



471932

LEGISLATIVE ACTION

Senate

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House

The Committee on Infrastructure and Security (Lee) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. 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.—

(a) For purposes of this subsection, the term "motor



471932

11 vehicle record" means any record that pertains to a motor
12 vehicle operator's permit, motor vehicle title, motor vehicle
13 registration, or identification card issued by the Department of
14 Highway Safety and Motor Vehicles.

15 (b) Personal information, including highly restricted
16 personal information as defined in 18 U.S.C. s. 2725, contained
17 in a motor vehicle record is confidential pursuant to the
18 federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss.
19 2721 et seq. Such information may be released only as authorized
20 by that act; however, information received pursuant to that act
21 may not be used for mass commercial solicitation of clients for
22 litigation against motor vehicle dealers.

23 (c)1. Personal information, including highly restricted
24 personal information, contained in any record that pertains to a
25 vessel title or vessel registration issued by the Department of
26 Highway Safety and Motor Vehicles is confidential and exempt
27 from s. 119.07(1) and s. 24(a), Art. I of the State
28 Constitution. Such information in a vessel record may be
29 released only in the same manner provided for a motor vehicle
30 record pursuant to the federal Driver's Privacy Protection Act
31 of 1994, 18 U.S.C. ss. 2721 et seq. This exemption applies to
32 vessel records held before, on, or after the effective date of
33 this exemption.

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35 Review Act in accordance with s. 119.15 and shall stand repealed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

38 (d)1.(e) E-mail addresses and cellular telephone numbers
39 collected by the Department of Highway Safety and Motor Vehicles



471932

40 pursuant to chapter 319, chapter 320, chapter 322, chapter 324,
41 or chapter 328 s. 319.40(3), s. 320.95(2), or s. 322.08(9) are
42 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
43 of the State Constitution. This exemption applies to e-mail
44 addresses and cellular telephone numbers held before, on, or
45 after the effective date of this exemption retroactively.

46 2. The department may disclose such e-mail addresses or
47 cellular telephone numbers to a tax collector if, by interagency
48 agreement, the department authorizes the tax collector to send
49 electronic communications to such e-mail addresses or cellular
50 telephone numbers for the purpose of providing information about
51 the issuance of titles, registrations, disabled parking permits,
52 driver licenses, and identification cards; renewal notices; or
53 the tax collector's office locations, hours of operation,
54 contact information, driving skills testing locations,
55 appointment scheduling information, or website information.

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

60 (e)-(d)1. Emergency contact information contained in a motor
61 vehicle record is confidential and exempt from s. 119.07(1) and
62 s. 24(a), Art. I of the State Constitution.

63 2. Without the express consent of the person to whom such
64 emergency contact information applies, the emergency contact
65 information contained in a motor vehicle record may be released
66 only to law enforcement agencies for purposes of contacting
67 those listed in the event of an emergency.

68 Section 2. (1) The Legislature finds that it is a public



471932

69 necessity that personal information, including highly restricted
70 personal information, contained in any record that pertains to a
71 vessel title or vessel registration issued by the Department of
72 Highway Safety and Motor Vehicles be made confidential and
73 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
74 Article I of the State Constitution. Motorist personal
75 information, when held by the Department of Highway Safety and
76 Motor Vehicles in motor vehicle records, is confidential
77 pursuant to the federal Driver's Privacy Protection Act of 1994,
78 18 U.S.C. ss. 2721 et seq., and s. 119.0712(2), Florida
79 Statutes. These restrictions on the disclosure of motorist
80 personal information do not apply to vessel titles or vessel
81 registrations. Because the personal information in vessel
82 records comprises much of the same information contained in
83 motor vehicle records, when personal information revealed in
84 vessel records is made available to the public, the protections
85 afforded by the federal Driver's Privacy Protection Act of 1994,
86 18 U.S.C. ss. 2721 et seq., are significantly undermined,
87 eroding the privacy and safety of motorists. Therefore, the
88 Legislature finds that it is a public necessity to make personal
89 information contained in such vessel records confidential and
90 exempt from public records requirements. The Legislature further
91 finds that this public records exemption must be given
92 retroactive application because it is remedial in nature.

93 (2) The Legislature finds that it is a public necessity
94 that e-mail addresses and cellular telephone numbers collected
95 by the Department of Highway Safety and Motor Vehicles pursuant
96 to chapter 319, chapter 320, chapter 322, chapter 324, or
97 chapter 328, Florida Statutes, be made confidential and exempt



471932

98 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
99 the State Constitution. In order to communicate more effectively
100 with motorists through enhancements in information technology,
101 including efforts of the Motorist Modernization project, the
102 Department of Highway Safety and Motor Vehicles seeks to
103 increase communications with motorists through e-mail and text
104 messaging. If the e-mail addresses or cellular telephone numbers
105 of motorists are made available to the public, the impact on
106 motorist privacy and risk of unsolicited commercial solicitation
107 by e-mail or text message would have an undesirable chilling
108 effect on motorists' voluntary use of electronic portals to
109 communicate with the department, thereby undermining the
110 effective use of these enhancements in information technology.
111 Therefore, the Legislature finds that it is a public necessity
112 to make such e-mail addresses and cellular telephone numbers
113 collected by the Department of Highway Safety and Motor Vehicles
114 confidential and exempt from public records requirements. The
115 Legislature further finds that this public records exemption
116 must be given retroactive application because it is remedial in
117 nature.

118 Section 3. Present subsection (6) of section 319.1414,
119 Florida Statutes, as created by SB 7090, 2019 Regular Session,
120 is redesignated as subsection (7), and a new subsection (6) is
121 added to that section, to read:

122 319.1414 Investigations; examinations; subpoenas; hearings;
123 witnesses.—

124 (6) Information received by the department as a result of
125 an investigation or examination conducted pursuant to this
126 section is confidential and exempt from the disclosure



471932

127 requirements in s. 119.07(1) and s. 24(a), Art. I of the State
128 Constitution until the investigation or examination ceases to be
129 active or administrative action taken by the department has
130 concluded or been made part of any hearing or court proceeding.
131 The department may release information that is made confidential
132 and exempt under this subsection in furtherance of its official
133 duties and responsibilities or, if released to another
134 governmental agency, in the furtherance of that agency's
135 official duties and responsibilities. This subsection is subject
136 to the Open Government Sunset Review Act in accordance with s.
137 119.15 and shall stand repealed on October 2, 2024, unless
138 reviewed and saved from repeal through reenactment by the
139 Legislature.

140 Section 4. Present subsection (8) of section 319.25,
141 Florida Statutes, as created by SB 7090, 2019 Regular Session,
142 is redesignated as subsection (9), and a new subsection (8) is
143 added to that section, to read:

144 319.25 Cancellation of certificates; investigations;
145 subpoenas and other process; oaths; rules.-

146 (8) Information received by the department as a result of
147 an investigation or examination conducted pursuant to this
148 section is confidential and exempt from disclosure requirements
149 in s. 119.07(1) and s. 24(a), Art. I of the State Constitution
150 until the investigation or examination ceases to be active or
151 administrative action taken by the department has concluded or
152 been made part of any hearing or court proceeding. The
153 department may release information that is made confidential and
154 exempt under this subsection in furtherance of its official
155 duties and responsibilities or, if released to another



471932

156 governmental agency, in the furtherance of that agency's
157 official duties and responsibilities. This subsection is subject
158 to the Open Government Sunset Review Act in accordance with s.
159 119.15 and shall stand repealed on October 2, 2024, unless
160 reviewed and saved from repeal through reenactment by the
161 Legislature.

162 Section 5. Present subsection (6) of section 320.861,
163 Florida Statutes, as created by SB 7090, 2019 Regular Session,
164 is redesignated as subsection (7), and a new subsection (6) is
165 added to that section, to read:

166 320.861 Investigations; subpoenas and other process; oaths;
167 rules.-

168 (6) Information received by the department as a result of
169 an investigation or examination conducted pursuant to this
170 chapter is confidential and exempt from disclosure requirements
171 in s. 119.07(1) and s. 24(a), Art. I of the State Constitution
172 until the investigation or examination ceases to be active or
173 administrative action taken by the department has concluded or
174 been made part of any hearing or court proceeding. The
175 department may release information that is made confidential and
176 exempt under this subsection in furtherance of its official
177 duties and responsibilities or, if released to another
178 governmental agency, in the furtherance of that agency's
179 official duties and responsibilities. This subsection is subject
180 to the Open Government Sunset Review Act in accordance with s.
181 119.15 and shall stand repealed on October 2, 2024, unless
182 reviewed and saved from repeal through reenactment by the
183 Legislature.

184 Section 6. Present subsection (6) of section 322.71,



471932

185 Florida Statutes, as created by SB 7090, 2019 Regular Session,
186 is redesignated as subsection (7) of that section, and a new
187 subsection (6) is added to that section, to read:

188 322.71 Investigations; subpoenas and other process; oaths;
189 rules.—

190 (6) Information received by the department as a result of
191 an investigation or examination conducted pursuant to this
192 chapter is confidential and exempt from disclosure requirements
193 in s. 119.07(1) and s. 24(a), Art. I of the State Constitution
194 until the investigation or examination ceases to be active or
195 administrative action taken by the department has concluded or
196 been made part of any hearing or court proceeding. The
197 department may release information that is made confidential and
198 exempt under this subsection in furtherance of its official
199 duties and responsibilities or, if released to another
200 governmental agency, in the furtherance of that agency's
201 official duties and responsibilities. This subsection is subject
202 to the Open Government Sunset Review Act in accordance with s.
203 119.15 and shall stand repealed on October 2, 2024, unless
204 reviewed and saved from repeal through reenactment by the
205 Legislature.

206 Section 7. The Legislature finds that it is a public
207 necessity that information received by the Department of Highway
208 Safety and Motor Vehicles as a result of an investigation or
209 examination conducted pursuant to s. 319.1414, s. 319.25,
210 chapter 320 as provided in s. 320.861, and chapter 322 as
211 provided in s. 322.71, Florida Statutes, be made confidential
212 and exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
213 Article I of the State Constitution until the investigation or



471932

214 examination ceases to be active or administrative action taken
215 by the department has concluded or been made part of any hearing
216 or court proceeding. The release of such information about a
217 pending investigation or examination of violations of s.
218 319.1414, s. 319.25, chapter 320, and chapter 322, Florida
219 Statutes, could obstruct or jeopardize the integrity of the
220 investigation or examination and impair the ability of the
221 Department of Highway Safety and Motor Vehicles in the
222 performance of its official duties and responsibilities under s.
223 319.1414, s. 319.25, chapter 320, and chapter 322, Florida
224 Statutes. Therefore, the Legislature finds that it is a public
225 necessity to make such information confidential and exempt from
226 public records requirements.

227 Section 8. This act shall take effect on the same date that
228 SB 7090 or similar legislation takes effect, if such legislation
229 is adopted in the same legislative session or an extension
230 thereof and becomes a law.

231
232 ===== T I T L E A M E N D M E N T =====

233 And the title is amended as follows:

234 Delete everything before the enacting clause
235 and insert:

236 A bill to be entitled
237 An act relating to public records; creating public
238 records exemptions for certain information received by
239 the Department of Highway Safety and Motor Vehicles;
240 amending s. 119.0712, F.S.; providing exemptions from
241 public records requirements for personal information
242 in certain vessel records, e-mail addresses, and



471932

243 cellular telephone numbers issued or collected by the
244 Department of Highway Safety and Motor Vehicles;
245 providing for retroactive application; authorizing
246 disclosure of confidential information under certain
247 circumstances; providing for future legislative review
248 and repeal of the exemptions; providing statements of
249 public necessity; amending s. 319.1414, F.S.;
250 exempting from public records requirements certain
251 information received by the department as a result of
252 investigations and examinations of private rebuilt
253 inspection providers; providing for future legislative
254 review and repeal of the exemptions; amending s.
255 319.25, F.S.; exempting from public record
256 requirements certain information received by the
257 department as a result of investigations and
258 examinations relating to title certificates; providing
259 for future legislative review and repeal of the
260 exemptions; amending s. 320.861, F.S.; exempting from
261 public records requirements certain information
262 received by the department as a result of
263 investigations and examinations of persons suspected
264 of violating or of having violated certain laws,
265 rules, or orders relating to motor vehicle licenses;
266 providing for future legislative review and repeal of
267 the exemptions; amending s. 322.71, F.S.; exempting
268 from public records requirements certain information
269 received by the department as a result of
270 investigations and examinations of persons suspected
271 of violating or of having violated certain laws,



272 rules, or orders relating to driver licenses;
273 providing for future legislative review and repeal of
274 the exemptions; providing a statement of public
275 necessity; providing a contingent effective date.