

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on State Administration offered the following:

**Amendment (with title amendment)**

Remove from the bill: Everything after the enacting clause  
and insert in lieu thereof:

Section 1. Paragraph (d) is added to subsection (3) of section 316.066, Florida Statutes, to read:

316.066 Written reports of crashes.--

(3)

(d)1. Personally identifying information and any insurance policy number contained in a motor vehicle crash report held by the Department of Highway Safety and Motor Vehicles and law enforcement agencies shall be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. 1 of the State Constitution until 60 days after the date of the crash, except as provided in this paragraph. For reports requested within 60 days after a crash, the Department of Highway Safety and Motor Vehicles and law enforcement agencies shall redact personally identifying information and any insurance policy number prior to releasing such reports to

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1 persons other than those persons involved in the crash and  
2 their legal representatives, their insurers, their licensed  
3 insurance agents, persons under contract with insurers to  
4 provide claims or underwriting information, and  
5 representatives of law enforcement and other regulatory  
6 agencies, prosecutorial authorities, radio and television  
7 stations licensed by the Federal Communications Commission,  
8 and newspapers qualified to publish legal notices under ss.  
9 50.011 and 50.031 and free newspapers of general circulation,  
10 published once a week or more often, available to the public  
11 generally for the dissemination of news and official or other  
12 notices and customarily containing information of a public  
13 character or of interest or value to the residents, property  
14 owners, and general public in the county where published, but  
15 not including publications intended primarily for members of a  
16 particular profession or occupational group or free  
17 publications primarily used for distributing advertising. For  
18 purposes of this section, any periodical or product the  
19 primary purpose of which is to publish personally identifying  
20 information of persons involved in motor vehicle crashes is  
21 not a newspaper. For purposes of this paragraph, "personally  
22 identifying information" means information that reveals the  
23 identity of persons involved in the crash, including name,  
24 home or business telephone number, address, driver's license  
25 number, and vehicle license number. This paragraph is subject  
26 to the Open Government Sunset Review Act of 1995 in accordance  
27 with s. 119.15, and shall stand repealed on October 2, 2006,  
28 unless reviewed and saved from repeal through reenactment by  
29 the Legislature.

30 2. Any person in possession of personally identifying  
31 information and any insurance policy number made confidential

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1 and exempt by this paragraph, who knowingly discloses such  
2 confidential and exempt information to a person not entitled  
3 to have access to such information under this paragraph, in  
4 any manner other than the distribution of news to the general  
5 public by those media organizations authorized in this  
6 paragraph in the ordinary course of business, commits a felony  
7 of the third degree, punishable as provided in s. 775.082, s.  
8 775.083, or s. 775.084.

9 3. Any person who uses falsified credentials and who  
10 knowingly obtains or attempts to obtain personally identifying  
11 information and any insurance policy number made confidential  
12 and exempt by this paragraph and who is not entitled to have  
13 access to such information under this paragraph, commits a  
14 felony of the third degree, punishable as provided in s.  
15 775.082, s. 775.083, or s. 775.084.

16 Section 2. The Legislature finds that it is a public  
17 necessity that personally identifying information and any  
18 insurance policy number contained in motor vehicle crash  
19 reports be held confidential and exempt for 60 days after the  
20 date of the crash as provided for in this act. The Second  
21 Interim Report of the Fifteenth Statewide Grand Jury on  
22 insurance fraud related to personal injury protection noted a  
23 "strong correlation between illegal solicitation and the  
24 commission of a variety of frauds." The grand jury found "the  
25 wholesale availability of these reports is a major  
26 contributing factor to this illegal activity and likely the  
27 single biggest factor contributing to the high level of  
28 illegal solicitation." Virtually anyone involved in a car  
29 accident in the state is fair game for "runners" who collect  
30 crash reports in bulk from law enforcement officials and then  
31 provide the information to solicit crash victims and defraud

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1 insurers. Continuing to make this information available, in  
2 the words of the grand jury, "can be emotionally, physically,  
3 and ultimately financially destructive." The Legislature also  
4 finds that the personally identifying information and any  
5 insurance policy number should be made available to certain  
6 parties, such as those persons involved in the motor vehicle  
7 crash and their legal representatives, their insurers, their  
8 insurance agents, persons under contract with insurers to  
9 provide claims or underwriting information, and  
10 representatives of law enforcement and other regulatory  
11 agencies, prosecutorial authorities, radio and television  
12 stations licensed by the Federal Communications Commission,  
13 and newspapers qualified to publish legal notices under ss.  
14 50.011 and 50.031, Florida Statutes, or free newspapers of  
15 general circulation, published once a week or more often,  
16 available to the public generally for the dissemination of  
17 news and official or other notices and customarily containing  
18 information of a public character or of interest or value to  
19 the residents, property owners, and general public in the  
20 county where published, but not including publications  
21 intended primarily for members of a particular profession or  
22 occupational group or free publications primarily for  
23 distributing advertising, within 60 days following the motor  
24 vehicle crash.

25           Section 3. This act shall take effect upon becoming a  
26 law.

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29 ===== T I T L E    A M E N D M E N T =====

30 And the title is amended as follows:

31           On page 1, lines 5 through 12,

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1 remove from the title of the bill: all of said lines  
2  
3 and insert in lieu thereof:  
4 identifying information and any insurance  
5 policy number contained in motor vehicle crash  
6 reports for 60 days following a motor vehicle  
7 crash; providing exceptions; providing for  
8 future review and repeal; providing criminal  
9 penalties for unlawful disclosure of  
10 confidential and exempt information; providing  
11 criminal penalties for unlawfully obtaining or  
12 attempting to obtain confidential and exempt  
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