

By the Committees on Rules; and Criminal Justice; and Senator Hooper

595-03028-21

2021890c2

1 A bill to be entitled
2 An act relating to the use of electronic databases;
3 amending s. 119.0712, F.S.; prohibiting the use or
4 release, not authorized by law, of any information
5 contained in the Driver and Vehicle Information
6 Database; providing a noncriminal infraction; amending
7 s. 943.125, F.S.; requiring the law enforcement
8 accreditation program to address access to and use of
9 personal identification information contained in
10 electronic databases; creating s. 943.1719, F.S.;
11 requiring the Criminal Justice Standards and Training
12 Commission to incorporate into the course curriculum
13 required for initial certification of law enforcement
14 officers instruction on the authorized access to and
15 use of personal identification information contained
16 in electronic databases; providing training
17 requirements; creating s. 943.17191, F.S.; requiring
18 the commission to adopt rules requiring that each law
19 enforcement officer receive instruction on the
20 authorized access to and use of personal
21 identification information contained in electronic
22 databases for continued employment or appointment as
23 an officer; providing training requirements; providing
24 an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Subsection (2) of section 119.0712, Florida
29 Statutes, is amended to read:

595-03028-21

2021890c2

30 119.0712 Executive branch agency-specific exemptions from
31 inspection or copying of public records.—

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

33 (a) For purposes of this subsection, the term "motor
34 vehicle record" means any record that pertains to a motor
35 vehicle operator's permit, motor vehicle title, motor vehicle
36 registration, or identification card issued by the Department of
37 Highway Safety and Motor Vehicles.

38 (b) Personal information, including highly restricted
39 personal information as defined in 18 U.S.C. s. 2725, contained
40 in a motor vehicle record is confidential pursuant to the
41 federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss.
42 2721 et seq. Such information may be released only as authorized
43 by that act; however, information received pursuant to that act
44 may not be used for mass commercial solicitation of clients for
45 litigation against motor vehicle dealers.

46 (c) E-mail addresses collected by the Department of Highway
47 Safety and Motor Vehicles pursuant to s. 319.40(3), s.
48 320.95(2), or s. 322.08(10) are exempt from s. 119.07(1) and s.
49 24(a), Art. I of the State Constitution. This exemption applies
50 retroactively.

51 (d)1. Emergency contact information contained in a motor
52 vehicle record is confidential and exempt from s. 119.07(1) and
53 s. 24(a), Art. I of the State Constitution.

54 2. Without the express consent of the person to whom such
55 emergency contact information applies, the emergency contact
56 information contained in a motor vehicle record may be released
57 only to law enforcement agencies for purposes of contacting
58 those listed in the event of an emergency.

595-03028-21

2021890c2

59 (e) Any person who uses or releases any information
60 contained in the Driver and Vehicle Information Database for a
61 purpose not specifically authorized by law commits a noncriminal
62 infraction, punishable by a fine not exceeding \$2,000.

63 Section 2. Paragraph (o) is added to subsection (4) of
64 section 943.125, Florida Statutes, to read:

65 943.125 Accreditation of state and local law enforcement
66 agencies, correctional facilities, public agency offices of
67 inspectors general, and certain pretrial diversion programs;
68 intent.—

69 (4) The law enforcement accreditation program must address,
70 at a minimum, the following aspects of law enforcement:

71 (o) Access to and use of personal identification
72 information, as defined in s. 817.568(1)(f), contained in
73 electronic databases.

74 Section 3. Section 943.1719, Florida Statutes, is created
75 to read:

76 943.1719 Basic skills training relating to the use of
77 electronic databases.—The commission shall incorporate into the
78 course curriculum required for initial certification of a law
79 enforcement officer instruction on the authorized access to and
80 use of personal identification information, as defined in s.
81 817.568(1)(f), contained in electronic databases used by a law
82 enforcement officer in his or her official capacity. This
83 training must include, but need not be limited to, the proper
84 use, and limitations on use, of electronic databases in a law
85 enforcement officer's official capacity and the penalties
86 associated with the misuse of such electronic databases.

87 Section 4. Section 943.17191, Florida Statutes, is created

595-03028-21

2021890c2

88 to read:

89 943.17191 Continued employment training relating to the use
90 of electronic databases.—The commission shall by rule require
91 that each law enforcement officer receive, as part of the 40
92 hours of required instruction for continued employment or
93 appointment as an officer, instruction on the authorized access
94 to and use of personal identification information, as defined in
95 s. 817.568(1)(f), contained in electronic databases used by a
96 law enforcement officer in his or her official capacity. This
97 training must include, but need not be limited to, the proper
98 use, and limitations on use, of electronic databases in a law
99 enforcement officer's official capacity and the penalties
100 associated with the misuse of such electronic databases.

101 Section 5. This act shall take effect October 1, 2021.