

1 A bill to be entitled
 2 An act relating to crash reports; amending s. 316.066,
 3 F.S.; providing for release of crash reports by the
 4 Department of Highway Safety and Motor Vehicles to victim
 5 services programs; requiring the programs to maintain
 6 confidentiality; providing an effective date.

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

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 10 Section 1. Paragraph (c) of subsection (3) of section
 11 316.066, Florida Statutes, is amended to read:

12 316.066 Written reports of crashes.--

13 (3)

14 (c) Crash reports required by this section which reveal
 15 the identity, home or employment telephone number or home or
 16 employment address of, or other personal information concerning
 17 the parties involved in the crash and which are received or
 18 prepared by any agency that regularly receives or prepares
 19 information from or concerning the parties to motor vehicle
 20 crashes are confidential and exempt from s. 119.07(1) and s.
 21 24(a), Art. I of the State Constitution for a period of 60 days
 22 after the date the report is filed. However, such reports may be
 23 made immediately available to the parties involved in the crash,
 24 their legal representatives, their licensed insurance agents,
 25 their insurers or insurers to which they have applied for
 26 coverage, persons under contract with such insurers to provide
 27 claims or underwriting information, prosecutorial authorities,
 28 victim services programs, radio and television stations licensed

29 | by the Federal Communications Commission, newspapers qualified
30 | to publish legal notices under ss. 50.011 and 50.031, and free
31 | newspapers of general circulation, published once a week or more
32 | often, available and of interest to the public generally for the
33 | dissemination of news. For the purposes of this section, the
34 | following products or publications are not newspapers as
35 | referred to in this section: those intended primarily for
36 | members of a particular profession or occupational group; those
37 | with the primary purpose of distributing advertising; and those
38 | with the primary purpose of publishing names and other personal
39 | identifying information concerning parties to motor vehicle
40 | crashes. Any local, state, or federal agency, agent, or employee
41 | that is authorized to have access to such reports by any
42 | provision of law shall be granted such access in the furtherance
43 | of the agency's statutory duties notwithstanding the provisions
44 | of this paragraph. Any local, state, or federal agency, agent,
45 | or employee or any victim services program receiving such crash
46 | reports shall maintain the confidential and exempt status of
47 | those reports and shall not disclose such crash reports to any
48 | person or entity. As a condition precedent to accessing a crash
49 | report within 60 days after the date the report is filed, a
50 | person must present a valid driver's license or other
51 | photographic identification, proof of status, or identification
52 | that demonstrates his or her qualifications to access that
53 | information, and file a written sworn statement with the state
54 | or local agency in possession of the information stating that
55 | information from a crash report made confidential by this
56 | section will not be used for any commercial solicitation of

57 | accident victims, or knowingly disclosed to any third party for
58 | the purpose of such solicitation, during the period of time that
59 | the information remains confidential. In lieu of requiring the
60 | written sworn statement, an agency may provide crash reports by
61 | electronic means to third-party vendors under contract with one
62 | or more insurers, but only when such contract states that
63 | information from a crash report made confidential by this
64 | section will not be used for any commercial solicitation of
65 | accident victims by the vendors, or knowingly disclosed by the
66 | vendors to any third party for the purpose of such solicitation,
67 | during the period of time that the information remains
68 | confidential, and only when a copy of such contract is furnished
69 | to the agency as proof of the vendor's claimed status. This
70 | subsection does not prevent the dissemination or publication of
71 | news to the general public by any legitimate media entitled to
72 | access confidential information pursuant to this section. A law
73 | enforcement officer as defined in s. 943.10(1) may enforce this
74 | subsection. This exemption is subject to the Open Government
75 | Sunset Review Act of 1995 in accordance with s. 119.15, and
76 | shall stand repealed on October 2, 2006, unless reviewed and
77 | saved from repeal through reenactment by the Legislature.

78 | Section 2. This act shall take effect upon becoming a law.