

**SUBJECT
PROVIDING RECORDS
TO THE PUBLIC**

**POLICY NUMBER
9.03**



POLICY MAINTENANCE ADMINISTRATOR: General Counsel

PURPOSE/SCOPE: This policy outlines policies and responsibilities and describes procedures for providing access to public records. These guidelines compliment, but do not replace, the requirements under the Public Records Laws.

I. AUTHORITY

Article I, Section 24, Florida Constitution

Section 112.218, Florida Statutes, Department of Highway Safety and Motor Vehicles personnel files; fees for copies.

Chapter 119, Florida Statutes, Public Records

Section 316.066, Florida Statutes, Written Reports of Crashes

Section 319.25(2), Florida Statutes, Cancellation of Certificates

Section 320.05, Florida Statutes, Records of the department; inspection procedure; lists and searches; fees.

Section 320.865, Florida Statutes, Maintenance of records by the department.

Section 321.23, Florida Statutes, Public records; fees for copies; destruction of obsolete records; photographing records; effect as evidence.

Section 322.20, Florida Statutes, Records of the department; fees; destruction of records.

Chapter 324, Florida Statutes, Financial Responsibility

Governor's Executive Order 19-11, on Ethics, Open Government, and Preventing Sexual Harassment, Effective January 8, 2019

Executive Director SIGNED ORIGINAL ON FILE	Effective Date 01/15/1988
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II. RELATED POLICIES

- MP 9.01, Member Personnel Files and Records
- MP 9.02, Personal Information Exempted for Public Disclosure
- MP 9.04, Records Management
- MP 12.02, Data Governance
- MP 13.01, NTIS Limited Access Death Master File Compliance

III. DEFINITIONS

- A. 3-Year Record - Driver history information pertaining to the last three years. The driver's personal information is not part of the driver history.
- B. 7-Year Record - Driver history information pertaining to the last seven years. The driver's personal information is not part of the driver history.
- C. Actual Cost of Duplication - The cost of the materials and supplies used to duplicate the record, not including labor or overhead costs associated with such duplication.
- D. Confidential - Public records that have been identified in the Florida Statutes as confidential. The information in these records is not subject to inspection by the public and may be released only to the persons and entities designated by statute.
- E. Driver History Transcript - Driver history information produced in a standard format on paper, magnetic media or using electronic access.
- F. Driver Privacy Protection Act (DPPA) - This refers to the Federal Driver's Privacy Protection Act of 1994, which prohibits disclosure of information of a sensitive, personal nature, with noted exceptions. These exemptions are now found under s. 119.0712(2), F.S.
- G. E-mail - Electronic mail used to convey information.
- H. Exemplified Record - Driver history information pertaining to all information stored on the driver file.
- I. Exempt Records - Those public records that have been identified in Florida Statutes as exempt from public inspection.
- J. Extensive Use - Any public records request that requires more than thirty minutes of department resource time to fulfill.

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- K. Motorist Services Record - Record pertaining to a motor vehicle operator's license, motor vehicle title, motor vehicle registration or identification card issued by the department.
- L. Network Provider - Those business entities, approved by the department, that have a direct connection to a port on the system installed to provide public access to specified department databases.
- M. Personal Information in a Motorist Services Record - Information that identifies an individual, including an individual's social security number, driver identification number or identification card number, name, address, telephone number, medical or disability information and emergency contact information contained in a record pertaining to a motor vehicle operator's license, motor vehicle title, motor vehicle registration or identification card issued by the department. It does not include information relating to vehicular crash data (such as the occurrence of a crash, speed, location, vehicle type, etc.), driving violations and driver's license status.
- N. Public Record - All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software or other material, regardless of physical form, characteristics or means of transmission, made or received by the department pursuant to law or ordinance or in connection with the transaction of official business.
- O. Record Owner - The division within the department which is responsible for the collection, processing, reporting, and distribution of the records.
- P. Redact - To remove or conceal from a copy of an original public record, or to remove or conceal from an electronic image that is available for public viewing, that portion of the record containing exempt or confidential information.
- Q. Remote Electronic Access - The ability of an individual or business to enter selected Information Systems Administration (ISA) databases, via online connection (either leased-line or dial-up) and obtain records within that database. This access is interactive (the requester asks for a specific single record, based on defined parameters, which is immediately located within the database and transmitted to the requester) and requires the requester to remain in contact with the computer until all requests have been satisfied.
- R. Routine/Non-Routine Requests - Routine requests are requests that come in directly to the department that are handled as normal job duties. Non-routine is

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when a request involves extensive use of a member's time, more than one division's response, or is a complicated request.

- S. Special Processing - Development of computer programs and use of information resource technology assets to provide information not available in the standard reports normally processed.
- T. Special Service Charge - A reasonable service charge assessed by the department based on the cost actually incurred for the extensive use of information technology resources and/or extensive clerical or supervisory assistance, using the hourly rate of pay (or overtime rate of pay, if applicable) of personnel necessary for fulfilling the request. If supervisory resources are provided by an attorney, the charge will be at the lowest attorney rate (salary and benefits) in the Office of General Counsel.

IV. POLICY

Department records, except those specifically precluded from disclosure by statutory exemption, shall be available, in any form and format used by the agency, to all persons for inspection or copying under the supervision of the records custodian or designee during normal business hours.

The widest possible access to existing public records is encouraged by making copies of those records available for a fee not to exceed the actual cost of duplication unless a different fee is otherwise required by Florida Law. If the nature or volume of public records requested to be inspected, examined, or copied requires extensive use of department resources, the additional costs to cover such extensive use of department resources may be charged.

As future technology resources are used to manage, store, or maintain public records, the department must provide reasonable public access to records electronically maintained and must ensure that exempt or confidential records are not disclosed except as otherwise permitted by law.

V. ROLES AND RESPONSIBILITIES

- A. The Executive Director shall designate a member to serve as the agency's public record/open government contact. That member will be responsible for complying with public records/open government requests and compliance at the department and will also be the primary liaison between the department and the Governor's Office of Open Government for purposes of training and compliance.

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1. Each division will appoint a division coordinator to coordinate requests for providing public records owned by that division. Each division will provide the public records/open government contact with the name of its appointee. In addition, designated offices and each division shall have persons named as points of contact, who shall be responsible for handling and responding to public records requests for which that office or division is the custodian. The names and contact information for these points of contact may be found on the department's public web site under the public records link (<http://www.flhsmv.gov/html/records.html>). Regular mail and e-mail public records requests may be referred to these points of contact for handling by the public records/open government contact or the division coordinator.
2. The General Counsel's Office will establish and maintain an e-mail account for public records requests.
3. The public records/open government contact and division coordinators shall make certain that all requests are handled promptly and in accordance with laws.
4. The public records/open government contact or the division coordinator must ensure that if an exemption applies to a part of a record requested, that portion of the record to which an exemption applies is redacted, and the remainder of such record is available for inspection and copying.
5. Each division and the Office of General Counsel, the Inspector General, Personnel Services, Administrative Services and Information Services shall designate no more than three individuals within an office or division, who will be trained in searching the e-mail archiving system for the purpose of responding to public records requests, including the redaction of exempt information contained in those records. Public records e-mail requests shall be referred to such individuals for handling according to this procedure and Management Policy 9.04, Records Management.

VI. PROCEDURES

- A. The department must accept requests for public records in writing, by e-mail, by telephone, by facsimile, or in person. If the request is insufficient to identify the records sought, the provider should help the requester clarify the request. The provider may ask the requester to complete forms to assist in defining the facts necessary for completing records requests; however, unless specifically required by law, the requestor is not obligated to complete these forms as a condition for obtaining the public records requested.
- B. Upon receipt of a public records request, the public records/open government contact or division coordinator or their designee shall acknowledge receipt within two business days. Exceptions to this are only allowed when the records request

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is routine and will be completed in accordance with division policy and procedure. (See Attachment C on page 18 for standard language to acknowledge receipt.)

- C. The public records/open government contact or division coordinator will determine whether the request is routine and can be handled immediately, or will require additional time. If routine, the contact or coordinator will assign for handling. If non-routine, the division coordinator will inform the department public records/open government contact of such request and a determination for handling will be made.
- D. Training - The Learning and Development Office (LDO) will work with the agency public records/open government contact to establish a department-wide training program for all members who are authorized to release public records. The LDO will continually monitor changes to legislation and to Florida Department of State rules and regulations relating to public records, and recommend additional member training as needed.
- E. Establishment of Charges - The Public Records Law allows the department to collect the actual cost of material and supplies used to duplicate public records for requesters. The department may also collect a special service charge in addition to actual costs/fees, when a request for public records requires the extensive use of information technology resources and/or clerical or supervisory assistance. The following charges, fees and guidelines are designed to ensure that the department is consistent in its application of rules which allow the recovery of actual and extensive use costs.
1. Fees shall be as set forth in Attachment A or as allowed by law.
 2. Public records must be open for inspection unless expressly provided by law.
 3. The department will not collect State of Florida sales tax on any sales of records to the public.
 4. All postage and/or other shipping charges incurred by the department will be recouped from the requester.
 5. A special service charge may be assessed when extensive use of department resources is required to fulfill a request. Extensive use of department resources is defined as more than thirty minutes of labor. Requests that involve an extensive use of time, as outlined below, will be charged starting with the time after the first thirty minutes if more than thirty minutes of labor is required. The fee shall be computed on one-half hour charges, with time being rounded to the closest quarter hour. Accurate accounts of time worked must be documented for invoicing purposes.
 - (a) Labor Time: When clerical and/or supervisory time is spent in the collection, inspection, redaction or production of a public records request, a service charge for labor should be applied by computing the actual cost

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of providing the labor. The cost shall be the actual salary for the member performing the work, including benefits.

- (b) Technical costs: Data requests that require special processing will be analyzed by the division for impact on department business. If approved by the division director owning the records, they will be given to ISA to determine cost.
- (c) All exempt records or information will be identified and redacted or marked confidential, citing the appropriate statutory exemption. Exempt records or information must not be distributed to the public or department members who do not meet the necessary requirements to obtain the information. The requestor shall be obligated to pay for the redaction time as stated above.
- (d) When the records requested are in electronic form and the requester asks that they be sent via email, the records shall be sent by email. In such case, the per-page copying fee shall not be charged, but any statutory fee levied on that particular type of record shall be charged. In addition, the special service charge provided for in this section shall be assessed if applicable.
- (e) When the records requested are in electronic form and the requester asks that they be provided on CD or DVD, the records shall be provided on CD or DVD. In such case, the per-page copying fee shall not be charged, but the actual cost of the CD or DVD shall be charged along with any statutory fee levied on that particular type of record. In addition, the special service charge provided for in this section shall be assessed if applicable.

F. Fee Collection -

- 1. When all allowable fees/charges applied to a particular public records request can be calculated in advance, they should be collected prior to investing significant technology resources and/or clerical or supervisory resources.
- 2. Members responding to routine requests for public records will verbally advise the requester of any applicable charges. For non-routine requests or where actual costs and special service charges cannot be immediately determined due to the nature of the request, written estimates will be provided. In such cases, the provider shall give an estimated cost for producing the records and inform the requester that the actual cost may vary. After collecting the estimated fees and completing the request, if the actual fees are greater than the estimate, the balance must be collected before the records are provided. If the actual fees are less, a refund must be provided to the requester.
- 3. All checks should be made payable to the Department of Highway Safety and Motor Vehicles or DHSMV (or respective divisions).
(Sample language and invoice is included in Attachment D on page 19.)

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G. Fee/Charge Waivers - Fees or charges will be waived between the Department and other government agencies as allowed by law. Fees or charges may also be waived between the Department and other government agencies by agreement between management of DHSMV and the agency requesting the data. If the cost for providing paper or electronic copies of records is less than \$5, including postage and special service charges, the records will be provided at no charge, unless the fee is required by statute.

H. Public Records Exemptions - The department is responsible for protecting information defined as confidential or as otherwise prohibited from public inspection or copying under the Public Records Law. All exemptions to the Public Records Law can be found in the Federal laws or Florida Statutes. A list of department records presently exempt from public inspection, examination, and copying is found in Attachment B on page 14. Any exemption in existence or hereafter enacted shall not be deemed waived or otherwise void or unenforceable simply because it is not included in this list. The public records/open government contact or the Office of the General Counsel should be consulted if questions exist.

The following standards and controls should be followed to prevent the inadvertent or unauthorized release of confidential and exempt information:

1. Confidential information shall be redacted (or extracted) from records prior to public release or inspection of nonexempt portions.
2. The Department is responsible for informing the requester when requests cannot be filled due to an exemption which prevents disclosure. Upon request, the provider must provide the basis for this exemption and its statutory citation and must be in writing if requested.
3. The Department will contact the Point of Contact of affected law enforcement agencies prior to releasing information related to the access of records through Driver and Vehicle Information Database (DAVID). If a law enforcement agency has accessed records through DAVID and indicates that the information related to the access of those records is exempt due to 1) an active investigation under Sec. 119.071(2)(c), F.S.; 2) involvement of undercover personnel under Sec. 119.071(4)(c), F.S.; 3) surveillance techniques or procedures or personnel under Sec. 119.071(2)(d), F.S.; or 4) any other applicable exemption allowed by law, the department will not release the information. If the access information is not exempt from release, the department will release the requested information.

I. General Public Records Provisions -

1. E-mail:
 - (a) An agency as defined in Sec. 119.011, F.S. or legislative entity that operates a website and uses electronic mail, shall post the following statement in a conspicuous location on its website:

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Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. (Sec. 668.6076, F.S.)

The Communications Office is responsible for ensuring the website includes this statement.

- (b) E-mail messages made or received by members in connection with official business are public records. They are subject to disclosure in the absence of an exemption. (AGO 96-34)
 - (c) E-mail is subject to the statutory restrictions on destruction of public records. See Management Policy 9.04, Records Management regarding e-mail retention and archiving.
 - (d) Personal e-mail does not automatically become public record. The content of personal e-mail constitutes whether it is public record or not. However, Management Policy 8.03, Acceptable Use of Information Technology Resources, governs the use of state computers for personal use.
 - (e) E-mail conveying official business from a member's personal account is prohibited, except for an emergency situation. In the event of such use, the e-mail is public record of the department. If members use a personal account to convey official business, a copy of such e-mail must be sent to that member's department e-mail address for storage.
2. Providing information to individuals as a favor by department members is contrary to department policy. Department members who request information for personal use will pay the appropriate fee(s) as displayed in this policy.
 3. The Department records all text and PIN messages sent or received by all State-issued or managed Blackberries. These messages will be maintained and produced as a public record pursuant to the department's established records retention guidelines. Except in an emergency situation, such text and PIN messages should be used only for transitory messages such as meeting reminders or agency announcements that are not intended to formalize or perpetuate knowledge or set policy or procedures.
 4. Electronic communications of any kind that address official public business, even if communicated over a personal device, are subject to disclosure as a public record.

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(Attachment A)

Charges and Fees

1. Photocopies

1. Members' personnel files (Sec.112.218, F.S.)	
a. Copies	\$.50/page
b. Certified copies	\$ 1.00/page
2. Traffic crash reports (Sec.321.23(2)(a), F.S.)	\$ 10.00/copy
3. Homicide reports (Sec.321.23(2)(b), F.S.)	\$ 25.00/copy
4. Photocopies of any citations, forms, documents, booklets, letters, status reports, etc., made in reference to a specific individual(s) (Sec.322.20(11)(a), F.S.)	\$.50/page
5. Certified photographic copy of any item in A.4. above	\$1.00/page
6. Noncertified photographic copies of motor vehicle documents (Sec.320.05, F.S.)	\$ 1.00/page
7. Noncertified photographic copy of micrographic records (Sec.320.05, F.S.)	\$1.00/page
8. Certified copies of motor vehicle records (Sec.320.05, F.S.)	\$ 3.00/record
9. Noncertified computer-generated printouts of motor vehicle or vessel records (Sec.320.05, F.S.)	\$.50/record
10. Certified computer-generated printouts of motor vehicle or vessel records (Sec.320.05, F.S.)	\$3.00/record
11. Electronic access to motor vehicle, vessel, and mobile home registration data requested by tag, vehicle identification number, title number, or decal number. (Sec.320.05, F.S.)	\$.50/item
12. Electronic access to driver's license status report by name, sex, and date of birth or by driver license number. (Sec.320.05, F.S.)	\$.50/item
13. Duplication of any item not covered by above statutory charges (Sec.119.07, F.S.)	\$.15/page or \$.20/double-sided copy

2. Computer-generated Data

1. List of licensed drivers statewide/portion (Sec.322.20(8), F.S.)	\$.01/name
2. List of licensed drivers statewide/portion (Sec.322.20(8), F.S.), plus additional information not covered under Sec.322.20(8), F.S.	Processing charges will be assessed in addition to the \$.01/name charge. Special Service Charge

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3. Lists of motor vehicle records for the entire state, or any part or parts thereof, divided according to counties (Sec.320.05, F.S.)	Not less than \$.01 nor more than \$.05/item
4. Lists of licensed motor vehicle dealers (Sec.320.05, F.S.)	
a. Listings	\$ 25.00 each
b. Labels (1 7/16" x 4" pressure sensitive) or magnetic tape	\$ 25.00 each (Labels or magnetic media furnished by requester)
5. Lists of licensed mobile home dealers and manufacturers and recreational vehicle dealers and manufacturers (Sec.320.05, F.S.)	
a. Listings	\$ 15.00 each
b. Labels or magnetic media (as 4.b. above)	\$ 15.00 each
6. Special programming (Sec.119.07(1)(b), F.S.)	Special Service Charge

3. Driver History Transcript (Sec.322.20(11)(a), F.S.)

Fee requirements for driver information do not apply when there is a need for correction of a driver history record. When information is provided to an individual, his employer, his attorney, or an insurance agent, regarding incorrect information concerning a suspension, revocation, cancellation, conviction, or other data appearing on a record, no fee is required.

1. Terminal search of 3-year driver record (if no record is found)	\$ 8.00 each
2. Transcript of 3-year record (including search fee)	\$ 8.00 each
3. Terminal search of 7-year or complete driver record (if no record is found)	\$ 10.00 each
4. Transcript of 7-year or complete record (including search fee)	\$ 10.00 each
5. Certified copy of a transcript of driver history record	\$ 3.10 each
6. Exemplified record	\$ 15.00 each
7. Assisting persons in searching any one individual's driver record at a terminal located at the Tallahassee headquarters	\$2.00

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4. Crash Photographs (s.321.23)(2)(c))

Type	Black and White	Color
5" x 7" enlargement	\$.75 each	\$ 1.00 each
8" x 10" enlargement	\$ 1.00 each	\$ 1.50 each
11" x 14" enlargement	\$ 1.75 each	Not available
16" x 20" enlargement	\$ 2.75 each	Not available
20" x 24" enlargement	\$ 3.75 each	Not available

5. Manuals

(electronic copy format to department's Internet is at no cost to the requestor)

1. DMV Procedures Manual (Sec.320.05, F.S.)	\$ 25.00 each
2. All other manuals	Actual Cost

If an actual manual is provided, the actual cost of publication as paid by the state will be charged. If a manual is photocopied, the actual cost will be calculated at \$.15 per page or \$.20 per double-sided copy plus the cost of a binder if provided plus applicable personnel charges. (Sec.119.07(1)(a), F.S.)

6. Audiovisual Materials

1. Audio tape copy	Actual Cost plus Special Service Charge
2. Videotape record copy (Sec.320.05, F.S.)	\$ 15.00 each

7. Microfilm and Microfiche: Actual Cost (Sec.119.07(1)(a), F.S.)

8. Remote Electronic Access: (Sec.119.07(1), F.S.; Sec.119.085, F.S.; Sec.320.05, F.S.)

Information from the department's motor vehicle and/or driver license databases is available through online service providers. For more information, contact the Bureau of Records or the Information Research Services Office, Division of Motorist Services, Neil Kirkman Building or www.flhsmv.gov/data/internet2.html.

- a. Requesters must subscribe to one of the designated online service providers.
- b. Requesters must submit an application and deposit to the department. The deposit is based on the estimated number of inquiries to the motor vehicle and/or driver databases for a period of two and a half months, times \$.50. The minimum deposit is \$5.00 for each database.
- c. The deposit is held in escrow until the service is canceled. At that time the deposit will be fully refunded without interest or used to cover the outstanding charges.
- d. Access charges are:

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1. Motor vehicle and mobile home registration data requested by tag, VIN, title number, or decal number	\$.50/requested item
2. Driver license status report by name, sex, and date of birth or by driver license number	\$.50/requested item
3. Driver license number(s) by minimum of last name and first initial. (Produces a name, address and driver license number listing of all individuals meeting the entered criteria. Requires a second inquiry as per 2. above to obtain a status report)	\$ 1.00/inquiry

- e. The online service provider will collect the fees for the online service and database access charges and deposit the department's fees into a designated account.

9. Driver History Transcript Electronic Access: A transcript is available through a network provider or in some cases by secure data exchange. For more information, contact the Chief, Bureau of Records, Neil Kirkman Building.

- a. In order to qualify for direct connection to a port, a network provider must agree to submit a minimum of 5,000 transactions per month, after the first six months.
- b. Network providers and secure data exchange requesters must obtain written approval from the department.
- c. Network providers and secure data exchange requesters must pay all costs associated with access to the system. Such costs include, but are not limited to, leased telephone line connection, modem/DSU, and system port. No dial-up access to the system will be authorized.
- d. Network providers and secure data exchange requesters will pay the department, through daily electronic fund transfer, for all transactions processed through their leased lines.
- e. Driver history transcript costs will be calculated as described in item 3 above. Network providers will also pay a prorated system cost recovery fee.
- f. End users are the customers and responsibility of the authorized network provider. The department will not interact directly with any end users. Network providers will maintain a help desk for their end users.

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(Attachment B)

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
PUBLIC RECORDS EXEMPTION SUMMARY**

Section 119.011(11), F.S., defines “public records” to include:

all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by the agency.

An agency claiming an exemption from disclosure bears the burden of proving the right to an exemption. The custodian of the record must state the basis for any exemption and provide the statutory basis for the exemption. If a record contains some information that is exempt, the law requires the custodian to delete or excise only that portion for which the exemption applies and to provide the remainder of the record.

What are the statutory exemptions relating to law enforcement and security records?

1. Active criminal investigative and intelligence information exemption, Sec.119.071(2)(c)1, F.S.
2. Autopsy photographs and recordings, Sec.406.135(2), F.S.
3. “Baker Act” reports, Sec.394.463(2)(a)2, F.S..
4. Confessions by a person arrested until case completed, Sec.119.071(2)(e), F.S.
5. Confidential informants, Sec.119.071(2)(f), F.S.
6. Criminal history information obtained from other states or federal criminal justice agencies and records sealed or expunged by court order, Sec. 943.053(2), F.S., Sec.943.059, F.S., Sec.943.0585, F.S.
7. Emergency “911” voice recordings, as to those portions identifying name, address, telephone number or personal information identifying the caller, Sec.365.171(12), F.S.
8. Fingerprint records - Biometric identification information is exempt from Sec.119.07(1), F.S. The term “biometric identification information” means any record of friction ridge detail, fingerprints, palm prints and footprints, Sec.119.071(5), F.S.
9. Firearms records, agency not to maintain list or registry of owners except for records of firearms used in criminal act or relating to persons convicted of crime, Sec.790.335(2), F.S. and identity of concealed firearms permit holder protected, Sec.790.0601(1), F.S.
10. Juvenile offender records, Sec.985.04(1), F.S.; but child traffic violators may be disclosed, Sec.985.11(3), F.S. and a child’s name, photo, address and arrest report may be disclosed if arrested for a felony or who is transferred to the adult system, Sec.985.04(2), F.S.

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11. Law enforcement personnel records, as to complaints against an officer, Sec.112.533(2), F.S.; as to home address, telephone number, etc., Sec.119.071(4)(d)1, F.S.
12. Motor vehicle records
 - a. Crash reports, first 60 days, Sec.316.066(5)(a), F.S.
 - b. Department of Highway Safety and Motor Vehicles records, see Management Policy 9.02.
13. Pawnbroker records, Sec.539.003, F.S.
14. Prison and inmate records, as to Department of Corrections records per Sec.945.10, F.S., otherwise subject to disclosure.
15. Resource inventories and emergency response plans, Sec.119.071(2)(d), F.S.
16. Security system information and blueprints, Sec.281.301, F.S., Sec.119.071(3)(a) and (3)(b)1, F.S.
17. Surveillance techniques, procedures or personnel, Sec.119.071(2)(d), F.S.
18. Victim information; see Sec.119.071(2)(h), F.S., Sec.119.011(3)(c)2, F.S., Sec.119.071(2)(j)1 and (2)(h)1, F.S. as applicable.

Exemptions specific to DHSMV

Section 112.533(2)(a), F.S. – Complaints against law enforcement officers. Confidential until the investigation ceases to be active, or until the agency head or agency head’s designee provides written notice to the officer who is the subject of the complaint, that the agency has either concluded the investigation with a finding not to proceed with disciplinary charges or to file charges; or concluded the investigation with a finding to proceed with disciplinary action or to file charges.

Section 316.066(5)(a), F.S. – Except as otherwise provided in the exemption, crash reports that reveal the identity, home or employment telephone number or home or employment address of, or other personal information concerning the parties involved in the crash and that are held by an agency that regularly receives or prepares information from or concerning the parties to motor vehicle crashes are confidential and exempt from public disclosure requirements for a period of 60 days after the date the report is filed.

Section 320.025(3), F.S. – All records relating to the registration application of a law enforcement agency, Attorney General’s Medicaid Fraud Control Unit, or public defender’s office for motor vehicle or vessel registration and license plates or decals issued under fictitious names, are exempt from Sec.119.07(1), F.S. as long as the information is retained by the Department of Highway Safety and Motor Vehicles.

Section 320.05(2), F.S. – Information on motor vehicle or vessel registration records of the Department of Highway Safety and Motor Vehicles shall not be made available to a person unless the person requesting the information furnishes positive proof of identification.

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Section 322.125(3) and (4), F.S. – When a member of the Medical Advisory Board acts directly as a consultant to the Department of Highway Safety and Motor Vehicles, a board member’s individual review of the physical and mental qualifications of a licensed driver or applicant is exempt from Sec.286.011, F.S. Reports received or made by the board or its members for the purpose of assisting the department in determining whether a person is qualified to be licensed are for confidential use of the board or department and may not be divulged to any person except to the driver or applicant or used as evidence in any trial except proceedings under Sec.322.271, F.S. or Sec.322.31, F.S.

Section 322.126(3), F.S. – Disability reports are confidential and exempt from Sec.119.07(1), F.S. and may be used solely for the purpose of determining the qualifications of any person to operate a motor vehicle.

Section 322.142(4), F.S. – Reproductions of color photographic or digital imaged licenses shall be made and issued only for the purposes set forth in the subsection and are exempt from Sec.119.07(1), F.S.

Section 322.20(3), F.S. – The release by the Department of Highway Safety and Motor Vehicles of the driver history record, with respect to crashes involving a licensee, shall not include any notation or record of the occurrence of a motor vehicle crash unless the licensee received a traffic citation as a direct result of the crash, and to this extent such notation or record is exempt from Sec.119.07(1), F.S.

Section 322.20(9), F.S. – The Department of Highway Safety and Motor Vehicles shall furnish without charge specified driver license information from the Division of Motorist Services to the courts for the purpose of jury selection or to any state agency, state attorney, sheriff or chief of police. Such court, state agency, state attorney, or law enforcement agency may not sell, give away, or allow the copying of such information. Noncompliance with this prohibition shall authorize the department to charge the non-complying court, state agency, state attorney, or law enforcement agency the appropriate fee for any subsequent lists requested.

Section 328.40(3), F.S. – All records kept or made by the Department of Highway Safety and Motor Vehicles under the vessel registration law are public records except for confidential reports.

Section 627.736(9)(a), F.S. – Reports from insurers regarding cancellations and policy renewals and reports of the issuance of new policies that have been received by the Department of Highway Safety and Motor Vehicles pursuant to this section are confidential and exempt from Sec.119.07(1), F.S. The records are to be used for enforcement and regulatory purposes only, except as provided in the subsection.

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Section 119.071(2)(c), F.S. – Active criminal intelligence information and active criminal investigative information, including information related to law enforcement’s access to or use of the Driver and Vehicle Information Database (DAVID).

Section 119.071(2)(d), F.S. – Any information revealing surveillance techniques or procedures or personnel, including information related to law enforcement’s access to or use of the Driver and Vehicle Information Database (DAVID).

Section 119.071(4)(c), F.S. – Any information revealing undercover personnel of any criminal justice agency, including information related to access or use of the Driver and Vehicle Information Database (DAVID).

Section 119.0712(2), F.S. - Personal information in a motor vehicle record is confidential and exempt from Sec.119.07(1), F.S. Personal information includes, but is not limited to, an individual’s social security number, driver identification number or identification card number, name, address, telephone number, medical or disability information, and emergency contact information. "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.

Section 119.0712(2), F.S. - Personal information made confidential and exempt may be disclosed by the Department of Highway Safety and Motor Vehicles to an individual, firm, corporation, or similar business entity whose primary business interest is to resell or re-disclose the personal information to persons who are authorized to receive such information. Prior to the department's disclosure of personal information, such individual, firm, corporation, or similar business entity must first enter into a contract with the department regarding the care, custody, and control of the personal information to ensure compliance with the federal Driver's Privacy Protection Act of 1994 and applicable state laws.

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(Attachment C)

Standard Language for Acknowledgement

SAMPLE

This will acknowledge receipt of your request of *(insert date)* for public records from the Department of Highway Safety and Motor Vehicles.

We will promptly locate the records sought and notify you when they are available, along with any applicable copying fees and estimated labor costs, if any, authorized by law. In lieu of copies, we can arrange for you to inspect the records, subject to proper supervision.

If you have any questions, you may contact me at *(insert phone number)* or by e-mail at *(insert e-mail address)*.

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(Attachment D)

Invoice Cover Letter

SAMPLE

Enclosed please find an invoice for your public records request. Upon payment of the amount shown, we will forward copies of the records requested. Please make your check or money order payable to the Department of Highway Safety and Motor Vehicles and send it to *(insert address)*.

If you have any questions, you may contact me at *(insert phone number)* or by e-mail at *(insert e-mail address)*.

INVOICE

DATE: *(Insert date)*

To: *(Requestor's Name & Address)*

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
		SHIPPING & HANDLING	
		TOTAL DUE	

Make checks or money orders payable to: Department of Highway Safety and Motor Vehicles
If you have any questions concerning this invoice, call or e-mail: *(insert name, phone number, e-mail)*