

1                                   A bill to be entitled  
 2           An act relating to public records; amending s.  
 3           119.0712, F.S.; exempting from public records  
 4           requirements the e-mail addresses collected by the  
 5           Department of Highway Safety and Motor Vehicles when  
 6           providing renewal notices; expanding the exemption to  
 7           include e-mail addresses collected as a method of  
 8           notification to certain; expanding the exemption to  
 9           include e-mail addresses collected as a method of  
 10          notification related to vessel registrations;  
 11          providing retroactive applicability; providing for  
 12          future legislative review and repeal of the exemption;  
 13          providing a statement of public necessity; providing a  
 14          contingent effective date.

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

17  
 18           **Section 1. Paragraph (c) of subsection (2) of section**  
 19 **119.0712, Florida 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           (c) E-mail addresses collected by the Department of Highway  
 24 Safety and Motor Vehicles pursuant to s. 319.40(3), s.  
 25 320.95(2), ~~or~~ s. 322.08(10), or 328.30 are exempt from s.

26 | 119.07(1) and s. 24(a), Art. I of the State Constitution. This  
27 | exemption applies retroactively. This paragraph is subject to  
28 | the Open Government Sunset Review Act in accordance with s.  
29 | 119.15 and shall stand repealed on October 2, 2030, unless  
30 | reviewed and saved from repeal through reenactment by the  
31 | Legislature.

32 |       **Section 2.** The Legislature finds that it is a public  
33 | necessity that e-mail addresses collected by the Department of  
34 | Highway Safety and Motor Vehicles used as a method of  
35 | notification in lieu of the United States Postal Service be made  
36 | exempt from s. 119.07(1), Florida Statutes, and s. 24(a),  
37 | Article I of the State Constitution. Sections 320.95(2) and  
38 | 322.08(10), Florida Statutes, currently authorize the Department  
39 | of Highway Safety and Motor Vehicles to collect and use  
40 | electronic mail in lieu of the United States Postal Service for  
41 | providing renewal notices related to motor vehicle license  
42 | plates, driver licenses, and identification cards but does not  
43 | provide this authority for other types of notifications. The  
44 | Department of Highway and Motor Vehicles is also currently  
45 | allowed to collect and use electronic mail addresses for  
46 | providing renewal notices related to vessel registrations  
47 | pursuant to s. 328.30(3), Florida Statutes. HB 1075 expands the  
48 | circumstances in which electronic mail may be used in lieu of  
49 | the United States Postal Service as a method of notification for  
50 | various notices and orders issued by the department, including,

51 but not limited to, notices related to driver licenses,  
52 identification cards, motor vehicle registrations, vessel  
53 registrations, and orders to revoke, cancel, or suspend driver  
54 licenses. The department's use of e-mail as a method for  
55 corresponding with customers has steadily increased in recent  
56 decades. E-mail addresses are unique to each individual and,  
57 when combined with other personal identifying information, can  
58 be used for identity theft, consumer scams, unwanted  
59 solicitations, or other invasive contacts. The public  
60 availability of personal e-mail addresses put the department's  
61 customers at increased risk of these problems. Such risk may be  
62 significantly limited by permitting the department to keep  
63 customer e-mail addresses exempt. The Legislature finds that  
64 these risks to consumers outweigh the state's public policy  
65 favoring open government.

66 **Section 3.** This act shall take effect on the same date  
67 that HB 1075 or similar legislation takes effect, if such  
68 legislation is adopted in the same legislative session or an  
69 extension thereof and becomes a law.