

By Senator Galvano

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1 A bill to be entitled
2 An act relating to motor vehicle crash reports;
3 amending s. 316.066, F.S.; requiring a statement to be
4 completed and sworn to for each confidential crash
5 report requested within a certain time period;
6 requiring the Department of Highway Safety and Motor
7 Vehicles to deliver a notice regarding unlawful
8 solicitations to persons involved in certain motor
9 vehicle crashes; providing an effective date.

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

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13 Section 1. Subsection (2) of section 316.066, Florida
14 Statutes, is amended to read:

15 316.066 Written reports of crashes.—

16 (2) (a) Crash reports that reveal the identity, home or
17 employment telephone number or home or employment address of, or
18 other personal information concerning the parties involved in
19 the crash and that are held by any agency that regularly
20 receives or prepares information from or concerning the parties
21 to motor vehicle crashes are confidential and exempt from s.
22 119.07(1) and s. 24(a), Art. I of the State Constitution for a
23 period of 60 days after the date the report is filed.

24 (b) Crash reports held by an agency under paragraph (a) may
25 be made immediately available to the parties involved in the
26 crash, their legal representatives, their licensed insurance
27 agents, their insurers or insurers to which they have applied
28 for coverage, persons under contract with such insurers to
29 provide claims or underwriting information, prosecutorial

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30 authorities, law enforcement agencies, the Department of
31 Transportation, county traffic operations, victim services
32 programs, radio and television stations licensed by the Federal
33 Communications Commission, newspapers qualified to publish legal
34 notices under ss. 50.011 and 50.031, and free newspapers of
35 general circulation, published once a week or more often,
36 available and of interest to the public generally for the
37 dissemination of news. For the purposes of this section, the
38 following products or publications are not newspapers as
39 referred to in this section: those intended primarily for
40 members of a particular profession or occupational group; those
41 with the primary purpose of distributing advertising; and those
42 with the primary purpose of publishing names and other personal
43 identifying information concerning parties to motor vehicle
44 crashes.

45 (c) Any local, state, or federal agency that is authorized
46 to have access to crash reports by any provision of law shall be
47 granted such access in the furtherance of the agency's statutory
48 duties.

49 (d) As a condition precedent to accessing a crash report
50 within 60 days after the date the report is filed, a person must
51 present a valid driver license or other photographic
52 identification, proof of status, or identification that
53 demonstrates his or her qualifications to access that
54 information, ~~and~~ and file a written sworn statement with the state
55 or local agency in possession of the information stating that
56 information from a crash report made confidential and exempt by
57 this section will not be used for any commercial solicitation of
58 accident victims, or knowingly disclosed to any third party for

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59 the purpose of such solicitation, during the period of time that
60 the information remains confidential and exempt. Such written
61 sworn statement must be completed and sworn to by the requesting
62 party for each individual crash report that is being requested
63 within 60 days after the report is filed. In lieu of requiring
64 the written sworn statement, an agency may provide crash reports
65 by electronic means to third-party vendors under contract with
66 one or more insurers, but only when such contract states that
67 information from a crash report made confidential and exempt by
68 this section will not be used for any commercial solicitation of
69 accident victims by the vendors, or knowingly disclosed by the
70 vendors to any third party for the purpose of such solicitation,
71 during the period of time that the information remains
72 confidential and exempt, and only when a copy of such contract
73 is furnished to the agency as proof of the vendor's claimed
74 status.

75 (e) This subsection does not prevent the dissemination or
76 publication of news to the general public by any legitimate
77 media entitled to access confidential and exempt information
78 pursuant to this section.

79 (f) A notice, the design of which shall be prescribed by
80 the department, must be delivered by the department in person or
81 by first-class mail to each party involved in a traffic crash
82 for which a report is prepared pursuant to this section or when
83 a crash report is not prepared but the law enforcement officer
84 or traffic enforcement officer provides a short-form report to
85 the parties to the crash pursuant to paragraph (1) (c). Such
86 notice shall be 8 1/2 inches by 11 inches and shall state in
87 uppercase and boldface type, red in color, the following:

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IT IS UNLAWFUL FOR AN ATTORNEY, PHYSICIAN,
CHIROPRACTIC PHYSICIAN, MEDICAL FACILITY, OR OTHER
PERSON OR ENTITY TO SOLICIT YOU TO SEEK MEDICAL
TREATMENT UNDER YOUR PERSONAL INJURY PROTECTION
POLICY. IF YOU ARE UNLAWFULLY SOLICITED, YOU SHOULD
CONTACT YOUR LOCAL POLICE DEPARTMENT OR SHERIFF'S
OFFICE.

Section 2. This act shall take effect July 1, 2014.