

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
OFFICE OF GENERAL COUNSEL

March 3, 2015

TO: MAUREEN JOHNSON
Chief of Records

VIA: STEPHEN D. HURM
General Counsel

FROM: NICHOLAS A. MERLIN
Assistant General Counsel

SUBJECT: Emergency Contact Information
Docket Number: 2015-0014632



QUESTION PRESENTED:

Is a hostage situation “an emergency” which would justify the disclosure of emergency contact information?

ANSWER:

Yes. A hostage situation is “an emergency” which justifies the disclosure of emergency contact information.

DISCUSSION:

In Florida, individuals holding a current Florida Driver License or Florida Identification Card may provide the Department with contact information for family members or other individuals in case of an emergency. Such information may only be disclosed to law enforcement and only in case of an emergency.

Specifically, section 119.0712(2)(c), Fla. Stat., covering emergency contact information states as follows:

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.*

Id. (emphasis added).

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Generally, all of the Department's records are "open for personal inspection and copying by any person." § 119.01(1), Fla. Stat. Courts have held that Florida's public records law "is to be construed liberally in favor of openness, and all exemptions from disclosure are to be construed narrowly and limited to their designated purpose." *City of Riviera Beach v. Barfield*, 642 So. 2d 1135, 1136 (Fla. 4th DCA 1994). "[W]hen in doubt the courts should find in favor of disclosure rather than secrecy." *Bludworth v. Palm Beach Newspapers, Inc.*, 476 So. 2d 775, 779 n.1 (Fla. 4th DCA 1985).

An emergency is defined as "an unexpected and unusually dangerous situation that calls for immediate action." (*Merriam Webster Dictionary, Online Ed.*). A hostage standoff is an unusually dangerous situation that typically involves threats and the risk of death. Accordingly, a hostage situation is "an emergency" that would justify use of emergency contact information.

CONCLUSION:

In sum, a hostage situation is "an "emergency" which would justify the disclosure of emergency contact information.

If you have additional questions, please advise the Office of General Counsel. Please refer to the above docket number when submitting future inquiries regarding this matter.

NAM/hjw

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