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A bill to be entitled
 An act relating to public records; amending s.
 316.066, F.S.; revising an exemption from public
 records requirements for written reports of crashes;
 revising the agencies that hold records to which the
 exemption applies; removing a time limit for the
 exemption; providing 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; exempting certain
 computerized crash report data; 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.

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

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

26 Florida Statutes, are amended to read:

27 316.066 Written reports of crashes.—

28 (2) (a) Crash reports that reveal the identity of, home or
 29 employment telephone number or home or employment address of, or
 30 other personal information concerning the parties involved in
 31 the crash and that are held by an ~~any~~ agency as defined in s.
 32 119.011 ~~that regularly receives or prepares information from or~~
 33 ~~concerning the parties to motor vehicle crashes~~ are confidential
 34 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 35 Constitution. This exemption applies to such crash reports held
 36 by an agency before, on, or after the effective date of the
 37 exemption ~~for a period of 60 days after the date the report is~~
 38 ~~filed.~~

39 (b) Crash reports held by an agency under paragraph (a)
 40 may be made ~~immediately~~ available to the parties involved in the
 41 crash, their legal representatives, their licensed insurance
 42 agents, their insurers or insurers to which they have applied
 43 for coverage, persons under contract with such insurers to
 44 provide claims or underwriting information, prosecutorial
 45 authorities, law enforcement agencies, the Department of
 46 Transportation, the Department of Health, county and municipal
 47 traffic operations, victim services programs, and any private
 48 person or entity acting on behalf of a federal, state, or local
 49 governmental agency in carrying out its functions ~~radio and~~
 50 ~~television stations licensed by the Federal Communications~~

51 ~~Commission, newspapers qualified to publish legal notices under~~
52 ~~ss. 50.011 and 50.031, and, in accordance with paragraph (f),~~
53 ~~free newspapers of general circulation, published once a week or~~
54 ~~more often, of which at least 7,500 copies are distributed by~~
55 ~~mail or by carrier as verified by a postal statement or by a~~
56 ~~notarized printer's statement of press run, which are intended~~
57 ~~to be generally distributed and circulated, and which contain~~
58 ~~news of general interest with at least 10 pages per publication,~~
59 ~~available and of interest to the public generally for the~~
60 ~~dissemination of news. For the purposes of this section, the~~
61 ~~following products or publications are not newspapers as~~
62 ~~referred to in this section: those intended primarily for~~
63 ~~members of a particular profession or occupational group; those~~
64 ~~with the primary purpose of distributing advertising; and those~~
65 ~~with the primary purpose of publishing names and other personal~~
66 ~~identifying information concerning parties to motor vehicle~~
67 ~~crashes.~~

68 (c) A federal, state, or Any local governmental, state, or
69 federal agency, or any private person or entity acting on behalf
70 of a federal, state, or local governmental agency in carrying
71 out its functions, which ~~that~~ is authorized to have access to
72 crash reports by any provision of law shall be granted such
73 access in the furtherance of the agency's statutory duties
74 pursuant to a memorandum of understanding approved by the agency
75 holding the crash reports which requires that personal

76 information contained in the crash reports remain confidential
77 and exempt.

78 (d) As a condition precedent to accessing a crash report
79 ~~within 60 days after the date the report is filed,~~ a person must
80 submit to the agency that holds the crash report, in a format
81 prescribed by the agency, ~~present a valid driver license or~~
82 ~~other photographic identification, proof of status, or~~
83 ~~identification that demonstrates his or her qualifications to~~
84 ~~access that information and file a written sworn statement~~
85 attesting to the person's identity, authority to access the
86 crash report under paragraph (b), and agreement to keep the with
87 ~~the state or local agency in possession of the information~~
88 ~~stating that information from a crash report made confidential~~
89 and refrain from using the crash report exempt by this section
90 ~~will not be used for any commercial solicitation of accident~~
91 ~~victims, or knowingly disclosing the crash report disclosed to~~
92 ~~any third party for the purpose of such solicitation, or~~
93 knowingly disclosing the crash report to any third party that is
94 not authorized by this section to access such personal
95 information during the period of time that the information
96 ~~remains confidential and exempt.~~ Such written sworn statement
97 must be completed and sworn to by the requesting party for each
98 individual crash report that is being requested ~~within 60 days~~
99 ~~after the report is filed.~~ In lieu of requiring the written
100 sworn statement, an agency may provide crash reports by

101 | electronic means pursuant to a memorandum of understanding that
102 | requires third-party vendors under contract with one or more
103 | insurers, but only when such contract states that personal
104 | information contained in from a crash report remain made
105 | confidential and exempt and prohibits such personal information
106 | from being by this section will not be used for any commercial
107 | solicitation of accident victims by the vendors, or knowingly
108 | disclosed by the vendors to any third party who is not
109 | authorized by this section to access such personal information
110 | for the purpose of such solicitation, during the period of time
111 | that the information remains confidential and exempt, and only
112 | when a copy of such contract is furnished to the agency as proof
113 | of the vendor's claimed status.

114 | (e) This subsection does not prohibit an agency from
115 | providing summary reports of crashes to radio and television
116 | stations, newspapers, and other news media, which reports may
117 | disclose information about crashes, including, but not limited
118 | to, the time, date, and location of a crash; the name, age,
119 | gender, race, and ethnicity of any driver involved in the crash;
120 | a general description of any vehicle involved in the crash,
121 | including the vehicle's color, make, model, body style, and
122 | year; the names of the law enforcement agencies and officers
123 | responding to the scene or investigating the crash; the
124 | circumstances of the crash; and whether any arrests were made or
125 | traffic citations were issued prevent the dissemination or

126 ~~publication of news to the general public by any legitimate~~
127 ~~media entitled to access confidential and exempt information~~
128 ~~pursuant to this section.~~

129 (f) If crash reports are created by or submitted to an
130 agency electronically as data elements within a computerized
131 database, or if personal information from a crash report is
132 entered into a computerized database, such crash report data
133 held by an agency is confidential and exempt from s. 119.07(1)
134 and s. 24(a), Art. I of the State Constitution. This exemption
135 applies to such crash report data held by an agency before, on,
136 or after the effective date of the exemption. This paragraph
137 does not prevent an agency from disclosing:

138 1. A crash report pursuant to paragraphs (b)-(d) which is
139 rendered as an individual report in its original format, whether
140 printed as a paper document or provided in electronic format
141 such as portable document format or tagged image file format.

142 2. Extracts of crash report data if all personal
143 information is omitted from the extracts.

144 ~~(g)(f) Free newspapers of general circulation published~~
145 ~~once a week or more often, of which at least 7,500 copies are~~
146 ~~distributed by mail or by carrier as verified by a postal~~
147 ~~statement or by a notarized printer's statement of press run,~~
148 ~~which are intended to be generally distributed and circulated,~~
149 ~~which contain news of general interest with at least 10 pages~~
150 ~~per publication, available and of interest to the public~~

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151 ~~generally for the dissemination of news, and which request 10 or~~
152 ~~more crash reports within a 24-hour period before 60 days have~~
153 ~~elapsed after the report is filed may not have access to the~~
154 ~~home, cellular, employment, or other telephone number or the~~
155 ~~home or employment address of any of the parties involved in the~~
156 ~~crash.~~ This subsection ~~paragraph~~ is subject to the Open
157 Government Sunset Review Act in accordance with s. 119.15 and
158 shall stand repealed on October 2, 2026 ~~2019~~, unless reviewed
159 and saved from repeal through reenactment by the Legislature.

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

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

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

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

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

183 316.650 Traffic citations.—

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

189 (b)1. Driver information contained in a uniform traffic
190 citation held by an agency is exempt from s. 119.07(1) and s.
191 24(a), Art. I of the State Constitution. This paragraph applies
192 to driver information held by an agency before, on, or after the
193 effective date of the exemption.

194 2. An agency may release driver information in accordance
195 with any of the permissible uses listed in 18 U.S.C. s. 2721(b)
196 in the same manner applicable to the release of personal
197 information contained in a motor vehicle record pursuant to s.
198 119.0712(2)(b).

199 3. This paragraph is subject to the Open Government Sunset
200 Review Act in accordance with s. 119.15 and shall stand repealed

201 on October 2, 2027, unless reviewed and saved from repeal
202 through reenactment by the Legislature.

203 (c) Driver information contained in a uniform traffic
204 citation ~~may, which includes but is not limited to, the accused~~
205 person's name and address, shall not be used for commercial
206 solicitation purposes. ~~However, the use of such driver~~
207 information contained in a uniform traffic citation shall not be
208 considered a commercial purpose when used for publication in a
209 newspaper or other news periodical, when used for broadcast by
210 radio or television, or when used to inform a person of the
211 availability of driver safety training.

212 Section 3. (1) The Legislature finds that it is a public
213 necessity that crash reports that reveal personal information
214 concerning parties involved in a crash and computerized crash
215 report data be confidential and exempt from s. 119.07(1),
216 Florida Statutes, and s. 24(a), Article I of the State
217 Constitution. Crash reports reveal significant personal
218 information, not only about drivers involved in a crash but also
219 about motor vehicle owners, motor vehicle passengers, and other
220 witnesses and about owners of nonvehicle property damaged in a
221 crash. Pervasive use of the Internet and related technologies
222 abet those with malicious purposes in exploiting the use of
223 personal information, such as a motorist's date of birth, driver
224 license number, and address, creating ever-expanding threats to
225 motorist privacy and security never envisioned in generations

226 past. Moreover, ever-increasing use of information technology
227 for the preparation, submission, and management of crash reports
228 has led agencies to hold vast repositories of computerized crash
229 report data, which includes such personal information. Motorist
230 personal information, when held by the Department of Highway
231 Safety and Motor Vehicles in motor vehicle records, is
232 confidential pursuant to the federal Driver's Privacy Protection
233 Act of 1994, 18 U.S.C. ss. 2721 et seq., and s. 119.0712(2),
234 Florida Statutes. These restrictions on disclosure of motorist
235 personal information, however, have not applied to personal
236 information contained in crash reports. When crash reports and
237 computerized crash report data are made available to the public,
238 because they comprise much of the same personal information
239 contained in motor vehicle records, the protections afforded by
240 the federal Driver's Privacy Protection Act of 1994 are
241 significantly undermined, eroding the privacy and safety of
242 motorists. Therefore, the Legislature finds that it is a public
243 necessity to make confidential and exempt from public records
244 requirements crash reports that reveal personal information and
245 computerized crash report data.

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

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251 drivers issued a citation. Pervasive use of the Internet and
252 related technologies abet those with malicious purposes in
253 exploiting the use of personal information, such as a motorist's
254 date of birth, driver license number, and address, creating
255 ever-expanding threats to motorist privacy and security never
256 envisioned in generations past. Motorist personal information,
257 when held by the Department of Highway Safety and Motor Vehicles
258 in motor vehicle records, is confidential pursuant to the
259 federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss.
260 2721 et seq., and s. 119.0712(2), Florida Statutes. These
261 restrictions on disclosure of motorist personal information,
262 however, have not applied to driver information contained in
263 uniform traffic citations. When driver information contained in
264 uniform traffic citations is made available to the public,
265 because it comprises much of the same personal information
266 contained in motor vehicle records, the protections afforded by
267 the federal Driver's Privacy Protection Act of 1994 are
268 significantly undermined, eroding the privacy and safety of
269 motorists. Therefore, the Legislature finds that it is a public
270 necessity to make exempt from public records requirements driver
271 information contained in uniform traffic citations.

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