By Senator Posey

597-425A-08

1	A bill to be entitled
2	An act relating to public records; creating s.
3	324.242, F.S.; creating a public-records
4	exemption for certain information held by the
5	Department of Highway Safety and Motor Vehicles
6	which concerns a person insured or formerly
7	insured by a personal injury protection or
8	property damage liability insurance policy;
9	providing for retroactive application of the
10	exemption; providing for future review and
11	repeal of the exemption under the Open
12	Government Sunset Review Act; providing a
13	statement of public necessity; providing a
14	contingent effective date.
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16	Be It Enacted by the Legislature of the State of Florida:
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18	Section 1. Section 324.242, Florida Statutes, is
19	created to read:
20	324.242 Personal injury protection and property damage
21	liability insurance policies; public-records exemption
22	(1) Personal identifying information held by the
23	department which concerns a person insured or formerly insured
24	by a personal injury protection or property damage liability
25	insurance policy is confidential and exempt from s. 119.07(1)
26	and s. 24(a), Art. I of the State Constitution.
27	(2) This exemption applies to such confidential and
28	exempt information held by the department before, on, or after
29	the effective date of this section.
30	(3) This section is subject to the Open Government
31	Sunset Review Act in accordance with s. 119.15, and shall

stand repealed on October 2, 2012, unless reviewed and saved 2 from repeal through reenactment by the Legislature. 3 Section 2. The Legislature finds that it is a public 4 necessity to make confidential and exempt from public-records 5 requirements certain information held by the Department of 6 Highway Safety and Motor Vehicles which concerns a person 7 insured or formerly insured by a personal injury protection or property damage liability insurance policy. In order to 8 effectively and efficiently administer and enforce personal 9 10 injury protection and property damage liability insurance coverage requirements, the Legislature finds that it is a 11 12 public necessity to protect the release of personal 13 identifying information concerning an insured or former insured. In order to ensure public safety on the roads and 14 highways of this state, it is imperative that automobile 15 drivers be properly insured against damage to personal and 16 real property, as well as personal injury. As such, insurers 18 are required to report to the department and verify the issuance of a new policy to a driver, as well as the renewal, 19 nonrenewal, or cancellation of that policy. When this 2.0 21 information is compiled, it could result in a customer list for every insurer in the state. Customer lists contain 2.2 23 detailed client and policy information that is traditionally considered proprietary business information because such lists 2.4 could be used by competitors to solicit customers. As such, 2.5 the release of that information could injure the insurer in 26 2.7 the marketplace by diminishing the advantage that the insurer 2.8 maintains over those who do not possess such information. Therefore, the Legislature finds that it is a public necessity 29 to protect the release of such information held by the 30 Department of Highway Safety and Motor Vehicles. 31

Section 3. This act shall take effect on the same date that SB  $\_\_$  or similar legislation takes effect if such legislation is adopted in the same legislative session or an extension thereof and becomes law.