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CS/CS/CS/HB 865

2014 Legislature

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2 An act relating to public records; amending s.
3 316.066, F.S.; providing an exemption from public
4 records requirements for certain personal contact
5 information contained in motor vehicle crash reports;
6 providing for future legislative review and repeal of
7 the exemption; providing a statement of public
8 necessity; providing a contingent effective date.
9

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

12 Section 1. Paragraph (b) of subsection (2) of section
13 316.066, Florida Statutes, is amended, and paragraph (f) is
14 added to that subsection, to read:

15 316.066 Written reports of crashes.—

16 (2)

17 (b) Crash reports held by an agency under paragraph (a)
18 may be made immediately available to the parties involved in the
19 crash, their legal representatives, their licensed insurance
20 agents, their insurers or insurers to which they have applied
21 for coverage, persons under contract with such insurers to
22 provide claims or underwriting information, prosecutorial
23 authorities, law enforcement agencies, the Department of
24 Transportation, county traffic operations, victim services
25 programs, radio and television stations licensed by the Federal
26 Communications Commission, newspapers qualified to publish legal

ENROLLED

CS/CS/CS/HB 865

2014 Legislature

27 notices under ss. 50.011 and 50.031, and, in accordance with
28 paragraph (f), free newspapers of general circulation, published
29 once a week or more often, of which at least 7,500 copies are
30 distributed by mail or by carrier as verified by a postal
31 statement or by a notarized printer's statement of press run,
32 which are intended to be generally distributed and circulated,
33 and which contain news of general interest with at least 10
34 pages per publication, available and of interest to the public
35 generally for the dissemination of news. For the purposes of
36 this section, the following products or publications are not
37 newspapers as referred to in this section: those intended
38 primarily for members of a particular profession or occupational
39 group; those with the primary purpose of distributing
40 advertising; and those with the primary purpose of publishing
41 names and other personal identifying information concerning
42 parties to motor vehicle crashes.

43 (f) Free newspapers of general circulation published once
44 a week or more often, of which at least 7,500 copies are
45 distributed by mail or by carrier as verified by a postal
46 statement or by a notarized printer's statement of press run,
47 which are intended to be generally distributed and circulated,
48 which contain news of general interest with at least 10 pages
49 per publication, available and of interest to the public
50 generally for the dissemination of news, and which request 10 or
51 more crash reports within a 24-hour period before 60 days have
52 elapsed after the report is filed may not have access to the

ENROLLED

CS/CS/CS/HB 865

2014 Legislature

53 home, cellular, employment, or other telephone number or the
54 home or employment address of any of the parties involved in the
55 crash. This paragraph is subject to the Open Government Sunset
56 Review Act in accordance with s. 119.15 and shall stand repealed
57 on October 2, 2019, unless reviewed and saved from repeal
58 through reenactment by the Legislature.

59 Section 2. The Legislature finds that a crash report that
60 reveals the home, cellular, employment, or other telephone
61 number or the home or employment address of any of the parties
62 involved in a crash and that is held by an agency that regularly
63 receives or prepares information from or concerning the parties
64 involved in motor vehicle crashes is confidential and exempt
65 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
66 the State Constitution for 60 days after the date that the
67 report is filed. Public access to such information during that
68 60-day period by free newspapers of general circulation,
69 published once a week or more often, of which at least 7,500
70 copies are distributed by mail or by carrier as verified by a
71 postal statement or by a notarized printer's statement of press
72 run, which are intended to be generally distributed and
73 circulated, which contain news of general interest with at least
74 10 pages per publication, available and of interest to the
75 public generally for the dissemination of news, and which
76 request 10 or more crash reports within a 24-hour period before
77 60 days have elapsed after the report is filed should be
78 restricted to combat widespread insurance fraud that occurs when

ENROLLED

CS/CS/CS/HB 865

2014 Legislature

79 the information is unlawfully used to contact the parties
80 involved in a crash. The exemption protects the parties involved
81 in a crash from those who would unlawfully solicit personal
82 injury protection insurance claims. Accordingly, the Legislature
83 finds that the harm to parties involved in a crash which could
84 result from the release of such information outweighs any
85 minimal public benefit that would be derived from disclosure of
86 that information to the public. Therefore, it is the finding of
87 the Legislature that such information must be made confidential
88 and exempt from public records requirements.

89 Section 3. This act shall take effect on the same date
90 that HB 863 or similar legislation takes effect, if such
91 legislation is adopted in the same legislative session or an
92 extension thereof and becomes law.