

HB 805

2015

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:

11
12 Section 1. Section 324.242, Florida Statutes, is amended
13 to 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
25 crash report as required under s. 316.065, s. 316.066, or s.
26 316.068, the department shall release the policy number for a

27 | policy covering a vehicle involved in a motor vehicle accident
 28 | to:

- 29 | (a) Any person involved in such accident;
- 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 39 | Review Act in accordance with s. 119.15 and shall stand repealed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, 2020, 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
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
71 that HB 803 or similar legislation takes effect, if such
72 legislation is adopted in the same legislative session or an
73 extension thereof and becomes a law.