

By Senator Gutman

34-764-98

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

A bill to be entitled  
An act relating to accident reports; amending  
s. 316.066, F.S.; providing that motor vehicle  
accident reports are not privileged or  
confidential; providing that such reports may  
be used in trials and administrative hearings;  
providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (4) of section 316.066, Florida  
Statutes, is amended to read:

316.066 Written reports of accidents.--

(4)(a) The accident report privilege is abrogated.  
Reports or statements required by this section or s. 316.062  
are not confidential or privileged and may be used as evidence  
in any civil or criminal trial or administrative hearing,  
subject to the applicable rules of evidence.~~Except as~~  
~~specified in this subsection, each accident report made by a~~  
~~person involved in an accident and any statement made by such~~  
~~person to a law enforcement officer for the purpose of~~  
~~completing an accident report required by this section shall~~  
~~be without prejudice to the individual so reporting. No such~~  
~~report or statement shall be used as evidence in any trial,~~  
~~civil or criminal. However, subject to the applicable rules~~  
~~of evidence, a law enforcement officer at a criminal trial may~~  
~~testify as to any statement made to the officer by the person~~  
~~involved in the accident if that person's privilege against~~  
~~self-incrimination is not violated.~~

(b) The results of breath, urine, and blood tests  
administered as provided in s. 316.1932 or s. 316.1933 are not

1 confidential or privileged and shall be admissible into  
2 evidence in accordance with the provisions of s. 316.1934(2).

3 (c) Accident reports made by persons involved in  
4 accidents shall not be used for commercial solicitation  
5 purposes; ~~provided, however,~~ the ~~that~~ use of an accident  
6 report for purposes of publication in a newspaper or other  
7 news periodical or a radio or television broadcast shall not  
8 be construed as "commercial purpose."

9 Section 2. This act shall take effect July 1, 1998.

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

\*\*\*\*\*

SENATE SUMMARY

Provides that accident reports are not confidential or privileged and may be used as evidence in any civil or criminal trial or administrative hearing, subject to the rules of evidence.