

**FOR CONSIDERATION By** the Committee on Banking and Insurance

597-03132-13

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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 and deleting the  
6           exemption for personal injury protection policies;  
7           providing for future legislative review and repeal of  
8           the exemption for information regarding certain  
9           liability insurance policies under the Open Government  
10          Sunset Review Act; providing a statement of public  
11          necessity; providing a contingent effective date.

12

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

14

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

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

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

24           (b) An insurance policy number.

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

29           (a) Any person involved in such accident;

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

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

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

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39 Review Act in accordance with s. 119.15 and shall stand repealed  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

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

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

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