

Transportation & Infrastructure Subcommittee

Wednesday, November 13, 2019
1:00 PM - 3:00 PM
Reed Hall (102 HOB)

Jose R. Oliva
Speaker

Brad Drake
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Transportation & Infrastructure Subcommittee

Start Date and Time: Wednesday, November 13, 2019 01:00 pm

End Date and Time: Wednesday, November 13, 2019 03:00 pm

Location: Reed Hall (102 HOB)

Duration: 2.00 hrs

Consideration of the following bill(s):

HB 21 Transportation Facility Designations by Hill
HB 391 Transportation Facility Designations by Brannan
HB 433 Transportation Facility Designations by Fetterhoff
HB 7001 OGSR/E-mail Addresses/Department of Highway Safety and Motor Vehicles by Oversight, Transparency & Public Management Subcommittee, Plasencia

NOTICE FINALIZED on 11/06/2019 4:03PM by Denson.Tori

HB 21

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 21 Transportation Facility Designations
SPONSOR(S): Hill
TIED BILLS: **IDEN./SIM. BILLS:** SB 78

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee		Johnson	Vickers
2) Transportation & Tourism Appropriations Subcommittee			
3) State Affairs Committee			

SUMMARY ANALYSIS

State law authorizes legislative designations of transportation facilities for honorary or memorial purposes or to distinguish a particular facility. The legislative designations do not officially change the current names of the facilities, nor does the law require local governments and private entities to change street signs, mailing addresses, or 911 emergency telephone system listings. State law also requires the appropriate city or county commission to pass a resolution supporting the designation prior to the erection of markers indicating the designation.

The bill designates the General Daniel “Chappie” James, Jr., Memorial Bridge in Santa Rosa and Escambia counties and directs the Department of Transportation (DOT) to erect suitable markers for this designation.

DOT estimates a $1,000 negative fiscal impact to the State Transportation Trust Fund associated with erecting suitable markers for the above designation. This cost can be absorbed within existing DOT resources.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Designations
Section 267.062, F.S., provides for the naming of state buildings and other facilities. The statute provides that except as specifically provided by law, state buildings, roads, bridges, parks, recreational complexes, and other similar facilities may not be named for a living person.

Section 334.071, F.S., authorizes legislative designations of transportation facilities for honorary or memorial purposes or to distinguish a particular facility. The legislative designations do not officially change the current names of the facilities nor does the statute require local governments and private entities to change street signs, mailing addresses, or 911 emergency telephone-number system listings.

Road Markers
The Department of Transportation (DOT) must place a marker at each termini or intersection of an identified road or bridge and erect other markers it deems appropriate for the transportation facility. The appropriate city or county commission must pass a resolution in support of a particular designation before road markers are erected. Additionally, if the designated road segment extends through multiple cities or counties, a resolution must be passed by each affected local government.

General Daniel "Chappie" James, Jr.
Born in Pensacola in 1920, General Daniel "Chappie" James, Jr., was one of the Tuskegee Airmen and served with the U.S. Air Corps and later the United States Air Force in World War II, Korea, and Vietnam. In 1975, he became the first African American Four-Star General in the United States Armed Forces. General James passed away on February 25, 1978.

Effect of the Bill

The bill designates upon completion of construction, the bridge replacing bridge number 480035[1] on U.S. 98/S.R. 30 between Gulf Breeze and Pensacola in Santa Rosa and Escambia counties as the "General Daniel 'Chappie' James, Jr., Memorial Bridge." The bill also requires DOT to erect suitable markers designating the General Daniel "Chappie" James, Jr., Memorial Bridge.

B. SECTION DIRECTORY:

Section 1 designates the General Daniel "Chappie" James, Jr., Memorial Bridge and directs DOT to erect suitable markers.

Section 2 provides an effective date of July 1, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not impact state government revenues.

[1] This is the current Pensacola Bay Bridge. The eventual replacement eastbound bridge opened to traffic in September 2019. DOT is currently focused on demolishing the old bridge, completing the eventual replacement westbound bridge and constructing a new interchange at U.S. 98 and 17th Avenue. All construction is scheduled to be completed in Mid-2021. http://www.pensacolabaybridge.com/overview (Last visited Nov. 4, 2019).

2. Expenditures:

   DOT estimates a cost of $1,000 per designation for the appropriate markers, which provides for two signs per designation at $500 per sign.[2] Therefore, the bill has an estimated negative fiscal impact of $1,000 to the State Transportation Trust Fund. This cost can be absorbed within existing DOT resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   The bill does not impact local government revenues.

2. Expenditures:

   The bill does not impact local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

   None.

B. RULE-MAKING AUTHORITY:

The bill does not provide a grant of rulemaking authority, nor does it require rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

[2] Email from Amanda Marsh, Office of Legislative Programs, Florida Department of Transportation, RE: Road Designation Fiscal (Aug. 14, 2019).

A bill to be entitled

An act relating to transportation facility designations; providing honorary designation of a certain transportation facility in specified counties; directing the Department of Transportation to erect suitable markers; providing an effective date.

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

Section 1. General Daniel "Chappie" James, Jr., Memorial Bridge designated; Department of Transportation to erect suitable markers.—

(1) Upon completion of construction, the bridge replacing bridge number 480035 on U.S. 98/S.R. 30 between Gulf Breeze and Pensacola in Santa Rosa and Escambia Counties is designated as "General Daniel 'Chappie' James, Jr., Memorial Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating General Daniel "Chappie" James, Jr., Memorial Bridge as described in subsection (1).

Section 2. This act shall take effect July 1, 2020.

CODING: Words stricken are deletions; words underlined are additions.

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	____	(Y/N)
ADOPTED AS AMENDED	____	(Y/N)
ADOPTED W/O OBJECTION	____	(Y/N)
FAILED TO ADOPT	____	(Y/N)
WITHDRAWN	____	(Y/N)
OTHER		

Committee/Subcommittee hearing bill: Transportation & Infrastructure Subcommittee
Representative Hill offered the following:

Amendment

Remove lines 10-19 and insert:

Section 1. General Daniel "Chappie" James, Jr., Bridge designated; Department of Transportation to erect suitable markers.—

(1) The Pensacola Bay Bridge (bridge numbers 480-289 and 480-290) on U.S. 98/S.R. 30 over the Pensacola Bay between 17th Avenue in Escambia County and Baybridge Drive in Santa Rosa County is designated as the "General Daniel 'Chappie' James, Jr., Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating the General Daniel "Chappie" James, Jr., Bridge as described in subsection (1).

HB 391

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 391 Transportation Facility Designations
SPONSOR(S): Brannan
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee		Johnson	Vickers
2) Transportation & Tourism Appropriations Subcommittee			
3) State Affairs Committee			

SUMMARY ANALYSIS

State law authorizes legislative designations of transportation facilities for honorary or memorial purposes or to distinguish a particular facility. The legislative designations do not officially change the current names of the facilities, nor does the law require local governments and private entities to change street signs, mailing addresses, or 911 emergency telephone system listings. State law also requires the appropriate city or county commission to pass a resolution supporting the designation prior to the erection of markers indicating the designation.

The bill designates the Austin D. Gay Memorial Highway in Columbia County, the Wesley L. Silas Memorial Highway in Suwannee County and the Joshua S. Montaad Memorial Highway in Taylor County, and directs the Department of Transportation (DOT) to erect suitable markers for each of these designations.

DOT estimates a $3,000 negative fiscal impact to the State Transportation Trust Fund associated with erecting suitable markers for the above designations. This cost can be absorbed within existing DOT resources.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Designations
Section 267.062, F.S., provides for the naming of state buildings and other facilities. The statute provides that except as specifically provided by law, state buildings, roads, bridges, parks, recreational complexes, and other similar facilities may not be named for a living person.

Section 334.071, F.S., authorizes legislative designations of transportation facilities for honorary or memorial purposes or to distinguish a particular facility. The legislative designations do not officially change the current names of the facilities nor does the statute require local governments and private entities to change street signs, mailing addresses, or 911 emergency telephone-number system listings.

Road Markers
The Department of Transportation (DOT) must place a marker at each termini or intersection of an identified road or bridge and erect other markers it deems appropriate for the transportation facility. The appropriate city or county commission must pass a resolution in support of a particular designation before road markers are erected. Additionally, if the designated road segment extends through multiple cities or counties, a resolution must be passed by each affected local government.

Effect of the Bill

The bill provides honorary designations for three Department of Agriculture and Consumer Services law enforcement personnel killed in the line of duty.

Subsection 1 designates that portion of U.S. 441 between Deep Creek Bridge and C.R. 6 in Columbia County as the "Austin D. Gay Memorial Highway."

On April 14 1979, Inspector Gay was shot and killed after being abducted from his inspection station on U.S. 441.[1]

Subsection 2 designates that portion of I-10 between the Suwannee County line and mile marker 275 in Suwannee County as the "Wesley L. Silas Memorial Highway."

On March 1, 1994, Officer Silas was killed after being struck by a tractor trailer at the Agricultural Inspection Station on I-10 near Live Oak.[2]

Subsection 3 designates that portion of U.S. 19 between Luther Wilson Road and the Econfina River Bridge in Taylor County as the "Joshua S. Montaad Memorial Highway."

On June 6, 2017, Officer Montaad was killed in a single vehicle crash on U.S. 19 in Taylor County, when his patrol car left the roadway and struck a tree and caught fire.[3]

The bill also requires DOT to erect suitable markers designating each of the above designations.

B. SECTION DIRECTORY:

Section 1 provides honorary designations of various transportation facilities and directs DOT to erect suitable markers.

[1] https://www.odmp.org/officer/20615-inspector-austin-dewey-gay (Last visited Oct. 18, 2019).
[2] https://www.odmp.org/officer/986-officer-wesley-l-silas (Last visited Oct. 18, 2019).
[3] https://www.odmp.org/officer/23268-officer-joshua-sanchez-montaad (Last visited Oct. 18, 2019).

Section 2 provides an effective date of July 1, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   The bill does not impact state government revenues.

2. Expenditures:

   DOT estimates a cost of $1,000 per designation for the appropriate markers, which provides for two signs per designation at $500 per sign.[4] Therefore, the bill has an estimated negative fiscal impact of $3,000 to the State Transportation Trust Fund. This cost can be absorbed within existing DOT resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   The bill does not impact local government revenues.

2. Expenditures:

   The bill does not impact local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

   None.

B. RULE-MAKING AUTHORITY:

The bill does not provide a grant of rulemaking authority, nor does it require rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

[4] Email from Amanda Marsh, Office of Legislative Programs, Florida Department of Transportation, RE: Road Designation Fiscal (Aug. 14, 2019).

Subsection (2) of the bill designates a portion of I-10 in Suwannee County as the Wesley L. Silas Memorial Highway. The bill indicates that the designation begins at the Suwannee County line, but it is not clear if it the designation is intended to begin at the Madison or Columbia county line.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

A bill to be entitled

An act relating to transportation facility designations; providing honorary designations of certain transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers; providing an effective date.

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

Section 1. Transportation facility designations; Department of Transportation to erect suitable markers.—

(1) That portion of U.S. 441 between Deep Creek Bridge and C.R. 6 in Columbia County is designated as "Austin D. Gay Memorial Highway."

(2) That portion of I-10 between the Suwannee County line and mile marker 275 in Suwannee County is designated as "Wesley L. Silas Memorial Highway."

(3) That portion of U.S. 19 between Luther Wilson Road and the Econfina River Bridge in Taylor County is designated as "Joshua S. Montaad Memorial Highway."

(4) The Department of Transportation is directed to erect suitable markers designating the transportation facilities as described in this section.

Section 2. This act shall take effect July 1, 2020.

CODING: Words stricken are deletions; words underlined are additions.

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	____	(Y/N)
ADOPTED AS AMENDED	____	(Y/N)
ADOPTED W/O OBJECTION	____	(Y/N)
FAILED TO ADOPT	____	(Y/N)
WITHDRAWN	____	(Y/N)
OTHER		

Committee/Subcommittee hearing bill: Transportation & Infrastructure Subcommittee

Representative Brannan offered the following:

Amendment

Remove line 16 and insert:

(2) That portion of I-10 between the Madison County line

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 433 Transportation Facility Designations
SPONSOR(S): Fetterhoff
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee		Johnson	Vickers
2) Transportation & Tourism Appropriations Subcommittee			
3) State Affairs Committee			

SUMMARY ANALYSIS

State law authorizes legislative designations of transportation facilities for honorary or memorial purposes or to distinguish a particular facility. The legislative designations do not officially change the current names of the facilities, nor does the law require local governments and private entities to change street signs, mailing addresses, or 911 emergency telephone system listings. State law also requires the appropriate city or county commission to pass a resolution supporting the designation prior to the erection of markers indicating the designation.

The bill designates that portion of I-95 located within the State of Florida as the “Purple Heart Memorial Highway” and directs the Department of Transportation (DOT) to erect suitable markers for this designation.

DOT estimates a $24,000 negative fiscal impact to the State Transportation Trust Fund associated with erecting suitable markers for the above designation. This cost can be absorbed within existing DOT resources.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Designations
Section 267.062, F.S., provides for the naming of state buildings and other facilities. The statute provides that except as specifically provided by law, state buildings, roads, bridges, parks, recreational complexes, and other similar facilities may not be named for a living person.

Section 334.071, F.S., authorizes legislative designations of transportation facilities for honorary or memorial purposes or to distinguish a particular facility. The legislative designations do not officially change the current names of the facilities nor does the statute require local governments and private entities to change street signs, mailing addresses, or 911 emergency telephone-number system listings.

Road Markers
The Department of Transportation (DOT) must place a marker at each termini or intersection of an identified road or bridge and erect other markers it deems appropriate for the transportation facility. The appropriate city or county commission must pass a resolution in support of a particular designation before road markers are erected. Additionally, if the designated road segment extends through multiple cities or counties, a resolution must be passed by each affected local government.

Purple Heart
The Purple Heart is awarded to members of the U.S. Armed Forces who are wounded by an instrument of war in the hands of the enemy and posthumously to the next of kin in the name of those who are killed in action or die of wounds received in action.[1]

It should be noted that there are Purple Heart-related transportation facility designations throughout the state, including the entire length of U.S. 27 within the state.[2]

Effect of the Bill

The bill designates that portion of I-95 located within the State of Florida as the "Purple Heart Memorial Highway." The bill also requires DOT to erect suitable markers designating the Purple Heart Memorial Highway.

B. SECTION DIRECTORY:

Section 1 designates the Purple Heart Memorial Highway and directs DOT to erect suitable markers.

Section 2 provides an effective date of July 1, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not impact state government revenues.

[1] The Military Order of the Purple Heart website, https://www.purpleheart.org/about-the-purple-heart/ (Last visited Oct.23, 2019).
[2] Attachment to email from Amanda Marsh, Office of Legislative Programs, Department of Transportation, RE: Purple Heart Designations (Oct. 29, 2019).

2. Expenditures:

   DOT estimates a negative fiscal impact of $24,000 to the State Transportation Trust Fund for appropriate markers for this designation. This will provide two signs (one sign in each direction) for each of the 12 counties traversed by I-95,[3] at a cost of $500 per sign.[4] This cost can be absorbed within existing DOT resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   The bill does not impact local government revenues.

2. Expenditures:

   The bill does not impact local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

   None.

B. RULE-MAKING AUTHORITY:

The bill does not provide a grant of rulemaking authority, nor does it require rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

[3] The 12 counties include: Nassau, Duval, St. Johns, Flagler, Volusia, Brevard, Indian River, St. Lucie, Martin, Palm Beach, Broward, and Miami-Dade.

[4] Email from Amanda Marsh, Office of Legislative Programs, Florida Department of Transportation, RE: Road Designation Fiscal (Aug. 14, 2019).

A bill to be entitled

An act relating to transportation facility designations; providing honorary designation of a certain transportation facility in Florida; directing the Department of Transportation to erect suitable markers; providing an effective date.

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

Section 1. Purple Heart Memorial Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of I-95 located within the State of Florida is designated as "Purple Heart Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Purple Heart Memorial Highway as described in subsection (1).

Section 2. This act shall take effect July 1, 2020.

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	____	(Y/N)
ADOPTED AS AMENDED	____	(Y/N)
ADOPTED W/O OBJECTION	____	(Y/N)
FAILED TO ADOPT	____	(Y/N)
WITHDRAWN	____	(Y/N)
OTHER		

Committee/Subcommittee hearing bill: Transportation & Infrastructure Subcommittee

Representative Fetterhoff offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Transportation facility designations; Department of Transportation to erect suitable markers.—

(1) That portion of I-95 located between the Florida state line in Nassau County and S.W. 32nd Road in Miami-Dade County is designated as "Purple Heart Memorial Highway."

(2) That portion of U.S. 98 between C.R. 386 and Pine Street in Gulf County is designated as "Willis V. Rowan Memorial Highway."

(3) That portion of U.S. 98 between Pine Street and C.R. 382/Industrial Road in Gulf County is designated as "John C. Gainous Memorial Highway."

(4) The Department of Transportation is directed to erect suitable markers designating transportation facilities as described in this section.

Section 2. This act shall take effect July 1, 2020.

T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:
An act relating to transportation facility designations; providing honorary designations of certain transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers; providing an effective date.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7001 PCB OTM 20-02 OGSR/E-mail Addresses/Department of Highway Safety and Motor Vehicles
SPONSOR(S): Oversight, Transparency & Public Management Subcommittee, Plasencia
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Oversight, Transparency & Public Management Subcommittee	12 Y, 0 N	Villa	Smith
1) Transportation & Infrastructure Subcommittee		Roth	Vickers
2) State Affairs Committee			

SUMMARY ANALYSIS

The Open Government Sunset Review Act requires the Legislature to review each public record and each public meeting exemption five years after enactment. If the Legislature does not reenact the exemption, it automatically repeals on October 2nd of the fifth year after enactment.

The Department of Highway Safety and Motor Vehicles (department) is the custodian of motor vehicle records containing personal information about drivers and motor vehicle owners. The department is authorized to collect e-mail addresses and use e-mail in lieu of the United States Postal Service for the purpose of providing title certificate notifications, providing motor vehicle registration renewal notices, and providing driver license renewal notices.

Current law provides a public records exemption for e-mail addresses held by the department for the purpose of providing notifications and renewal notices.

The bill saves from repeal the public records exemption, which will repeal on October 2, 2020, if this bill does not become law.

The bill does not appear to have a fiscal impact on state or local governments.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Open Government Sunset Review Act

The Open Government Sunset Review Act (Act)[1] sets forth a legislative review process for newly created or substantially amended public record or public meeting exemptions. It requires an automatic repeal of the exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.[2]

The Act provides that a public record or public meeting exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than is necessary to meet one of the following purposes:

- Allow the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption.
- Protect sensitive personal information that if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision.
- Protect trade or business secrets.[3]

If, and only if, in reenacting an exemption that will repeal, the exemption is expanded (essentially creating a new exemption), then a public necessity statement and two-thirds vote for passage are required.[4] If the exemption is reenacted with grammatical or stylistic changes that do not expand the exemption, if the exemption is narrowed, or if an exception to the exemption is created, then a public necessity statement and a two-thirds vote for passage are not required.

Department of Highway Safety and Motor Vehicles and E-mail Addresses

The Department of Highway Safety and Motor Vehicles (department) is the records custodian of motor vehicle records,[5] which contain personal information about drivers and motor vehicle owners. Florida's motor vehicle records contain personal information such as a driver's social security number, driver license number, name, address, telephone number, and medical or disability information. The department is authorized to collect e-mail addresses and use e-mail, in lieu of the United States Postal Service, as a method of providing title certificate notifications,[6] for the purpose of providing motor vehicle registration renewal notices,[7] and for the purpose of providing driver license renewal notices.[8]

Public Record Exemption under Review

In 2015, the Legislature created a public record exemption for e-mail addresses held by the department for the purpose of providing notification regarding title certificates, motor vehicle registration renewals, or driver license renewals.[9]

The 2015 public necessity statement[10] for the exemption provides that:

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[1] Section 119.15, F.S.
[2] Section 119.15(3), F.S.
[3] Section 119.15(6)(b), F.S.
[4] Section 24(c), Art. I, FLA. CONST.
[5] Section 119.0712(2)(a), defines the term "motor vehicle record" to mean "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."
[6] Section 319.40(3), F.S.
[7] Section 320.95(2), F.S.
[8] Section 322.08(10), F.S.
[9] Section 119.0712(2)(c), F.S.
[10] Article I, s. 24(c), FLA. CONST., requires each public record exemption "state with specificity the public necessity justifying the exemption."

> The Legislature finds that . . . 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.[11]

Pursuant to the Open Government Sunset Review Act, the exemption will repeal on October 2, 2020, unless reenacted by the Legislature.

During the 2019 interim, subcommittee staff met with staff from the department to discuss the exemption. The department has collected 13 million e-mail addresses for both active and inactive drivers. As of August 6, 2019, the department has not received a public records request for the exempt information. The department recommends that the public records exemption be reenacted as is.

Effect of the Bill

The bill removes the scheduled repeal date of the public record exemption, thereby maintaining the public record exemption for e-mail addresses held by the department for the purpose of providing title certificate notifications, providing motor vehicle registration renewal notices, and providing driver license renewal notices.

B. SECTION DIRECTORY:

Section 1 amends s. 119.0712, F.S., to save from repeal the public record exemption for certain e-mail addresses held by the department and corrects a cross reference.

Section 2 provides an effective date of October 1, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None.

2. Expenditures:

   None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

[11] Chapter 2015-32, L.O.F.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide a grant of rulemaking authority, nor does it require rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

In 2016, the Legislature enacted ch. 2016-242, L.O.F., which amended s. 322.08, F. S., and moved s. 322.08(9), F.S., to s. 322.08(10), F.S. However, the reference to that subsection in s. 119.0712(2)(c), F. S., was not amended to reflect this change.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act; amending s. 119.0712, F.S., which provides an exemption from public records requirements for certain e-mail addresses collected by the Department of Highway Safety and Motor Vehicles; correcting a cross-reference; removing the scheduled repeal of the exemption; providing an effective date.

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

Section 1. Paragraph (c) of 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.—

(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) ~~s. 322.08(9)~~ 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.~~

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Section 2. This act shall take effect October 1, 2020.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.