

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 information contained
 5 in records pertaining to a vessel title or
 6 registration; providing an exemption from public
 7 records requirements for e-mail addresses and cellular
 8 telephone numbers collected by the Department of
 9 Highway Safety and Motor Vehicles or a county tax
 10 collector; providing requirements for disclosure of
 11 such information; providing for retroactive
 12 application; providing for legislative review and
 13 repeal of the exemptions; providing a statement of
 14 public necessity; providing a contingent effective
 15 date.

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 17 Be It Enacted by the Legislature of the State of Florida:

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 19 Section 1. Subsection (2) of section 119.0712, Florida
 20 Statutes, is amended to read:

21 119.0712 Executive branch agency-specific exemptions from
 22 inspection or copying of public records.—

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

24 (a) For purposes of this subsection, the term "motor
 25 vehicle record" means any record that pertains to a motor

26 vehicle operator's permit, motor vehicle title, motor vehicle
27 registration, or identification card issued by the Department of
28 Highway Safety and Motor Vehicles.

29 (b) Personal information, including highly restricted
30 personal information as defined in 18 U.S.C. s. 2725, contained
31 in a motor vehicle record is confidential pursuant to the
32 federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss.
33 2721 et seq. Such information may be released only as authorized
34 by that act; however, information received pursuant to that act
35 may not be used for mass commercial solicitation of clients for
36 litigation against motor vehicle dealers.

37 (c)1. Personal information, including highly restricted
38 personal information as defined in 18 U.S.C. s. 2725, contained
39 in a record that pertains to a vessel title or vessel
40 registration is confidential and exempt from s. 119.07(1) and s.
41 24(a), Art. I of the State Constitution. Such information in a
42 vessel record may be released only in the same manner provided
43 for a motor vehicle record pursuant to the federal Driver's
44 Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq. This
45 exemption applies to vessel records held before, on, or after
46 the effective date of the exemption.

47 2. This paragraph is subject to the Open Government Sunset
48 Review Act in accordance with s. 119.15 and shall stand repealed
49 on October 2, 2025, unless reviewed and saved from repeal
50 through reenactment by the Legislature.

51 (d)1.~~(e)~~ E-mail addresses and cellular telephone numbers
52 collected by the Department of Highway Safety and Motor Vehicles
53 or a county tax collector pursuant to chapter 319, chapter 320,
54 chapter 322, chapter 324, or chapter 328 s. 319.40(3), s.
55 320.95(2), or s. 322.08(9) are confidential and exempt from s.
56 119.07(1) and s. 24(a), Art. I of the State Constitution. This
57 exemption applies to e-mail addresses and cellular telephone
58 numbers held before, on, or after the effective date of the
59 exemption retroactively.

60 2. The department shall disclose such e-mail addresses or
61 cellular telephone numbers to county tax collectors in order to
62 send electronic communications to such e-mail addresses or
63 cellular telephone numbers for the purpose of providing
64 information about the issuance of titles, registrations,
65 disabled parking permits, driver licenses, and identification
66 cards; renewal notices; or the tax collector's office locations,
67 hours of operation, contact information, driving skills testing
68 locations, appointment scheduling information, or website
69 information.

70 3. This paragraph is subject to the Open Government Sunset
71 Review Act in accordance with s. 119.15 and shall stand repealed
72 on October 2, 2025 2020, unless reviewed and saved from repeal
73 through reenactment by the Legislature.

74 (e)~~(d)~~1. Emergency contact information contained in a
75 motor vehicle record is confidential and exempt from s.

HB 1007

2020

76 | 119.07(1) and s. 24(a), Art. I of the State Constitution.

77 | 2. Without the express consent of the person to whom such
78 | emergency contact information applies, the emergency contact
79 | information contained in a motor vehicle record may be released
80 | only to law enforcement agencies for purposes of contacting
81 | those listed in the event of an emergency.

82 | Section 2. (1) The Legislature finds that it is a public
83 | necessity that personal information, including highly restricted
84 | personal information, contained in any record that pertains to a
85 | vessel title or vessel registration issued by the Department of
86 | Highway Safety and Motor Vehicles be made confidential and
87 | exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
88 | Article I of the State Constitution. Motorist personal
89 | information, when held by the Department of Highway Safety and
90 | Motor Vehicles in motor vehicle records, is confidential
91 | pursuant to the federal Driver's Privacy Protection Act of 1994,
92 | 18 U.S.C. ss. 2721 et seq., and s. 119.0712(2), Florida
93 | Statutes. These restrictions on the disclosure of motorist
94 | personal information do not apply to vessel titles or vessel
95 | registrations. Because the personal information contained in
96 | vessel records comprises much of the same information contained
97 | in motor vehicle records, when personal information contained in
98 | vessel records is made available to the public, the protections
99 | afforded by the federal Driver's Privacy Protection Act of 1994,
100 | 18 U.S.C. ss. 2721 et seq., are significantly undermined,

101 eroding the privacy and safety of motorists. Therefore, the
102 Legislature finds that it is a public necessity that personal
103 information contained in such vessel records be made
104 confidential and exempt from public records requirements. The
105 Legislature further finds that this public records exemption
106 must be given retroactive application because it is remedial in
107 nature.

108 (2) The Legislature finds that it is a public necessity
109 that e-mail addresses and cellular telephone numbers collected
110 by the Department of Highway Safety and Motor Vehicles and
111 county tax collectors pursuant to chapter 319, chapter 320,
112 chapter 322, chapter 324, or chapter 328, Florida Statutes, be
113 made confidential and exempt from s. 119.07(1), Florida
114 Statutes, and s. 24(a), Article I of the State Constitution. In
115 order to communicate more effectively with motorists through
116 enhancements in information technology, including efforts of the
117 Motorist Modernization project, Specific Appropriation 2644 of
118 the 2016-2017 General Appropriations Act, the Department of
119 Highway Safety and Motor Vehicles seeks to increase
120 communications with motorists through e-mail and text messaging.
121 If the e-mail addresses or cellular telephone numbers of
122 motorists are made available to the public, the impact on
123 motorist privacy and risk of unsolicited commercial solicitation
124 by e-mail or text message would have an undesirable chilling
125 effect on motorists' voluntary use of electronic portals to

HB 1007

2020

126 | communicate with the department, thereby undermining the
127 | effective use of these enhancements in information technology.
128 | Therefore, the Legislature finds that it is a public necessity
129 | that such e-mail addresses and cellular telephone numbers
130 | collected by the Department of Highway Safety and Motor Vehicles
131 | be made confidential and exempt from public records
132 | requirements. The Legislature further finds that this public
133 | records exemption must be given retroactive application because
134 | it is remedial in nature.

135 | Section 3. This act shall take effect July 1, 2020, but
136 | only if HB 435 or similar legislation takes effect, if such
137 | legislation is adopted in the same legislative session or an
138 | extension thereof and becomes a law.