

By the Committee on Banking and Insurance; and Senator Posey

597-494-08

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A bill to be entitled
An act relating to public records; creating s.
324.242, F.S.; creating a public-records
exemption for certain information held by the
Department of Highway Safety and Motor Vehicles
which concerns a person insured or formerly
insured by a personal injury protection or
property damage liability insurance policy;
providing for retroactive application of the
exemption; providing for future review and
repeal of the exemption under the Open
Government Sunset Review Act; 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) Personal identifying information held by the
department which concerns a person insured or formerly insured
by a personal injury protection or property damage liability
insurance policy is confidential and exempt from s. 119.07(1)
and s. 24(a), Art. I of the State Constitution.

(2) This exemption applies to such confidential and
exempt information held by the department before, on, or after
the effective date of this section.

(3) This section is subject to the Open Government
Sunset Review Act in accordance with s. 119.15, and shall

1 stand repealed on October 2, 2012, unless reviewed and saved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
8 property damage liability insurance policy. In order to
9 effectively and efficiently administer and enforce personal
10 injury protection and property damage liability insurance
11 coverage requirements, the Legislature finds that it is a
12 public necessity to protect the release of personal
13 identifying information concerning an insured or former
14 insured. In order to ensure public safety on the roads and
15 highways of this state, it is imperative that automobile
16 drivers be properly insured against damage to personal and
17 real property, as well as personal injury. As such, insurers
18 are required to report to the department and verify the
19 issuance of a new policy to a driver, as well as the renewal,
20 nonrenewal, or cancellation of that policy. When this
21 information is compiled, it could result in a customer list
22 for every insurer in the state. Customer lists contain
23 detailed client and policy information that is traditionally
24 considered proprietary business information because such lists
25 could be used by competitors to solicit customers. As such,
26 the release of that information could injure the insurer in
27 the marketplace by diminishing the advantage that the insurer
28 maintains over those who do not possess such information.
29 Therefore, the Legislature finds that it is a public necessity
30 to protect the release of such information held by the
31 Department of Highway Safety and Motor Vehicles.

1 Section 3. This act shall take effect on the same date
2 that SB 40-C or similar legislation takes effect if such
3 legislation is adopted in the same legislative session or an
4 extension thereof and becomes law.
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