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January 22, 2020

The Honorable Kelli Stargel
Florida Senate
4024 South Monroe Street, Room 408 SOB
Tallahassee, FL 32399-1100

Re: SB 1030 Exemption/Vessel Title or Registration Records

Dear Senator Stargel:

I am writing to express the First Amendment Foundation's opposition to Senate Bill 1030, which would expand the current motor vehicle exemption to include vessel title and registration records. The statement of public necessity refers to the Driver's Privacy Protection Act (DPPA) – a federal law that prohibits the disclosure of personal information in motor vehicle records – and claims that the DPPA is undermined when that same information is available in vessel registration records. This assumes, without further support, that vessel owners should be treated the same as vehicle owners whose personal information is protected under the DPPA. The bill gives no other justification for the expansion of current law.

Additionally, the bill fails to justify the exemption of e-mail addresses and cellphone numbers. The public necessity statement claims that if email addresses and cellphone numbers are publicly available, there is a "risk of unsolicited commercial solicitation" by email and text message, which could undermine the ability of the Department of Highway Safety and Motor Vehicles ("the DHSMV") to communicate with motorists. However, there is no evidence that motorists are ignoring the Department's messages or confusing them with messages from solicitors. Because the statement of public necessity does not identify examples of motorists ignoring department communications, it therefore lacks the required specificity and violates Article 1, Section 24, of the Florida Constitution.

As a result, we respectfully ask that SB 1030 be withdrawn from further consideration. We appreciate your attention to our concerns. If you have any questions, please do not hesitate to contact us.

Sincerely,

Pamela C. Marsh, President

Cc: The Honorable Bill Galvano, President, The Florida Senate
Mr. Jim Baltzelle, Associated Press, Chair, First Amendment Foundation
Mr. Samuel Morley, General Counsel, Florida Press Association
Ms. Lisa Nellesen Savage, Chair, Florida Society of News Editors