

1 A bill to be entitled
 2 An act relating to public records; creating s. 627.7364,
 3 F.S.; creating a public records exemption for reports of
 4 policy cancellations, policy renewals, and the issuance of
 5 new policies held by the Department of Highway Safety and
 6 Motor Vehicles; providing an exception to the exemption;
 7 providing for future legislative review and repeal;
 8 providing a statement of public necessity; providing a
 9 contingent effective date.

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

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13 Section 1. Section 627.7364, Florida Statutes, is created
 14 to read:

15 627.7364 Emergency care coverage; public records
 16 exemption.--

17 (1) Reports of policy cancellations, policy renewals, and
 18 the issuance of new policies held by the Department of Highway
 19 Safety and Motor Vehicles are confidential and exempt from s.
 20 119.07(1) and s. 24(a), Art. I of the State Constitution.

21 (2) The Department of Highway Safety and Motor Vehicles
 22 shall release, upon a written request by a person involved in a
 23 motor vehicle crash, by the person's attorney, or by a
 24 representative of the person's motor vehicle insurer, the name
 25 of the insurance company and the policy number for the policy
 26 covering the vehicle named by the requesting party. The written
 27 request must include a copy of the appropriate crash form as
 28 provided in s. 316.065, s. 316.066, or s. 316.068.

HB 7217

2007

29 (3) This section is subject to the Open Government Sunset
30 Review Act in accordance with s. 119.15 and shall stand repealed
31 on October 2, 2012, unless reviewed and saved from repeal
32 through reenactment by the Legislature.

33 Section 2. The Legislature finds that it is a public
34 necessity that reports of policy cancellations, policy renewals,
35 and the issuance of new policies held by the Department of
36 Highway Safety and Motor Vehicles be made confidential and
37 exempt from public records requirements. Such reports contain
38 sensitive information regarding individuals who purchase
39 insurance. In addition, such reports contain proprietary
40 information concerning firms and corporations that purchase
41 insurance, as well as proprietary information regarding the
42 insurer. Without this exemption, sensitive information that is
43 not otherwise available would be publicly available pursuant to
44 a public records request. Further, the release of proprietary
45 information regarding the insurer could jeopardize its market
46 standing and participation and involvement in an open and free
47 marketplace. Release of such information could injure the
48 insurer in the marketplace by providing its competitors with
49 detailed client and policy information, thereby diminishing the
50 advantage that the insurer maintains over those who do not
51 possess such information. As such, release of such information
52 would adversely impact the insurer in the marketplace.

53 Section 3. This act shall take effect on the same date
54 that HB 7215 or similar legislation takes effect, if such
55 legislation is adopted in the same legislative session or an
56 extension thereof and becomes law.