

# FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [HB 939](#)

**TITLE:** Pub. Rec./E-mail Addresses Collected by the Department of Highway Safety and Motor Vehicles

**SPONSOR(S):** Yarkosky

**COMPANION BILL:** [SB 490](#) (Massullo)

**LINKED BILLS:** [CS/HB 937](#) (Yarkosky)

**RELATED BILLS:** [SB 488](#) (Massullo)

## Committee References

[Government Operations](#)

16 Y, 0 N



[State Affairs](#)

26 Y, 0 N

## SUMMARY

### **Effect of the Bill:**

The bill expands an existing public record exemption by exempting from public disclosure all email addresses collected by the Department of Highway Safety and Motor Vehicles (DHSMV), for all general notifications, and not solely renewal notices, relating to motor vehicle title, motor vehicle and mobile home registration, and driver license and identification card transactions. The bill also creates a public record exemption for email addresses collected by DHSMV that are used for general notifications relating to vessel title and lien transactions.

The bill specifies that the public record exemptions will repeal on October 2, 2031, unless reenacted by the Legislature.

### **Fiscal or Economic Impact:**

None.

### **Extraordinary Vote Required for Passage:**

The bill requires a two-thirds vote of the members present and voting in both houses of the Legislature for final passage.

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## ANALYSIS

### **EFFECT OF THE BILL:**

The bill expands an existing [public record](#) exemption to include all email addresses collected by the Department of Highway Safety and Motor Vehicles (DHSMV) for all general notifications, and not solely renewal notices, relating to motor vehicle title; motor vehicle and mobile home registration; and driver license and identification card transactions. The bill also creates a public record exemption for email addresses collected by DHSMV that are used for all general notifications, including renewal notices, relating to vessel title and lien transactions. (Section [1](#))

The bill provides that the public record exemptions are scheduled to repeal on October 2, 2031, unless reviewed and saved from repeal by the Legislature. (Section [1](#))

As required by the State Constitution, the bill contains a statement of public necessity for the public record exemptions. The public necessity statement provides that an email address is unique to each individual and, when combined with other personal identifying information, may be used for identity theft, consumer scams, unwanted solicitations, or other invasive contact. The public necessity statement further provides that if email addresses held by DHSMV were released, the risk to such customers outweighs Florida's public policy favoring open government. (Section [2](#))

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[Article I, s. 24\(c\)](#) of the Florida Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created public record exemption. The bill creates a public record exemption; thus, it requires a two-thirds vote for final passage.

The bill is effective upon the same date that [HB 937](#) or similar legislation takes effect. (Section [3](#))

**RELEVANT INFORMATION**

**SUBJECT OVERVIEW:**

**Public Records**

The Florida Constitution sets forth the state’s public policy regarding access to government records, guaranteeing every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government.<sup>1</sup> The Legislature, however, may provide by general law an exemption<sup>2</sup> from public record requirements provided that the exemption passes by a two-thirds vote of each chamber, states with specificity the public necessity justifying the exemption, and is no broader than necessary to meet its public purpose.<sup>3</sup>

Current law also addresses the public policy regarding access to government records by guaranteeing every person a right to inspect and copy any state, county, or municipal record, unless the record is exempt.<sup>4</sup> Furthermore, the Open Government Sunset Review (OGSR) Act<sup>5</sup> provides that a public record exemption may be created, revised, or maintained only if it serves an identifiable public purpose and the “Legislature finds that the purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exemption.”<sup>6</sup> An identifiable public purpose is served if the exemption meets one of the following purposes:

- Allow the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;
- Protect sensitive personal information that, if released, would be defamatory or would jeopardize an individual’s safety; however, only the identity of an individual may be exempted under this provision; or
- Protect trade or business secrets.<sup>7</sup>

Pursuant to the OGSR Act, a new public record exemption, or the substantial amendment of an existing public record exemption, is repealed on October 2<sup>nd</sup> of the fifth year following enactment, unless the Legislature reenacts the exemption.<sup>8</sup>

**Exempted Email Addresses Collected by the Department of Highway Safety and Motor Vehicles (DHSMV)**

Current law provides that email addresses collected by DHSMV are exempt from public disclosure for the following transactions:

- Motor vehicle title notifications.<sup>9</sup>
- Motor vehicle and mobile home registration renewals.<sup>10</sup>
- Driver license and identification card renewals.<sup>11</sup>

<sup>1</sup> [Art. I, s. 24\(a\), FLA. CONST.](#)

<sup>2</sup> A “public record exemption” means a provision of general law which provides that a specified record, or portion thereof, is not subject to the access requirements of [s. 119.07\(1\), F.S.](#), or s. 24, Art. I of the Florida Constitution. See [s. 119.011\(8\), F.S.](#)

<sup>3</sup> [Art. I, s. 24\(c\), FLA. CONST.](#)

<sup>4</sup> [S. 119.01, F.S.](#)

<sup>5</sup> [S. 119.15, F.S.](#)

<sup>6</sup> [S. 119.15\(6\)\(b\), F.S.](#)

<sup>7</sup> *Id.*

<sup>8</sup> [S. 119.15\(3\), F.S.](#)

<sup>9</sup> [Section 319.40\(3\), F.S.](#), provides that any notice regarding the potential forfeiture or foreclosure of an interest in property must be sent via the U.S. Postal Service.

<sup>10</sup> [S. 320.95\(2\), F.S.](#)

<sup>11</sup> [S. 322.08\(1\), F.S.](#)

**HB 937 (2026)**

In part, HB 937 authorizes DHSMV to expand the circumstances in which email addresses may be used in lieu of the U.S. Postal Service by authorizing email to be used as a method of notification for various notices and orders issued by DHSMV, including those relating to driver licenses, identification cards, motor vehicle registrations, motor vehicle insurance, and vessel registrations. If passed, HB 937 takes effect October 1, 2026.

**BILL HISTORY**

| <b>COMMITTEE REFERENCE</b>                             | <b>ACTION</b> | <b>DATE</b> | <b>STAFF<br/>DIRECTOR/<br/>POLICY CHIEF</b> | <b>ANALYSIS<br/>PREPARED BY</b> |
|--|---------------|-------------|---|---------------------------------|
| <a href="#">Government Operations<br/>Subcommittee</a> | 16 Y, 0 N     | 2/5/2026    | Toliver                                     | Walker                          |
| <a href="#">State Affairs Committee</a>                | 26 Y, 0 N     | 2/24/2026   | Williamson                                  | Walker                          |