

By Senator Steube

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1                   A bill to be entitled  
2           An act relating to traffic accidents; amending s.  
3           316.066, F.S.; authorizing a law enforcement agency to  
4           contract with a private entity to send a licensed,  
5           state-authorized claims adjuster to complete a short-  
6           form crash report or provide a driver exchange-of-  
7           information form, in lieu of having a law enforcement  
8           officer investigate the crash; requiring the claims  
9           adjuster to submit the short-form crash report or  
10          driver exchange-of-information form to the Department  
11          of Highway Safety and Motor Vehicles and the law  
12          enforcement agency; revising requirements for the  
13          short-form crash report; conforming provisions to  
14          changes made by the act; amending ss. 316.068,  
15          324.051, and 456.072, F.S.; conforming provisions to  
16          changes made by the act; providing an effective date.  
17

18 Be It Enacted by the Legislature of the State of Florida:  
19

20           Section 1. Paragraphs (c), (d), and (e) of subsection (1)  
21           and subsection (4) of section 316.066, Florida Statutes, are  
22           amended to read:

23           316.066 Written reports of crashes.—

24           (1)

25           (c) 1. Except as provided in subparagraph 2., in any crash  
26           for which a Florida Traffic Crash Report, Long Form is not  
27           required by this section and which occurs on the public roadways  
28           of this state, the law enforcement officer who in the regular  
29           course of duty responds to a motor vehicle crash shall complete

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30 a short-form crash report or provide a driver exchange-of-  
31 information form, to be completed by all drivers and passengers  
32 involved in the crash, which requires the identification of each  
33 vehicle that the drivers and passengers were in.

34 2. A law enforcement agency may contract with a private  
35 entity to send a licensed, state-authorized claims adjuster to  
36 complete the short-form crash report or provide the driver  
37 exchange-of-information form. The claims adjuster shall submit  
38 the short-form crash report or driver exchange-of-information  
39 form to the department and the law enforcement agency upon its  
40 completion.

41 3. The short-form report under this paragraph must include:

42 a.1. The date, time, and location of the crash.

43 b.2. A description of the vehicles involved.

44 c.3. The names and addresses of the parties involved,  
45 including all drivers and passengers, and the identification of  
46 the vehicle in which each was a driver or a passenger.

47 d.4. The names and addresses of witnesses.

48 e.5. If a law enforcement officer investigates the crash,  
49 the name, badge number, and law enforcement agency of the  
50 officer ~~investigating the crash.~~

51 f. If a claims adjuster investigates the crash, the name of  
52 the claims adjuster, proof of certification or licensure of the  
53 claims adjuster, and the name of the private entity that holds  
54 the contract with the law enforcement agency and that employs or  
55 contracts with the claims adjuster.

56 g.6. The names of the insurance companies for the  
57 respective parties involved in the crash.

58 (d) Each party to the crash must provide the law

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59 enforcement officer or claims adjuster with proof of insurance,  
60 which must be documented in the crash report. If a law  
61 enforcement officer or claims adjuster submits a report on the  
62 crash, proof of insurance must be provided to the officer or  
63 claims adjuster by each party involved in the crash. Any party  
64 who fails to provide the required information commits a  
65 noncriminal traffic infraction, punishable as a nonmoving  
66 violation as provided in chapter 318, unless the officer or  
67 claims adjuster determines that due to injuries or other special  
68 circumstances such insurance information cannot be provided  
69 immediately. If the person provides the law enforcement agency,  
70 within 24 hours after the crash, proof of insurance that was  
71 valid at the time of the crash, the law enforcement agency may  
72 void the citation.

73 (e) The driver of a vehicle that was in any manner involved  
74 in a crash resulting in damage to a vehicle or other property  
75 which does not require a law enforcement or claims adjuster  
76 report shall, within 10 days after the crash, submit a written  
77 report of the crash to the department. The report shall be  
78 submitted on a form approved by the department.

79 (4) Except as specified in this subsection, each crash  
80 report made by a person involved in a crash and any statement  
81 made by such person to a law enforcement officer or claims  
82 adjuster for the purpose of completing a crash report required  
83 by this section ~~is shall be~~ without prejudice to the individual  
84 so reporting. Such report or statement may not be used as  
85 evidence in any ~~trial,~~ civil or criminal trial. However, subject  
86 to the applicable rules of evidence, a law enforcement officer  
87 or claims adjuster ~~at a criminal trial~~ may testify at a criminal

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88 trial as to any statement made to the officer or claims adjuster  
89 by the person involved in the crash if that person's privilege  
90 against self-incrimination is not violated. The results of  
91 breath, urine, and blood tests administered as provided in s.  
92 316.1932 or s. 316.1933 are not confidential and are admissible  
93 into evidence in accordance with ~~the provisions of~~ s.  
94 316.1934(2).

95 Section 2. Subsection (2) of section 316.068, Florida  
96 Statutes, is amended to read:

97 316.068 Crash report forms.—

98 (2) Every crash report required to be made in writing must  
99 be made on the appropriate form approved by the department and  
100 must contain all the information required therein, including:

101 (a) The date, time, and location of the crash;

102 (b) A description of the vehicles involved;

103 (c) The names and addresses of the parties involved;

104 (d) The names and addresses of all drivers and passengers  
105 in the vehicles involved;

106 (e) The names and addresses of witnesses;

107 (f) If a law enforcement officer investigates the crash,  
108 the name, badge number, and law enforcement agency of the  
109 officer ~~investigating the crash;~~

110 (g) If a claims adjuster investigates the crash, the name  
111 of the claims adjuster, proof of certification or licensure of  
112 the claims adjuster, and the name of the private entity that  
113 holds the contract with the law enforcement agency and that  
114 employs or contracts with the claims adjuster; and

115 (h) ~~(g)~~ The names of the insurance companies for the  
116 respective parties involved in the crash,

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117  
118 unless not available. The absence of information in such written  
119 crash reports regarding the existence of passengers in the  
120 vehicles involved in the crash constitutes a rebuttable  
121 presumption that no such passengers were involved in the  
122 reported crash. Notwithstanding any other provisions of this  
123 section, a crash report produced electronically by a law  
124 enforcement officer or claims adjuster must, at a minimum,  
125 contain the same information as is called for on those forms  
126 approved by the department.

127 Section 3. Paragraph (a) of subsection (1) of section  
128 324.051, Florida Statutes, is amended to read:

129 324.051 Reports of crashes; suspensions of licenses and  
130 registrations.—

131 (1) (a) Every law enforcement officer or claims adjuster  
132 who, in the regular course of duty either at the time of and at  
133 the scene of the crash or thereafter by interviewing  
134 participants or witnesses, investigates a motor vehicle crash  
135 which he or she is required to report pursuant to s. 316.066(1)  
136 shall forward a written report of the crash to the department  
137 within 10 days after ~~of~~ completing the investigation. However,  
138 when the investigation of a crash will take more than 10 days to  
139 complete, a preliminary copy of the crash report shall be  
140 forwarded to the department within 10 days after the occurrence  
141 of the crash, to be followed by a final report within 10 days  
142 after completion of the investigation. The report shall be on a  
143 form and contain information consistent with the requirements of  
144 s. 316.068.

145 Section 4. Paragraph (y) of subsection (1) of section

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146 456.072, Florida Statutes, is amended to read:

147 456.072 Grounds for discipline; penalties; enforcement.—

148 (1) The following acts shall constitute grounds for which  
149 the disciplinary actions specified in subsection (2) may be  
150 taken:

151 (y) Using information about people involved in motor  
152 vehicle accidents which has been derived from accident reports  
153 made by law enforcement officers, claims adjusters, or persons  
154 involved in accidents under s. 316.066, or using information  
155 published in a newspaper or other news publication or through a  
156 radio or television broadcast that has used information gained  
157 from such reports, for the purposes of commercial or any other  
158 solicitation whatsoever of the people involved in the accidents.

159 Section 5. This act shall take effect July 1, 2018.