

By Senator Stargel

22-01276-20

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1                   A bill to be entitled  
2       An act relating to public records; amending s.  
3       119.0712, F.S.; creating public records exemptions for  
4       certain information contained in any record that  
5       pertains to a vessel title or vessel registration  
6       issued by the Department of Highway Safety and Motor  
7       Vehicles; providing exemptions from public records  
8       requirements for e-mail addresses and cellular  
9       telephone numbers collected by the department;  
10      providing for retroactive application; requiring  
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; providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

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

20       119.0712 Executive branch agency-specific exemptions from  
21       inspection or copying of public records.—

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

23       (a) For purposes of this subsection, the term "motor  
24       vehicle record" means any record that pertains to a motor  
25       vehicle operator's permit, motor vehicle title, motor vehicle  
26       registration, or identification card issued by the Department of  
27       Highway Safety and Motor Vehicles.

28       (b) Personal information, including highly restricted  
29       personal information as defined in 18 U.S.C. s. 2725, contained

22-01276-20

20201030\_\_

30 in a motor vehicle record is confidential pursuant to the  
31 federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss.  
32 2721 et seq. Such information may be released only as authorized  
33 by that act; however, information received pursuant to that act  
34 may not be used for mass commercial solicitation of clients for  
35 litigation against motor vehicle dealers.

36 (c)1. Personal information, including highly restricted  
37 personal information, contained in any record that pertains to a  
38 vessel title or vessel registration issued by the Department of  
39 Highway Safety and Motor Vehicles is confidential and exempt  
40 from s. 119.07(1) and s. 24(a), Art. I of the State  
41 Constitution. Such information in a vessel record may be  
42 released only in the same manner provided for a motor vehicle  
43 record pursuant to the Driver's Privacy Protection Act of 1994,  
44 18 U.S.C. ss. 2721 et seq. This exemption applies to vessel  
45 records held before, on, or after the effective date of this  
46 exemption.

47 2. This paragraph is subject to the Open Government Sunset  
48 Review Act in accordance with s. 119.15 and shall stand repealed  
49 on October 2, 2025, unless reviewed and saved from repeal  
50 through reenactment by the Legislature.

51 (d)1. E-mail addresses and cellular telephone numbers  
52 collected by the Department of Highway Safety and Motor Vehicles  
53 or its agent tax collectors pursuant to chapter 319, chapter  
54 320, chapter 322, chapter 324, or chapter 328 ~~s. 319.40(3), s.~~  
55 ~~320.95(2), or s. 322.08(9)~~ are exempt from s. 119.07(1) and s.  
56 24(a), Art. I of the State Constitution. This exemption applies  
57 to e-mail addresses and cellular telephone numbers held before,  
58 on, or after the effective date of this exemption ~~retroactively.~~

22-01276-20

20201030\_\_

59       2. The department shall disclose such e-mail addresses or  
60 cellular telephone numbers to its tax collector agents to send  
61 electronic communications to such e-mail addresses or cellular  
62 telephone numbers for the purpose of providing information about  
63 the issuance of titles, registrations, disabled parking permits,  
64 driver licenses, and identification cards; renewal notices; or  
65 the tax collector's office locations, hours of operation,  
66 contact information, driving skills testing locations,  
67 appointment scheduling information, or website information.

68       3. This paragraph is subject to the Open Government Sunset  
69 Review Act in accordance with s. 119.15 and shall stand repealed  
70 on October 2, ~~2025~~ 2020, unless reviewed and saved from repeal  
71 through reenactment by the Legislature.

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

75       2. Without the express consent of the person to whom such  
76 emergency contact information applies, the emergency contact  
77 information contained in a motor vehicle record may be released  
78 only to law enforcement agencies for purposes of contacting  
79 those listed in the event of an emergency.

80       Section 2. (1) The Legislature finds that it is a public  
81 necessity that personal information, including highly restricted  
82 personal information, contained in any record that pertains to a  
83 vessel title or vessel registration issued by the Department of  
84 Highway Safety and Motor Vehicles be made confidential and  
85 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),  
86 Article I of the State Constitution. Motorist personal  
87 information, when held by the Department of Highway Safety and

22-01276-20

20201030\_\_

88 Motor Vehicles in motor vehicle records, is confidential  
89 pursuant to the Driver's Privacy Protection Act of 1994, 18  
90 U.S.C. ss. 2721 et seq., and s. 119.0712(2), Florida Statutes.  
91 These restrictions on the disclosure of motorist personal  
92 information do not apply to vessel titles or vessel  
93 registrations. Because the personal information in vessel  
94 records comprises much of the same information contained in  
95 motor vehicle records, when personal information revealed in  
96 vessel records is made available to the public, the protections  
97 afforded by the Driver's Privacy Protection Act of 1994, 18  
98 U.S.C. ss. 2721 et seq., are significantly undermined, eroding  
99 the privacy and safety of motorists. Therefore, the Legislature  
100 finds that it is a public necessity to make personal information  
101 contained in such vessel records confidential and exempt from  
102 public records requirements. The Legislature further finds that  
103 this public records exemption must be given retroactive  
104 application because it is remedial in nature.

105 (2) The Legislature finds that it is a public necessity  
106 that e-mail addresses and cellular telephone numbers collected  
107 by the Department of Highway Safety and Motor Vehicles and its  
108 tax collector agents pursuant to chapter 319, chapter 320,  
109 chapter 322, chapter 324, or chapter 328, Florida Statutes, be  
110 made confidential and exempt from s. 119.07(1), Florida  
111 Statutes, and section 24(a), Article I of the State  
112 Constitution. In order to communicate more effectively with  
113 motorists through enhancements in information technology,  
114 including efforts of the Motorist Modernization project, the  
115 Department of Highway Safety and Motor Vehicles seeks to  
116 increase communications with motorists through e-mail and text

22-01276-20

20201030\_\_

117 messaging. If the e-mail addresses or cellular telephone numbers  
118 of motorists are made available to the public, the impact on  
119 motorist privacy and risk of unsolicited commercial solicitation  
120 by e-mail or text message would have an undesirable chilling  
121 effect on motorists' voluntary use of electronic portals to  
122 communicate with the department, thereby undermining the  
123 effective use of these enhancements in information technology.  
124 Therefore, the Legislature finds that it is a public necessity  
125 to make such e-mail addresses and cellular telephone numbers  
126 collected by the Department of Highway Safety and Motor Vehicles  
127 confidential and exempt from public records requirements. The  
128 Legislature further finds that this public records exemption  
129 must be given retroactive application because it is remedial in  
130 nature.

131 Section 3. This act shall take effect July 1, 2020.