

1 amending ss. 324.051 and 921.0022, F.S. ;
2 conforming cross-references; providing an
3 effective date.

4
5 Be It Enacted by the Legislature of the State of Florida:

6
7 Section 1. Subsection (85) of section 316.003, Florida
8 Statutes, is amended to read:

9 316.003 Definitions.--The following words and phrases,
10 when used in this chapter, shall have the meanings
11 respectively ascribed to them in this section, except where
12 the context otherwise requires:

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

27 Section 2. Section 316.066, Florida Statutes, is
28 amended to read:

29 316.066 Written reports of crashes.--

30 (1) The driver of a vehicle which is in any manner
31 involved in a crash resulting in bodily injury to or death of

1 any person or damage to any vehicle or other property in an
2 apparent amount of at least \$500 shall, within 10 days after
3 the crash, forward a written report of such crash to the
4 department or traffic records center. However, when the
5 investigating officer has made a written report of the crash
6 pursuant to subsection ~~paragraph~~ (3)~~(a)~~, no written report
7 need be forwarded to the department or traffic records center
8 by the driver.

9 (2) The receiving entity may require any driver of a
10 vehicle involved in a crash of which a written report must be
11 made as provided in this section to file supplemental written
12 reports whenever the original report is insufficient in the
13 opinion of the department and may require witnesses of crashes
14 to render reports to the department.

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

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

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

25 3. In which crash a vehicle was rendered inoperative
26 to a degree which required a wrecker to remove it from traffic
27 may, within 10 days after completing the investigation,
28 forward a written report of the crash to the department or
29 traffic records center if such action is appropriate, in the
30 officer's discretion.

31

1 **(b)** ~~However,~~ In every case in which a crash report is
2 required by this section and a written report to a law
3 enforcement officer is not prepared, the law enforcement
4 officer shall provide each party involved in the crash a
5 short-form report, prescribed by the state, to be completed by
6 the party. The short-form report must include, ~~but is not~~
7 ~~limited to:~~

- 8 **1.** The date, time, and location of the crash;
- 9 **2.** A description of the vehicles involved;
- 10 **3.** The names and addresses of the parties involved;
- 11 **4.** The names and addresses of witnesses;
- 12 **5.** The name, badge number, and law enforcement agency
13 of the officer investigating the crash; and
- 14 **6.** The names of the insurance companies for the
15 respective parties involved in the crash.

16 **(c)** Each party to the crash shall provide the law
17 enforcement officer with proof of insurance to be included in
18 the crash report. If a law enforcement officer submits a
19 report on the accident, proof of insurance must be provided to
20 the officer by each party involved in the crash. Any party who
21 fails to provide the required information is guilty of an
22 infraction for a nonmoving violation, punishable as provided
23 in chapter 318 unless the officer determines that due to
24 injuries or other special circumstances such insurance
25 information cannot be provided immediately. If the person
26 provides the law enforcement agency, within 24 hours after the
27 crash, proof of insurance that was valid at the time of the
28 crash, the law enforcement agency may void the citation.

29 **(4)(a)(b)** One or more counties may enter into an
30 agreement with the appropriate state agency to be certified by
31 the 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.

8 | **(b)** In the case of a county or multicounty area that
9 | has a certified central traffic records center, a law
10 | enforcement agency or driver must submit to the center within
11 | the time limit prescribed in this section a written report of
12 | the crash. A driver who is required to file a crash report
13 | must be notified of the proper place to submit the completed
14 | report.

15 | **(c)** Fees for copies of public records provided by a
16 | certified traffic records center shall be charged and
17 | collected as follows:

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

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

26 | **(5)(a)(e)** ~~Crash reports and the uniform traffic~~
27 | ~~citations (HSMV75901) associated with such crashes and crash~~
28 | ~~investigations that required by this section which~~ reveal the
29 | identity, home or employment telephone number or home or
30 | employment address of, or other personal information
31 | concerning the parties involved in the crash and ~~that which~~

1 are held ~~received or prepared~~ by any agency that regularly
2 receives or prepares information from or concerning the
3 parties to motor vehicle crashes are confidential and exempt
4 from s. 119.07(1) and s. 24(a), Art. I of the State
5 Constitution for a period of 60 days after the date the report
6 is filed.

7 (b) Crash ~~However, such~~ reports and citations held by
8 an agency under paragraph (a) may be made immediately
9 available to the parties involved in the crash, their legal
10 representatives, their licensed insurance agents, their
11 insurers or insurers to which they have applied for coverage,
12 persons under contract with such insurers to provide claims or
13 underwriting information, prosecutorial authorities, victim
14 services programs, radio and television stations licensed by
15 the Federal Communications Commission, newspapers qualified to
16 publish legal notices under ss. 50.011 and 50.031, and free
17 newspapers of general circulation, published once a week or
18 more often, available and of interest to the public generally
19 for the dissemination of news. For the purposes of this
20 section, the following products or publications are not
21 newspapers as referred to in this section: those intended
22 primarily for members of a particular profession or
23 occupational group; those with the primary purpose of
24 distributing advertising; and those with the primary purpose
25 of publishing names and other personal identifying information
26 concerning parties to motor vehicle crashes.

27 (c) Any local, state, or federal agency, ~~victim~~
28 ~~services program, agent, or employee~~ that is authorized to
29 have access to crash ~~such~~ reports and citations by any
30 provision of law shall be granted such access in the
31 furtherance of the agency's statutory duties ~~notwithstanding~~

1 ~~the provisions of this paragraph. Any local, state, or federal~~
2 ~~agency, agent, or employee receiving such crash reports shall~~
3 ~~maintain the confidential and exempt status of those reports~~
4 ~~and shall not disclose such crash reports to any person or~~
5 ~~entity.~~

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

1 (e) This subsection does not prevent the dissemination
2 or publication of news to the general public by any legitimate
3 media entitled to access confidential and exempt information
4 pursuant to this section. ~~A law enforcement officer as defined~~
5 ~~in s. 943.10(1) may enforce this subsection.~~

6 (f) This exemption is subject to the Open Government
7 Sunset Review Act of 1995 in accordance with s. 119.15, and
8 shall stand repealed on October 2, 2011 ~~2006~~, unless reviewed
9 and saved from repeal through reenactment by the Legislature.

10 ~~(6)(a)(d)~~ Any driver failing to file the written
11 report required under subsection (1) or subsection (2) commits
12 a noncriminal traffic infraction, punishable as a nonmoving
13 violation as provided in chapter 318.

14 (b) Any employee of a state or local agency in
15 possession of information made confidential and exempt by this
16 section who knowingly discloses such confidential and exempt
17 information to a person not entitled to access such
18 information under this section is guilty of a felony of the
19 third degree, punishable as provided in s. 775.082, s.
20 775.083, or s. 775.084.

21 ~~(c)(e)~~ Any person, knowing that he or she is not
22 entitled to obtain information made confidential and exempt by
23 this section, who obtains or attempts to obtain such
24 information is guilty of a felony of the third degree,
25 punishable as provided in s. 775.082, s. 775.083, or s.
26 775.084.

27 ~~(d)(f)~~ Any person who knowingly uses confidential and
28 exempt information in violation of a filed written sworn
29 statement or contractual agreement required by this section
30 commits a felony of the third degree, punishable as provided
31 in s. 775.082, s. 775.083, or s. 775.084.

1 ~~(7)~~(4) Except as specified in this subsection, each
2 crash report made by a person involved in a crash and any
3 statement made by such person to a law enforcement officer for
4 the purpose of completing a crash report required by this
5 section shall be without prejudice to the individual so
6 reporting. No such report or statement shall be used as
7 evidence in any trial, civil or criminal. However, subject to
8 the applicable rules of evidence, a law enforcement officer at
9 a criminal trial may testify as to any statement made to the
10 officer by the person involved in the crash if that person's
11 privilege against self-incrimination is not violated. The
12 results of breath, urine, and blood tests administered as
13 provided in s. 316.1932 or s. 316.1933 are not confidential
14 and shall be admissible into evidence in accordance with the
15 provisions of s. 316.1934(2). Crash reports made by persons
16 involved in crashes shall not be used for commercial
17 solicitation purposes; however, the use of a crash report for
18 purposes of publication in a newspaper or other news
19 periodical or a radio or television broadcast shall not be
20 construed as "commercial purpose."

21 (8) A law enforcement officer, as defined in s.
22 943.10(1), may enforce this section.

23 ~~(5) For purposes of this section, a written report~~
24 ~~includes a report generated by a law enforcement agency~~
25 ~~through the use of a computer.~~

26 ~~(6) Any driver failing to file the written report~~
27 ~~required under subsection (1) or subsection (2) commits a~~
28 ~~noncriminal traffic infraction, punishable as a nonmoving~~
29 ~~violation as provided in chapter 318.~~

30 Section 3. The Legislature finds that there is a
31 public necessity that uniform traffic citations and portions

1 of crash reports which are mandated to be provided by law
2 immediately to certain parties as specified in s. 316.066,
3 Florida Statutes, be held confidential and exempt for 60 days
4 after the date the report or citation is filed to protect the
5 privacy of persons that have been the subject of a motor
6 vehicle crash report. Further, the exemption is necessary to
7 protect the public from unscrupulous individuals who promote
8 the filing of fraudulent insurance claims by obtaining such
9 information immediately after a crash and exploiting a crash
10 victim at a time of emotional distress. The Second Interim
11 Report of the Fifteenth Statewide Grand Jury on insurance
12 fraud related to personal injury protection noted a "strong
13 correlation" between illegal solicitation and the commission
14 of a variety of frauds. The grand jury found "the wholesale
15 availability of these reports is a major contributing factor
16 to this illegal activity and likely the single biggest factor
17 contributing to the high level of illegal solicitation."
18 Virtually anyone involved in a car accident in the state is
19 fair game for "runners" who collect crash reports within the
20 60-day public-records-exemption period under false pretenses
21 from law enforcement officials and then provide the
22 information to solicit crash victims and defraud insurers.
23 Continuing to make this information available, in the words of
24 the grand jury, "can be emotionally, physically, and
25 ultimately financially destructive." The 2003 Senate Select
26 Committee on Automobile Insurance/PIP Reform found that
27 despite reforms enacted in 1998 and 2001, fraud continues to
28 permeate the PIP insurance market in Florida. Referrals to the
29 Division of Insurance Fraud for personal injury protection
30 fraud increased over 400 percent from 2002-2003 to 2004-2005.
31 Motor vehicle insurance fraud is fueled by early access to

1 crash reports and uniform traffic citations, which provides
2 the opportunity for the filing of fraudulent insurance claims.
3 Crash reports and uniform traffic citations made by law
4 enforcement officers should not be used for commercial
5 solicitation purposes. However, the use of a crash report by a
6 victim services program that is qualified for nonprofit status
7 under s. 501(c)(3) of the Internal Revenue Code and has a
8 valid certificate of exemption which was issued to the program
9 by the Department of Revenue and acts as an advocate for the
10 victims and survivors of traffic crashes and their families
11 may not be construed as a "commercial purpose." Such programs
12 act as an advocate for the victims and survivors of traffic
13 crashes and their families by providing services such as grief
14 and crisis counseling, assistance with preparing victim
15 compensation claims excluding third-party legal action,
16 connecting persons with other service providers, and providing
17 emergency financial assistance. The Legislature finds that
18 crash reports should be made immediately available to
19 nonprofit victim services programs. The Legislature also finds
20 that uniform traffic citations should be made immediately
21 available to certain parties, such as those persons involved
22 in the motor vehicle crash and their legal representatives,
23 their insurers or insurers to which they have applied for
24 coverage, their licensed insurance agents, persons under
25 contract with such insurers to provide claims or underwriting
26 information, victim services programs, and representatives of
27 law enforcement agencies and other regulatory agencies, and
28 prosecutorial authorities within 60 days after the crash
29 report is filed.

30 Section 4. Paragraph (a) of subsection (1) of section
31 324.051, Florida Statutes, is amended to read:

1 324.051 Reports of crashes; suspensions of licenses
2 and registrations.--

3 (1)(a) Every law enforcement officer who, in the
4 regular course of duty either at the time of and at the scene
5 of the crash or thereafter by interviewing participants or
6 witnesses, investigates a motor vehicle crash which he or she
7 is required to report pursuant to s. 316.066(3)~~(a)~~ shall
8 forward a written report of the crash to the department within
9 10 days of completing the investigation. However, when the
10 investigation of a crash will take more than 10 days to
11 complete, a preliminary copy of the crash report shall be
12 forwarded to the department within 10 days of the occurrence
13 of the crash, to be followed by a final report within 10 days
14 after completion of the investigation. The report shall be on
15 a form and contain information consistent with the
16 requirements of s. 316.068.

17 Section 5. Paragraph (c) of subsection (3) of section
18 921.0022, Florida Statutes, is amended to read:

19 921.0022 Criminal Punishment Code; offense severity
20 ranking chart.--

21 (3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(c) LEVEL 3
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066(6)(a)-(d)		
(3)(d)-(f)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.

1	316.1935(2)	3rd	Fleeing or attempting to elude
2			law enforcement officer in patrol
3			vehicle with siren and lights
4			activated.
5	319.30(4)	3rd	Possession by junkyard of motor
6			vehicle with identification
7			number plate removed.
8	319.33(1)(a)	3rd	Alter or forge any certificate of
9			title to a motor vehicle or
10			mobile home.
11	319.33(1)(c)	3rd	Procure or pass title on stolen
12			vehicle.
13	319.33(4)	3rd	With intent to defraud, possess,
14			sell, etc., a blank, forged, or
15			unlawfully obtained title or
16			registration.
17	327.35(2)(b)	3rd	Felony BUI.
18	328.05(2)	3rd	Possess, sell, or counterfeit
19			fictitious, stolen, or fraudulent
20			titles or bills of sale of
21			vessels.
22	328.07(4)	3rd	Manufacture, exchange, or possess
23			vessel with counterfeit or wrong
24			ID number.
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1	370.12(1)(e)5.	3rd	Taking, disturbing, mutilating,
2			destroying, causing to be
3			destroyed, transferring, selling,
4			offering to sell, molesting, or
5			harassing marine turtles, marine
6			turtle eggs, or marine turtle
7			nests in violation of the Marine
8			Turtle Protection Act.
9	370.12(1)(e)6.	3rd	Soliciting to commit or
10			conspiring to commit a violation
11			of the Marine Turtle Protection
12			Act.
13	376.302(5)	3rd	Fraud related to reimbursement
14			for cleanup expenses under the
15			Inland Protection Trust Fund.
16	400.903(3)	3rd	Operating a clinic without a
17			license or filing false license
18			application or other required
19			information.
20	440.105(3)(b)	3rd	Receipt of fee or consideration
21			without approval by judge of
22			compensation claims.
23	440.1051(3)	3rd	False report of workers'
24			compensation fraud or retaliation
25			for making such a report.
26	501.001(2)(b)	2nd	Tampers with a consumer product
27			or the container using materially
28			false/misleading information.
29	624.401(4)(a)	3rd	Transacting insurance without a
30			certificate of authority.
31			

1	624.401(4)(b)1.	3rd	Transacting insurance without a
2			certificate of authority; premium
3			collected less than \$20,000.
4	626.902(1)(a) & (b)	3rd	Representing an unauthorized
5			insurer.
6	697.08	3rd	Equity skimming.
7	790.15(3)	3rd	Person directs another to
8			discharge firearm from a vehicle.
9	796.05(1)	3rd	Live on earnings of a prostitute.
10	806.10(1)	3rd	Maliciously injure, destroy, or
11			interfere with vehicles or
12			equipment used in firefighting.
13	806.10(2)	3rd	Interferes with or assaults
14			firefighter in performance of
15			duty.
16	810.09(2)(c)	3rd	Trespass on property other than
17			structure or conveyance armed
18			with firearm or dangerous weapon.
19	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but
20			less than \$10,000.
21	812.0145(2)(c)	3rd	Theft from person 65 years of age
22			or older; \$300 or more but less
23			than \$10,000.
24	815.04(4)(b)	2nd	Computer offense devised to
25			defraud or obtain property.
26	817.034(4)(a)3.	3rd	Engages in scheme to defraud
27			(Florida Communications Fraud
28			Act), property valued at less
29			than \$20,000.
30	817.233	3rd	Burning to defraud insurer.
31			

1	817.234(8)(b)-(c)	3rd	Unlawful solicitation of persons
2			involved in motor vehicle
3			accidents.
4	817.234(11)(a)	3rd	Insurance fraud; property value
5			less than \$20,000.
6	817.236	3rd	Filing a false motor vehicle
7			insurance application.
8	817.2361	3rd	Creating, marketing, or
9			presenting a false or fraudulent
10			motor vehicle insurance card.
11	817.413(2)	3rd	Sale of used goods as new.
12	817.505(4)	3rd	Patient brokering.
13	828.12(2)	3rd	Tortures any animal with intent
14			to inflict intense pain, serious
15			physical injury, or death.
16	831.28(2)(a)	3rd	Counterfeiting a payment
17			instrument with intent to defraud
18			or possessing a counterfeit
19			payment instrument.
20	831.29	2nd	Possession of instruments for
21			counterfeiting drivers' licenses
22			or identification cards.
23	838.021(3)(b)	3rd	Threatens unlawful harm to public
24			servant.
25	843.19	3rd	Injure, disable, or kill police
26			dog or horse.
27	860.15(3)	3rd	Overcharging for repairs and
28			parts.
29	870.01(2)	3rd	Riot; inciting or encouraging.
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31			

1	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver
2			cannabis (or other s.
3			893.03(1)(c), (2)(c)1., (2)(c)2.,
4			(2)(c)3., (2)(c)5., (2)(c)6.,
5			(2)(c)7., (2)(c)8., (2)(c)9.,
6			(3), or (4) drugs).
7	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s.
8			893.03(1)(c), (2)(c)1., (2)(c)2.,
9			(2)(c)3., (2)(c)5., (2)(c)6.,
10			(2)(c)7., (2)(c)8., (2)(c)9.,
11			(3), or (4) drugs within 1,000
12			feet of university.
13	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s.
14			893.03(1)(c), (2)(c)1., (2)(c)2.,
15			(2)(c)3., (2)(c)5., (2)(c)6.,
16			(2)(c)7., (2)(c)8., (2)(c)9.,
17			(3), or (4) drugs within 1,000
18			feet of public housing facility.
19	893.13(6)(a)	3rd	Possession of any controlled
20			substance other than felony
21			possession of cannabis.
22	893.13(7)(a)8.	3rd	Withhold information from
23			practitioner regarding previous
24			receipt of or prescription for a
25			controlled substance.
26	893.13(7)(a)9.	3rd	Obtain or attempt to obtain
27			controlled substance by fraud,
28			forgery, misrepresentation, etc.
29	893.13(7)(a)10.	3rd	Affix false or forged label to
30			package of controlled substance.
31			

1	893.13(7)(a)11.	3rd	Furnish false or fraudulent
2			material information on any
3			document or record required by
4			chapter 893.
5	893.13(8)(a)1.	3rd	Knowingly assist a patient, other
6			person, or owner of an animal in
7			obtaining a controlled substance
8			through deceptive, untrue, or
9			fraudulent representations in or
10			related to the practitioner's
11			practice.
12	893.13(8)(a)2.	3rd	Employ a trick or scheme in the
13			practitioner's practice to assist
14			a patient, other person, or owner
15			of an animal in obtaining a
16			controlled substance.
17	893.13(8)(a)3.	3rd	Knowingly write a prescription
18			for a controlled substance for a
19			fictitious person.
20	893.13(8)(a)4.	3rd	Write a prescription for a
21			controlled substance for a
22			patient, other person, or an
23			animal if the sole purpose of
24			writing the prescription is a
25			monetary benefit for the
26			practitioner.
27	918.13(1)(a)	3rd	Alter, destroy, or conceal
28			investigation evidence.
29	944.47(1)(a)1.-2.	3rd	Introduce contraband to
30			correctional facility.
31			

1 944.47(1)(c) 2nd Possess contraband while upon the
2 grounds of a correctional
3 institution.

4 985.3141 3rd Escapes from a juvenile facility
5 (secure detention or residential
6 commitment facility).

7 Section 6. This act shall take effect October 1, 2006.

8
9 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
10 COMMITTEE SUBSTITUTE FOR
11 Senate Bill 2116

12 Reorganizes the section for clarity.
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