

26 future review and repeal; providing statements of
 27 public necessity; providing an effective date.

28

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

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31 Section 1. Subsections (2) and (3) of section 316.066,
 32 Florida Statutes, are amended to read:

33 316.066 Written reports of crashes.-

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

35 1. "Agency" has the same meaning as provided in s.
 36 119.011.

37 2. "Personal information" means information that
 38 identifies an individual, including an individual's photograph,
 39 social security number, driver license or identification card
 40 number, name, home or employment address excluding the five-
 41 digit zip code, home or employment telephone number, and medical
 42 or disability information.

43 (b)1. Crash reports that reveal ~~the identity, home or~~
 44 ~~employment telephone number or home or employment address of, or~~
 45 ~~other~~ personal information concerning the parties, passengers,
 46 or witnesses involved in the crash, and that are held by an ~~any~~
 47 agency, ~~that regularly receives or prepares information from or~~
 48 ~~concerning the parties to motor vehicle crashes~~ are confidential
 49 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 50 Constitution for a period of 60 days after the date the report

51 is filed.

52 2. Following the 60-day period in subparagraph 1.,
53 personal information revealed in a crash report concerning the
54 parties, passengers, or witnesses involved in the crash, and
55 that is held by an agency, is confidential and exempt from s.
56 119.07(1) and s. 24(a), Art. I of the State Constitution.

57 3. If crash reports are created by or submitted to an
58 agency electronically as data elements within a computerized
59 database, or if personal information concerning the parties,
60 passengers, or witnesses involved in the crash are entered into
61 a computerized database, such crash report data held by an
62 agency, when not rendered as individual crash reports subject to
63 subparagraph 1. or subparagraph 2., is confidential and exempt
64 from s. 119.07(1) and s. 24(a), Art. I of the State
65 Constitution. This paragraph does not prevent an agency from
66 disclosing extracts of crash report data if personal information
67 concerning the parties, passengers, and witnesses is omitted
68 from the extracts.

69 4. These exemptions apply to crash reports, personal
70 information revealed in crash reports, and crash report data
71 held by an agency before, on, or after the effective date of the
72 exemptions.

73 (c)1.~~(b)~~ Crash reports held by an agency under
74 subparagraph (b)1. or subparagraph (b)2. which reveal personal
75 information concerning the parties, passengers, and witnesses

76 involved in the crash ~~paragraph (a)~~ may be made immediately
77 available to the parties involved in the crash, their legal
78 representatives, their licensed insurance agents, their insurers
79 or insurers to which they have applied for coverage, persons
80 under contract with such insurers to provide claims or
81 underwriting information, prosecutorial authorities, law
82 enforcement agencies, the Department of Transportation, the
83 Department of Health, county and municipal traffic operations,
84 victim services programs, and any federal, state, or local
85 governmental agency in carrying out its functions.

86 2. A crash report may also be made available to any third
87 party acting on behalf of a person or entity authorized under
88 subparagraph 1. to access the crash report, except that the
89 third party may disclose the crash report only to the person or
90 entity authorized to access the crash report under subparagraph
91 1. on whose behalf the third party has sought the report ~~radio~~
92 ~~and television stations licensed by the Federal Communications~~
93 ~~Commission, newspapers qualified to publish legal notices under~~
94 ~~ss. 50.011 and 50.031, and, in accordance with paragraph (f),~~
95 ~~free newspapers of general circulation, published once a week or~~
96 ~~more often, of which at least 7,500 copies are distributed by~~
97 ~~mail or by carrier as verified by a postal statement or by a~~
98 ~~notarized printer's statement of press run, which are intended~~
99 ~~to be generally distributed and circulated, and which contain~~
100 ~~news of general interest with at least 10 pages per publication,~~

101 ~~available and of interest to the public generally for the~~
102 ~~dissemination of news. For the purposes of this section, the~~
103 ~~following products or publications are not newspapers as~~
104 ~~referred to in this section: those intended primarily for~~
105 ~~members of a particular profession or occupational group; those~~
106 ~~with the primary purpose of distributing advertising; and those~~
107 ~~with the primary purpose of publishing names and other personal-~~
108 ~~identifying information concerning parties to motor vehicle~~
109 ~~crashes.~~

110 ~~(d)-(e)~~ A federal, state, or Any local governmental, state,
111 or federal agency, or any private person or entity acting on
112 behalf of a federal, state, or local governmental agency in
113 carrying out its functions, that is authorized to have access to
114 ~~crash reports by any provision of law~~ shall be granted such
115 access in the furtherance of the agency's statutory duties
116 pursuant to a memorandum of understanding approved by the agency
117 holding the crash reports which requires that personal
118 information revealed in the crash reports remain confidential
119 and exempt.

120 ~~(e)-(d)~~ As a condition precedent to accessing a crash
121 report that reveals personal information concerning the parties,
122 passengers, or witnesses involved in the crash within 60 days
123 ~~after the date the report is filed,~~ a person must submit to the
124 agency that holds the crash report, in a format prescribed by
125 the agency, present a valid driver license or other photographic

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126 ~~identification, proof of status, or identification that~~
127 ~~demonstrates his or her qualifications to access that~~
128 ~~information and file a written sworn statement attesting to the~~
129 ~~person's identity, authority to access the crash report under~~
130 ~~paragraph (c), and agreement to refrain from using the with the~~
131 ~~state or local agency in possession of the information stating~~
132 ~~that information from a crash report made confidential and~~
133 ~~exempt by this section will not be used for any commercial~~
134 ~~solicitation of accident victims, or knowingly disclosing the~~
135 ~~crash report disclosed to any third party for the purpose of~~
136 ~~such solicitation, during the period of time that the~~
137 ~~information remains confidential and exempt. Such written sworn~~
138 ~~statement must be completed and sworn to by the requesting party~~
139 ~~for each individual crash report that is being requested with~~
140 ~~personal information concerning the parties, passengers, or~~
141 ~~witnesses involved in the crash within 60 days after the report~~
142 ~~is filed. In lieu of requiring the written sworn statement, an~~
143 ~~agency may provide crash reports by electronic means pursuant to~~
144 ~~a memorandum of understanding that requires third-party vendors~~
145 ~~under contract with one or more insurers, but only when such~~
146 ~~contract states that personal information revealed in from a~~
147 ~~crash report remain made confidential and exempt and prohibits~~
148 ~~such personal information from being by this section will not be~~
149 ~~used for any commercial solicitation of accident victims by the~~
150 ~~vendors, or knowingly disclosed by the vendors to any third~~

151 party for the purpose of such solicitation, ~~during the period of~~
152 ~~time that the information remains confidential and exempt, and~~
153 ~~only when a copy of such contract is furnished to the agency as~~
154 ~~proof of the vendor's claimed status.~~

155 (f) Upon request, an agency shall provide a summary of a
156 crash report to radio or television stations, newspapers, and
157 other news media, comprising descriptive information about the
158 crash to the extent included in the report, including, but not
159 limited to, the time, date, and location of the crash; the name,
160 age, gender, race, and ethnicity of any driver involved in the
161 crash; a description of any vehicle involved in the crash,
162 including the vehicle's color, make, model, body style, and
163 year; the names of the law enforcement agencies and officers
164 responding to the scene or investigating the crash; the
165 circumstances of the crash; and whether any arrests were made or
166 traffic citations were issued. This paragraph does not require
167 an agency to provide in a summary any information made
168 confidential or exempt by any provision of law outside of this
169 section.

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

174 ~~(g)-(f) Free newspapers of general circulation published~~
175 ~~once a week or more often, of which at least 7,500 copies are~~

176 ~~distributed by mail or by carrier as verified by a postal~~
 177 ~~statement or by a notarized printer's statement of press run,~~
 178 ~~which are intended to be generally distributed and circulated,~~
 179 ~~which contain news of general interest with at least 10 pages~~
 180 ~~per publication, available and of interest to the public~~
 181 ~~generally for the dissemination of news, and which request 10 or~~
 182 ~~more crash reports within a 24-hour period before 60 days have~~
 183 ~~elapsed after the report is filed may not have access to the~~
 184 ~~home, cellular, employment, or other telephone number or the~~
 185 ~~home or employment address of any of the parties involved in the~~
 186 ~~crash.~~ This subsection ~~paragraph~~ is subject to the Open
 187 Government Sunset Review Act in accordance with s. 119.15 and
 188 shall stand repealed on October 2, 2027 ~~2019~~, unless reviewed
 189 and saved from repeal through reenactment by the Legislature.

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

194 (b) An ~~Any~~ employee of an ~~a state or local~~ agency, as
 195 defined in s. 119.011, in possession of information made
 196 confidential and exempt by this section who knowingly discloses
 197 such confidential and exempt information to a person not
 198 entitled to access such information under this section commits a
 199 felony of the third degree, punishable as provided in s.
 200 775.082, s. 775.083, or s. 775.084.

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

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

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

213 316.650 Traffic citations.—

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

219 (b)1. Driver information contained in a uniform traffic
 220 citation held by an agency is exempt from s. 119.07(1) and s.
 221 24(a), Art. I of the State Constitution. This paragraph applies
 222 to driver information held by an agency before, on, or after the
 223 effective date of the exemption.

224 2. An agency may release driver information in accordance
 225 with any of the permissible uses listed in 18 U.S.C. s. 2721(b)

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226 in the same manner applicable to the release of personal
227 information contained in a motor vehicle record pursuant to s.
228 119.0712(2)(b).

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

233 (c) Driver information contained in a uniform traffic
234 citation ~~may, which includes but is not limited to, the accused~~
235 ~~person's name and address, shall not be used for commercial~~
236 solicitation purposes. ~~However, the use of such driver~~
237 ~~information contained in a uniform traffic citation shall not be~~
238 ~~considered a commercial purpose when used for publication in a~~
239 ~~newspaper or other news periodical, when used for broadcast by~~
240 ~~radio or television, or when used to inform a person of the~~
241 ~~availability of driver safety training.~~

242 Section 3. (1) The Legislature finds that it is a public
243 necessity that crash reports that reveal personal information
244 concerning parties, passengers, and witnesses to a crash for a
245 period of 60 days after the date the crash report is filed with
246 an agency; such personal information revealed in crash reports
247 held by an agency following the 60-day period; and computerized
248 crash report data held by an agency be confidential and exempt
249 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
250 the State Constitution. Crash reports reveal significant

251 personal information, not only about parties involved in a crash
252 but also about passengers and other witnesses to the crash.
253 Pervasive use of the Internet and related technologies abet
254 those with malicious purposes in exploiting the use of personal
255 information revealed in crash reports, such as a party's,
256 passenger's, or witness's date of birth, driver license number,
257 and address, creating ever-expanding threats to privacy and
258 security never envisioned in generations past. Moreover, ever-
259 increasing use of information technology for the preparation,
260 submission, and management of crash reports has led agencies to
261 hold vast repositories of computerized crash report data, which
262 includes such personal information. Personal information, when
263 held by the Department of Highway Safety and Motor Vehicles in
264 driver license and motor vehicle records, is confidential
265 pursuant to the federal Driver's Privacy Protection Act of 1994,
266 18 U.S.C. ss. 2721 et seq., and s. 119.0712(2), Florida
267 Statutes. These restrictions on disclosure of personal
268 information, however, have not applied to personal information
269 revealed in crash reports. When personal information revealed in
270 crash reports or computerized crash report data is made
271 available to the public, because it comprises much of the same
272 personal information contained in driver license and motor
273 vehicle records, the protections afforded by the federal
274 Driver's Privacy Protection Act of 1994 are significantly
275 undermined, eroding the privacy and safety of drivers.

276 Therefore, the Legislature finds that it is a public necessity
277 to make confidential and exempt from public records requirements
278 crash reports that reveal personal information concerning
279 parties, passengers, and witnesses to a crash for a period of 60
280 days after the date the crash report is filed with an agency;
281 such personal information revealed in crash reports held by an
282 agency following the 60-day period; and computerized crash
283 report data held by an agency.

284 (2) The Legislature finds that it is a public necessity
285 that driver information contained in a uniform traffic citation
286 held by an agency be exempt from s. 119.07(1), Florida Statutes,
287 and s. 24(a), Article I of the State Constitution. Uniform
288 traffic citations reveal significant personal information about
289 drivers issued a citation. Pervasive use of the Internet and
290 related technologies abet those with malicious purposes in
291 exploiting the use of personal information contained in traffic
292 citations, such as a driver's date of birth, driver license
293 number, and address, creating ever-expanding threats to privacy
294 and security never envisioned in generations past. Driver
295 information, when held by the Department of Highway Safety and
296 Motor Vehicles in driver license and motor vehicle records, is
297 confidential pursuant to the federal Driver's Privacy Protection
298 Act of 1994, 18 U.S.C. ss. 2721 et seq., and s. 119.0712(2),
299 Florida Statutes. These restrictions on disclosure of personal
300 information, however, have not applied to driver information

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301 contained in uniform traffic citations. When driver information
302 contained in uniform traffic citations is made available to the
303 public, because it comprises much of the same personal
304 information contained in driver license and motor vehicle
305 records, the protections afforded by the federal Driver's
306 Privacy Protection Act of 1994 are significantly undermined,
307 eroding the privacy and safety of drivers. Therefore, the
308 Legislature finds that it is a public necessity to make exempt
309 from public records requirements driver information contained in
310 uniform traffic citations.

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