

By Senator Sanderson

31-937-01

1                                   A bill to be entitled  
2           An act relating to public records; amending s.  
3           316.066, F.S.; providing an exemption from  
4           public-records requirements for motor vehicle  
5           crash reports that reveal specified  
6           information; providing that such reports may be  
7           made available to certain parties; providing  
8           for future review and repeal; providing  
9           penalties for the unlawful disclosure of  
10          confidential information and for unlawfully  
11          obtaining or attempting to obtain confidential  
12          information; providing findings of public  
13          necessity; providing an effective date.

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

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17           Section 1. Paragraph (c) of subsection (3) of section  
18          316.066, Florida Statutes, is amended, and paragraphs (d) and  
19          (e) are added to that subsection, to read:

20           316.066 Written reports of crashes.--

21           (3)

22           (c) Crash reports required by this section which  
23          reveal the identity, home or employment telephone number or  
24          home or employment address of, or other personal information  
25          concerning, the parties involved in the crash and which are  
26          received or prepared by any agency that regularly receives or  
27          prepares information from or concerning the parties to motor  
28          vehicle crashes are confidential and exempt from s. 119.07(1)  
29          and s. 24(a), Art.I of the State Constitution for a period of  
30          30 days. However, such reports may be made available to the  
31          parties to the crash, their designated representatives, a

1 radio or television station licensed by the Federal  
2 Communications Commission, or a professional journalist as  
3 defined in s. 90.5015. For the purposes of this section, an  
4 individual who publishes or is in any capacity employed by or  
5 an independent contractor for one who publishes any product  
6 the primary purpose of which is to provide names of and other  
7 personal information concerning parties to motor vehicle  
8 crashes is not a professional journalist as defined in s.  
9 90.5015. Any state or federal agency that is authorized to  
10 have access to such reports by any provision of law shall be  
11 granted such access in the furtherance of the agency's  
12 statutory duties, notwithstanding the provisions of this  
13 paragraph. This exemption is subject to the Open Government  
14 Sunset Review Act of 1995 in accordance with s. 119.15, and  
15 shall stand repealed on October 1, 2006, unless reviewed and  
16 saved from repeal through reenactment by the Legislature.  
17 ~~Crash reports made by law enforcement officers shall not be~~  
18 ~~used for commercial solicitation purposes; however, the use of~~  
19 ~~a crash report for purposes of publication in a newspaper or~~  
20 ~~other news periodical or a radio or television broadcast shall~~  
21 ~~not be construed as "commercial purpose."~~

22 (d) Any employee of a state or local agency in  
23 possession of information made confidential by this section  
24 who knowingly discloses such confidential information to a  
25 person not entitled to access such information under this  
26 section is guilty of a misdemeanor of the first degree,  
27 punishable as provided in s. 775.082 or s. 775.083.

28 (e) Any person who obtains or attempts to obtain  
29 information made confidential by this section who is not  
30 entitled to access such information under this section is  
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1 guilty of a misdemeanor of the first degree, punishable as  
2 provided in s. 775.082 or s. 775.083.

3           Section 2. The Legislature finds that there is a  
4 public necessity that portions of crash reports that are  
5 mandated to be provided by law which reveal personal  
6 information concerning parties to motor vehicle crashes be  
7 withheld from public inspection or disclosure to protect the  
8 privacy of persons that have been the subject of a motor  
9 vehicle crash. Further, the exemption is necessary to protect  
10 the public from unscrupulous individuals who promote the  
11 filing of fraudulent insurance claims by obtaining such  
12 information immediately after a crash and exploiting the  
13 individual at a time of emotional distress. Crash reports made  
14 by law enforcement officers should not be used for commercial  
15 solicitation purposes; however, the use of a crash report for  
16 purposes of publication in a newspaper or other news  
17 periodical or a radio or television broadcast may not be  
18 construed as a "commercial purpose." Motor vehicle insurance  
19 fraud is estimated to add as much as \$246 to the average motor  
20 vehicle insurance policy premium. In the past 5 years, the  
21 Department of Insurance has received nearly 5,000 referrals of  
22 personal injury protection (PIP) insurance fraud and has made  
23 more than 500 arrests, resulting in an 80 percent conviction  
24 rate. Motor vehicle insurance fraud is fueled by early access  
25 to crash reports, which provides the opportunity for the  
26 filing of fraudulent insurance claims.

27           Section 3. This act shall take effect upon becoming a  
28 law.

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SENATE SUMMARY

Provides an exemption from public records requirements for motor vehicle crash reports that reveal certain information. Allows such reports to be made available to specified parties. Provides that a person who unlawfully discloses confidential information is guilty of a first degree misdemeanor. Provides that a person who obtains or attempts to obtain confidential information is guilty of a first degree misdemeanor. Provides for future review and repeal. Provides findings of public necessity.