department has concluded or been made part of any hearing  
216 or court proceeding. The release of such information about a  
217 pending investigation or examination of violations of s.  
218 319.1414, s. 319.25, chapter 320, and chapter 322, Florida  
219 Statutes, could obstruct or jeopardize the integrity of the  
220 investigation or examination and impair the ability of the  
221 Department of Highway Safety and Motor Vehicles in the  
222 performance of its official duties and responsibilities under s.  
223 319.1414, s. 319.25, chapter 320, and chapter 322, Florida  
224 Statutes. Therefore, the Legislature finds that it is a public  
225 necessity to make such information confidential and exempt from  
226 public records requirements.

227 Section 8. This act shall take effect on the same date that  
228 SB 7090 or similar legislation takes effect, if such legislation  
229 is adopted in the same legislative session or an extension  
230 thereof and becomes a law.

231  
232 ===== T I T L E A M E N D M E N T =====

233 And the title is amended as follows:

234 Delete everything before the enacting clause  
235 and insert:

236 A bill to be entitled  
237 An act relating to public records; creating public  
238 records exemptions for certain information received by  
239 the Department of Highway Safety and Motor Vehicles;  
240 amending s. 119.0712, F.S.; providing exemptions from  
241 public records requirements for personal information  
242 in certain vessel records, e-mail addresses, and



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243 cellular telephone numbers issued or collected by the  
244 Department of Highway Safety and Motor Vehicles;  
245 providing for retroactive application; authorizing  
246 disclosure of confidential information under certain  
247 circumstances; providing for future legislative review  
248 and repeal of the exemptions; providing statements of  
249 public necessity; amending s. 319.1414, F.S.;  
250 exempting from public records requirements certain  
251 information received by the department as a result of  
252 investigations and examinations of private rebuilt  
253 inspection providers; providing for future legislative  
254 review and repeal of the exemptions; amending s.  
255 319.25, F.S.; exempting from public record  
256 requirements certain information received by the  
257 department as a result of investigations and  
258 examinations relating to title certificates; providing  
259 for future legislative review and repeal of the  
260 exemptions; amending s. 320.861, F.S.; exempting from  
261 public records requirements certain information  
262 received by the department as a result of  
263 investigations and examinations of persons suspected  
264 of violating or of having violated certain laws,  
265 rules, or orders relating to motor vehicle licenses;  
266 providing for future legislative review and repeal of  
267 the exemptions; amending s. 322.71, F.S.; exempting  
268 from public records requirements certain information  
269 received by the department as a result of  
270 investigations and examinations of persons suspected  
271 of violating or of having violated certain laws,



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272 rules, or orders relating to driver licenses;  
273 providing for future legislative review and repeal of  
274 the exemptions; providing a statement of public  
275 necessity; providing a contingent effective date.