

By Senator Soto

14-00875-15

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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;  
7       providing a statement of public necessity; providing a  
8       contingent effective date.

9  
10   Be It Enacted by the Legislature of the State of Florida:

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

14       324.242 Personal injury protection and property damage  
15       liability insurance policies; public records exemption.—

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

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

23       (b) An insurance policy number.

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

28       (a) Any person involved in such accident;

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

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30 or

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

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

37 (4) This section is subject to the Open Government Sunset  
38 Review Act in accordance with s. 119.15 and shall stand repealed  
39 on October 2, 2020, unless reviewed and saved from repeal  
40 through reenactment by the Legislature.

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

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

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