

ENROLLED
 HB 7035, Engrossed 2

2006 Legislature

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

ENROLLED
 HB 7035, Engrossed 2

2006 Legislature

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

ENROLLED

HB 7035, Engrossed 2

2006 Legislature

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

ENROLLED
 HB 7035, Engrossed 2

2006 Legislature

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

ENROLLED
 HB 7035, Engrossed 2

2006 Legislature

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

ENROLLED

HB 7035, Engrossed 2

2006 Legislature

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.

ENROLLED

HB 7035, Engrossed 2

2006 Legislature

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

ENROLLED
 HB 7035, Engrossed 2

2006 Legislature

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~~

ENROLLED
 HB 7035, Engrossed 2

2006 Legislature

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
-----------------	---------------	-------------

		(c) LEVEL 3
--	--	-------------

249

ENROLLED
 HB 7035, Engrossed 2

2006 Legislature

250	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
251	316.066 <u>(6) (b) - (d)</u>		
252	(3) (d) - (f)	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

ENROLLED
 HB 7035, Engrossed 2

2006 Legislature

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

ENROLLED
 HB 7035, Engrossed 2

2006 Legislature

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>

ENROLLED
 HB 7035, Engrossed 2

2006 Legislature

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

ENROLLED
 HB 7035, Engrossed 2

2006 Legislature

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.

ENROLLED
 HB 7035, Engrossed 2

2006 Legislature

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.

ENROLLED
 HB 7035, Engrossed 2

2006 Legislature

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

ENROLLED
 HB 7035, Engrossed 2

2006 Legislature

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

ENROLLED
 HB 7035, Engrossed 2

2006 Legislature

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			

ENROLLED
 HB 7035, Engrossed 2

2006 Legislature

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),

ENROLLED
 HB 7035, Engrossed 2

2006 Legislature

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>

ENROLLED
 HB 7035, Engrossed 2

2006 Legislature

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

ENROLLED
 HB 7035, Engrossed 2

2006 Legislature

304	893.13 (8) (a) 2.	3rd	practitioner's practice.
305	893.13 (8) (a) 3.	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.
306	893.13 (8) (a) 4.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person. Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the

ENROLLED
 HB 7035, Engrossed 2

2006 Legislature

307	918.13 (1) (a)	3rd	prescription is a monetary benefit for the practitioner.
308	944.47 (1) (a) 1.-2.	3rd	Alter, destroy, or conceal investigation evidence.
309	944.47 (1) (c)	2nd	Introduce contraband to correctional facility.
310	985.3141	3rd	Possess contraband while upon the grounds of a correctional institution.
311			Escapes from a juvenile facility (secure detention or residential commitment facility).
312			
313	Section 4. This act shall take effect October 1, 2006.		

ENROLLED
HB 7035, Engrossed 2

2006 Legislature

314