

By the Committees on Governmental Oversight and Accountability;
and Banking and Insurance; and Senator Lee

585-04365-17

20171768c2

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 of
5 insureds and former insureds held by the Department of
6 Highway Safety and Motor Vehicles regarding insurance
7 policies providing any of specified coverages;
8 conforming a provision to changes made by the act;
9 providing for future legislative review and repeal of
10 the exemption; providing a statement of public
11 necessity; providing a contingent effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Section 324.242, Florida Statutes, is amended to
16 read:

17 324.242 Personal injury protection, medical payments,
18 bodily injury liability, and property damage liability insurance
19 policies; public records exemption.—

20 (1) The personal identifying information and an insurance
21 policy number of an insured or former insured which are the
22 ~~following information regarding personal injury protection and~~
23 ~~property damage liability insurance policies~~ held by the
24 department regarding insurance policies providing any of the
25 following coverages are ~~is~~ confidential and exempt from s.
26 119.07(1) and s. 24(a), Art. I of the State Constitution:

27 (a) Medical payments coverage ~~Personal identifying~~
28 ~~information of an insured or former insured; and~~

29 (b) Bodily injury liability coverage; ~~An insurance policy~~

585-04365-17

20171768c2

30 ~~number.~~

31 (c) Property damage liability coverage; or

32 (d) For policies entered into before January 1, 2018,
33 personal injury protection coverage.

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

39 (a) Any person involved in such accident;

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

41 or

42 (c) A representative of the insurer of any person involved
43 in such accident.

44 (3) The department shall provide ~~personal injury protection~~
45 ~~and property damage liability insurance~~ policy numbers to
46 department-approved third parties that provide data collection
47 services to an insurer of any person involved in such accident.

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

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

585-04365-17

20171768c2

59 district, authority, or municipal officer, department, division,
60 board, bureau, or commission created or established by law.

61 (6) This exemption applies to personal identifying
62 information of an insured or former insured and insurance policy
63 numbers held by the department before, on, or after October 11,
64 2007.

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

69 Section 2. The Legislature finds that it is a public
70 necessity to make confidential and exempt from the requirements
71 of s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
72 the State Constitution the personal identifying information and
73 insurance policy numbers of an insured or former insured which
74 are held by the Department of Highway Safety and Motor Vehicles
75 regarding insurance policies providing medical payments
76 coverage; bodily injury liability coverage; property damage
77 liability coverage; or, for policies entered into before January
78 1, 2018, personal injury protection coverage. In order to ensure
79 public safety on the roads and highways of this state, it is
80 imperative that automobile drivers be properly insured for
81 liability for bodily injury and damage to real property and be
82 properly insured for personal medical expenses. As such,
83 insurers are required to report to the department and verify the
84 issuance to a driver of a new policy as well as the renewal,
85 nonrenewal, or cancellation of that policy. Such information
86 includes the personal identifying information of an insured or
87 former insured as well as the insurance policy number of the

585-04365-17

20171768c2

88 insured. If this information is compiled, it could result in a
89 customer list of every insurer in the state. Customer lists
90 contain detailed client and policy information that is
91 traditionally considered proprietary business information
92 because such lists could be used by competitors to solicit
93 customers. Consequently, the release of that information could
94 injure the insurer in the marketplace by diminishing the
95 advantage that the insurer maintains over those who do not
96 possess such information. Further, public access to such
97 information could be used to perpetuate fraud against an insured
98 and put him or her at risk or to make the insured the target of
99 uninvited solicitations from other insurers or from others
100 seeking to profit from motor vehicle accidents.

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