

A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act regarding motor vehicle crash reports; amending s. 316.066, F.S., which provides an exemption from public records requirements for required motor vehicle crash reports that reveal the identity, home or employment telephone number, or home or employment address of, or other personal information concerning, parties involved in a motor vehicle crash and that are held by any agency that regularly receives or prepares information from or concerning the parties to motor vehicle crashes; reorganizing provisions, making editorial and conforming changes, and removing superfluous language; removing the scheduled repeal of the exemption under the Open Government Sunset Review Act; amending ss. 324.051 and 921.0022, F.S.; correcting cross-references; providing an effective date.

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

Section 1. Section 316.066, Florida Statutes, is amended to read:

316.066 Written reports of crashes.--

(1) The driver of a vehicle which is in any manner involved in a crash resulting in bodily injury to or death of any person or damage to any vehicle or other property in an apparent amount of at least \$500 shall, within 10 days after the crash, forward a written report of such crash to the department

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29 or traffic records center. However, when the investigating
 30 officer has made a written report of the crash pursuant to
 31 subsection ~~paragraph~~ (3) (a), no written report need be forwarded
 32 to the department or traffic records center by the driver.

33 (2) The receiving entity may require any driver of a
 34 vehicle involved in a crash of which a written report must be
 35 made as provided in this section to file supplemental written
 36 reports whenever the original report is insufficient in the
 37 opinion of the department and may require witnesses of crashes
 38 to render reports to the department.

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

41 1. Which crash resulted in death or personal injury shall,
 42 within 10 days after completing the investigation, forward a
 43 written report of the crash to the department or traffic records
 44 center.

45 2. Which crash involved a violation of s. 316.061(1) or s.
 46 316.193 shall, within 10 days after completing the
 47 investigation, forward a written report of the crash to the
 48 department or traffic records center.

49 3. In which crash a vehicle was rendered inoperative to a
 50 degree which required a wrecker to remove it from traffic may,
 51 within 10 days after completing the investigation, forward a
 52 written report of the crash to the department or traffic records
 53 center if such action is appropriate, in the officer's
 54 discretion.

55 (b) ~~However,~~ In every case in which a crash report is
 56 required by this section and a written report to a law

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57 enforcement officer is not prepared, the law enforcement officer
58 shall provide each party involved in the crash a short-form
59 report, prescribed by the state, to be completed by the party.
60 The short-form report must include, ~~but is not limited to:~~

- 61 1. The date, time, and location of the crash;
- 62 2. A description of the vehicles involved;
- 63 3. The names and addresses of the parties involved;
- 64 4. The names and addresses of witnesses;
- 65 5. The name, badge number, and law enforcement agency of
66 the officer investigating the crash; and
- 67 6. The names of the insurance companies for the respective
68 parties involved in the crash.

69 (c) Each party to the crash shall provide the law
70 enforcement officer with proof of insurance to be included in
71 the crash report. If a law enforcement officer submits a report
72 on the accident, proof of insurance must be provided to the
73 officer by each party involved in the crash. Any party who fails
74 to provide the required information is guilty of an infraction
75 for a nonmoving violation, punishable as provided in chapter 318
76 unless the officer determines that due to injuries or other
77 special circumstances such insurance information cannot be
78 provided immediately. If the person provides the law enforcement
79 agency, within 24 hours after the crash, proof of insurance that
80 was valid at the time of the crash, the law enforcement agency
81 may void the citation.

82 (4) (a) ~~(b)~~ One or more counties may enter into an agreement
83 with the appropriate state agency to be certified by the agency
84 to have a traffic records center for the purpose of tabulating

85 and analyzing countywide traffic crash reports. The agreement
 86 must include: certification by the agency that the center has
 87 adequate auditing and monitoring mechanisms in place to ensure
 88 the quality and accuracy of the data; the time period in which
 89 the traffic records center must report crash data to the agency;
 90 and the medium in which the traffic records must be submitted to
 91 the agency.

92 (b) In the case of a county or multicounty area that has a
 93 certified central traffic records center, a law enforcement
 94 agency or driver must submit to the center within the time limit
 95 prescribed in this section a written report of the crash. A
 96 driver who is required to file a crash report must be notified
 97 of the proper place to submit the completed report.

98 (c) Fees for copies of public records provided by a
 99 certified traffic records center shall be charged and collected
 100 as follows:

- 101
- 102 For a crash report....\$2 per copy.
- 103 For a homicide report....\$25 per copy.
- 104 For a uniform traffic citation....\$0.50 per copy.
- 105

106 The fees collected for copies of the public records provided by
 107 a certified traffic records center shall be used to fund the
 108 center or otherwise as designated by the county or counties
 109 participating in the center.

110 (5) (a) (e) ~~Crash reports that required by this section~~
 111 ~~which~~ reveal the identity, home or employment telephone number
 112 or home or employment address of, or other personal information

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113 concerning the parties involved in the crash and that ~~which~~ are
114 held received or prepared by any agency that regularly receives
115 or prepares information from or concerning the parties to motor
116 vehicle crashes are confidential and exempt from s. 119.07(1)
117 and s. 24(a), Art. I of the State Constitution for a period of
118 60 days after the date the report is filed.

119 (b) Crash ~~However, such~~ reports held by an agency under
120 paragraph (a) may be made immediately available to the parties
121 involved in the crash, their legal representatives, their
122 licensed insurance agents, their insurers or insurers to which
123 they have applied for coverage, persons under contract with such
124 insurers to provide claims or underwriting information,
125 prosecutorial authorities, victim services programs, radio and
126 television stations licensed by the Federal Communications
127 Commission, newspapers qualified to publish legal notices under
128 ss. 50.011 and 50.031, and free newspapers of general
129 circulation, published once a week or more often, available and
130 of interest to the public generally for the dissemination of
131 news. For the purposes of this section, the following products
132 or publications are not newspapers as referred to in this
133 section: those intended primarily for members of a particular
134 profession or occupational group; those with the primary purpose
135 of distributing advertising; and those with the primary purpose
136 of publishing names and other personal identifying information
137 concerning parties to motor vehicle crashes.

138 (c) Any local, state, or federal agency, ~~victim services~~
139 ~~program, agent, or employee~~ that is authorized to have access to
140 crash ~~such~~ reports by any provision of law shall be granted such

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141 access in the furtherance of the agency's statutory duties
142 ~~notwithstanding the provisions of this paragraph. Any local,~~
143 ~~state, or federal agency, agent, or employee receiving such~~
144 ~~crash reports shall maintain the confidential and exempt status~~
145 ~~of those reports and shall not disclose such crash reports to~~
146 ~~any person or entity.~~

147 (d) As a condition precedent to accessing a crash report
148 within 60 days after the date the report is filed, a person must
149 present a valid driver's license or other photographic
150 identification, proof of status, or identification that
151 demonstrates his or her qualifications to access that
152 information, and file a written sworn statement with the state
153 or local agency in possession of the information stating that
154 information from a crash report made confidential and exempt by
155 this section will not be used for any commercial solicitation of
156 accident victims, or knowingly disclosed to any third party for
157 the purpose of such solicitation, during the period of time that
158 the information remains confidential and exempt. In lieu of
159 requiring the written sworn statement, an agency may provide
160 crash reports by electronic means to third-party vendors under
161 contract with one or more insurers, but only when such contract
162 states that information from a crash report made confidential
163 and exempt by this section will not be used for any commercial
164 solicitation of accident victims by the vendors, or knowingly
165 disclosed by the vendors to any third party for the purpose of
166 such solicitation, during the period of time that the
167 information remains confidential and exempt, and only when a

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168 copy of such contract is furnished to the agency as proof of the
169 vendor's claimed status.

170 (e) This subsection does not prevent the dissemination or
171 publication of news to the general public by any legitimate
172 media entitled to access confidential and exempt information
173 pursuant to this section. ~~A law enforcement officer as defined
174 in s. 943.10(1) may enforce this subsection. This exemption is
175 subject to the Open Government Sunset Review Act of 1995 in
176 accordance with s. 119.15, and shall stand repealed on October
177 2, 2006, unless reviewed and saved from repeal through
178 reenactment by the Legislature.~~

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

183 (b) Any employee of a state or local agency in possession
184 of information made confidential and exempt by this section who
185 knowingly discloses such confidential and exempt information to
186 a person not entitled to access such information under this
187 section is guilty of a felony of the third degree, punishable as
188 provided in s. 775.082, s. 775.083, or s. 775.084.

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

194 (d) ~~(f)~~ Any person who knowingly uses confidential and
195 exempt information in violation of a filed written sworn

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196 statement or contractual agreement required by this section
197 commits a felony of the third degree, punishable as provided in
198 s. 775.082, s. 775.083, or s. 775.084.

199 (7)~~(4)~~ Except as specified in this subsection, each crash
200 report made by a person involved in a crash and any statement
201 made by such person to a law enforcement officer for the purpose
202 of completing a crash report required by this section shall be
203 without prejudice to the individual so reporting. No such report
204 or statement shall be used as evidence in any trial, civil or
205 criminal. However, subject to the applicable rules of evidence,
206 a law enforcement officer at a criminal trial may testify as to
207 any statement made to the officer by the person involved in the
208 crash if that person's privilege against self-incrimination is
209 not violated. The results of breath, urine, and blood tests
210 administered as provided in s. 316.1932 or s. 316.1933 are not
211 confidential and shall be admissible into evidence in accordance
212 with the provisions of s. 316.1934(2). Crash reports made by
213 persons involved in crashes shall not be used for commercial
214 solicitation purposes; however, the use of a crash report for
215 purposes of publication in a newspaper or other news periodical
216 or a radio or television broadcast shall not be construed as
217 "commercial purpose."

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

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

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

227 Section 2. Paragraph (a) of subsection (1) of section
 228 324.051, Florida Statutes, is amended to read:

229 324.051 Reports of crashes; suspensions of licenses and
 230 registrations.--

231 (1) (a) Every law enforcement officer who, in the regular
 232 course of duty either at the time of and at the scene of the
 233 crash or thereafter by interviewing participants or witnesses,
 234 investigates a motor vehicle crash which he or she is required
 235 to report pursuant to s. 316.066(3)~~(a)~~ shall forward a written
 236 report of the crash to the department within 10 days of
 237 completing the investigation. However, when the investigation of
 238 a crash will take more than 10 days to complete, a preliminary
 239 copy of the crash report shall be forwarded to the department
 240 within 10 days of the occurrence of the crash, to be followed by
 241 a final report within 10 days after completion of the
 242 investigation. The report shall be on a form and contain
 243 information consistent with the requirements of s. 316.068.

244 Section 3. Paragraph (c) of subsection (3) of section
 245 921.0022, Florida Statutes, is amended to read:

246 921.0022 Criminal Punishment Code; offense severity
 247 ranking chart.--

248 (3) OFFENSE SEVERITY RANKING CHART

249

Florida	Felony	Description
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	Statute	Degree	
250			(c) LEVEL 3
251	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
252	<u>316.066 (6) (a) -</u> <u>(d) (3) (d) - (f)</u>	3rd	Unlawfully obtaining or using confidential crash reports.
253	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
254	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
255	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
256	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
257	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
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259	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
260	327.35 (2) (b)	3rd	Felony BUI.
261	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
262	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
263	370.12 (1) (e) 5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
	370.12 (1) (e) 6.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.

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264	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
265	400.903 (3)	3rd	Operating a clinic without a license or filing false license application or other required information.
266	440.105 (3) (b)	3rd	Receipt of fee or consideration without approval by judge of compensation claims.
267	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
268	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
269	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
270	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.

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271	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
272	697.08	3rd	Equity skimming.
273	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
274	796.05 (1)	3rd	Live on earnings of a prostitute.
275	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
276	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
277	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
278	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
279	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less

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			than \$10,000.
280	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.
281	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
282	817.233	3rd	Burning to defraud insurer.
283	817.234 (8) (b) - (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
284	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
285	817.236	3rd	Filing a false motor vehicle insurance application.
286	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
287	817.413 (2)	3rd	Sale of used goods as new.
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289	817.505 (4)	3rd	Patient brokering.
290	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
291	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
292	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
293	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
294	843.19	3rd	Injure, disable, or kill police dog or horse.
295	860.15 (3)	3rd	Overcharging for repairs and parts.
296	870.01 (2)	3rd	Riot; inciting or encouraging.
	893.13 (1) (a) 2.	3rd	Sell, manufacture, or deliver cannabis (or other s.

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893.03(1)(c), (2)(c)1., (2)(c)2.,
 (2)(c)3., (2)(c)5., (2)(c)6.,
 (2)(c)7., (2)(c)8., (2)(c)9., (3),
 or (4) drugs).

297

893.13(1)(d)2. 2nd

Sell, manufacture, or deliver s.
 893.03(1)(c), (2)(c)1., (2)(c)2.,
 (2)(c)3., (2)(c)5., (2)(c)6.,
 (2)(c)7., (2)(c)8., (2)(c)9., (3),
 or (4) drugs within 1,000 feet of
 university.

298

893.13(1)(f)2. 2nd

Sell, manufacture, or deliver s.
 893.03(1)(c), (2)(c)1., (2)(c)2.,
 (2)(c)3., (2)(c)5., (2)(c)6.,
 (2)(c)7., (2)(c)8., (2)(c)9., (3),
 or (4) drugs within 1,000 feet of
 public housing facility.

299

893.13(6)(a) 3rd

Possession of any controlled
 substance other than felony
 possession of cannabis.

300

893.13(7)(a)8. 3rd

Withhold information from
 practitioner regarding previous
 receipt of or prescription for a
 controlled substance.

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302	893.13 (7) (a) 9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
303	893.13 (7) (a) 10.	3rd	Affix false or forged label to package of controlled substance.
304	893.13 (7) (a) 11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
305	893.13 (8) (a) 1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
306	893.13 (8) (a) 2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
	893.13 (8) (a) 3.	3rd	Knowingly write a prescription for a controlled substance for a

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fictitious person.

307

893.13 (8) (a) 4. 3rd Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.

308

918.13 (1) (a) 3rd Alter, destroy, or conceal investigation evidence.

309

944.47 (1) (a) 1.-2. 3rd Introduce contraband to correctional facility.

310

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

311

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

312

313 Section 4. This act shall take effect October 1, 2006.