

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; and

(b) An insurance policy number.

(2) Upon receipt of a written request and a copy of a crash report as required under s. 316.065, s. 316.066, or s.

29 316.068, the department shall release the policy number for a
 30 policy covering a vehicle involved in a motor vehicle accident
 31 to:

- 32 (a) Any person involved in such accident;
- 33 (b) The attorney of any person involved in such accident;

34 or

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

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

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 42 Review Act in accordance with s. 119.15 and shall stand repealed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

45 Section 2. The Legislature finds that it is a public
 46 necessity to make confidential and exempt from public records
 47 requirements certain information regarding personal injury
 48 protection and property damage liability insurance policies held
 49 by the Department of Highway Safety and Motor Vehicles. In order
 50 to effectively and efficiently administer and enforce personal
 51 injury protection and property damage liability insurance
 52 coverage requirements, the Legislature finds that it is a public
 53 necessity to protect the release of personal identifying
 54 information of an insured or former insured and the insurance
 55 policy number of an insured. In order to ensure public safety on
 56 the roads and highways of this state, it is imperative that

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

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