

A bill to be entitled

An act relating to a public records exemption; creating s. 324.242, F.S.; creating a public records exemption for certain information regarding personal injury protection and property damage liability insurance policies held by the Department of Highway Safety and Motor Vehicles; authorizing conditional release of confidential and exempt information to specified persons; providing for retroactive application of the exemption; providing for future review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Section 324.242, Florida Statutes, is created to read:

324.242 Personal injury protection and property damage liability insurance policies; public records exemption.--

(1) The following information regarding personal injury protection and property damage liability insurance policies held by the department is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(a) Personal identifying information of an insured or former insured;

(b) An insurance policy number; and

(c) Information that identifies the insurer.

28        (2) Upon receipt of a written request and a copy of a  
29 crash report as required under s. 316.065, s. 316.066, or s.  
30 316.068, the department shall release the name of the insurer  
31 and the policy number for a policy covering a vehicle involved  
32 in a motor vehicle accident to:

33        (a) Any person involved in such accident;

34        (b) The attorney of any person involved in such accident;

35 or

36        (c) A representative of the insurer of any person involved  
37 in such accident.

38        (3) This exemption applies to personal identifying  
39 information of an insured or former insured, insurance policy  
40 numbers, and information that identifies an insurer held by the  
41 department before, on, or after the effective date of this  
42 section.

43        (4) This section is subject to the Open Government Sunset  
44 Review Act in accordance with s. 119.15 and shall stand repealed  
45 on October 2, 2012, unless reviewed and saved from repeal  
46 through reenactment by the Legislature.

47        Section 2. The Legislature finds that it is a public  
48 necessity to make confidential and exempt from public records  
49 requirements certain information regarding personal injury  
50 protection and property damage liability insurance policies held  
51 by the Department of Highway Safety and Motor Vehicles. In order  
52 to effectively and efficiently administer and enforce personal  
53 injury protection and property damage liability insurance  
54 coverage requirements, the Legislature finds that it is a public  
55 necessity to protect the release of personal identifying

56 information of an insured or former insured, the insurance  
57 policy number of an insured, and information identifying an  
58 insurer. In order to ensure public safety on the roads and  
59 highways of this state, it is imperative that automobile drivers  
60 be properly insured for damage to personal and real property, as  
61 well as personal injury. As such, insurers are required to  
62 report to the Department of Highway Safety and Motor Vehicles  
63 and verify the issuance of a new policy to a driver, as well as  
64 the renewal, nonrenewal, or cancellation of that policy. When  
65 this information is compiled it could result in a customer list  
66 of every insurer in the state. Customer lists contain detailed  
67 client and policy information that is traditionally considered  
68 proprietary business information because such lists could be  
69 used by competitors to solicit customers. Consequently, the  
70 release of that information could injure the insurer in the  
71 marketplace by diminishing the advantage the insurer maintains  
72 over those who do not possess such information. Therefore, the  
73 Legislature finds that it is a public necessity to prevent the  
74 release of such information held by the Department of Highway  
75 Safety and Motor Vehicles and thereby makes such information  
76 confidential and exempt from the requirements of s. 119.07(1),  
77 Florida Statutes, and s. 24(a), Art. I of the State  
78 Constitution.

79 Section 3. This act shall take effect on the same date  
80 that HB 13C or similar legislation takes effect, if such  
81 legislation is adopted in the same legislative session or an  
82 extension thereof and becomes law.