

By Senator Massullo

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A bill to be entitled
An act relating to public records; amending s. 119.0712, F.S.; expanding an exemption from public records requirements for e-mail addresses collected by the Department of Highway Safety and Motor Vehicles for providing renewal notices to include e-mail addresses collected for use as a method of notification generally and not only for the purpose of providing renewal notices; expanding the exemption to include e-mail addresses collected for use as a method of notification related to vessel registrations; providing retroactive applicability; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Paragraph (c) of subsection (2) of section 119.0712, Florida Statutes, is amended to read:

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

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

(c) E-mail addresses collected by the Department of Highway Safety and Motor Vehicles pursuant to s. 319.40(3), s. 320.95(2), ~~or~~ s. 322.08(10), or s. 328.30 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies retroactively. This paragraph is subject to the Open Government Sunset Review Act in accordance with s.

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30 119.15 and shall stand repealed on October 2, 2031, unless
31 reviewed and saved from repeal through reenactment by the
32 Legislature.

33 Section 2. The Legislature finds that it is a public
34 necessity that e-mail addresses collected by the Department of
35 Highway Safety and Motor Vehicles for the use of e-mail in lieu
36 of the United States Postal Service as a method of notification
37 be made exempt from s. 119.07(1), Florida Statutes, and s.
38 24(a), Article I of the State Constitution. Sections 320.95(2)
39 and 322.08(10), Florida Statutes, authorize the department to
40 collect e-mail addresses and use e-mail in lieu of the United
41 States Postal Service to provide renewal notices related to
42 motor vehicle license plates, driver licenses, and
43 identification cards. The department is also authorized to
44 collect e-mail addresses and use e-mail to provide renewal
45 notices related to vessel registrations pursuant to s.
46 328.30(3), Florida Statutes. SB 488 expands the circumstances in
47 which e-mail may be used in lieu of the United States Postal
48 Service by authorizing e-mail to be used as a method of
49 notification for various notices and orders issued by the
50 department in addition to renewal notices, including, but not
51 limited to, notices related to driver licenses, identification
52 cards, motor vehicle registrations, vessel registrations, and
53 orders to revoke, cancel, or suspend driver licenses. The
54 department's use of e-mail as a method for corresponding with
55 customers has steadily increased in recent decades. E-mail
56 addresses are unique to each individual and, when combined with
57 other personal identifying information, can be used for identity
58 theft, consumer scams, unwanted solicitations, or other invasive

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59 contacts. The public availability of personal e-mail addresses
60 puts the department's customers at increased risk of these
61 problems. Such risks may be significantly limited by permitting
62 the department to keep customer e-mail addresses exempt. The
63 Legislature finds that these risks to consumers outweigh the
64 state's public policy favoring open government.

65 Section 3. This act shall take effect on the same date that
66 SB 488 or similar legislation takes effect, if such legislation
67 is adopted in the same legislative session or an extension
68 thereof and becomes a law.