

FOR CONSIDERATION By the Committee on Transportation

596-01309A-15

20157040pb

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 electronic mail addresses  
5       collected by the Department of Highway Safety and  
6       Motor Vehicles; providing for future review and repeal  
7       of the exemption; providing a statement of public  
8       necessity; providing an effective date.  
9

10 Be It Enacted by the Legislature of the State of Florida:  
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12       Section 1. Present paragraph (c) of subsection (2) of  
13       section 119.0712, Florida Statutes, is redesignated as paragraph  
14       (d), and a new paragraph (c) is added to that subsection, to  
15       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) Electronic mail addresses collected by the Department  
20       of Highway Safety and Motor Vehicles pursuant to s. 319.40(3),  
21       s. 320.95(2), or s. 322.08(8) are exempt from s. 119.07(1) and  
22       s. 24(a), Art. I of the State Constitution. This paragraph is  
23       subject to the Open Government Sunset Review Act in accordance  
24       with s. 119.15 and shall stand repealed on October 2, 2020,  
25       unless reviewed and saved from repeal through reenactment by the  
26       Legislature.

27       Section 2. The Legislature finds that it is a public  
28       necessity that customers' electronic mail addresses collected  
29       and held by the Department of Highway Safety and Motor Vehicles

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30 for the purpose of conducting motor vehicle record and driver  
31 license transactions be made exempt from s. 119.07(1), Florida  
32 Statutes, and s. 24(a), Article I of the State Constitution. The  
33 federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss.  
34 2721 et seq., did not include electronic mail addresses among  
35 the types of personal information protected from disclosure when  
36 enacted. Customer use of electronic mail addresses in conducting  
37 motor vehicle and driver license record transactions  
38 electronically with the department has significantly increased  
39 since 1994. Under current law, the electronic mail addresses  
40 collected by the department are public records and can be  
41 obtained by anyone for any purpose. However, such electronic  
42 mail addresses are unique to the individual and, when combined  
43 with other personal identifying information, can be used for  
44 identity theft, consumer scams, unwanted solicitations, or other  
45 invasive contacts. The public availability of personal  
46 electronic mail addresses puts department customers at increased  
47 risk of these activities. This risk may be significantly limited  
48 by permitting the department to keep customer electronic mail  
49 addresses confidential.

50 Section 3. This act shall take effect July 1, 2015.