

Public Records, motor vehicle registration records

Number: INFORMAL

Date: January 30, 2003

Subject:
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The Honorable Shirley Brown
Representative, District 69
508 South Pineapple
Sarasota, Florida 34236

Dear Representative Brown:

Thank you for your letter of March 26, 1993, which was prompted by complaints from your constituents regarding the accessibility of information contained in motor vehicle registration records. Mr. Dewell Crews recently contacted you regarding abortion related mail he received after his address was apparently obtained through use of information from his motor vehicle registration.

Pursuant to s. 320.05, F.S., "[motor vehicle] registration record[s] shall be open to the inspection of the public during business hours." The statute requires that motor vehicle registration information be made available to a person furnishing proof of identification. Further, the statute requires that the agency supplying this information shall record the name and address of the person who is the subject of the inquiry or other information which identifies the entity about which information is requested. These records of inquiry must be maintained for a six month period.

Thus, motor vehicle registration records are public records, and, as such, subject to inspection and copying pursuant to Ch. 119, F.S. While the Florida Constitution recognizes a right of privacy for Florida citizens in Art. I, s. 23, State Const., it also states that "[t]his section shall not be construed to limit the public's right of access to public records and meetings as provided by law."^[1] In addition, Florida courts have determined that no federal or state right of privacy prevents access to public records.^[2] Therefore, limiting public inspection and copying of these records would appear to require the legislative amendment of s. 320.05, F.S. to remove motor vehicle registration information from the scope of the Public Records Law.

While I share your concerns, I am a strong proponent of Florida's Public Records Law and am concerned that any legislative amendment to limit public access to these records be drawn as narrowly as possible to address this specific problem.^[3]

To that purpose the new Public Records and Meetings Constitutional Amendment, s. 24, Art. I, State Const.,^[4] requires that any general law to exempt records from public inspection or copying "shall state with specificity the public necessity justifying the exemption and shall be no broader than necessary to accomplish the state purpose of the law."^[5] In addition, laws enacted

pursuant to this constitutional amendment "shall contain only exemptions from the requirements of [the constitution provisions] and . . . shall relate only to one subject." [6]

If this office can be of further assistance to you, please contact us.

Sincerely,

Robert A. Butterworth
Attorney General

RAB/trh

[1] *And* see s. 24, Art. I, State Const., effective July 1, 1993, which provides that the only exceptions to the right of access established under that section are for those records "specifically made confidential by this Constitution" and those records exempted by law or court rule in accordance with s. 24(c) or (d).

[2] See, e.g., *Michel v. Douglas*, 464 So. 2d 545 (Fla. 1985) (no federal or state right of privacy prevents access to public records); *Forsberg v. Housing Authority of Miami Beach*, 455 So. 2d 373 (Fla. 1984); *Shevin v. Byron, Harless, Schaffer, Reid and Associates, Inc.*, 379 So. 2d 633 (Fla. 1980) (no federal or state disclosural right of privacy prevents a member of the public from seeing public records); *Mills v. Doyle*, 407 So. 2d 348 (Fla. 4th DCA 1981).

[3] *Cf.* s. 119.105, Fla. Stat., which recognizes that police reports are, with some exceptions, public records but prohibits the use of these records "for any commercial solicitation of the victims or relatives of the victims of the reported crimes or accidents."

[4] Section 24, Art. I, State Const., relating to access to public records, shall take effect July 1, 1993.

[5] Section 24(c), Art. I, State Const.

[6] *Id.*