

By the Committee on Banking and Insurance

597-04478A-13

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1 A bill to be entitled

2 An act relating to public records; amending s.  
3 324.242, F.S.; providing a public records exemption  
4 for certain information regarding bodily injury  
5 liability insurance policies; providing for future  
6 legislative review and repeal of the exemption for  
7 information regarding certain liability insurance  
8 policies under the Open Government Sunset Review Act;  
9 providing a statement of public necessity; providing a  
10 contingent effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14 Section 1. Section 324.242, Florida Statutes, is amended to  
15 read:

16 324.242 Personal injury protection and property damage  
17 liability insurance policies; public records exemption.—

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

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

25 (b) An insurance policy number.

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

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30 (a) Any person involved in such accident;

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

32 or

33 (c) A representative of the insurer of any person involved  
34 in such accident.

35 (3) This exemption applies to personal identifying  
36 information of an insured or former insured and insurance policy  
37 numbers held by the department before, on, or after October 11,  
38 2007.

39 (4) This section is subject to the Open Government Sunset  
40 Review Act in accordance with s. 119.15 and shall stand repealed  
41 on October 2, 2018, unless reviewed and saved from repeal  
42 through reenactment by the Legislature.

43 Section 2. The Legislature finds and declares that it is a  
44 public necessity to make certain information regarding bodily  
45 injury liability insurance policies held by the Department of  
46 Highway Safety and Motor Vehicles confidential and exempt from  
47 the requirements of s. 119.07(1), Florida Statutes, and s.  
48 24(a), Article I of the State Constitution. In order to ensure  
49 public safety on the roads and highways of this state, it is  
50 imperative that automobile drivers be properly insured for  
51 liability for bodily injury, as well as damage to real property.  
52 As such, insurers are required to report to the Department of  
53 Highway Safety and Motor Vehicles and verify the issuance of a  
54 new policy to a driver, as well as the renewal, nonrenewal, or  
55 cancellation of that policy. Such information includes the  
56 personal identifying information of an insured or former insured  
57 as well as the insurance policy number of the insured. If this  
58 information is compiled, it could result in a customer list of

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59 every insurer in the state. Customer lists contain detailed  
60 client and policy information that is traditionally considered  
61 proprietary business information because such lists could be  
62 used by competitors to solicit customers. Consequently, the  
63 release of that information could injure the insurer in the  
64 marketplace by diminishing the advantage that the insurer  
65 maintains over those who do not possess such information.  
66 Further, public access to such information could be used to  
67 perpetuate fraud against an insured and put him or her at risk  
68 or to make the insured the target of uninvited solicitations  
69 from other insurers or from others seeking to profit from motor  
70 vehicle accidents.

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