

ENROLLED

CS/HB 1315

2021 Legislature

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 2 An act relating to public records; amending s.  
 3 119.0712, F.S.; providing exemptions from public  
 4 records requirements for secure login credentials,  
 5 Internet protocol addresses, geolocation data, and  
 6 other certain information held by the Department of  
 7 Highway Safety and Motor Vehicles; providing  
 8 retroactive application; defining the terms "secure  
 9 login credentials" and "public-facing portal";  
 10 providing for future legislative review and repeal of  
 11 the exemptions; providing a statement of public  
 12 necessity; providing a contingent effective date.

13  
 14 Be It Enacted by the Legislature of the State of Florida:

15  
 16 Section 1. Paragraph (e) is added to subsection (2) of  
 17 section 119.0712, Florida Statutes, to read:

18 119.0712 Executive branch agency-specific exemptions from  
 19 inspection or copying of public records.—

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

21 (e)1. Secure login credentials held by the Department of  
 22 Highway Safety and Motor Vehicles are exempt from s. 119.07(1)  
 23 and s. 24(a), Art. I of the State Constitution. This exemption  
 24 applies to secure login credentials held by the department  
 25 before, on, or after the effective date of the exemption. For

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26 | purposes of this subparagraph, the term "secure login  
27 | credentials" means information held by the department for  
28 | purposes of authenticating a user logging into a user account on  
29 | a computer, a computer system, a computer network, or an  
30 | electronic device; an online user account accessible over the  
31 | Internet, whether through a mobile device, a website, or any  
32 | other electronic means; or information used for authentication  
33 | or password recovery.

34 | 2. Internet protocol addresses, geolocation data, and  
35 | other information held by the Department of Highway Safety and  
36 | Motor Vehicles which describes the location, computer, computer  
37 | system, or computer network from which a user accesses a public-  
38 | facing portal, and the dates and times that a user accesses a  
39 | public-facing portal, are exempt from s. 119.07(1) and s. 24(a),  
40 | Art. I of the State Constitution. This exemption applies to such  
41 | information held by the department before, on, or after the  
42 | effective date of the exemption. For purposes of this  
43 | subparagraph, the term "public-facing portal" means a web portal  
44 | or computer application accessible by the public over the  
45 | Internet, whether through a mobile device, website, or other  
46 | electronic means, which is established for administering chapter  
47 | 319, chapter 320, chapter 322, chapter 328, or any other  
48 | provision of law conferring duties upon the department.

49 | 3. This paragraph is subject to the Open Government Sunset  
50 | Review Act in accordance with s. 119.15 and shall stand repealed

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51 on October 2, 2026, unless reviewed and saved from repeal  
52 through reenactment by the Legislature.

53 Section 2. The Legislature finds that it is a public  
54 necessity that secure login credentials, Internet protocol  
55 addresses, geolocation data, and other information which  
56 describes the location, computer, computer system, or computer  
57 network from which a user accesses a public-facing portal, and  
58 the dates and times that a user accesses a public-facing portal,  
59 held by the Department of Highway Safety and Motor Vehicles be  
60 made exempt from s. 119.07(1), Florida Statutes, and s. 24(a),  
61 Article I of the State Constitution. The Legislature finds that  
62 safeguarding the integrity and accuracy of data systems  
63 maintained by the Department of Highway Safety and Motor  
64 Vehicles is of paramount public importance. Those systems  
65 comprise critical information related to driver licenses, state  
66 identification cards, motor vehicles and vessels, and Florida  
67 Highway Patrol law enforcement records. Those systems also  
68 comprise personal information restricted from public disclosure  
69 by the federal Driver's Privacy Protection Act of 1994.  
70 Accordingly, unauthorized access to those systems poses a  
71 serious threat to the integrity and accuracy of the data  
72 contained therein. Moreover, the unauthorized disclosure of  
73 personal information contained in those systems may subject  
74 users to identity theft, financial harm, or other adverse  
75 impacts. The Legislature further finds that development in

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76 | information technology allows the Department of Highway Safety  
77 | and Motor Vehicles to make secure transactions more readily  
78 | available to the public through expanded use of online user  
79 | accounts accessible over the Internet, including applications  
80 | such as digital driver licenses. The public release of secure  
81 | login credentials, Internet protocol addresses, geolocation  
82 | data, or other information which describes the location,  
83 | computer, computer system, or computer network from which a user  
84 | accesses a public-facing portal, and the dates and times that a  
85 | user accesses a public-facing portal, would render these data  
86 | systems vulnerable to unauthorized access. The Legislature finds  
87 | that, to safeguard user accounts from unauthorized access and  
88 | avert the unauthorized disclosure of personal information, it is  
89 | a public necessity that secure login credentials, Internet  
90 | protocol addresses, geolocation data, and other certain  
91 | information be made exempt from public records requirements and,  
92 | without the public records exemption, the effective and  
93 | efficient administration of user accounts would be hindered.

94 | Section 3. This act shall take effect on the same date  
95 | that HB 1313 or similar legislation takes effect, if such  
96 | legislation is adopted in the same legislative session or an  
97 | extension thereof and becomes a law.