

By the Committee on Insurance and Representatives Waters,
Brown, Negron, Wiles, Simmons, Fields, Sobel, Ross, Clarke,
Melvin, McGriff, Berfield, Kallinger and Lee

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 personally
5 identifying information contained in motor
6 vehicle crash reports for 60 days following a
7 motor vehicle crash; providing exceptions;
8 providing for future review and repeal;
9 providing criminal penalties for unlawful
10 disclosure of confidential information;
11 providing criminal penalties for unlawfully
12 obtaining or attempting to obtain confidential
13 information; providing a finding of public
14 necessity; providing an effective date.

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

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

20 316.066 Written reports of crashes.--
21 (3)

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

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 to be given
17 away primarily to distribute advertising. For purposes of this
18 section, any periodical or product the primary purpose of
19 which is to publish personally identifying information of
20 persons involved in motor vehicle crashes is not a newspaper.
21 For purposes of this paragraph, "personally identifying
22 information" means information that reveals the identity of
23 persons involved in the crash, including name, home or
24 business telephone number, address, insurance policy
25 information, driver's license number, and vehicle license
26 number. This paragraph is subject to the Open Government
27 Sunshine Review Act of 1995 in accordance with s. 119.15, and
28 shall stand repealed on October 2, 2006, unless reviewed and
29 saved from repeal through reenactment by the Legislature.
30 2. Any person in possession of personally identifying
31 information made confidential by this paragraph, who knowingly

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

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

14 Section 2. The Legislature finds that it is a public
15 necessity that personally identifying information contained in
16 motor vehicle crash reports be held confidential and exempt
17 for 60 days after the date of the crash as provided in s.
18 316.066, Florida Statutes. The Second Interim Report of the
19 Fifteenth Statewide Grand Jury on insurance fraud related to
20 personal injury protection noted a "strong correlation between
21 illegal solicitation and the commission of a variety of
22 frauds." The grand jury found "the wholesale availability of
23 these reports is a major contributing factor to this illegal
24 activity and likely the single biggest factor contributing to
25 the high level of illegal solicitation." Virtually anyone
26 involved in a car accident in the state is fair game for
27 "runners" who collect crash reports in bulk from law
28 enforcement officials and then provide the information to
29 solicit crash victims and defraud insurers. Continuing to make
30 this information available, in the words of the grand jury,
31 "can be emotionally, physically, and ultimately financially

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

21 Section 3. This act shall take effect upon becoming a
22 law.

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24 HOUSE SUMMARY

25 Provides an exemption from public records requirements
26 for personally identifying information contained in motor
27 vehicle crash reports for 60 days following a motor
28 vehicle crash. Provides criminal penalties for unlawful
29 disclosure of confidential information and for unlawfully
30 obtaining or attempting to obtain confidential
31 information. See bill for details.