

By the Committee on Banking and Insurance; and Senator Lee

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 324.242, F.S.; revising an exemption from public
4 records requirements to exempt certain information
5 held by the Department of Highway Safety and Motor
6 Vehicles relating to medical payments coverage and
7 liability motor vehicle insurance policies, rather
8 than relating to personal injury protection and
9 property damage liability insurance policies;
10 requiring the department to provide certain policy
11 numbers to specified parties; providing for future
12 legislative review and repeal of the exemption;
13 providing a statement of public necessity; providing a
14 contingent effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Section 324.242, Florida Statutes, is amended to
19 read:

20 324.242 Medical payments coverage and motor vehicle
21 ~~Personal injury protection and property damage~~ liability
22 insurance policies; public records exemption.—

23 (1) The following information regarding medical payments
24 coverage and motor vehicle ~~personal injury protection and~~
25 ~~property damage~~ liability insurance policies held by the
26 department is confidential and exempt from s. 119.07(1) and s.
27 24(a), Art. I of the State Constitution:

28 (a) Personal identifying information of an insured or
29 former insured; and

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30 (b) An insurance policy number.

31 (2) Upon receipt of a request and proof of a crash report
32 as required under s. 316.065, s. 316.066, or s. 316.068, or a
33 crash report created pursuant to the laws of another state, the
34 department shall release the policy number for a policy covering
35 a vehicle involved in a motor vehicle accident to:

36 (a) Any person involved in such accident;

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

38 or

39 (c) A representative of the insurer of any person involved
40 in such accident.

41 (3) The department shall provide motor vehicle ~~personal~~
42 ~~injury protection and property damage~~ liability insurance and
43 medical payments coverage policy numbers to department-approved
44 third parties that provide data collection services to an
45 insurer of any person involved in such accident.

46 (4) Before the department's release of a policy number in
47 accordance with subsection (2) or subsection (3), an insurer's
48 representative, a contracted third party, or an attorney for a
49 person involved in an accident must provide the department with
50 documentation confirming proof of representation.

51 (5) Information made confidential and exempt by this
52 section may be disclosed to another governmental entity without
53 a written request or copy of the crash report if disclosure is
54 necessary for the receiving governmental entity to perform its
55 duties and responsibilities. For purposes of this subsection,
56 the term "governmental entity" means any federal, state, county,
57 district, authority, or municipal officer, department, division,
58 board, bureau, or commission created or established by law.

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59 (6) This exemption applies to personal identifying
60 information of an insured or former insured and insurance policy
61 numbers held by the department before, on, or after October 11,
62 2007.

63 (7) This section is subject to the Open Government Sunset
64 Review Act in accordance with s. 119.15 and shall stand repealed
65 on October 2, 2022, unless reviewed and saved from repeal
66 through reenactment by the Legislature.

67 Section 2. The Legislature finds and declares that it is a
68 public necessity to make certain information regarding bodily
69 injury liability insurance and medical payments coverage
70 policies held by the Department of Highway Safety and Motor
71 Vehicles confidential and exempt from the requirements of s.
72 119.07(1), Florida Statutes, and s. 24(a), Article I of the
73 State Constitution. In order to ensure public safety on the
74 roads and highways of this state, it is imperative that
75 automobile drivers be properly insured for liability for bodily
76 injury and damage to real property and be properly insured for
77 personal medical expenses. As such, insurers are required to
78 report to the department and verify the issuance to a driver of
79 a new policy as well as the renewal, nonrenewal, or cancellation
80 of that policy. Such information includes the personal
81 identifying information of an insured or former insured as well
82 as the insurance policy number of the insured. If this
83 information is compiled, it could result in a customer list of
84 every insurer in the state. Customer lists contain detailed
85 client and policy information that is traditionally considered
86 proprietary business information because such lists could be
87 used by competitors to solicit customers. Consequently, the

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88 release of that information could injure the insurer in the
89 marketplace by diminishing the advantage that the insurer
90 maintains over those who do not possess such information.
91 Further, public access to such information could be used to
92 perpetuate fraud against an insured and put him or her at risk
93 or to make the insured the target of uninvited solicitations
94 from other insurers or from others seeking to profit from motor
95 vehicle accidents.

96 Section 3. This act shall take effect on the same date that
97 SB 1766 or similar legislation takes effect, if such legislation
98 is adopted in the same legislative session or an extension
99 thereof and becomes a law.