

1 A bill to be entitled  
2 An act relating to public records; amending s.  
3 119.0712, F.S.; providing exemptions from public  
4 records requirements for personal information in  
5 certain vessel records and for certain e-mail  
6 addresses and verified texting numbers held by the  
7 Department of Highway Safety and Motor Vehicles;  
8 providing for retroactive application; defining the  
9 term "verified texting number"; authorizing release of  
10 confidential information under certain circumstances;  
11 providing for future legislative review and repeal;  
12 amending ss. 319.1414, 319.25, 320.861, and 322.71,  
13 F.S.; providing an exemption from public records  
14 requirements for information received by the  
15 department as a result of certain investigations or  
16 examinations; authorizing release of confidential  
17 information under certain circumstances; providing for  
18 future legislative review and repeal; providing a  
19 statement of public necessity; providing a contingent  
20 effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
24 Section 1. Subsection (2) of section 119.0712, Florida  
25 Statutes, is amended to read:

26 | 119.0712 Executive branch agency-specific exemptions from  
27 | inspection or copying of public records.—

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

29 | (a) For purposes of this subsection, the term "motor  
30 | vehicle record" means any record that pertains to a motor  
31 | vehicle operator's permit, motor vehicle title, motor vehicle  
32 | registration, or identification card issued by the Department of  
33 | Highway Safety and Motor Vehicles.

34 | (b) Personal information, including highly restricted  
35 | personal information as defined in 18 U.S.C. s. 2725, contained  
36 | in a motor vehicle record is confidential pursuant to the  
37 | federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss.  
38 | 2721 et seq. Such information may be released only as authorized  
39 | by that act; however, information received pursuant to that act  
40 | may not be used for mass commercial solicitation of clients for  
41 | litigation against motor vehicle dealers.

42 | (c)1. Personal information, including highly restricted  
43 | personal information, contained in any record that pertains to a  
44 | vessel title or vessel registration issued by the Department of  
45 | Highway Safety and Motor Vehicles is confidential and exempt  
46 | from s. 119.07(1) and s. 24(a), Art. I of the State  
47 | Constitution. Such information in a vessel record may be  
48 | released only in the same manner provided for a motor vehicle  
49 | record pursuant to the federal Driver's Privacy Protection Act  
50 | of 1994, 18 U.S.C. ss. 2721 et seq. This exemption applies to

51 vessel records held before, on, or after the effective date of  
 52 this exemption.

53 2. This paragraph is subject to the Open Government Sunset  
 54 Review Act in accordance with s. 119.15 and shall stand repealed  
 55 on October 2, 2024, unless reviewed and saved from repeal  
 56 through reenactment by the Legislature.

57 (d)1.(e) E-mail addresses and verified texting numbers  
 58 collected by the Department of Highway Safety and Motor Vehicles  
 59 pursuant to chapter 319, chapter 320, chapter 322, chapter 324,  
 60 or chapter 328 s. 319.40(3), s. 320.95(2), or s. 322.08(9) are  
 61 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 62 Constitution. This exemption applies to e-mail addresses and  
 63 verified texting numbers held before, on, or after the effective  
 64 date of this exemption retroactively. For purposes of this  
 65 paragraph, the term "verified texting number" means a telephone  
 66 number verified as capable of receiving text messages.

67 2. The Department of Highway Safety and Motor Vehicles may  
 68 disclose such e-mail addresses or verified texting numbers to a  
 69 tax collector if, by interagency agreement, the department  
 70 authorizes the tax collector to send electronic communications  
 71 to such e-mail addresses or verified texting numbers for the  
 72 purpose of providing information about the issuance of titles,  
 73 registrations, disabled parking permits, driver licenses and  
 74 identification cards, or renewal notices or the tax collector's  
 75 office locations, hours of operation, contact information,

76 driving skills testing locations, appointment scheduling  
 77 information, or website information.

78 3. This paragraph is subject to the Open Government Sunset  
 79 Review Act in accordance with s. 119.15 and shall stand repealed  
 80 on October 2, 2024 ~~2020~~, unless reviewed and saved from repeal  
 81 through reenactment by the Legislature.

82 (e) ~~(d)~~1. Emergency contact information contained in a  
 83 motor vehicle record is confidential and exempt from s.  
 84 119.07(1) and s. 24(a), Art. I of the State Constitution.

85 2. Without the express consent of the person to whom such  
 86 emergency contact information applies, the emergency contact  
 87 information contained in a motor vehicle record may be released  
 88 only to law enforcement agencies for purposes of contacting  
 89 those listed in the event of an emergency.

90 Section 2. Subsection (7) is added to section 319.1414,  
 91 Florida Statutes, as created by HB 1053, 2019 Regular Session,  
 92 to read:

93 319.1414 Investigations; examinations; subpoenas;  
 94 hearings; witnesses.—

95 (7) Information received by the department as a result of  
 96 an investigation or examination conducted pursuant to this  
 97 section is confidential and exempt from s. 119.07(1) and s.  
 98 24(a), Art. I of the State Constitution until the investigation  
 99 or examination ceases to be active or until administrative  
 100 action taken by the department has concluded or been made part

101 of any hearing or court proceeding. The department may release  
102 information that is made confidential and exempt under this  
103 subsection in furtherance of its official duties and  
104 responsibilities or to another governmental agency in the  
105 furtherance of its official duties and responsibilities. This  
106 subsection is subject to the Open Government Sunset Review Act  
107 in accordance with s. 119.15 and shall stand repealed on October  
108 2, 2024, unless reviewed and saved from repeal through  
109 reenactment by the Legislature.

110 Section 3. Subsection (9) is added to section 319.25,  
111 Florida Statutes, as amended by HB 1053, 2019 Regular Session,  
112 to read:

113 319.25 Cancellation of certificates; investigations;  
114 subpoenas and other process; oaths; rules.—

115 (9) Information received by the department as a result of  
116 an investigation or examination conducted pursuant to this  
117 chapter is confidential and exempt from s. 119.07(1) and s.  
118 24(a), Art. I of the State Constitution until the investigation  
119 or examination ceases to be active or until administrative  
120 action taken by the department has concluded or been made part  
121 of any hearing or court proceeding. The department may release  
122 information that is made confidential and exempt under this  
123 subsection in furtherance of its official duties and  
124 responsibilities or to another governmental agency in the  
125 furtherance of its official duties and responsibilities. This

126 subsection is subject to the Open Government Sunset Review Act  
127 in accordance with s. 119.15 and shall stand repealed on October  
128 2, 2024, unless reviewed and saved from repeal through  
129 reenactment by the Legislature.

130 Section 4. Subsection (7) is added to section 320.861,  
131 Florida Statutes, as amended by HB 1053, 2019 Regular Session,  
132 to read:

133 320.861 Investigations; subpoenas and other process;  
134 oaths; rules.—

135 (7) Information received by the department as a result of  
136 an investigation or examination conducted pursuant to this  
137 chapter is confidential and exempt from s. 119.07(1) and s.  
138 24(a), Art. I of the State Constitution until the investigation  
139 or examination ceases to be active or until administrative  
140 action taken by the department has concluded or been made part  
141 of any hearing or court proceeding. The department may release  
142 information that is made confidential and exempt under this  
143 subsection in furtherance of its official duties and  
144 responsibilities or to another governmental agency in the  
145 furtherance of its official duties and responsibilities. This  
146 subsection is subject to the Open Government Sunset Review Act  
147 in accordance with s. 119.15 and shall stand repealed on October  
148 2, 2024, unless reviewed and saved from repeal through  
149 reenactment by the Legislature.

150 Section 5. Subsection (7) is added to section 322.71,

151 Florida Statutes, as created by HB 1053, 2019 Regular Session,  
152 to read:

153 322.71 Investigations; subpoenas and other process; oaths;  
154 rules.—

155 (7) Information received by the department as a result of  
156 an investigation or examination conducted pursuant to this  
157 chapter is confidential and exempt from s. 119.07(1) and s.  
158 24(a), Art. I of the State Constitution until the investigation  
159 or examination ceases to be active or until administrative  
160 action taken by the department has concluded or been made part  
161 of any hearing or court proceeding. The department may release  
162 information that is made confidential and exempt under this  
163 subsection in furtherance of its official duties and  
164 responsibilities or to another governmental agency in the  
165 furtherance of its official duties and responsibilities. This  
166 subsection is subject to the Open Government Sunset Review Act  
167 in accordance with s. 119.15 and shall stand repealed on October  
168 2, 2024, unless reviewed and saved from repeal through  
169 reenactment by the Legislature.

170 Section 6. (1) The Legislature finds that it is a public  
171 necessity that personal information, including highly restricted  
172 personal information, contained in any record that pertains to a  
173 vessel title or vessel registration issued by the Department of  
174 Highway Safety and Motor Vehicles be made confidential and  
175 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),

176 Article I of the State Constitution. Motorist personal  
177 information, when held by the Department of Highway Safety and  
178 Motor Vehicles in motor vehicle records, is confidential  
179 pursuant to the federal Driver's Privacy Protection Act of 1994,  
180 18 U.S.C. ss. 2721 et seq., and s. 119.0712(2), Florida  
181 Statutes. These restrictions on the disclosure of motorist  
182 personal information do not apply to vessel titles or vessel  
183 registrations. When personal information revealed in vessel  
184 records is made available to the public, because the personal  
185 information in vessel records comprises much of the same  
186 information contained in motor vehicle records, the protections  
187 afforded by the federal Driver's Privacy Protection Act of 1994  
188 are significantly undermined, eroding the privacy and safety of  
189 motorists. Therefore, the Legislature finds that it is a public  
190 necessity to make personal information contained in such vessel  
191 records confidential and exempt from public records  
192 requirements. The Legislature further finds that this public  
193 records exemption must be given retroactive application because  
194 it is remedial in nature.

195 (2) The Legislature finds that it is a public necessity  
196 that e-mail addresses and verified texting numbers collected by  
197 the Department of Highway Safety and Motor Vehicles under  
198 chapter 319, chapter 320, chapter 322, chapter 324, or chapter  
199 328, Florida Statutes, be made confidential and exempt from s.  
200 119.07(1), Florida Statutes, and s. 24(a), Article I of the



201 State Constitution. In order to more effectively communicate  
202 with motorists through enhancements in information technology,  
203 including efforts of the Motorist Modernization project, the  
204 Department of Highway Safety and Motor Vehicles seeks to  
205 increase communications with motorists through e-mail and text  
206 messaging. If the e-mail addresses or verified texting numbers  
207 of motorists are made available to the public, the impact on  
208 motorist privacy and risk of unsolicited commercial solicitation  
209 by e-mail or text message would have an undesirable chilling  
210 effect on motorists' voluntary use of electronic portals to  
211 communicate with the department, thereby undermining the  
212 effective use of these enhancements in information technology.  
213 Therefore, the Legislature finds that it is a public necessity  
214 to make such e-mail addresses and verified texting numbers  
215 confidential and exempt from public records requirements. The  
216 Legislature further finds that this public records exemption  
217 must be given retroactive application because it is remedial in  
218 nature.

219 (3) The Legislature finds that it is a public necessity  
220 that information produced by a party in compliance with a  
221 subpoena issued by the department be made confidential and  
222 exempt from s. 119.07(1), Florida Statutes, and s. 24(1),  
223 Article I of the State Constitution. If such records containing  
224 financial information and proprietary information of a business  
225 were subject to disclosure, a chilling effect on compliance with

226 department-issued subpoenas would result. There is a strong  
227 likelihood that parties would refuse to voluntarily comply with  
228 a department-issued subpoena if all records and testimony  
229 received would be subject to disclosure. The proposed exemption  
230 from disclosure would only apply to information received by the  
231 department in response to a subpoena issued pursuant to an  
232 investigation or examination. If information received is later  
233 released by the department in furtherance of its official duties  
234 and responsibilities or to another governmental agency in the  
235 furtherance of its official duties and responsibilities, the  
236 exemption from disclosure would no longer apply to such  
237 information.

238       Section 7. This act shall take effect on the same date  
239 that HB 1053 or similar legislation takes effect, if such  
240 legislation is adopted in the same legislative session or an  
241 extension thereof and becomes a law.