

CS/HB 7041

2015

1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.0712, F.S.; providing a public records exemption
4 for e-mail addresses obtained from customers when
5 conducting driver license or motor vehicle record
6 transactions; providing applicability; providing for
7 future legislative review and repeal of the exemption;
8 providing a statement of public necessity; providing
9 an effective date.

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

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

15 119.0712 Executive branch agency-specific exemptions from
16 inspection or copying of public records.—

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

18 (a) For purposes of this subsection, the term "motor
19 vehicle record" means any record that pertains to a motor
20 vehicle operator's permit, motor vehicle title, motor vehicle
21 registration, or identification card issued by the Department of
22 Highway Safety and Motor Vehicles.

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

27 2721 et seq. Such information may be released only as authorized
28 by that act; however, information received pursuant to that act
29 may not be used for mass commercial solicitation of clients for
30 litigation against motor vehicle dealers.

31 (c)1. Emergency contact information contained in a motor
32 vehicle record is confidential and exempt from s. 119.07(1) and
33 s. 24(a), Art. I of the State Constitution.

34 2. Without the express consent of the person to whom such
35 emergency contact information applies, the emergency contact
36 information contained in a motor vehicle record may be released
37 only to law enforcement agencies for purposes of contacting
38 those listed in the event of an emergency.

39 (d)1. Electronic mail addresses, also known as e-mail
40 addresses, held by the Department of Highway Safety and Motor
41 Vehicles pursuant to ss. 319.40(3), 320.95(2), and 322.08(8) are
42 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
43 Constitution. This exemption applies to such e-mail addresses
44 held by the Department of Highway Safety and Motor Vehicles
45 before, on, or after the effective date of this exemption.

46 2. This paragraph is subject to the Open Government Sunset
47 Review Act in accordance with s. 119.15 and shall stand repealed
48 on October 2, 2020, unless reviewed and saved from repeal
49 through reenactment by the Legislature.

50 Section 2. The Legislature finds that it is a public
51 necessity that electronic mail addresses, also known as e-mail
52 addresses, held by the Department of Highway Safety and Motor

53 Vehicles for the purpose of conducting motor vehicle record and
54 driver license transactions be made exempt from s. 119.07(1),
55 Florida Statutes, and s. 24(a), Article I of the State
56 Constitution. The federal Driver's Privacy Protection Act of
57 1994, 18 U.S.C. ss. 2721 et seq., did not include e-mail
58 addresses among the types of personal information protected from
59 disclosure when enacted in 1994. Customer use of e-mail
60 addresses in conducting motor vehicle and driver license record
61 transactions electronically with the department has
62 significantly increased during the past two decades. Under
63 current law, e-mail addresses collected by the department are
64 public records and can be obtained by anyone for any purpose.
65 However, such e-mail addresses are unique to the individual and,
66 when combined with other personal identifying information, can
67 be used for identity theft, customer scams, unwanted
68 solicitations, or other invasive contacts. The public
69 availability of personal e-mail addresses puts the department's
70 customers at increased risk of these activities. Such risk may
71 be significantly limited by permitting the department to keep
72 customer e-mail addresses exempt.

73 Section 3. This act shall take effect upon becoming a law.