

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Tourism, Infrastructure &
 2 Energy Subcommittee

3 Representative Brannan offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsections (2) and (3) of section 316.066,

8 Florida Statutes, are amended to read:

9 316.066 Written reports of crashes.-

10 (2)(a) As used in this subsection, the term:

11 1. "Agency" has the same meaning as provided in s.

12 119.011.

13 2. "Personal information" means information that

14 identifies an individual, including an individual's photograph,

15 social security number, driver license or identification card

16 number, name, home or employment address excluding the five-

Amendment No. 1

17 digit zip code, home or employment telephone number, and medical
18 or disability information.

19 ~~(b)1.(a)~~ Crash reports that reveal ~~the identity, home or~~
20 ~~employment telephone number or home or employment address of, or~~
21 ~~other~~ personal information concerning the parties, passengers,
22 or witnesses involved in the crash, and that are held by an any
23 agency, ~~that regularly receives or prepares information from or~~
24 ~~concerning the parties to motor vehicle crashes~~ are confidential
25 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
26 Constitution for a period of 60 days after the date the report
27 is filed.

28 2. Following the 60-day period in subparagraph 1.,
29 personal information revealed in a crash report concerning the
30 parties, passengers, or witnesses involved in the crash, and
31 that is held by an agency, is confidential and exempt from s.
32 119.07(1) and s. 24(a), Art. I of the State Constitution.

33 3. If crash reports are created by or submitted to an
34 agency electronically as data elements within a computerized
35 database, or if personal information concerning the parties,
36 passengers, or witnesses involved in the crash are entered into
37 a computerized database, such crash report data held by an
38 agency, when not rendered as individual crash reports subject to
39 subparagraph 1. or subparagraph 2., is confidential and exempt
40 from s. 119.07(1) and s. 24(a), Art. I of the State
41 Constitution. This paragraph does not prevent an agency from

380709 - h1121-strike.docx

Published On: 1/24/2022 5:21:46 PM

Amendment No. 1

42 disclosing extracts of crash report data if personal information
43 concerning the parties, passengers, and witnesses is omitted
44 from the extracts.

45 4. These exemptions apply to crash reports, personal
46 information revealed in crash reports, and crash report data
47 held by an agency before, on, or after the effective date of the
48 exemptions.

49 (c)1.~~(b)~~ Crash reports held by an agency under
50 subparagraph (b)1. or subparagraph (b)2., which reveal personal
51 information concerning the parties, passengers, and witnesses
52 involved in the crash, ~~paragraph (a)~~ may be made immediately
53 available to the parties involved in the crash, their legal
54 representatives, their licensed insurance agents, their insurers
55 or insurers to which they have applied for coverage, persons
56 under contract with such insurers to provide claims or
57 underwriting information, prosecutorial authorities, law
58 enforcement agencies, the Department of Transportation, the
59 Department of Health, county and municipal traffic operations,
60 victim services programs, and any federal, state, or local
61 governmental agency in carrying out its functions.

62 2. A crash report may also be made available to any third
63 party acting on behalf of a person or entity authorized under
64 subparagraph 1. to access the crash report, except that the
65 third party may disclose the crash report only to the person or
66 entity authorized to access the crash report under subparagraph

380709 - h1121-strike.docx

Published On: 1/24/2022 5:21:46 PM

Amendment No. 1

67 1. on whose behalf the third party has sought the report ~~radio~~
68 ~~and television stations licensed by the Federal Communications~~
69 ~~Commission, newspapers qualified to publish legal notices under~~
70 ~~ss. 50.011 and 50.031, and, in accordance with paragraph (f),~~
71 ~~free newspapers of general circulation, published once a week or~~
72 ~~more often, of which at least 7,500 copies are distributed by~~
73 ~~mail or by carrier as verified by a postal statement or by a~~
74 ~~notarized printer's statement of press run, which are intended~~
75 ~~to be generally distributed and circulated, and which contain~~
76 ~~news of general interest with at least 10 pages per publication,~~
77 ~~available and of interest to the public generally for the~~
78 ~~dissemination of news. For the purposes of this section, the~~
79 ~~following products or publications are not newspapers as~~
80 ~~referred to in this section: those intended primarily for~~
81 ~~members of a particular profession or occupational group; those~~
82 ~~with the primary purpose of distributing advertising; and those~~
83 ~~with the primary purpose of publishing names and other personal~~
84 ~~identifying information concerning parties to motor vehicle~~
85 ~~crashes.~~

86 (d)(e) A federal, state, or Any local governmental, state,
87 or federal agency, or any private person or entity acting on
88 behalf of a federal, state, or local governmental agency in
89 carrying out its functions, that is authorized to have access to
90 ~~crash reports by any provision of law shall be granted such~~
91 ~~access in the furtherance of the agency's statutory duties~~

380709 - h1121-strike.docx

Published On: 1/24/2022 5:21:46 PM

Amendment No. 1

92 pursuant to a memorandum of understanding approved by the agency
93 holding the crash reports which requires that personal
94 information revealed in the crash reports remain confidential
95 and exempt.

96 ~~(e)-(d)~~ As a condition precedent to accessing a crash
97 report that reveals personal information concerning the parties,
98 passengers, or witnesses involved in the crash ~~within 60 days~~
99 ~~after the date the report is filed,~~ a person must submit to the
100 agency that holds the crash report, in a format prescribed by
101 the agency, present a valid driver license or other photographic
102 identification, proof of status, or identification that
103 demonstrates his or her qualifications to access that
104 information and file a written sworn statement attesting to the
105 person's identity, authority to access the crash report under
106 paragraph (c), and agreement to refrain from using the ~~with the~~
107 ~~state or local agency in possession of the information stating~~
108 ~~that information from a crash report made confidential and~~
109 ~~exempt by this section will not be used for any commercial~~
110 ~~solicitation of accident victims,~~ or knowingly disclosing the
111 crash report ~~disclosed~~ to any third party for the purpose of
112 such solicitation, ~~during the period of time that the~~
113 ~~information remains confidential and exempt.~~ Such ~~written sworn~~
114 statement must be completed and sworn to by the requesting party
115 for each individual crash report that is being requested with
116 personal information concerning the parties, passengers, or

380709 - h1121-strike.docx

Published On: 1/24/2022 5:21:46 PM

Amendment No. 1

117 ~~witnesses involved in the crash within 60 days after the report~~
118 ~~is filed.~~ In lieu of requiring the ~~written~~ sworn statement, an
119 agency may provide crash reports by electronic means pursuant to
120 a memorandum of understanding that requires third-party vendors
121 ~~under contract with one or more insurers, but only when such~~
122 ~~contract states that~~ personal information revealed in from a
123 crash report remain ~~made~~ confidential and exempt and prohibits
124 such personal information from being ~~by this section will not be~~
125 used for ~~any~~ commercial solicitation ~~of accident victims by the~~
126 ~~vendors,~~ or knowingly disclosed ~~disclosed by the vendors~~ to any
127 third party for the purpose of such solicitation, ~~during the~~
128 ~~period of time that the information remains confidential and~~
129 ~~exempt, and only when a copy of such contract is furnished to~~
130 ~~the agency as proof of the vendor's claimed status.~~

131 (f) Upon request, an agency shall provide a summary of a
132 crash report to radio or television stations, newspapers, and
133 other news media, comprising descriptive information about the
134 crash to the extent included in the report, including, but not
135 limited to, the time, date, and location of a crash; the name,
136 age, gender, race, and ethnicity of any driver involved in the
137 crash; a description of any vehicle involved in the crash,
138 including the vehicle's color, make, model, body style, and
139 year; the names of the law enforcement agencies and officers
140 responding to the scene or investigating the crash; the
141 circumstances of the crash; and whether any arrests were made or

Amendment No. 1

142 traffic citations were issued. This paragraph does not require
143 an agency to provide in a summary any information made
144 confidential or exempt by any provision of law outside of this
145 section.

146 ~~(c) This subsection does not prevent the dissemination or~~
147 ~~publication of news to the general public by any legitimate~~
148 ~~media entitled to access confidential and exempt information~~
149 ~~pursuant to this section.~~

150 ~~(g)(f) Free newspapers of general circulation published~~
151 ~~once a week or more often, of which at least 7,500 copies are~~
152 ~~distributed by mail or by carrier as verified by a postal~~
153 ~~statement or by a notarized printer's statement of press run,~~
154 ~~which are intended to be generally distributed and circulated,~~
155 ~~which contain news of general interest with at least 10 pages~~
156 ~~per publication, available and of interest to the public~~
157 ~~generally for the dissemination of news, and which request 10 or~~
158 ~~more crash reports within a 24-hour period before 60 days have~~
159 ~~elapsed after the report is filed may not have access to the~~
160 ~~home, cellular, employment, or other telephone number or the~~
161 ~~home or employment address of any of the parties involved in the~~
162 ~~crash. This subsection paragraph is subject to the Open~~
163 ~~Government Sunset Review Act in accordance with s. 119.15 and~~
164 ~~shall stand repealed on October 2, 2027 ~~2019~~, unless reviewed~~
165 ~~and saved from repeal through reenactment by the Legislature.~~

Amendment No. 1

166 (3) (a) A ~~Any~~ driver failing to file the written report
167 required under subsection (1) commits a noncriminal traffic
168 infraction, punishable as a nonmoving violation as provided in
169 chapter 318.

170 (b) An ~~Any~~ employee of an ~~a state or local~~ agency, as
171 defined in s. 119.011, in possession of information made
172 confidential and exempt by this section who knowingly discloses
173 such confidential and exempt information to a person not
174 entitled to access such information under this section commits a
175 felony of the third degree, punishable as provided in s.
176 775.082, s. 775.083, or s. 775.084.

177 (c) A ~~Any~~ person who, knowing that he or she is not
178 entitled to obtain information made confidential and exempt by
179 this section, ~~who~~ obtains or attempts to obtain such information
180 commits a felony of the third degree, punishable as provided in
181 s. 775.082, s. 775.083, or s. 775.084.

182 (d) A ~~Any~~ person who knowingly uses confidential and
183 exempt information in violation of a filed ~~written~~ sworn
184 statement, memorandum of understanding, or contractual agreement
185 required by this section commits a felony of the third degree,
186 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

187 Section 2. Subsection (11) of section 316.650, Florida
188 Statutes, is amended to read:

189 316.650 Traffic citations.—

Amendment No. 1

190 (11) (a) As used in this subsection, the term "driver
191 information" means a driver's date of birth, driver license
192 number, address excluding the five-digit zip code, telephone
193 number, motor vehicle license plate number, and trailer tag
194 number. The term does not include the driver's name.

195 (b)1. Driver information contained in a uniform traffic
196 citation held by an agency is exempt from s. 119.07(1) and s.
197 24(a), Art. I of the State Constitution. This paragraph applies
198 to driver information held by an agency before, on, or after the
199 effective date of the exemption.

200 2. An agency may release driver information in accordance
201 with any of the permissible uses listed in 18 U.S.C. s. 2721(b)
202 in the same manner applicable to the release of personal
203 information contained in a motor vehicle record pursuant to s.
204 119.0712(2) (b).

205 3. This paragraph is subject to the Open Government Sunset
206 Review Act in accordance with s. 119.15 and shall stand repealed
207 on October 2, 2027, unless reviewed and saved from repeal
208 through reenactment by the Legislature.

209 (c) Driver information contained in a uniform traffic
210 citation ~~may, which includes but is not limited to, the accused~~
211 ~~person's name and address, shall not be used for commercial~~
212 ~~solicitation purposes. However, the use of such driver~~
213 ~~information contained in a uniform traffic citation shall not be~~
214 ~~considered a commercial purpose when used for publication in a~~

380709 - h1121-strike.docx

Published On: 1/24/2022 5:21:46 PM

Amendment No. 1

215 ~~newspaper or other news periodical, when used for broadcast by~~
216 ~~radio or television, or when used to inform a person of the~~
217 ~~availability of driver safety training.~~

218 Section 3. (1) The Legislature finds that it is a public
219 necessity that crash reports that reveal personal information
220 concerning parties, passengers, and witnesses to a crash for a
221 period of 60 days after the date the crash report is filed with
222 an agency; such personal information revealed in crash reports
223 held by an agency following the 60-day period; and computerized
224 crash report data held by an agency, be confidential and exempt
225 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
226 the State Constitution. Crash reports reveal significant
227 personal information, not only about parties involved in a crash
228 but also about passengers and other witnesses to the crash.
229 Pervasive use of the Internet and related technologies abet
230 those with malicious purposes in exploiting the use of personal
231 information revealed in crash reports, such as a party's,
232 passenger's, or witness' date of birth, driver license number,
233 and address, creating ever-expanding threats to privacy and
234 security never envisioned in generations past. Moreover, ever-
235 increasing use of information technology for the preparation,
236 submission, and management of crash reports has led agencies to
237 hold vast repositories of computerized crash report data, which
238 includes such personal information. Personal information, when
239 held by the Department of Highway Safety and Motor Vehicles in

380709 - h1121-strike.docx

Published On: 1/24/2022 5:21:46 PM

Amendment No. 1

240 driver license and motor vehicle records, is confidential
241 pursuant to the federal Driver's Privacy Protection Act of 1994,
242 18 U.S.C. ss. 2721 et seq., and s. 119.0712(2), Florida
243 Statutes. These restrictions on disclosure of personal
244 information, however, have not applied to personal information
245 revealed in crash reports. When personal information revealed in
246 crash reports or computerized crash report data are made
247 available to the public, because they comprise much of the same
248 personal information contained in driver license and motor
249 vehicle records, the protections afforded by the federal
250 Driver's Privacy Protection Act of 1994 are significantly
251 undermined, eroding the privacy and safety of drivers.
252 Therefore, the Legislature finds that it is a public necessity
253 to make confidential and exempt from public records requirements
254 crash reports that reveal personal information concerning
255 parties, passengers, and witnesses to a crash for a period of 60
256 days after the date the crash report is filed with an agency;
257 such personal information revealed in crash reports held by an
258 agency following the 60-day period; and computerized crash
259 report data held by an agency.

260 (2) The Legislature finds that it is a public necessity
261 that driver information contained in a uniform traffic citation
262 held by an agency be exempt from s. 119.07(1), Florida Statutes,
263 and s. 24(a), Article I of the State Constitution. Uniform
264 traffic citations reveal significant personal information about

380709 - h1121-strike.docx

Published On: 1/24/2022 5:21:46 PM

Amendment No. 1

265 drivers issued a citation. Pervasive use of the Internet and
266 related technologies abet those with malicious purposes in
267 exploiting the use of personal information contained in traffic
268 citations, such as a driver's date of birth, driver license
269 number, and address, creating ever-expanding threats to privacy
270 and security never envisioned in generations past. Driver
271 information, when held by the Department of Highway Safety and
272 Motor Vehicles in driver license and motor vehicle records, is
273 confidential pursuant to the federal Driver's Privacy Protection
274 Act of 1994, 18 U.S.C. ss. 2721 et seq., and s. 119.0712(2),
275 Florida Statutes. These restrictions on disclosure of personal
276 information, however, have not applied to driver information
277 contained in uniform traffic citations. When driver information
278 contained in uniform traffic citations is made available to the
279 public, because it comprises much of the same personal
280 information contained in driver license and motor vehicle
281 records, the protections afforded by the federal Driver's
282 Privacy Protection Act of 1994 are significantly undermined,
283 eroding the privacy and safety of drivers. Therefore, the
284 Legislature finds that it is a public necessity to make exempt
285 from public records requirements driver information contained in
286 uniform traffic citations.

287 Section 4. This act shall take effect July 1, 2022.

288
289

380709 - h1121-strike.docx

Published On: 1/24/2022 5:21:46 PM

Amendment No. 1

290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314

T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:
An act relating to public records; amending s. 316.066, F.S.;
revising an exemption from public records requirements for
certain written reports of crashes; providing definitions;
revising the exemption applicable to specified crash reports for
a specified period of time; revising the agencies that hold
records to which the exemption applies; providing exemptions
from public records requirements for certain personal
information revealed in crash reports and certain computerized
crash report data; providing retroactive applicability; revising
entities to which records may be made available; requiring
certain entities to enter into a memorandum of understanding;
revising conditions precedent to accessing a crash report within
a specified period after a crash report is filed; requiring an
agency to provide summaries of crash reports to certain news
media; providing construction; providing for future review and
repeal; providing penalties; amending s. 316.650, F.S.; defining
the term "driver information"; providing an exemption from
public records requirements for driver information contained in
a uniform traffic citation; providing applicability; authorizing
release of driver information under certain circumstances;
providing for future review and repeal; providing statements of
public necessity; providing an effective date.