

By the Committee on Infrastructure and Security

596-03792-19

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1                                   A bill to be entitled  
2           An act relating to public records; creating public  
3           records exemptions for certain information received by  
4           the Department of Highway Safety and Motor Vehicles;  
5           amending s. 119.0712, F.S.; providing exemptions from  
6           public records requirements for personal information  
7           in certain vessel records, e-mail addresses, and  
8           cellular telephone numbers issued or collected by the  
9           Department of Highway Safety and Motor Vehicles;  
10          providing for retroactive application; authorizing  
11          disclosure of confidential information under certain  
12          circumstances; providing for future legislative review  
13          and repeal of the exemptions; providing statements of  
14          public necessity; amending s. 319.1414, F.S.;  
15          exempting from public records requirements certain  
16          information received by the department as a result of  
17          investigations and examinations of private rebuilt  
18          inspection providers; providing for future legislative  
19          review and repeal of the exemptions; amending s.  
20          319.25, F.S.; exempting from public record  
21          requirements certain information received by the  
22          department as a result of investigations and  
23          examinations relating to title certificates; providing  
24          for future legislative review and repeal of the  
25          exemptions; amending s. 320.861, F.S.; exempting from  
26          public records requirements certain information  
27          received by the department as a result of  
28          investigations and examinations of persons suspected  
29          of violating or of having violated certain laws,

596-03792-19

20197094\_\_

30 rules, or orders relating to motor vehicle licenses;  
31 providing for future legislative review and repeal of  
32 the exemptions; amending s. 322.71, F.S.; exempting  
33 from public records requirements certain information  
34 received by the department as a result of  
35 investigations and examinations of persons suspected  
36 of violating or of having violated certain laws,  
37 rules, or orders relating to driver licenses;  
38 providing for future legislative review and repeal of  
39 the exemptions; providing a statement of public  
40 necessity; providing a contingent effective date.

41  
42 Be It Enacted by the Legislature of the State of Florida:

43  
44 Section 1. Subsection (2) of section 119.0712, Florida  
45 Statutes, is amended to read:

46 119.0712 Executive branch agency-specific exemptions from  
47 inspection or copying of public records.—

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

49 (a) For purposes of this subsection, the term "motor  
50 vehicle record" means any record that pertains to a motor  
51 vehicle operator's permit, motor vehicle title, motor vehicle  
52 registration, or identification card issued by the Department of  
53 Highway Safety and Motor Vehicles.

54 (b) Personal information, including highly restricted  
55 personal information as defined in 18 U.S.C. s. 2725, contained  
56 in a motor vehicle record is confidential pursuant to the  
57 federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss.  
58 2721 et seq. Such information may be released only as authorized

596-03792-19

20197094\_\_

59 by that act; however, information received pursuant to that act  
60 may not be used for mass commercial solicitation of clients for  
61 litigation against motor vehicle dealers.

62 (c)1. Personal information, including highly restricted  
63 personal information, contained in any record that pertains to a  
64 vessel title or vessel registration issued by the Department of  
65 Highway Safety and Motor Vehicles is confidential and exempt  
66 from s. 119.07(1) and s. 24(a), Art. I of the State  
67 Constitution. Such information in a vessel record may be  
68 released only in the same manner provided for a motor vehicle  
69 record pursuant to the federal Driver's Privacy Protection Act  
70 of 1994, 18 U.S.C. ss. 2721 et seq. This exemption applies to  
71 vessel records held before, on, or after the effective date of  
72 this exemption.

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

77 (d)1.~~(e)~~ E-mail addresses and cellular telephone numbers  
78 collected by the Department of Highway Safety and Motor Vehicles  
79 pursuant to chapter 319, chapter 320, chapter 322, chapter 324,  
80 or chapter 328 ~~s. 319.40(3), s. 320.95(2), or s. 322.08(9)~~ are  
81 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
82 of the State Constitution. This exemption applies to e-mail  
83 addresses and cellular telephone numbers held before, on, or  
84 after the effective date of this exemption retroactively.

85 2. The department may disclose such e-mail addresses or  
86 cellular telephone numbers to a tax collector if, by interagency  
87 agreement, the department authorizes the tax collector to send

596-03792-19

20197094\_\_

88 electronic communications to such e-mail addresses or cellular  
89 telephone numbers for the purpose of providing information about  
90 the issuance of titles, registrations, disabled parking permits,  
91 driver licenses, and identification cards; renewal notices; or  
92 the tax collector's office locations, hours of operation,  
93 contact information, driving skills testing locations,  
94 appointment scheduling information, or website information.

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

99 (e) ~~(d)~~ 1. Emergency contact information contained in a motor  
100 vehicle record is confidential and exempt from s. 119.07(1) and  
101 s. 24(a), Art. I of the State Constitution.

102 2. Without the express consent of the person to whom such  
103 emergency contact information applies, the emergency contact  
104 information contained in a motor vehicle record may be released  
105 only to law enforcement agencies for purposes of contacting  
106 those listed in the event of an emergency.

107 Section 2. (1) The Legislature finds that it is a public  
108 necessity that personal information, including highly restricted  
109 personal information, contained in any record that pertains to a  
110 vessel title or vessel registration issued by the Department of  
111 Highway Safety and Motor Vehicles be made confidential and  
112 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),  
113 Article I of the State Constitution. Motorist personal  
114 information, when held by the Department of Highway Safety and  
115 Motor Vehicles in motor vehicle records, is confidential  
116 pursuant to the federal Driver's Privacy Protection Act of 1994,

596-03792-19

20197094\_\_

117 18 U.S.C. ss. 2721 et seq., and s. 119.0712(2), Florida  
118 Statutes. These restrictions on the disclosure of motorist  
119 personal information do not apply to vessel titles or vessel  
120 registrations. Because the personal information in vessel  
121 records comprises much of the same information contained in  
122 motor vehicle records, when personal information revealed in  
123 vessel records is made available to the public, the protections  
124 afforded by the federal Driver's Privacy Protection Act of 1994,  
125 18 U.S.C. ss. 2721 et seq., are significantly undermined,  
126 eroding the privacy and safety of motorists. Therefore, the  
127 Legislature finds that it is a public necessity to make personal  
128 information contained in such vessel records confidential and  
129 exempt from public records requirements. The Legislature further  
130 finds that this public records exemption must be given  
131 retroactive application because it is remedial in nature.

132 (2) The Legislature finds that it is a public necessity  
133 that e-mail addresses and cellular telephone numbers collected  
134 by the Department of Highway Safety and Motor Vehicles pursuant  
135 to chapter 319, chapter 320, chapter 322, chapter 324, or  
136 chapter 328, Florida Statutes, be made confidential and exempt  
137 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of  
138 the State Constitution. In order to communicate more effectively  
139 with motorists through enhancements in information technology,  
140 including efforts of the Motorist Modernization project, the  
141 Department of Highway Safety and Motor Vehicles seeks to  
142 increase communications with motorists through e-mail and text  
143 messaging. If the e-mail addresses or cellular telephone numbers  
144 of motorists are made available to the public, the impact on  
145 motorist privacy and risk of unsolicited commercial solicitation

596-03792-19

20197094\_\_

146 by e-mail or text message would have an undesirable chilling  
147 effect on motorists' voluntary use of electronic portals to  
148 communicate with the department, thereby undermining the  
149 effective use of these enhancements in information technology.  
150 Therefore, the Legislature finds that it is a public necessity  
151 to make such e-mail addresses and cellular telephone numbers  
152 collected by the Department of Highway Safety and Motor Vehicles  
153 confidential and exempt from public records requirements. The  
154 Legislature further finds that this public records exemption  
155 must be given retroactive application because it is remedial in  
156 nature.

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

161 319.1414 Investigations; examinations; subpoenas; hearings;  
162 witnesses.—

163 (6) Information received by the department as a result of  
164 an investigation or examination conducted pursuant to this  
165 section is confidential and exempt from the disclosure  
166 requirements in s. 119.07(1) and s. 24(a), Art. I of the State  
167 Constitution until the investigation or examination ceases to be  
168 active or administrative action taken by the department has  
169 concluded or been made part of any hearing or court proceeding.  
170 The department may release information that is made confidential  
171 and exempt under this subsection in furtherance of its official  
172 duties and responsibilities or, if released to another  
173 governmental agency, in the furtherance of that agency's  
174 official duties and responsibilities. This subsection is subject

596-03792-19

20197094\_\_

175 to the Open Government Sunset Review Act in accordance with s.  
176 119.15 and shall stand repealed on October 2, 2024, unless  
177 reviewed and saved from repeal through reenactment by the  
178 Legislature.

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

183 319.25 Cancellation of certificates; investigations;  
184 subpoenas and other process; oaths; rules.-

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

201 Section 5. Present subsection (6) of section 320.861,  
202 Florida Statutes, as created by SB 7090, 2019 Regular Session,  
203 is redesignated as subsection (7), and a new subsection (6) is

596-03792-19

20197094\_\_

204 added to that section, to read:

205 320.861 Investigations; subpoenas and other process; oaths;  
206 rules.—

207 (6) Information received by the department as a result of  
208 an investigation or examination conducted pursuant to this  
209 chapter is confidential and exempt from disclosure requirements  
210 in s. 119.07(1) and s. 24(a), Art. I of the State Constitution  
211 until the investigation or examination ceases to be active or  
212 administrative action taken by the department has concluded or  
213 been made part of any hearing or court proceeding. The  
214 department may release information that is made confidential and  
215 exempt under this subsection in furtherance of its official  
216 duties and responsibilities or, if released to another  
217 governmental agency, in the furtherance of that agency's  
218 official duties and responsibilities. This subsection is subject  
219 to the Open Government Sunset Review Act in accordance with s.  
220 119.15 and shall stand repealed on October 2, 2024, unless  
221 reviewed and saved from repeal through reenactment by the  
222 Legislature.

223 Section 6. Present subsection (6) of section 322.71,  
224 Florida Statutes, as created by SB 7090, 2019 Regular Session,  
225 is redesignated as subsection (7) of that section, and a new  
226 subsection (6) is added to that section, to read:

227 322.71 Investigations; subpoenas and other process; oaths;  
228 rules.—

229 (6) Information received by the department as a result of  
230 an investigation or examination conducted pursuant to this  
231 chapter is confidential and exempt from disclosure requirements  
232 in s. 119.07(1) and s. 24(a), Art. I of the State Constitution



596-03792-19

20197094\_\_

233 until the investigation or examination ceases to be active or  
234 administrative action taken by the department has concluded or  
235 been made part of any hearing or court proceeding. The  
236 department may release information that is made confidential and  
237 exempt under this subsection in furtherance of its official  
238 duties and responsibilities or, if released to another  
239 governmental agency, in the furtherance of that agency's  
240 official duties and responsibilities. This subsection is subject  
241 to the Open Government Sunset Review Act in accordance with s.  
242 119.15 and shall stand repealed on October 2, 2024, unless  
243 reviewed and saved from repeal through reenactment by the  
244 Legislature.

245       Section 7. The Legislature finds that it is a public  
246 necessity that information received by the Department of Highway  
247 Safety and Motor Vehicles as a result of an investigation or  
248 examination conducted pursuant to s. 319.1414, s. 319.25,  
249 chapter 320 as provided in s. 320.861, and chapter 322 as  
250 provided in s. 322.71, Florida Statutes, be made confidential  
251 and exempt from s. 119.07(1), Florida Statutes, and s. 24(a),  
252 Article I of the State Constitution until the investigation or  
253 examination ceases to be active or administrative action taken  
254 by the department has concluded or been made part of any hearing  
255 or court proceeding. The release of such information about a  
256 pending investigation or examination of violations of s.  
257 319.1414, s. 319.25, chapter 320, and chapter 322, Florida  
258 Statutes, could obstruct or jeopardize the integrity of the  
259 investigation or examination and impair the ability of the  
260 Department of Highway Safety and Motor Vehicles in the  
261 performance of its official duties and responsibilities under s.

596-03792-19

20197094\_\_

262 319.1414, s. 319.25, chapter 320, and chapter 322, Florida  
263 Statutes. Therefore, the Legislature finds that it is a public  
264 necessity to make such information confidential and exempt from  
265 public records requirements.

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