

1                                   A bill to be entitled  
 2           An act relating to a review under the Open Government  
 3           Sunset Review Act regarding motor vehicle crash reports;  
 4           amending s. 316.066, F.S., which provides an exemption  
 5           from public records requirements for required motor  
 6           vehicle crash reports that reveal the identity, home or  
 7           employment telephone number, or home or employment address  
 8           of, or other personal information concerning, parties  
 9           involved in a motor vehicle crash and that are held by any  
 10          agency that regularly receives or prepares information  
 11          from or concerning the parties to motor vehicle crashes;  
 12          reorganizing provisions, making editorial and conforming  
 13          changes, and removing superfluous language; removing the  
 14          scheduled repeal of the exemption under the Open  
 15          Government Sunset Review Act; amending ss. 324.051 and  
 16          921.0022, F.S.; conforming cross-references; providing an  
 17          effective date.

18  
 19   Be It Enacted by the Legislature of the State of Florida:

20  
 21           Section 1.   Section 316.066, Florida Statutes, is amended  
 22   to read:

23           316.066   Written reports of crashes.--

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

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

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 For a crash report....\$2 per copy.

102 For a homicide report....\$25 per copy.

103 For a uniform traffic citation....\$0.50 per copy.

104  
 105 The fees collected for copies of the public records provided by  
 106 a certified traffic records center shall be used to fund the  
 107 center or otherwise as designated by the county or counties  
 108 participating in the center.

109 (5) (a)-(e) Crash reports that ~~required by this section~~  
 110 ~~which~~ reveal the identity, home or employment telephone number  
 111 or home or employment address of, or other personal information  
 112 concerning the parties involved in the crash and that ~~which~~ are

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

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

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

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

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

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

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

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

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

193        (d) ~~(f)~~ Any person who knowingly uses confidential and  
194 exempt information in violation of a filed written sworn  
195 statement or contractual agreement required by this section  
196 commits a felony of the third degree, punishable as provided in

197 s. 775.082, s. 775.083, or s. 775.084.

198 ~~(7)(4)~~ Except as specified in this subsection, each crash  
 199 report made by a person involved in a crash and any statement  
 200 made by such person to a law enforcement officer for the purpose  
 201 of completing a crash report required by this section shall be  
 202 without prejudice to the individual so reporting. No such report  
 203 or statement shall be used as evidence in any trial, civil or  
 204 criminal. However, subject to the applicable rules of evidence,  
 205 a law enforcement officer at a criminal trial may testify as to  
 206 any statement made to the officer by the person involved in the  
 207 crash if that person's privilege against self-incrimination is  
 208 not violated. The results of breath, urine, and blood tests  
 209 administered as provided in s. 316.1932 or s. 316.1933 are not  
 210 confidential and shall be admissible into evidence in accordance  
 211 with the provisions of s. 316.1934(2). Crash reports made by  
 212 persons involved in crashes shall not be used for commercial  
 213 solicitation purposes; however, the use of a crash report for  
 214 purposes of publication in a newspaper or other news periodical  
 215 or a radio or television broadcast shall not be construed as  
 216 "commercial purpose."

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

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

222 ~~(6) Any driver failing to file the written report required~~  
 223 ~~under subsection (1) or subsection (2) commits a noncriminal~~  
 224 ~~traffic infraction, punishable as a nonmoving violation as~~



225 ~~provided in chapter 318.~~

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

228 324.051 Reports of crashes; suspensions of licenses and  
 229 registrations.--

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

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

245 921.0022 Criminal Punishment Code; offense severity  
 246 ranking chart.--

247 (3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
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		(c) LEVEL 3
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250	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
251	<u>316.066 (6) (b) - (d)</u>		
252	<del>(3) (d) - (f)</del>	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.
	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification

255	319.33 (1) (a)	3rd	number plate removed.
256	319.33 (1) (c)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
257	319.33 (4)	3rd	Procure or pass title on stolen vehicle.
258	327.35 (2) (b)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
259	328.05 (2)	3rd	Felony BUI.  Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of

260	328.07(4)	3rd	<p>vessels.</p> <p>Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.</p>
261	370.12(1)(e)5.	3rd	<p>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.</p>
262	370.12(1)(e)6.	3rd	<p>Soliciting to commit or conspiring to commit a violation of the Marine</p>

263	376.302 (5)	3rd	Turtle Protection Act.
264	400.903 (3)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
265	440.105 (3) (b)	3rd	Operating a clinic without a license or filing false license application or other required information.
266	440.1051 (3)	3rd	Receipt of fee or consideration without approval by judge of compensation claims.
			False report of workers' compensation fraud

267	501.001 (2) (b)	2nd	or retaliation for making such a report.
268	624.401 (4) (a)	3rd	Tampers with a consumer product or the container using materially false/misleading information.
269	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority.
270	626.902 (1) (a) & (b)	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
271			Representing an unauthorized insurer.

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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.

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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 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.
	817.234 (8) (b) - (c)	3rd	Unlawful solicitation of persons involved in



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283	817.234 (11) (a)	3rd	motor vehicle accidents.
284	817.236	3rd	Insurance fraud; property value less than \$20,000.
285	817.2361	3rd	Filing a false motor vehicle insurance application.
286	817.413 (2)	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
287	817.505 (4)	3rd	Sale of used goods as new.
288	828.12 (2)	3rd	Patient brokering.  Tortures any animal with intent to inflict intense pain, serious physical injury, or

289	831.28 (2) (a)	3rd	death. Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
290	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
291	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
292	843.19	3rd	Injure, disable, or kill police dog or horse.
293	860.15 (3)	3rd	Overcharging for repairs and parts.
294			

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295	870.01 (2)	3rd	Riot; inciting or encouraging.
296	893.13 (1) (a) 2.	3rd	Sell, manufacture, or deliver cannabis (or other 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).
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.
	893.13 (1) (f) 2.	2nd	Sell, manufacture, or deliver s. 893.03 (1) (c),

298	893.13 (6) (a)	3rd	<p>(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.</p>
299	893.13 (7) (a) 8.	3rd	<p>Possession of any                  controlled substance                  other than felony                  possession of                  cannabis.</p>
300	893.13 (7) (a) 9.	3rd	<p>Withhold information                  from practitioner                  regarding previous                  receipt of or                  prescription for a                  controlled                  substance.</p> <p>Obtain or attempt to                  obtain controlled                  substance by fraud,                  forgery,</p>

301	893.13 (7) (a) 10.	3rd	misrepresentation, etc.
302	893.13 (7) (a) 11.	3rd	Affix false or forged label to package of controlled substance.
303	893.13 (8) (a) 1.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
			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

304

893.13 (8) (a) 2. 3rd

practitioner's  
practice.

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.

305

893.13 (8) (a) 3. 3rd

Knowingly write a  
prescription for a  
controlled substance  
for a fictitious  
person.

306

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

307

918.13 (1) (a) 3rd

prescription is a  
monetary benefit for  
the practitioner.

Alter, destroy, or  
conceal  
investigation  
evidence.

308

944.47 (1) (a) 1.-2. 3rd

Introduce contraband  
to correctional  
facility.

309

944.47 (1) (c) 2nd

Possess contraband  
while upon the  
grounds of a  
correctional  
institution.

310

985.3141 3rd

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

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312

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

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