

By the Committee on Infrastructure and Security; and Senator Stargel

596-02446-20

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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 electronic mail addresses and
9 cellular telephone numbers collected by the
10 department; providing for retroactive application;
11 requiring disclosure of confidential information under
12 certain circumstances; providing for future
13 legislative review and repeal of the exemptions;
14 providing statements of public necessity; providing an
15 effective date.

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

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

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

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

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

29 (b) Personal information, including highly restricted

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30 personal information as defined in 18 U.S.C. s. 2725, contained
31 in a motor vehicle record is confidential pursuant to the
32 federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss.
33 2721 et seq. Such information may be released only as authorized
34 by that act; however, information received pursuant to that act
35 may not be used for mass commercial solicitation of clients for
36 litigation against motor vehicle dealers.

37 (c)1. Personal information, including highly restricted
38 personal information, contained in any record that pertains to a
39 vessel title or vessel registration issued by the Department of
40 Highway Safety and Motor Vehicles is confidential and exempt
41 from s. 119.07(1) and s. 24(a), Art. I of the State
42 Constitution. Such information in a vessel record may be
43 released only in the same manner provided for a motor vehicle
44 record pursuant to the Driver's Privacy Protection Act of 1994,
45 18 U.S.C. ss. 2721 et seq. This exemption applies to vessel
46 records held on or after the effective date of this 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. Electronic mail ~~E-mail~~ addresses and cellular
52 telephone numbers collected by the Department of Highway Safety
53 and Motor Vehicles or its agent tax collectors pursuant to
54 chapter 319, chapter 320, chapter 322, chapter 324, or chapter
55 328 ~~s. 319.40(3), s. 320.95(2), or s. 322.08(9)~~ are exempt from
56 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
57 This exemption applies to electronic mail addresses and cellular
58 telephone numbers held before, on, or after the effective date

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59 of this exemption ~~retroactively~~.

60 2. The department shall disclose such electronic mail
61 addresses or cellular telephone numbers to its tax collector
62 agents to send electronic communications to such electronic mail
63 addresses or cellular telephone numbers for the purpose of
64 providing information, including, but not limited to, the
65 issuance of titles, registrations, disabled parking permits,
66 driver licenses, and identification cards; renewal notices; or
67 the tax collector's office locations, hours of operation,
68 contact information, driving skills testing locations,
69 appointment scheduling information, or website information.

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

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

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

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

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

105 (2) The Legislature finds that it is a public necessity
106 that electronic mail addresses and cellular telephone numbers
107 collected by the Department of Highway Safety and Motor Vehicles
108 and its tax collector agents pursuant to chapter 319, chapter
109 320, chapter 322, chapter 324, or chapter 328, Florida Statutes,
110 be 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 electronic mail

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

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