

FOR CONSIDERATION By the Committee on Infrastructure and Security

596-02574-19

20197094pb

1 A bill to be entitled
2 An act relating to public records; creating public
3 records exemptions for certain information received by
4 the Department of Highway Safety and Motor Vehicles;
5 amending s. 119.0712, F.S.; providing exemptions from
6 public records requirements for personal information
7 in certain vessel records, e-mail addresses, and
8 verified texting numbers issued or collected by the
9 Department of Highway Safety and Motor Vehicles;
10 providing for retroactive application; defining the
11 term "verified texting number"; authorizing disclosure
12 of confidential information under certain
13 circumstances; providing for future legislative review
14 and repeal of the exemptions; providing statements of
15 public necessity; amending s. 319.1414, F.S.;
16 exempting from public records requirements certain
17 information received by the department as a result of
18 investigations and examinations of private rebuilt
19 inspection providers; providing for future legislative
20 review and repeal of the exemptions; amending s.
21 319.25, F.S.; exempting from public record
22 requirements certain information received by the
23 department as a result of investigations and
24 examinations relating to title certificates; providing
25 for future legislative review and repeal of the
26 exemptions; amending s. 320.861, F.S.; exempting from
27 public records requirements certain information
28 received by the department as a result of
29 investigations and examinations of persons suspected

596-02574-19

20197094pb

30 of violating or of having violated certain laws,
31 rules, or orders relating to motor vehicle licenses;
32 providing for future legislative review and repeal of
33 the exemptions; amending s. 322.71, F.S.; exempting
34 from public records requirements certain information
35 received by the department as a result of
36 investigations and examinations of persons suspected
37 of violating or of having violated certain laws,
38 rules, or orders relating to driver licenses;
39 providing for future legislative review and repeal of
40 the exemptions; providing a statement of public
41 necessity; providing a contingent effective date.

42
43 Be It Enacted by the Legislature of the State of Florida:

44
45 Section 1. Subsection (2) of section 119.0712, Florida
46 Statutes, is amended to read:

47 119.0712 Executive branch agency-specific exemptions from
48 inspection or copying of public records.—

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

50 (a) For purposes of this subsection, the term "motor
51 vehicle record" means any record that pertains to a motor
52 vehicle operator's permit, motor vehicle title, motor vehicle
53 registration, or identification card issued by the Department of
54 Highway Safety and Motor Vehicles.

55 (b) Personal information, including highly restricted
56 personal information as defined in 18 U.S.C. s. 2725, contained
57 in a motor vehicle record is confidential pursuant to the
58 federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss.

596-02574-19

20197094pb

59 2721 et seq. Such information may be released only as authorized
60 by that act; however, information received pursuant to that act
61 may not be used for mass commercial solicitation of clients for
62 litigation against motor vehicle dealers.

63 (c)1. Personal information, including highly restricted
64 personal information, contained in any record that pertains to a
65 vessel title or vessel registration issued by the Department of
66 Highway Safety and Motor Vehicles is confidential and exempt
67 from s. 119.07(1) and s. 24(a), Art. I of the State
68 Constitution. Such information in a vessel record may be
69 released only in the same manner provided for a motor vehicle
70 record pursuant to the federal Driver's Privacy Protection Act
71 of 1994, 18 U.S.C. ss. 2721 et seq. This exemption applies to
72 vessel records held before, on, or after the effective date of
73 this exemption.

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

78 (d)1.~~(e)~~ E-mail addresses and verified texting numbers
79 collected by the Department of Highway Safety and Motor Vehicles
80 pursuant to chapter 319, chapter 320, chapter 322, chapter 324,
81 or chapter 328 ~~s. 319.40(3), s. 320.95(2), or s. 322.08(9)~~ are
82 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
83 of the State Constitution. This exemption applies to e-mail
84 addresses and verified texting numbers held before, on, or after
85 the effective date of this exemption. For purposes of this
86 paragraph, the term "verified texting number" means a telephone
87 number verified as capable of receiving text messages

596-02574-19

20197094pb

88 retroactively.

89 2. The department may disclose such e-mail addresses or
90 verified texting numbers to a tax collector if, by interagency
91 agreement, the department authorizes the tax collector to send
92 electronic communications to such e-mail addresses or verified
93 texting numbers for the purpose of providing information about
94 the issuance of titles, registrations, disabled parking permits,
95 driver licenses, and identification cards; renewal notices; or
96 the tax collector's office locations, hours of operation,
97 contact information, driving skills testing locations,
98 appointment scheduling information, or website information.

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

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

106 2. Without the express consent of the person to whom such
107 emergency contact information applies, the emergency contact
108 information contained in a motor vehicle record may be released
109 only to law enforcement agencies for purposes of contacting
110 those listed in the event of an emergency.

111 Section 2. (1) The Legislature finds that it is a public
112 necessity that personal information, including highly restricted
113 personal information, contained in any record that pertains to a
114 vessel title or vessel registration issued by the Department of
115 Highway Safety and Motor Vehicles be made confidential and
116 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),

596-02574-19

20197094pb

117 Article I of the State Constitution. Motorist personal
118 information, when held by the Department of Highway Safety and
119 Motor Vehicles in motor vehicle records, is confidential
120 pursuant to the federal Driver's Privacy Protection Act of 1994,
121 18 U.S.C. ss. 2721 et seq., and s. 119.0712(2), Florida
122 Statutes. These restrictions on the disclosure of motorist
123 personal information do not apply to vessel titles or vessel
124 registrations. Because the personal information in vessel
125 records comprises much of the same information contained in
126 motor vehicle records, when personal information revealed in
127 vessel records is made available to the public, the protections
128 afforded by the federal Driver's Privacy Protection Act of 1994,
129 18 U.S.C. ss. 2721 et seq., are significantly undermined,
130 eroding the privacy and safety of motorists. Therefore, the
131 Legislature finds that it is a public necessity to make personal
132 information contained in such vessel records confidential and
133 exempt from public records requirements. The Legislature further
134 finds that this public records exemption must be given
135 retroactive application because it is remedial in nature.

136 (2) The Legislature finds that it is a public necessity
137 that e-mail addresses and verified texting numbers collected by
138 the Department of Highway Safety and Motor Vehicles pursuant to
139 chapter 319, chapter 320, chapter 322, chapter 324, or chapter
140 328, Florida Statutes, be made confidential and exempt from s.
141 119.07(1), Florida Statutes, and s. 24(a), Article I of the
142 State Constitution. In order to communicate more effectively
143 with motorists through enhancements in information technology,
144 including efforts of the Motorist Modernization project, the
145 Department of Highway Safety and Motor Vehicles seeks to

596-02574-19

20197094pb

146 increase communications with motorists through e-mail and text
147 messaging. If the e-mail addresses or verified texting numbers
148 of motorists are made available to the public, the impact on
149 motorist privacy and risk of unsolicited commercial solicitation
150 by e-mail or text message would have an undesirable chilling
151 effect on motorists' voluntary use of electronic portals to
152 communicate with the department, thereby undermining the
153 effective use of these enhancements in information technology.
154 Therefore, the Legislature finds that it is a public necessity
155 to make such e-mail addresses and verified texting numbers
156 collected by the Department of Highway Safety and Motor Vehicles
157 confidential and exempt from public records requirements. The
158 Legislature further finds that this public records exemption
159 must be given retroactive application because it is remedial in
160 nature.

161 Section 3. Present subsection (6) of section 319.1414,
162 Florida Statutes, as created by SB ____, 2019 Regular Session, is
163 redesignated as subsection (7), and a new subsection (6) is
164 added to that section, to read:

165 319.1414 Investigations; examinations; subpoenas; hearings;
166 witnesses.—

167 (6) Information received by the department as a result of
168 an investigation or examination conducted pursuant to this
169 section is confidential and exempt from the disclosure
170 requirements in s. 119.07(1) and s. 24(a), Art. I of the State
171 Constitution until the investigation or examination ceases to be
172 active or administrative action taken by the department has
173 concluded or been made part of any hearing or court proceeding.
174 The department may release information that is made confidential

596-02574-19

20197094pb

175 and exempt under this subsection in furtherance of its official
176 duties and responsibilities or, if released to another
177 governmental agency, in the furtherance of that agency's
178 official duties and responsibilities. This subsection is subject
179 to the Open Government Sunset Review Act in accordance with s.
180 119.15 and shall stand repealed on October 2, 2024, unless
181 reviewed and saved from repeal through reenactment by the
182 Legislature.

183 Section 4. Present subsection (8) of section 319.25,
184 Florida Statutes, as created by SB ____, 2019 Regular Session,
185 is redesignated as subsection (9), and a new subsection (8) is
186 added to that section, to read:

187 319.25 Cancellation of certificates; investigations;
188 subpoenas and other process; oaths; rules.-

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

596-02574-19

20197094pb

204 Legislature.

205 Section 5. Present subsection (6) of section 320.861,
206 Florida Statutes, as created by SB ____, 2019 Regular Session, is
207 redesignated as subsection (7), and a new subsection (6) is
208 added to that section, to read:

209 320.861 Investigations; subpoenas and other process; oaths;
210 rules.-

211 (6) Information received by the department as a result of
212 an investigation or examination conducted pursuant to this
213 chapter is confidential and exempt from disclosure requirements
214 in s. 119.07(1) and s. 24(a), Art. I of the State Constitution
215 until the investigation or examination ceases to be active or
216 administrative action taken by the department has concluded or
217 been made part of any hearing or court proceeding. The
218 department may release information that is made confidential and
219 exempt under this subsection in furtherance of its official
220 duties and responsibilities or, if released to another
221 governmental agency, in the furtherance of that agency's
222 official duties and responsibilities. This subsection is subject
223 to the Open Government Sunset Review Act in accordance with s.
224 119.15 and shall stand repealed on October 2, 2024, unless
225 reviewed and saved from repeal through reenactment by the
226 Legislature.

227 Section 6. Present subsection (6) of section 322.71,
228 Florida Statutes, as created by SB ____, 2019 Regular Session, is
229 redesignated as subsection (7) of that section, and a new
230 subsection (6) is added to that section, to read:

231 322.71 Investigations; subpoenas and other process; oaths;
232 rules.-

596-02574-19

20197094pb

233 (6) Information received by the department as a result of
234 an investigation or examination conducted pursuant to this
235 chapter is confidential and exempt from disclosure requirements
236 in s. 119.07(1) and s. 24(a), Art. I of the State Constitution
237 until the investigation or examination ceases to be active or
238 administrative action taken by the department has concluded or
239 been made part of any hearing or court proceeding. The
240 department may release information that is made confidential and
241 exempt under this subsection in furtherance of its official
242 duties and responsibilities or, if released to another
243 governmental agency, in the furtherance of that agency's
244 official duties and responsibilities. This subsection is subject
245 to the Open Government Sunset Review Act in accordance with s.
246 119.15 and shall stand repealed on October 2, 2024, unless
247 reviewed and saved from repeal through reenactment by the
248 Legislature.

249 Section 7. The Legislature finds that it is a public
250 necessity that information received by the Department of Highway
251 Safety and Motor Vehicles as a result of an investigation or
252 examination conducted pursuant to s. 319.1414, s. 319.25,
253 chapter 320 as provided in s. 320.861, and chapter 322 as
254 provided in s. 322.71, Florida Statutes, be made confidential
255 and exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
256 Article I of the State Constitution until the investigation or
257 examination ceases to be active or administrative action taken
258 by the department has concluded or been made part of any hearing
259 or court proceeding. The release of such information about a
260 pending investigation or examination of violations of s.
261 319.1414, s. 319.25, chapter 320, and chapter 322, Florida

596-02574-19

20197094pb

262 Statutes, could obstruct or jeopardize the integrity of the
263 investigation or examination and impair the ability of the
264 Department of Highway Safety and Motor Vehicles in the
265 performance of its official duties and responsibilities under s.
266 319.1414, s. 319.25, chapter 320, and chapter 322, Florida
267 Statutes. Therefore, the Legislature finds that it is a public
268 necessity to make such information confidential and exempt from
269 public records requirements.

270 Section 8. This act shall take effect on the same date that
271 SB ___ or similar legislation takes effect, if such legislation
272 is adopted in the same legislative session or an extension
273 thereof and becomes a law.