

HB 649

2005  
CS

CHAMBER ACTION

1 The Transportation Committee recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to crash reports; amending s. 316.003,  
7 F.S.; defining "victims services program"; amending s.  
8 316.066, F.S.; providing for release of crash reports by  
9 the Department of Highway Safety and Motor Vehicles to  
10 victims services programs; requiring the programs to  
11 maintain confidentiality; providing an effective date.  
12

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

14  
15 Section 1. Subsection (84) is added to section 316.003,  
16 Florida Statutes, to read:

17 316.003 Definitions.--The following words and phrases,  
18 when used in this chapter, shall have the meanings respectively  
19 ascribed to them in this section, except where the context  
20 otherwise requires:

21 (84) VICTIMS SERVICES PROGRAM.--Any community-based  
22 organization whose primary purpose is to act as an advocate for  
23 the victims and survivors of traffic crashes and for their

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24 families. The victims services offered by this program may  
 25 include grief and crisis counseling, assistance with preparing  
 26 victims compensation claims excluding third-party legal action,  
 27 connecting persons with other service providers, and providing  
 28 emergency financial assistance.

29 Section 2. Paragraph (c) of subsection (3) of section  
 30 316.066, Florida Statutes, is amended to read:

31 316.066 Written reports of crashes.--

32 (3)

33 (c) Crash reports required by this section which reveal  
 34 the identity, home or employment telephone number or home or  
 35 employment address of, or other personal information concerning  
 36 the parties involved in the crash and which are received or  
 37 prepared by any agency that regularly receives or prepares  
 38 information from or concerning the parties to motor vehicle  
 39 crashes are confidential and exempt from s. 119.07(1) and s.  
 40 24(a), Art. I of the State Constitution for a period of 60 days  
 41 after the date the report is filed. However, such reports may be  
 42 made immediately available to the parties involved in the crash,  
 43 their legal representatives, their licensed insurance agents,  
 44 their insurers or insurers to which they have applied for  
 45 coverage, persons under contract with such insurers to provide  
 46 claims or underwriting information, prosecutorial authorities,  
 47 victims services programs, radio and television stations  
 48 licensed by the Federal Communications Commission, newspapers  
 49 qualified to publish legal notices under ss. 50.011 and 50.031,  
 50 and free newspapers of general circulation, published once a  
 51 week or more often, available and of interest to the public

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52 | generally for the dissemination of news. For the purposes of  
53 | this section, the following products or publications are not  
54 | newspapers as referred to in this section: those intended  
55 | primarily for members of a particular profession or occupational  
56 | group; those with the primary purpose of distributing  
57 | advertising; and those with the primary purpose of publishing  
58 | names and other personal identifying information concerning  
59 | parties to motor vehicle crashes. Any local, state, or federal  
60 | agency, agent, or employee that is authorized to have access to  
61 | such reports by any provision of law shall be granted such  
62 | access in the furtherance of the agency's statutory duties  
63 | notwithstanding the provisions of this paragraph. Any local,  
64 | state, or federal agency, agent, or employee or any victims  
65 | services program receiving such crash reports shall maintain the  
66 | confidential and exempt status of those reports and shall not  
67 | disclose such crash reports to any person or entity. As a  
68 | condition precedent to accessing a crash report within 60 days  
69 | after the date the report is filed, a person must present a  
70 | valid driver's license or other photographic identification,  
71 | proof of status, or identification that demonstrates his or her  
72 | qualifications to access that information, and file a written  
73 | sworn statement with the state or local agency in possession of  
74 | the information stating that information from a crash report  
75 | made confidential by this section will not be used for any  
76 | commercial solicitation of accident victims, or knowingly  
77 | disclosed to any third party for the purpose of such  
78 | solicitation, during the period of time that the information  
79 | remains confidential. In lieu of requiring the written sworn

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

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80 | statement, an agency may provide crash reports by electronic  
81 | means to third-party vendors under contract with one or more  
82 | insurers, but only when such contract states that information  
83 | from a crash report made confidential by this section will not  
84 | be used for any commercial solicitation of accident victims by  
85 | the vendors, or knowingly disclosed by the vendors to any third  
86 | party for the purpose of such solicitation, during the period of  
87 | time that the information remains confidential, and only when a  
88 | copy of such contract is furnished to the agency as proof of the  
89 | vendor's claimed status. This subsection does not prevent the  
90 | dissemination or publication of news to the general public by  
91 | any legitimate media entitled to access confidential information  
92 | pursuant to this section. A law enforcement officer as defined  
93 | in s. 943.10(1) may enforce this subsection. This exemption is  
94 | subject to the Open Government Sunset Review Act of 1995 in  
95 | accordance with s. 119.15, and shall stand repealed on October  
96 | 2, 2006, unless reviewed and saved from repeal through  
97 | reenactment by the Legislature.

98 |       Section 3. This act shall take effect upon becoming a law.