

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

1 Representative(s) Ryan offered the following:

2
3 **Amendment (with title amendment)**

4 Remove lines 183 through 313, and insert:

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

13 (c)(e) Any person, knowing that he or she is not entitled
14 to obtain information made confidential and exempt by this
15 section, who obtains or attempts to obtain such information is
16 guilty of a misdemeanor ~~felony~~ of the first ~~third~~ degree,

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17 punishable as provided in s. 775.082, or s. 775.083, ~~or s.~~
18 ~~775.084.~~

19 (d) ~~(f)~~ Any person who knowingly uses confidential and
20 exempt information in violation of a filed written sworn
21 statement or contractual agreement required by this section
22 commits a misdemeanor ~~felony~~ of the first ~~third~~ degree,
23 punishable as provided in s. 775.082, or s. 775.083, ~~or s.~~
24 ~~775.084.~~

25 (7) ~~(4)~~ Except as specified in this subsection, each crash
26 report made by a person involved in a crash and any statement
27 made by such person to a law enforcement officer for the purpose
28 of completing a crash report required by this section shall be
29 without prejudice to the individual so reporting. No such report
30 or statement shall be used as evidence in any trial, civil or
31 criminal. However, subject to the applicable rules of evidence,
32 a law enforcement officer at a criminal trial may testify as to
33 any statement made to the officer by the person involved in the
34 crash if that person's privilege against self-incrimination is
35 not violated. The results of breath, urine, and blood tests
36 administered as provided in s. 316.1932 or s. 316.1933 are not
37 confidential and shall be admissible into evidence in accordance
38 with the provisions of s. 316.1934(2). Crash reports made by
39 persons involved in crashes shall not be used for commercial
40 solicitation purposes; however, the use of a crash report for
41 purposes of publication in a newspaper or other news periodical
42 or a radio or television broadcast shall not be construed as
43 "commercial purpose."

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

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

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

53 Section 2. Paragraph (a) of subsection (1) of section
54 324.051, Florida Statutes, is amended to read:

55 324.051 Reports of crashes; suspensions of licenses and
56 registrations.--

57 (1) (a) Every law enforcement officer who, in the regular
58 course of duty either at the time of and at the scene of the
59 crash or thereafter by interviewing participants or witnesses,
60 investigates a motor vehicle crash which he or she is required
61 to report pursuant to s. 316.066(3)(a) shall forward a written
62 report of the crash to the department within 10 days of
63 completing the investigation. However, when the investigation of
64 a crash will take more than 10 days to complete, a preliminary
65 copy of the crash report shall be forwarded to the department
66 within 10 days of the occurrence of the crash, to be followed by
67 a final report within 10 days after completion of the
68 investigation. The report shall be on a form and contain
69 information consistent with the requirements of s. 316.068.

70 Section 3. This act shall take effect October 1, 2006.

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73 ===== T I T L E A M E N D M E N T =====

74 Remove lines 12 through 17 and insert:

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75
76 decreasing from a third degree felony to a first degree
77 misdemeanor the penalty for knowing disclosure by an
78 employee of a state or local agency of confidential and
79 exempt information under the act to a person not entitled
80 to access such information; decreasing from a third degree
81 felony to a first degree misdemeanor the penalty for
82 obtaining or attempting to obtain confidential and exempt
83 information under the act in knowing disregard of a lack
84 of entitlement to obtain such information; decreasing from
85 a third degree felony to a first degree misdemeanor the
86 penalty for knowingly using confidential and exempt
87 information in violation of a filed written sworn
88 statement or contractual agreement required under the act;
89 reorganizing provisions, making editorial and conforming
90 changes, and removing superfluous language; removing the
91 scheduled repeal of the exemption under the Open
92 Government Sunset Review Act; amending s. 324.051, F.S.;
93 correcting a cross-reference; providing an effective date.