

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 324.242, F.S.; providing an exemption from public
 4 records requirements for personal identifying
 5 information of individuals insured or formerly insured
 6 under a mandatory emergency payments insurance policy,
 7 and policy numbers of such insurance policies, held by
 8 the Department of Highway Safety and Motor Vehicles;
 9 authorizing the department to release a policy number
 10 under specified conditions; providing for retroactive
 11 effect of the exemption; providing for future review
 12 and repeal of the exemption; providing a statement of
 13 public necessity; providing a contingent effective
 14 date.

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

17
 18 Section 1. Section 324.242, Florida Statutes, is amended
 19 to read:

20 324.242 Mandatory emergency payments ~~Personal injury~~
 21 ~~protection~~ and property damage liability insurance policies;
 22 public records exemption.—

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

28 (a) Personal identifying information of an insured or

29 former insured; and

30 (b) An insurance policy number.

31 (2) Upon receipt of a written request and a copy of a
 32 crash report as required under s. 316.065, s. 316.066, or s.
 33 316.068, the department shall release the policy number for a
 34 policy covering a vehicle involved in a motor vehicle accident
 35 to:

36 (a) Any person involved in such accident;

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

38 or

39 (c) A representative of the insurer of any person involved
 40 in such accident.

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

45 (4) This section is subject to the Open Government Sunset
 46 Review Act in accordance with s. 119.15 and shall stand repealed
 47 on October 2, 2017 ~~2012~~, unless reviewed and saved from repeal
 48 through reenactment by the Legislature.

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

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57 identifying information of an insured or former insured and the
58 insurance policy number of an insured. In order to ensure public
59 safety on the roads and highways of this state, it is imperative
60 that automobile drivers be properly insured for mandatory
61 emergency payments. As such, insurers are required to report to
62 the Department of Highway Safety and Motor Vehicles and verify
63 the issuance of a new policy to a driver, as well as the
64 renewal, nonrenewal, or cancellation of that policy. When this
65 information is compiled, it could result in a customer list of
66 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 1007 or similar legislation takes effect, if such
81 legislation is adopted in the same legislative session or an
82 extension thereof and becomes law.