

CHAPTER 2015-32

Committee Substitute for Committee Substitute for Senate Bill No. 7040

An act relating to public records; amending s. 119.0712, F.S.; providing an exemption from public records requirements for e-mail addresses collected by the Department of Highway Safety and Motor Vehicles; providing for future review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

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

Section 1. Present paragraph (c) of subsection (2) of section 119.0712, Florida Statutes, is redesignated as paragraph (d), and a new paragraph (c) is added to that subsection, to read:

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

(2) DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES.

(c) E-mail addresses collected by the Department of Highway Safety and Motor Vehicles pursuant to s. 319.40(3), s. 320.95(2), or s. 322.08(8) are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies retroactively. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2020, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that customers' e-mail addresses collected and held by the Department of Highway Safety and Motor Vehicles for the purpose of conducting motor vehicle record and driver license transactions be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq., as enacted and last amended in 2000, does not include e-mail addresses among the types of personal information protected from disclosure. Customer use of e-mail addresses in conducting motor vehicle and driver license record transactions electronically with the department has significantly increased since 1994 and 2000. Under current law, the e-mail addresses collected by the department are public records and can be obtained by anyone for any purpose. However, these e-mail addresses are unique to each individual and, when combined with other personal identifying information, can be used for identity theft, consumer scams, unwanted solicitations, or other invasive contacts. The public availability of personal e-mail addresses puts department customers at increased risk of these problems. Such risk may be significantly limited by permitting the department to keep customer

e-mail addresses exempt. The Legislature finds that the risks to consumers outweigh the state's public policy favoring open government.

Section 3. This act shall take effect July 1, 2015.

Approved by the Governor May 14, 2015.

Filed in Office Secretary of State May 14, 2015.