

By Senator Carlton

24-1310-99

See HB

1 A bill to be entitled
 2 An act relating to liabilities for driving
 3 offenses; amending s. 316.066, F.S., relating
 4 to written reports of accidents; abrogating the
 5 accident report privilege; removing provisions
 6 under which an accident report or statements to
 7 a law enforcement officer made by a person
 8 involved in an accident are without prejudice
 9 to the person and may not be used as trial
 10 evidence absent exceptional circumstances;
 11 providing that results of breath, urine, and
 12 blood tests, made for certain purposes of
 13 determining whether a person has been driving
 14 under the influence of alcohol or a chemical
 15 substance or controlled substance, are not
 16 privileged; prohibiting use for commercial
 17 solicitation purposes of an accident report
 18 made by persons involved in a crash; providing
 19 for construction; providing an effective date.

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

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

25 316.066 Written reports of accidents.--

26 (4)(a) The accident report privilege is hereby
 27 abrogated. ~~Except as specified in this subsection, each~~
 28 ~~accident report made by a person involved in an accident and~~
 29 ~~any statement made by such person to a law enforcement officer~~
 30 ~~for the purpose of completing an accident report required by~~
 31 ~~this section shall be without prejudice to the individual so~~

1 ~~reporting. No such report or statement shall be used as~~
2 ~~evidence in any trial, civil or criminal. However,~~ Subject to
3 the applicable rules of evidence, a law enforcement officer at
4 a criminal trial may testify as to any statement made to the
5 officer by the person involved in the accident if that
6 person's privilege against self-incrimination is not violated.

7 **(b)** The results of breath, urine, and blood tests
8 administered as provided in s. 316.1932 or s. 316.1933 are not
9 confidential or privileged and shall be admissible into
10 evidence in accordance with the provisions of s. 316.1934(2).

11 **(c)** Accident reports made by persons involved in a
12 crash ~~accidents~~ shall not be used for commercial solicitation
13 purposes; provided, however, that use of a crash ~~an accident~~
14 report for purposes of publication in a newspaper or other
15 news periodical or a radio or television broadcast shall not
16 be construed as "commercial purpose."

17 Section 2. This act shall take effect October 1, 1999.

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20 LEGISLATIVE SUMMARY

21 Abrogates the accident report privilege. Removes
22 provisions under which an accident report or statements
23 to a law enforcement officer made by a person involved in
24 an accident are without prejudice to the person and may
25 not be used as trial evidence absent exceptional
26 circumstances. Provides that results of breath, urine,
27 and blood tests, made for certain purposes of determining
28 whether a person has been driving under the influence of
29 alcohol or a chemical substance or controlled substance,
30 are not privileged. Prohibits use for commercial
31 solicitation purposes of an accident report made by
persons involved in a crash. Provides for construction.