

By the Council for Competitive Commerce and 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 and any insurance
 6 policy number contained in motor vehicle crash
 7 reports for 60 days following a motor vehicle
 8 crash; providing exceptions; providing for
 9 future review and repeal; providing criminal
 10 penalties for unlawful disclosure of
 11 confidential and exempt information; providing
 12 criminal penalties for unlawfully obtaining or
 13 attempting to obtain confidential and exempt
 14 information; providing a finding of public
 15 necessity; providing an effective date.

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

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

21 316.066 Written reports of crashes.--

22 (3)

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

1 agencies shall redact personally identifying information and
2 any insurance policy number prior to releasing such reports to
3 persons other than those persons involved in the crash and
4 their legal representatives, their insurers, their licensed
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 and free newspapers of general circulation,
12 published once a week or more often, available to the public
13 generally for the dissemination of news and official or other
14 notices and customarily containing information of a public
15 character or of interest or value to the residents, property
16 owners, and general public in the county where published, but
17 not including publications intended primarily for members of a
18 particular profession or occupational group or free
19 publications primarily used for distributing advertising. For
20 purposes of this section, any periodical or product the
21 primary purpose of which is to publish personally identifying
22 information of persons involved in motor vehicle crashes is
23 not a newspaper. For purposes of this paragraph, "personally
24 identifying information" means information that reveals the
25 identity of persons involved in the crash, including name,
26 home or business telephone number, address, insurance policy
27 information, driver's license number, and vehicle license
28 number. This paragraph is subject to the Open Government
29 Sunshine Review Act of 1995 in accordance with s. 119.15, and
30 shall stand repealed on October 2, 2006, unless reviewed and
31 saved from repeal through reenactment by the Legislature.

1 2. Any person in possession of personally identifying
2 information and any insurance policy number made confidential
3 by this paragraph, who knowingly discloses such confidential
4 information to a person not entitled to have access to such
5 information under this paragraph, in any manner other than the
6 distribution of news to the general public by those media
7 organizations authorized in this paragraph in the ordinary
8 course of business, commits a felony of the third degree,
9 punishable as provided in s. 775.082, s. 775.083, or s.
10 775.084.

11 3. Any person who uses falsified credentials and who
12 knowingly obtains or attempts to obtain personally identifying
13 information and any insurance policy number made confidential
14 by this paragraph and who is not entitled to have access to
15 such information under this paragraph, commits a felony of the
16 third degree, punishable as provided in s. 775.082, s.
17 775.083, or s. 775.084.

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

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

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

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