

CHAPTER 2021-129

Committee Substitute for Committee Substitute for Senate Bill No. 890

An act relating to the use of electronic databases; amending s. 119.0712, F.S.; prohibiting the use or release, not authorized by law, of any information contained in the Driver and Vehicle Information Database; providing a noncriminal infraction; amending s. 943.125, F.S.; requiring the law enforcement accreditation program to address access to and use of personal identification information contained in electronic databases; creating s. 943.1719, F.S.; requiring the Criminal Justice Standards and Training Commission to incorporate into the course curriculum required for initial certification of law enforcement officers instruction on the authorized access to and use of personal identification information contained in electronic databases; providing training requirements; creating s. 943.17191, F.S.; requiring the commission to adopt rules requiring that each law enforcement officer receive instruction on the authorized access to and use of personal identification information contained in electronic databases for continued employment or appointment as an officer; providing training requirements; providing an effective date.

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

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 vehicle record” means any record that pertains to a motor vehicle operator’s permit, motor vehicle title, motor vehicle registration, or identification card issued by the Department of Highway Safety and Motor Vehicles.

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

(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(10) are

exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies retroactively.

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

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

(e) Any person who uses or releases any information contained in the Driver and Vehicle Information Database for a purpose not specifically authorized by law commits a noncriminal infraction, punishable by a fine not exceeding \$2,000.

Section 2. Paragraph (o) is added to subsection (4) of section 943.125, Florida Statutes, to read:

943.125 Accreditation of state and local law enforcement agencies, correctional facilities, public agency offices of inspectors general, and certain pretrial diversion programs; intent.—

(4) The law enforcement accreditation program must address, at a minimum, the following aspects of law enforcement:

(o) Access to and use of personal identification information, as defined in s. 817.568(1)(f), contained in electronic databases.

Section 3. Section 943.1719, Florida Statutes, is created to read:

943.1719 Basic skills training relating to the use of electronic databases. The commission shall incorporate into the course curriculum required for initial certification of a law enforcement officer instruction on the authorized access to and use of personal identification information, as defined in s. 817.568(1)(f), contained in electronic databases used by a law enforcement officer in his or her official capacity. This training must include, but need not be limited to, the proper use, and limitations on use, of electronic databases in a law enforcement officer's official capacity and the penalties associated with the misuse of such electronic databases.

Section 4. Section 943.17191, Florida Statutes, is created to read:

943.17191 Continued employment training relating to the use of electronic databases.—The commission shall by rule require that each law enforcement officer receive, as part of the 40 hours of required instruction for continued employment or appointment as an officer, instruction on the authorized access to and use of personal identification information, as defined in s. 817.568(1)(f), contained in electronic databases used by a law enforcement officer in his or her official capacity. This training must include,

but need not be limited to, the proper use, and limitations on use, of electronic databases in a law enforcement officer's official capacity and the penalties associated with the misuse of such electronic databases.

Section 5. This act shall take effect October 1, 2021.

Approved by the Governor June 21, 2021.

Filed in Office Secretary of State June 21, 2021.