

596-588-06

1 A bill to be entitled
2 An act relating to a review under the Open
3 Government Sunset Review Act; amending s.
4 316.066, F.S., relating to an exemption from
5 public-records requirements provided for
6 written reports of motor vehicle crashes which
7 are forwarded to the Department of Highway
8 Safety and Motor Vehicles or to a traffic
9 records center; saving the exemption from
10 repeal under the Open Government Sunset Review
11 Act; deleting provisions providing for the
12 repeal of the exemption; providing an effective
13 date.

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

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17 Section 1. Paragraph (c) of subsection (3) of section
18 316.066, Florida Statutes, is amended to read:

19 316.066 Written reports of crashes.--

20 (3)

21 (c) Crash reports required by this section which
22 reveal the identity, home or employment telephone number or
23 home or employment address of, or other personal information
24 concerning the parties involved in the crash and which are
25 received or prepared by any agency that regularly receives or
26 prepares information from or concerning the parties to motor
27 vehicle crashes are confidential and exempt from s. 119.07(1)
28 and s. 24(a), Art. I of the State Constitution for a period of
29 60 days after the date the report is filed. However, such
30 reports may be made immediately available to the parties
31 involved in the crash, their legal representatives, their

1 licensed insurance agents, their insurers or insurers to which
2 they have applied for coverage, persons under contract with
3 such insurers to provide claims or underwriting information,
4 prosecutorial authorities, victim services programs, radio and
5 television stations licensed by the Federal Communications
6 Commission, newspapers qualified to publish legal notices
7 under ss. 50.011 and 50.031, and free newspapers of general
8 circulation, published once a week or more often, available
9 and of interest to the public generally for the dissemination
10 of news. For the purposes of this section, the following
11 products or publications are not newspapers as referred to in
12 this section: those intended primarily for members of a
13 particular profession or occupational group; those with the
14 primary purpose of distributing advertising; and those with
15 the primary purpose of publishing names and other personal
16 identifying information concerning parties to motor vehicle
17 crashes. Any local, state, or federal agency, victim services
18 program, agent, or employee that is authorized to have access
19 to such reports by any provision of law shall be granted such
20 access in the furtherance of the agency's statutory duties
21 notwithstanding the provisions of this paragraph. Any local,
22 state, or federal agency, agent, or employee receiving such
23 crash reports shall maintain the confidential and exempt
24 status of those reports and shall not disclose such crash
25 reports to any person or entity. As a condition precedent to
26 accessing a crash report within 60 days after the date the
27 report is filed, a person must present a valid driver's
28 license or other photographic identification, proof of status,
29 or identification that demonstrates his or her qualifications
30 to access that information, and file a written sworn statement
31 with the state or local agency in possession of the

1 information stating that information from a crash report made
2 confidential by this section will not be used for any
3 commercial solicitation of accident victims, or knowingly
4 disclosed to any third party for the purpose of such
5 solicitation, during the period of time that the information
6 remains confidential. In lieu of requiring the written sworn
7 statement, an agency may provide crash reports by electronic
8 means to third-party vendors under contract with one or more
9 insurers, but only when such contract states that information
10 from a crash report made confidential by this section will not
11 be used for any commercial solicitation of accident victims by
12 the vendors, or knowingly disclosed by the vendors to any
13 third party for the purpose of such solicitation, during the
14 period of time that the information remains confidential, and
15 only when a copy of such contract is furnished to the agency
16 as proof of the vendor's claimed status. This subsection does
17 not prevent the dissemination or publication of news to the
18 general public by any legitimate media entitled to access
19 confidential information pursuant to this section. A law
20 enforcement officer as defined in s. 943.10(1) may enforce
21 this subsection. ~~This exemption is subject to the Open
22 Government Sunset Review Act of 1995 in accordance with s.
23 119.15, and shall stand repealed on October 2, 2006, unless
24 reviewed and saved from repeal through reenactment by the
25 Legislature.~~

26 Section 2. This act shall take effect October 1, 2006.
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SENATE SUMMARY

Removes the repeal under the Open Government Sunset Review Act of the public-records exemption for written reports of motor vehicle crashes forwarded to the Department of Highway Safety and Motor Vehicles or to a traffic records center.