

By the Committee on Transportation; and Senator Galvano

596-02559-14

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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 providing an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

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

12 316.066 Written reports of crashes.—

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

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

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

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

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

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

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

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