

By the Committee on Transportation; and Senators Saunders and Lynn

596-1931-05

1 A bill to be entitled
2 An act relating to motor vehicle crash reports;
3 amending s. 316.003, F.S.; defining the term
4 "victim services programs"; amending s.
5 316.066, F.S.; providing for victim services
6 programs to immediately obtain vehicle crash
7 reports; providing an effective date.

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

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11 Section 1. Subsection (84) is added to section
12 316.003, Florida Statutes, to read:

13 316.003 Definitions.--The following words and phrases,
14 when used in this chapter, shall have the meanings
15 respectively ascribed to them in this section, except where
16 the context otherwise requires:

17 (84) VICTIM SERVICES PROGRAMS.--Any community-based
18 organization whose primary purpose is to act as an advocate
19 for the victims and survivors of traffic crashes and for their
20 families. The victims services offered by these programs may
21 include grief and crisis counseling, assistance with preparing
22 victim compensation claims excluding third-party legal action,
23 or connecting persons with other service providers, and
24 providing emergency financial assistance.

25 Section 2. Paragraph (c) of subsection (3) of section
26 316.066, Florida Statutes, is amended to read:

27 316.066 Written reports of crashes.--

28 (3)

29 (c) Crash reports required by this section which
30 reveal the identity, home or employment telephone number or
31 home or employment address of, or other personal information

1 | concerning the parties involved in the crash and which are
2 | received or prepared by any agency that regularly receives or
3 | prepares information from or concerning the parties to motor
4 | vehicle crashes are confidential and exempt from s. 119.07(1)
5 | and s. 24(a), Art. I of the State Constitution for a period of
6 | 60 days after the date the report is filed. However, such
7 | reports may be made immediately available to the parties
8 | involved in the crash, their legal representatives, their
9 | licensed insurance agents, their insurers or insurers to which
10 | they have applied for coverage, persons under contract with
11 | such insurers to provide claims or underwriting information,
12 | prosecutorial authorities, victim services programs, radio and
13 | television stations licensed by the Federal Communications
14 | Commission, newspapers qualified to publish legal notices
15 | under ss. 50.011 and 50.031, and free newspapers of general
16 | circulation, published once a week or more often, available
17 | and of interest to the public generally for the dissemination
18 | of news. For the purposes of this section, the following
19 | products or publications are not newspapers as referred to in
20 | this section: those intended primarily for members of a
21 | particular profession or occupational group; those with the
22 | primary purpose of distributing advertising; and those with
23 | the primary purpose of publishing names and other personal
24 | identifying information concerning parties to motor vehicle
25 | crashes. Any local, state, or federal agency, victim services
26 | program, agent, or employee that is authorized to have access
27 | to such reports by any provision of law shall be granted such
28 | access in the furtherance of the agency's statutory duties
29 | notwithstanding the provisions of this paragraph. Any local,
30 | state, or federal agency, agent, or employee receiving such
31 | crash reports shall maintain the confidential and exempt

1 status of those reports and shall not disclose such crash
2 reports to any person or entity. As a condition precedent to
3 accessing a crash report within 60 days after the date the
4 report is filed, a person must present a valid driver's
5 license or other photographic identification, proof of status,
6 or identification that demonstrates his or her qualifications
7 to access that information, and file a written sworn statement
8 with the state or local agency in possession of the
9 information stating that information from a crash report made
10 confidential by this section will not be used for any
11 commercial solicitation of accident victims, or knowingly
12 disclosed to any third party for the purpose of such
13 solicitation, during the period of time that the information
14 remains confidential. In lieu of requiring the written sworn
15 statement, an agency may provide crash reports by electronic
16 means to third-party vendors under contract with one or more
17 insurers, but only when such contract states that information
18 from a crash report made confidential by this section will not
19 be used for any commercial solicitation of accident victims by
20 the vendors, or knowingly disclosed by the vendors to any
21 third party for the purpose of such solicitation, during the
22 period of time that the information remains confidential, and
23 only when a copy of such contract is furnished to the agency
24 as proof of the vendor's claimed status. This subsection does
25 not prevent the dissemination or publication of news to the
26 general public by any legitimate media entitled to access
27 confidential information pursuant to this section. A law
28 enforcement officer as defined in s. 943.10(1) may enforce
29 this subsection. This exemption is subject to the Open
30 Government Sunset Review Act of 1995 in accordance with s.
31 119.15, and shall stand repealed on October 2, 2006, unless

1 reviewed and saved from repeal through reenactment by the
2 Legislature.

3 Section 3. This act shall take effect July 1, 2005.
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5 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
6 COMMITTEE SUBSTITUTE FOR
7 Senate Bill 1118

8 This CS defines victim services programs as any
9 community-based organization whose primary purpose is to act
10 as an advocate for the victims and survivors of traffic
11 crashes and for their families, and whose services include
12 counseling, assistance with filing victims compensation claims
13 excluding third-party legal action, connecting persons with
14 other service providers, and providing emergency financial
15 assistance.
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