

1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.0712, F.S.; providing an exemption from public
4 records requirements for certain e-mail addresses
5 collected by the Department of Highway Safety and
6 Motor Vehicles; providing for retroactive application
7 of the exemption; providing for future legislative
8 review and repeal of the exemption; providing a
9 statement of public necessity; providing a contingent
10 effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 **Section 1. Paragraph (c) of subsection (2) of section**
15 **119.0712, Florida Statutes, is amended to read:**

16 119.0712 Executive branch agency-specific exemptions from
17 inspection or copying of public records.—

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

19 (c) E-mail addresses collected by the Department of
20 Highway Safety and Motor Vehicles pursuant to s. 319.40(3), s.
21 320.95(2), ~~or~~ s. 322.08(10), or s. 328.30(3) are exempt from s.
22 119.07(1) and s. 24(a), Art. I of the State Constitution. This
23 exemption applies retroactively. This paragraph is subject to
24 the Open Government Sunset Review Act in accordance with s.
25 119.15 and shall stand repealed on October 2, 2031, unless

26 reviewed and saved from repeal through reenactment by the
27 Legislature.

28 **Section 2.** The Legislature finds that it is a public
29 necessity that e-mail addresses collected by the Department of
30 Highway Safety and Motor Vehicles for the use of e-mail in lieu
31 of the United States Postal Service as a method of notification
32 be made exempt from s. 119.07(1), Florida Statutes, and s.
33 24(a), Article I of the State Constitution. Sections 319.40(3),
34 320.95(2), and 322.08(10), Florida Statutes, authorize the
35 department to collect e-mail addresses and use e-mail in lieu of
36 the United States Postal Service to provide title certification
37 notification and renewal notices related to motor vehicle
38 license plates, driver licenses, and identification cards. The
39 department is also authorized to collect e-mail addresses and
40 use e-mail in lieu of the United States Postal Service to
41 provide renewal notices related to vessel registrations under s.
42 328.30(3), Florida Statutes. HB 937 expands the circumstances in
43 which e-mail addresses may be used in lieu of the United States
44 Postal Service by authorizing e-mail to be used as a method of
45 notification for various notices and orders issued by the
46 department in addition to renewal notices, including, but not
47 limited to, notices related to driver licenses, identification
48 cards, motor vehicle registrations, motor vehicle title
49 certificates, vessel registrations, and orders to revoke,
50 cancel, or suspend driver licenses. The department's use of e-

51 mail as a method for corresponding with customers has steadily
52 increased in recent years. An e-mail address is unique to each
53 individual and, when combined with other personal identifying
54 information, may be used for identity theft, consumer scams,
55 unwanted solicitations, or other invasive contact. The public
56 availability of personal e-mail addresses puts the department's
57 customers at increased risk of these problems. Such risk may be
58 significantly limited by making such e-mail addresses exempt.
59 The Legislature finds that such risk outweighs this state's
60 public policy favoring open government.

61 **Section 3.** This act shall take effect on the same date
62 that HB 937 or similar legislation takes effect, if such
63 legislation is adopted in the same legislative session or an
64 extension thereof and becomes a law.