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DATE: November 7, 2001

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
STATE ADMINISTRATION
ANALYSIS**

BILL #: HB 323

RELATING TO: Vehicle Crash Reports

SPONSOR(S): Representative(s) Baker

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) STATE ADMINISTRATION
 - (2) COUNCIL FOR SMARTER GOVERNMENT
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

Current law provides that a crash report revealing the identity, the home or employment telephone number, the home or employment address, or other personal information regarding parties involved in a crash, received or prepared by any agency that regularly receives or prepares information concerning the parties to motor vehicle crashes is confidential and exempt from public disclosure for 60 days after the date the report is filed. There are exceptions to the exemption which allow certain people access to crash reports. These exceptions include parties involved in the crash, legal representatives of such parties, licensed insurance agents of such parties, and radio and television stations licensed by the Federal Communications Commission. Additionally, any state or federal agency authorized to have access to crash reports is granted such access in the furtherance of that agency's duties.

This bill adds another exception to the exemption that allows access to confidential and exempt crash reports by public or private organizations that facilitate the donation of organs and tissue. Access to such information could allow such organizations to contact an accident victim or the victim's family in order to discuss possible organ and tissue donation.

In addition to state or federal agency access to crash reports, this bill also grants any local agency access. Counties want access to the crash reports, because counties use the information contained in such reports to determine whether a certain area might need a stop light, stop sign, or change in speed limit due to a high number of traffic accidents at a particular location. The current exemption allows state and federal agencies access to crash reports, this bill clarifies that an agent or employee of a state or federal agency has access to such reports, so long as the information is used in the furtherance of that agent or employee's statutory duties.

This bill does not appear to have a fiscal impact on state or local governments.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|-----------------------------------------|-----------------------------|-----------------------------------------|
| 1. <u>Less Government</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Section 316.066(3)(c), F.S., provides that crash reports revealing the identity, the home or employment telephone number, the home or employment address, or other personal information concerning parties involved in a crash, received or prepared by any agency that regularly receives or prepares information concerning the parties to motor vehicle crashes is confidential and exempt from public disclosure. This information is to remain confidential and exempt for 60 days after the date the report is filed.

Section 316.066(3)(c), F.S., also provides exceptions to the public records exemption. The crash reports may be made available to the

- Parties involved in the crash;
- Legal representatives of such parties;
- Licensed insurance agents of such parties;
- Insurers or insurers to which such parties have applied for coverage;
- Persons under contract with such insurers to provide claims or underwriting information;
- Prosecutorial authorities;
- Radio and television stations licensed by the Federal Communications Commission;
- Newspapers qualified to publish legal notices; and
- Free newspapers of general circulation.¹

Additionally, any state or federal agency authorized to have access to crash reports is granted such access in the furtherance of that agency's duties.

C. EFFECT OF PROPOSED CHANGES:

House Bill 323 allows public or private organizations, which facilitate the donation of organs and tissue, access to crash reports containing information made confidential and exempt pursuant to

¹ Such newspaper must publish a paper once a week or more. Additionally, such newspaper must be available and of interest to the public generally for the dissemination of news. The following newspapers are not considered as newspapers that qualify for the exception: newspapers intended primarily for members of a particular profession or occupational group; newspapers with the primary purpose of distributing advertising; and newspapers with the primary purpose of publishing names and other personally identifying information concerning parties to motor vehicle crashes.

section 316.066(3)(c), F.S.² Such information includes the identity, home or employment telephone number, home or employment address, or other personal information concerning parties involved in a crash. Access to such information could allow such organizations to contact an accident victim or the victim's family in order to discuss possible organ and tissue donation.

Currently state and federal agencies have access to crash reports; this bill grants any local agency access. Counties want access to the crash reports, because counties use the information contained in such reports to determine whether a certain area might need a stop light, stop sign, or change in speed limit due to a high number of traffic accidents at a particular location.³

Current law allows state and federal agencies access to crash reports. This bill clarifies the law by specifically stating that an "agent" or "employee" of a state or federal agency has access to such reports, so long as the information is used in the furtherance of that agent or employee's statutory duties.

D. SECTION-BY-SECTION ANALYSIS:

See "Effect of Proposed Changes."

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

² Staff contacted The Tallahassee Organ Donor Agency regarding the need for access to crash reports. Staff is awaiting a response from that agency.

³ Telephone conversation with Doug Bell, Esq., on November 19, 2001. Doug Bell is the lobbyist for Volusia County.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that counties or municipalities have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON STATE ADMINISTRATION:

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