

By the Committee on Transportation; and Senator Harrell

596-02656-21

20211326c1

1                   A bill to be entitled  
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, and geolocation data held  
6       by the Department of Highway Safety and Motor  
7       Vehicles; providing retroactive application; defining  
8       the terms "secure login credentials" and "public-  
9       facing portal"; providing for future legislative  
10      review and repeal of the exemptions; providing a  
11      statement of public necessity; providing a contingent  
12      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  
26      purposes of this subparagraph, the term "secure login  
27      credentials" means information collected or issued by the  
28      department for purposes of authenticating a user logging into a  
29      user account on a computer, a computer system, a computer

596-02656-21

20211326c1

30 network, or an electronic device; or an online user account  
31 accessible over the Internet, whether through a mobile device, a  
32 website, or any other electronic means. The term includes, but  
33 is not limited to, user identifications and passwords; personal  
34 identification numbers; security questions and answers; and e-  
35 mail addresses, telephone numbers, and human biometric  
36 information used for authentication or password recovery.

37 2. Internet protocol addresses, geolocation data, and other  
38 information held by the Department of Highway Safety and Motor  
39 Vehicles which describes the location, computer, computer  
40 system, or computer network from which a user accesses a public-  
41 facing portal, and the dates and times that a user accesses a  
42 public-facing portal, are exempt from s. 119.07(1) and s. 24(a),  
43 Art. I of the State Constitution. This exemption applies to such  
44 information held by the department before, on, or after the  
45 effective date of the exemption. For purposes of this  
46 subparagraph, the term "public-facing portal" means a web portal  
47 or computer application accessible by the public over the  
48 Internet, whether through a mobile device, website, or other  
49 electronic means, which is established for administering chapter  
50 319, chapter 320, chapter 322, chapter 328, or any other  
51 provision of law conferring duties upon the department.

52 3. This paragraph is subject to the Open Government Sunset  
53 Review Act in accordance with s. 119.15 and shall stand repealed  
54 on October 2, 2026, unless reviewed and saved from repeal  
55 through reenactment by the Legislature.

56 Section 2. The Legislature finds that it is a public  
57 necessity that secure login credentials, Internet protocol  
58 addresses, and geolocation data held by the Department of

596-02656-21

20211326c1

59 Highway Safety and Motor Vehicles for purposes of authenticating  
60 a user logging into a user account be exempt from s. 119.07(1),  
61 Florida Statutes, and s. 24(a), Article I of the State  
62 Constitution. The Legislature finds that safeguarding the  
63 integrity and accuracy of data systems maintained by the  
64 Department of Highway Safety and Motor Vehicles is of paramount  
65 public importance. Those systems comprise critical information  
66 related to driver licenses, state identification cards, motor  
67 vehicles and vessels, and Florida Highway Patrol law enforcement  
68 records. Those systems also comprise personal information  
69 restricted from public disclosure by the federal Driver's  
70 Privacy Protection Act of 1994. Accordingly, unauthorized access  
71 to those systems poses a serious threat to the integrity and  
72 accuracy of the data contained therein. Moreover, the  
73 unauthorized disclosure of personal information contained in  
74 those systems may subject users to identity theft, financial  
75 harm, or other adverse impacts. The Legislature further finds  
76 that development in information technology allows the Department  
77 of Highway Safety and Motor Vehicles to make secure transactions  
78 more readily available to the public through expanded use of  
79 online user accounts accessible over the Internet, including  
80 applications such as digital driver licenses. The public release  
81 of secure login credentials, Internet protocol addresses, and  
82 geolocation data would render these data systems vulnerable to  
83 unauthorized access. The Legislature finds that, to safeguard  
84 user accounts from unauthorized access and avert the  
85 unauthorized disclosure of personal information, it is a public  
86 necessity that secure login credentials, Internet protocol  
87 addresses, and geolocation data be exempt from public records

596-02656-21

20211326c1

88 requirements and, without the public records exemption, the  
89 effective and efficient administration of user accounts would be  
90 hindered.

91 Section 3. This act shall take effect on the same date that  
92 SB 1324 or similar legislation takes effect, if such legislation  
93 is adopted in the same legislative session or an extension  
94 thereof and becomes a law.