

1 (85) VICTIM SERVICES ~~PROGRAM~~ ~~PROGRAMS~~.--Any
2 community-based organization whose primary purpose is to act
3 as an advocate for the victims and survivors of traffic
4 crashes and for their families on a statewide basis. The
5 victims services offered by these programs may include grief
6 and crisis counseling, assistance with preparing victim
7 compensation claims excluding third-party legal action, ~~or~~
8 connecting persons with other service providers, and providing
9 emergency financial assistance. The community-based
10 organization must be qualified for nonprofit status under the
11 provisions of s. 501(c)(3) of the United States Internal
12 Review Code and have a valid consumer's certificate of
13 exemption issued to the organization by the Department of
14 Revenue.

15 Section 2. Subsection (3) of section 316.066, Florida
16 Statutes, is amended to read:

17 316.066 Written reports of crashes.--

18 (3)(a) Every law enforcement officer who in the
19 regular course of duty investigates a motor vehicle crash:

20 1. Which crash resulted in death or personal injury
21 shall, within 10 days after completing the investigation,
22 forward a written report of the crash to the department or
23 traffic records center.

24 2. Which crash involved a violation of s. 316.061(1)
25 or s. 316.193 shall, within 10 days after completing the
26 investigation, forward a written report of the crash to the
27 department or traffic records center.

28 3. In which crash a vehicle was rendered inoperative
29 to a degree which required a wrecker to remove it from traffic
30 may, within 10 days after completing the investigation,
31 forward a written report of the crash to the department or

1 traffic records center if such action is appropriate, in the
2 officer's discretion.

3
4 However, in every case in which a crash report is required by
5 this section and a written report to a law enforcement officer
6 is not prepared, the law enforcement officer shall provide
7 each party involved in the crash a short-form report,
8 prescribed by the state, to be completed by the party. The
9 short-form report must include, but is not limited to: the
10 date, time, and location of the crash; a description of the
11 vehicles involved; the names and addresses of the parties
12 involved; the names and addresses of witnesses; the name,
13 badge number, and law enforcement agency of the officer
14 investigating the crash; and the names of the insurance
15 companies for the respective parties involved in the crash.
16 Each party to the crash shall provide the law enforcement
17 officer with proof of insurance to be included in the crash
18 report. If a law enforcement officer submits a report on the
19 accident, proof of insurance must be provided to the officer
20 by each party involved in the crash. Any party who fails to
21 provide the required information is guilty of an infraction
22 for a nonmoving violation, punishable as provided in chapter
23 318 unless the officer determines that due to injuries or
24 other special circumstances such insurance information cannot
25 be provided immediately. If the person provides the law
26 enforcement agency, within 24 hours after the crash, proof of
27 insurance that was valid at the time of the crash, the law
28 enforcement agency may void the citation.

29 (b) One or more counties may enter into an agreement
30 with the appropriate state agency to be certified by the
31 agency to have a traffic records center for the purpose of

1 | tabulating and analyzing countywide traffic crash reports. The
2 | agreement must include: certification by the agency that the
3 | center has adequate auditing and monitoring mechanisms in
4 | place to ensure the quality and accuracy of the data; the time
5 | period in which the traffic records center must report crash
6 | data to the agency; and the medium in which the traffic
7 | records must be submitted to the agency. In the case of a
8 | county or multicounty area that has a certified central
9 | traffic records center, a law enforcement agency or driver
10 | must submit to the center within the time limit prescribed in
11 | this section a written report of the crash. A driver who is
12 | required to file a crash report must be notified of the proper
13 | place to submit the completed report. Fees for copies of
14 | public records provided by a certified traffic records center
15 | shall be charged and collected as follows:

- 16 |
17 | For a crash report.....\$2 per copy.
18 | For a homicide report.....\$25 per copy.
19 | For a uniform traffic citation.....\$0.50 per copy.

20 |
21 | The fees collected for copies of the public records provided
22 | by a certified traffic records center shall be used to fund
23 | the center or otherwise as designated by the county or
24 | counties participating in the center.

25 | (c) Crash reports required by this section and the
26 | uniform traffic citations (HSMV75901) associated with such
27 | crashes and crash investigations which reveal the identity,
28 | home or employment telephone number or home or employment
29 | address of, or other personal information concerning the
30 | parties involved in the crash and which are received or
31 | prepared by any agency that regularly receives or prepares

1 | information from or concerning the parties to motor vehicle
2 | crashes are confidential and exempt from s. 119.07(1) and s.
3 | 24(a), Art. I of the State Constitution for a period of 60
4 | days after the date the report is filed. However, such reports
5 | and citations may be made immediately available to the parties
6 | involved in the crash, their legal representatives, their
7 | licensed insurance agents, their insurers or insurers to which
8 | they have applied for coverage, persons under contract with
9 | such insurers to provide claims or underwriting information,
10 | prosecutorial authorities, victim services programs as defined
11 | in s. 316.003, radio and television stations licensed by the
12 | Federal Communications Commission, newspapers qualified to
13 | publish legal notices under ss. 50.011 and 50.031, and free
14 | newspapers of general circulation, published once a week or
15 | more often, available and of interest to the public generally
16 | for the dissemination of news. For the purposes of this
17 | section, the following products or publications are not
18 | newspapers as referred to in this section: those intended
19 | primarily for members of a particular profession or
20 | occupational group; those with the primary purpose of
21 | distributing advertising; and those with the primary purpose
22 | of publishing names and other personal identifying information
23 | concerning parties to motor vehicle crashes. Any local, state,
24 | or federal agency, victim services program as defined in s.
25 | 316.003, agent, or employee that is authorized to have access
26 | to such reports and citations by any provision of law shall be
27 | granted such access in the furtherance of the agency's
28 | statutory duties notwithstanding the provisions of this
29 | paragraph. Any local, state, or federal agency, agent, or
30 | employee receiving such crash reports and uniform traffic
31 | citations shall maintain the confidential and exempt status of

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

1 subject to the Open Government Sunset Review Act ~~of 1995~~ in
2 accordance with s. 119.15, and shall stand repealed on October
3 2, 2011 ~~2006~~, unless reviewed and saved from repeal through
4 reenactment by the Legislature.

5 (d) Any employee of a state or local agency in
6 possession of information made confidential by this section
7 who knowingly discloses such confidential information to a
8 person not entitled to access such information under this
9 section is guilty of a felony of the third degree, punishable
10 as provided in s. 775.082, s. 775.083, or s. 775.084.

11 (e) Any person, knowing that he or she is not entitled
12 to obtain information made confidential by this section, who
13 obtains or attempts to obtain such information is guilty of a
14 felony of the third degree, punishable as provided in s.
15 775.082, s. 775.083, or s. 775.084.

16 (f) Any person who knowingly uses confidential
17 information in violation of a filed written sworn statement or
18 contractual agreement required by this section commits a
19 felony of the third degree, punishable as provided in s.
20 775.082, s. 775.083, or s. 775.084.

21 Section 3. The Legislature finds that there is a
22 public necessity that uniform traffic citations and portions
23 of crash reports which are mandated to be provided by law
24 immediately to certain parties as specified in s. 316.066,
25 Florida Statutes, be held confidential and exempt for 60 days
26 after the date the report or citation is filed to protect the
27 privacy of persons that have been the subject of a motor
28 vehicle crash report. Further, the exemption is necessary to
29 protect the public from unscrupulous individuals who promote
30 the filing of fraudulent insurance claims by obtaining such
31 information immediately after a crash and exploiting a crash

1 victim at a time of emotional distress. The Second Interim
2 Report of the Fifteenth Statewide Grand Jury on insurance
3 fraud related to personal injury protection noted a "strong
4 correlation" between illegal solicitation and the commission
5 of a variety of frauds. The grand jury found "the wholesale
6 availability of these reports is a major contributing factor
7 to this illegal activity and likely the single biggest factor
8 contributing to the high level of illegal solicitation."
9 Virtually anyone involved in a car accident in the state is
10 fair game for "runners" who collect crash reports within the
11 60-day public-records-exemption period under false pretenses
12 from law enforcement officials and then provide the
13 information to solicit crash victims and defraud insurers.
14 Continuing to make this information available, in the words of
15 the grand jury, "can be emotionally, physically, and
16 ultimately financially destructive." The 2003 Senate Select
17 Committee on Automobile Insurance/PIP Reform found that
18 despite reforms enacted in 1998 and 2001, fraud continues to
19 permeate the PIP insurance market in Florida. Referrals to the
20 Division of Insurance Fraud for personal injury protection
21 fraud increased over 400 percent from 2002-2003 to 2004-2005.
22 Motor vehicle insurance fraud is fueled by early access to
23 crash reports and uniform traffic citations, which provides
24 the opportunity for the filing of fraudulent insurance claims.
25 Crash reports and uniform traffic citations made by law
26 enforcement officers should not be used for commercial
27 solicitation purposes. However, the use of a crash report by a
28 victim services program that is qualified for nonprofit status
29 under s. 501(c)(3) of the Internal Revenue Code and has a
30 valid certificate of exemption which was issued to the program
31 by the Department of Revenue and acts as an advocate for the

