

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119.15 and shall stand repealed on October 2, 2031, unless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

Section 2. The Legislature finds that it is a public
necessity that e-mail addresses collected by the Department of
Highway Safety and Motor Vehicles for the use of e-mail in lieu
of the United States Postal Service as a method of notification
be made exempt from s. 119.07(1), Florida Statutes, and s.
24(a), Article I of the State Constitution. Sections 320.95(2)
and 322.08(10), Florida Statutes, authorize the department to
collect e-mail addresses and use e-mail in lieu of the United
States Postal Service to provide renewal notices related to
motor vehicle license plates, driver licenses, and
identification cards. The department is also authorized to
collect e-mail addresses and use e-mail to provide renewal
notices related to vessel registrations pursuant to s.
328.30(3), Florida Statutes. SB 488 expands the circumstances in
which e-mail may be used in lieu of the United States Postal
Service by authorizing e-mail to be used as a method of
notification for various notices and orders issued by the
department in addition to renewal notices, including, but not
limited to, notices related to driver licenses, identification
cards, motor vehicle registrations, vessel registrations, and
orders to revoke, cancel, or suspend driver licenses. The
department's use of e-mail as a method for corresponding with
customers has steadily increased in recent decades. E-mail
addresses are unique to each individual and, when combined with
other personal identifying information, can be used for identity
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.