

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
 2 Representative Kerner offered the following:

3
 4 **Amendment**

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (2) of section 316.066, Florida
 7 Statutes, is amended to read:

8 316.066 Written reports of crashes.—

9 (2)

10 (b) Crash reports held by an agency under paragraph (a)
 11 may be made immediately available to the parties involved in the
 12 crash, their legal representatives, their licensed insurance
 13 agents, their insurers or insurers to which they have applied
 14 for coverage, persons under contract with such insurers to
 15 provide claims or underwriting information, prosecutorial
 16 authorities, law enforcement agencies, the Department of
 17 Transportation, county traffic operations, victim services

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18 programs, radio and television stations licensed by the Federal
19 Communications Commission, newspapers qualified to publish legal
20 notices under ss. 50.011 and 50.031, and in accordance with
21 paragraph (f), free newspapers of general circulation, published
22 once a week or more often, that have a minimum of 7,500 copies
23 distributed by mail or by carrier as verified by a postal
24 statement, by a notarized printer's statement of press run, and
25 that have the intention of being of general distribution and
26 circulation and that contain news of general interest with a
27 minimum of ten pages per publication, available and of interest
28 to the public generally for the dissemination of news. For the
29 purposes of this section, the following products or publications
30 are not newspapers as referred to in this section: those
31 intended primarily for members of a particular profession or
32 occupational group; those with the primary purpose of
33 distributing advertising; and those with the primary purpose of
34 publishing names and other personal identifying information
35 concerning parties to motor vehicle crashes.

36 (f) Free newspapers of general circulation published once
37 a week or more often, that have a minimum of 7,500 copies
38 distributed by mail or by carrier as verified by a postal
39 statement, by a notarized printer's statement of press run, and
40 that have the intention of being of general distribution and
41 circulation and that contain news of general interest with a
42 minimum of ten pages per publication, available and of interest
43 to the public generally for the dissemination of news, which

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44 request 10 or more crash reports, within a 24 hour period,
45 before 60 days have elapsed after the report is filed may not
46 have access to the home, cellular, employment, or other
47 telephone number or the home or employment address of any of the
48 parties involved in the crash. This paragraph is subject to the
49 Open Government Sunset Review Act in accordance with s. 119.15
50 and shall stand repealed on October 2, 2019, unless reviewed and
51 saved from repeal through reenactment by the Legislature.

52 Section 2. The Legislature finds that a crash report that
53 reveals the home, cellular, employment, or other telephone
54 number or the home or employment address of any of the parties
55 involved in a crash and that is held by an agency that regularly
56 receives or prepares information from or concerning the parties
57 to motor vehicle crashes is confidential and exempt from s.
58 119.07(1), Florida Statutes, and s. 24(a), Article I of the
59 State Constitution for 60 days after the date that the report is
60 filed. Public access to such information during that 60-day
61 period by free newspapers of general circulation, published once
62 a week or more often, that have a minimum of 7,500 copies
63 distributed by mail or by carrier as verified by a postal
64 statement, by a notarized printer's statement of press run, and
65 that have the intention of being of general distribution and
66 circulation and that contain news of general interest with a
67 minimum of ten pages per publication, available and of interest
68 to the public generally for the dissemination of news, which
69 request 10 or more crash reports, within a 24 hour period,

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70 before 60 days have elapsed after the report is filed should be
71 restricted to combat widespread insurance fraud that occurs when
72 the information is unlawfully used to contact the parties
73 involved in a crash. The exemption protects the parties involved
74 in a crash from those who would unlawfully solicit personal
75 injury protection insurance claims. Accordingly, the Legislature
76 finds that the harm to parties involved in a crash which could
77 result from the release of such information outweighs any
78 minimal public benefit that would be derived from disclosure of
79 that information to the public. Therefore, it is the finding of
80 the Legislature that such information must be made confidential
81 and exempt from public records requirements.

82 Section 3. This act shall take effect on the same date that
83 HB 863 or similar legislation takes effect, if such legislation
84 is adopted in the same legislative session or an extension
85 thereof and becomes law.