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DATE: November 27, 2001

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

BILL #: CS/HB 323

RELATING TO: Vehicle Crash Reports

SPONSOR(S): Committee on State Administration and Representative(s) Baker

TIED BILL(S):

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

- (1) STATE ADMINISTRATION YEAS 4 NAYS 0
 - (2) COUNCIL FOR SMARTER GOVERNMENT
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

At present, law enforcement officers are required to file written reports of motor vehicle crashes. Those reports are then considered a public record.

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 committee substitute adds another exception to the exemption that allows local agencies access to crash reports. 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 public records exemption for crash reports allows state and federal agencies access to such reports. This committee substitute clarifies that an agent or employee of a state or federal agency is allowed access to such reports, so long as the information is used in the furtherance of that agent's or employee's statutory duties. Additionally, this committee substitute requires local, state, and federal agencies, agents, and employees who receive crash reports to maintain the confidential and exempt status of such reports and does not permit disclosure of those reports to anyone.

This committee substitute 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)(a), F.S., requires law enforcement officers to file written reports of motor vehicle crashes. Those reports are public record.

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.

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.

C. EFFECT OF PROPOSED CHANGES:

Currently state and federal agencies are allowed access to confidential and exempt crash reports. This committee substitute grants local agencies access to crash reports. 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.²

Current law allows state and federal agencies access to crash reports. This committee substitute 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's or employee's statutory duties. Additionally, the committee substitute requires local, state, and federal agencies, agents, and employees who receive crash reports to maintain the confidential and exempt status of such reports and does not permit disclosure of those reports to anyone.

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 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 committee substitute 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 committee substitute 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 committee substitute 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:

None.

VII. SIGNATURES:

COMMITTEE ON STATE ADMINISTRATION:

Prepared by:

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