

By Senator Saunders

37-624A-05

1                                   A bill to be entitled

2           An act relating to motor vehicle crash reports;

3           amending s. 316.066, F.S.; providing for victim

4           services programs to immediately obtain such

5           reports; providing an effective date.

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

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9           Section 1. Paragraph (c) of subsection (3) of section

10          316.066, Florida Statutes, is amended to read:

11           316.066 Written reports of crashes.--

12           (3)

13           (c) Crash reports required by this section which

14          reveal the identity, home or employment telephone number or

15          home or employment address of, or other personal information

16          concerning the parties involved in the crash and which are

17          received or prepared by any agency that regularly receives or

18          prepares information from or concerning the parties to motor

19          vehicle crashes are confidential and exempt from s. 119.07(1)

20          and s. 24(a), Art. I of the State Constitution for a period of

21          60 days after the date the report is filed. However, such

22          reports may be made immediately available to the parties

23          involved in the crash, their legal representatives, their

24          licensed insurance agents, their insurers or insurers to which

25          they have applied for coverage, persons under contract with

26          such insurers to provide claims or underwriting information,

27          prosecutorial authorities, victim services programs, radio and

28          television stations licensed by the Federal Communications

29          Commission, newspapers qualified to publish legal notices

30          under ss. 50.011 and 50.031, and free newspapers of general

31          circulation, published once a week or more often, available

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 and of interest to the public generally for the dissemination  
2 of news. For the purposes of this section, the following  
3 products or publications are not newspapers as referred to in  
4 this section: those intended primarily for members of a  
5 particular profession or occupational group; those with the  
6 primary purpose of distributing advertising; and those with  
7 the primary purpose of publishing names and other personal  
8 identifying information concerning parties to motor vehicle  
9 crashes. Any local, state, or federal agency, victim services  
10 program, agent, or employee that is authorized to have access  
11 to such reports by any provision of law shall be granted such  
12 access in the furtherance of the agency's statutory duties  
13 notwithstanding the provisions of this paragraph. Any local,  
14 state, or federal agency, agent, or employee receiving such  
15 crash reports shall maintain the confidential and exempt  
16 status of those reports and shall not disclose such crash  
17 reports to any person or entity. As a condition precedent to  
18 accessing a crash report within 60 days after the date the  
19 report is filed, a person must present a valid driver's  
20 license or other photographic identification, proof of status,  
21 or identification that demonstrates his or her qualifications  
22 to access that information, and file a written sworn statement  
23 with the state or local agency in possession of the  
24 information stating that information from a crash report made  
25 confidential by this section will not be used for any  
26 commercial solicitation of accident victims, or knowingly  
27 disclosed to any third party for the purpose of such  
28 solicitation, during the period of time that the information  
29 remains confidential. In lieu of requiring the written sworn  
30 statement, an agency may provide crash reports by electronic  
31 means to third-party vendors under contract with one or more

1 | insurers, but only when such contract states that information  
2 | from a crash report made confidential by this section will not  
3 | be used for any commercial solicitation of accident victims by  
4 | the vendors, or knowingly disclosed by the vendors to any  
5 | third party for the purpose of such solicitation, during the  
6 | period of time that the information remains confidential, and  
7 | only when a copy of such contract is furnished to the agency  
8 | as proof of the vendor's claimed status. This subsection does  
9 | not prevent the dissemination or publication of news to the  
10 | general public by any legitimate media entitled to access  
11 | confidential information pursuant to this section. A law  
12 | enforcement officer as defined in s. 943.10(1) may enforce  
13 | this subsection. This exemption is subject to the Open  
14 | Government Sunset Review Act of 1995 in accordance with s.  
15 | 119.15, and shall stand repealed on October 2, 2006, unless  
16 | reviewed and saved from repeal through reenactment by the  
17 | Legislature.

18 |           Section 2. This act shall take effect July 1, 2005.

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21 |                           SENATE SUMMARY

22 |           Allows victim services programs to immediately receive  
23 |           copies of motor vehicle crash reports.

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