



26 | 316.066 Written reports of crashes.—

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

36 | (b) Crash reports held by an agency under paragraph (a)  
 37 | may be made immediately available to the parties involved in the  
 38 | crash, their legal representatives, their licensed insurance  
 39 | agents, their insurers or insurers to which they have applied  
 40 | for coverage, persons under contract with such insurers to  
 41 | provide claims or underwriting information, ~~prosecutorial~~  
 42 | ~~authorities, law enforcement agencies, the Department of~~  
 43 | ~~Transportation, county traffic operations,~~ victim services  
 44 | programs, ~~radio and television stations licensed by the Federal~~  
 45 | ~~Communications Commission, newspapers qualified to publish legal~~  
 46 | ~~notices under ss. 50.011 and 50.031,~~ and any federal, state, or  
 47 | local governmental agency or any private person or entity acting  
 48 | on behalf of a federal, state, or local governmental agency in  
 49 | carrying out its functions, but not for redistribution to any  
 50 | person or entity not listed in this paragraph. Crash reports

51 held by an agency under paragraph (a) that do not contain the  
52 home or employment street addresses, driver license or  
53 identification card numbers, dates of birth, and home and  
54 employment telephone numbers of the parties involved in the  
55 crash shall, upon request, be made immediately available to  
56 radio and television stations licensed by the Federal  
57 Communications Commission and newspapers qualified to publish  
58 legal notices under ss. 50.011 and 50.031. A crash report may  
59 also be made available to any third party acting on behalf of a  
60 person or entity authorized under this section to access the  
61 crash report, except that the third party may disclose the crash  
62 report only to the person or entity authorized to access the  
63 crash report under this section on whose behalf the third party  
64 has sought the report. This section does not prevent an agency,  
65 pursuant to a memorandum of understanding, from providing data  
66 derived from crash reports to a third party solely for the  
67 purpose of identifying vehicles involved in crashes if such data  
68 does not reveal the identities, home or employment telephone  
69 numbers or home or employment addresses, or other personal  
70 information, as defined in s. 119.0712(2)(b) and 18 U.S.C. s.  
71 2725(3), of the parties involved in the crash, in accordance  
72 ~~with paragraph (f), free newspapers of general circulation,~~  
73 ~~published once a week or more often, of which at least 7,500~~  
74 ~~copies are distributed by mail or by carrier as verified by a~~  
75 ~~postal statement or by a notarized printer's statement of press-~~

76 ~~run, which are intended to be generally distributed and~~  
77 ~~circulated, and which contain news of general interest with at~~  
78 ~~least 10 pages per publication, available and of interest to the~~  
79 ~~public generally for the dissemination of news. For the purposes~~  
80 ~~of this section, the following products or publications are not~~  
81 ~~newspapers as referred to in this section: those intended~~  
82 ~~primarily for members of a particular profession or occupational~~  
83 ~~group; those with the primary purpose of distributing~~  
84 ~~advertising; and those with the primary purpose of publishing~~  
85 ~~names and other personal identifying information concerning~~  
86 ~~parties to motor vehicle crashes.~~

87 (c) Any local, state, or federal agency that is authorized  
88 to have access to crash reports by any provision of law shall be  
89 granted such access in the furtherance of the agency's statutory  
90 duties.

91 (d) As a condition precedent to accessing a crash report  
92 ~~within 60 days after the date the report is filed,~~ a person must  
93 present a valid driver license or other photographic  
94 identification, proof of status, or identification that  
95 demonstrates his or her qualifications to access that  
96 information and file a written sworn statement with the state or  
97 local agency in possession of the information stating that  
98 information from a crash report made confidential and exempt by  
99 this section will not be used for any commercial solicitation of  
100 accident victims, or knowingly disclosed to any third party for

101 the purpose of such solicitation, ~~during the period of time that~~  
102 ~~the information remains confidential and exempt~~. Such written  
103 sworn statement must be completed and sworn to by the requesting  
104 party for each individual crash report that is being requested  
105 ~~within 60 days after the report is filed~~. In lieu of requiring  
106 the written sworn statement, an agency may provide crash reports  
107 by electronic means pursuant to a memorandum of understanding to  
108 third-party vendors under contract with one or more insurers,  
109 but only when such contract states that information from a crash  
110 report made confidential and exempt by this section will not be  
111 used for any commercial solicitation of accident victims by the  
112 vendors, or knowingly disclosed by the vendors to any third  
113 party for the purpose of such solicitation, ~~during the period of~~  
114 ~~time that the information remains confidential and exempt~~, and  
115 only when a copy of such contract is furnished to the agency as  
116 proof of the vendor's claimed status.

117 (e) This subsection does not prevent the dissemination or  
118 publication of news to the general public by any legitimate  
119 media entitled to access confidential and exempt information  
120 pursuant to this section.

121 (f) Crash reports held by an agency under paragraph (a)  
122 may be made available 60 days after the date the report is filed  
123 to any person or entity eligible to access crash reports under  
124 paragraph (b), or in accordance with any of the permissible uses  
125 listed in 18 U.S.C. s. 2721(b) and pursuant to the resale and

126 redisdisclosure requirements in 18 U.S.C. s. 2721(c).

127 (g) If crash reports are created by or submitted to an  
128 agency electronically as data elements within a computerized  
129 database, or if personal information from a crash report is  
130 entered into a computerized database, such crash data held by an  
131 agency is confidential and exempt from s. 119.07(1) and s.  
132 24(a), Art. I of the State Constitution. Sixty days after the  
133 date the crash report is filed, an agency may provide crash data  
134 derived from the crash report which includes personal  
135 information to entities eligible to access crash reports under  
136 paragraph (b), or in accordance with any of the permissible uses  
137 listed in 18 U.S.C. s. 2721(b) and pursuant to the resale and  
138 redisdisclosure requirements in 18 U.S.C. s. 2721(c). Such data  
139 shall be provided pursuant to a memorandum of understanding.

140 ~~Free newspapers of general circulation published once a week or~~  
141 ~~more often, of which at least 7,500 copies are distributed by~~  
142 ~~mail or by carrier as verified by a postal statement or by a~~  
143 ~~notarized printer's statement of press run, which are intended~~  
144 ~~to be generally distributed and circulated, which contain news~~  
145 ~~of general interest with at least 10 pages per publication,~~  
146 ~~available and of interest to the public generally for the~~  
147 ~~dissemination of news, and which request 10 or more crash~~  
148 ~~reports within a 24-hour period before 60 days have elapsed~~  
149 ~~after the report is filed may not have access to the home,~~  
150 ~~cellular, employment, or other telephone number or the home or~~

151 ~~employment address of any of the parties involved in the crash.~~

152       (h) This ~~subsection~~ ~~paragraph~~ is subject to the Open  
153 Government Sunset Review Act in accordance with s. 119.15 and  
154 shall stand repealed on October 2, 2027 ~~2019~~, unless reviewed  
155 and saved from repeal through reenactment by the Legislature.

156       (3) (a) Any driver failing to file the written report  
157 required under subsection (1) commits a noncriminal traffic  
158 infraction, punishable as a nonmoving violation as provided in  
159 chapter 318.

160       (b) Any employee of a state or local agency in possession  
161 of information made confidential and exempt by this section who  
162 knowingly discloses such confidential and exempt information to  
163 a person not entitled to access such information under this  
164 section commits a felony of the third degree, punishable as  
165 provided in s. 775.082, s. 775.083, or s. 775.084.

166       (c) Any person, knowing that he or she is not entitled to  
167 obtain information made confidential and exempt by this section,  
168 who obtains or attempts to obtain such information commits a  
169 felony of the third degree, punishable as provided in s.  
170 775.082, s. 775.083, or s. 775.084.

171       (d) Any person who knowingly uses confidential and exempt  
172 information in violation of a filed written sworn statement,  
173 memorandum of understanding, or contractual agreement required  
174 by this section commits a felony of the third degree, punishable  
175 as provided in s. 775.082, s. 775.083, or s. 775.084.

176 (e) In addition to penalties outlined in paragraphs (c)  
 177 and (d), a person who obtains a crash report or crash data and  
 178 who knowingly discloses or knowingly uses personal information  
 179 revealed in the report for a purpose not permitted under 18  
 180 U.S.C. s. 2721(b) is liable to the individual to whom the  
 181 information pertains, who may bring a civil action in any court  
 182 of competent jurisdiction. The court may award:

183 1. Actual damages, but not less than liquidated damages in  
 184 the amount of \$2,500.

185 2. Punitive damages upon proof of willful or reckless  
 186 disregard of the law.

187 3. Reasonable attorney fees and other litigation costs  
 188 reasonably incurred.

189 4. Such other preliminary and equitable relief as the  
 190 court determines to be appropriate.

191  
 192 This paragraph does not apply to radio and television stations  
 193 licensed by the Federal Communications Commission and newspapers  
 194 qualified to publish legal notices under ss. 50.011 and 50.031.

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

197 316.650 Traffic citations.—

198 (11) (a) As used in this subsection, the term "driver  
 199 information" means a driver's date of birth, driver license or  
 200 identification card number, address excluding the five-digit zip



201 code, telephone number, motor vehicle license plate number, and  
202 trailer tag number. The term does not include the driver's name.

203 (b)1. Driver information contained in a uniform traffic  
204 citation held by an agency is exempt from s. 119.07(1) and s.  
205 24(a), Art. I of the State Constitution. This paragraph applies  
206 to driver information held by an agency before, on, or after the  
207 effective date of the exemption.

208 2. An agency may release driver information in accordance  
209 with any of the permissible uses listed in 18 U.S.C. s. 2721(b)  
210 in the same manner applicable to the release of personal  
211 information contained in a motor vehicle record pursuant to s.  
212 119.0712(2)(b).

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

217 (c) Driver information contained in a uniform traffic  
218 citation, including ~~which includes but is not limited to,~~ the  
219 accused person's name and address, shall not be used for  
220 commercial solicitation purposes. However, the use of such  
221 driver information contained in a uniform traffic citation shall  
222 not be considered a commercial purpose when used for publication  
223 in a newspaper or other news periodical, when used for broadcast  
224 by radio or television, or when used to inform a person of the  
225 availability of driver safety training.

226           Section 3. (1) The Legislature finds that it is a public  
227 necessity that crash reports that reveal personal information  
228 concerning parties, passengers, and witnesses to a crash for a  
229 period of 60 days after the date the crash report is filed with  
230 an agency; such personal information revealed in crash reports  
231 held by an agency following the 60-day period; and computerized  
232 crash report data held by an agency be confidential and exempt  
233 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of  
234 the State Constitution. Crash reports reveal significant  
235 personal information, not only about parties involved in a crash  
236 but also about passengers and other witnesses to the crash.  
237 Pervasive use of the Internet and related technologies abet  
238 those with malicious purposes in exploiting the use of personal  
239 information revealed in crash reports, such as a party's,  
240 passenger's, or witness's date of birth, driver license number,  
241 and address, creating ever-expanding threats to privacy and  
242 security never envisioned in generations past. Moreover, ever-  
243 increasing use of information technology for the preparation,  
244 submission, and management of crash reports has led agencies to  
245 hold vast repositories of computerized crash report data, which  
246 includes such personal information. Personal information, when  
247 held by the Department of Highway Safety and Motor Vehicles in  
248 driver license and motor vehicle records, is confidential  
249 pursuant to the federal Driver's Privacy Protection Act of 1994,  
250 18 U.S.C. ss. 2721 et seq., and s. 119.0712(2), Florida

251 Statutes. These restrictions on disclosure of personal  
252 information, however, have not applied to personal information  
253 revealed in crash reports. When personal information revealed in  
254 crash reports or computerized crash report data is made  
255 available to the public, because it comprises much of the same  
256 personal information contained in driver license and motor  
257 vehicle records, the protections afforded by the federal  
258 Driver's Privacy Protection Act of 1994 are significantly  
259 undermined, eroding the privacy and safety of drivers.  
260 Therefore, the Legislature finds that it is a public necessity  
261 to make confidential and exempt from public records requirements  
262 crash reports that reveal personal information concerning  
263 parties, passengers, and witnesses to a crash for a period of 60  
264 days after the date the crash report is filed with an agency;  
265 such personal information revealed in crash reports held by an  
266 agency following the 60-day period; and computerized crash  
267 report data held by an agency.

268 (2) The Legislature finds that it is a public necessity  
269 that driver information contained in a uniform traffic citation  
270 held by an agency be exempt from s. 119.07(1), Florida Statutes,  
271 and s. 24(a), Article I of the State Constitution. Uniform  
272 traffic citations reveal significant personal information about  
273 drivers issued a citation. Pervasive use of the Internet and  
274 related technologies abet those with malicious purposes in  
275 exploiting the use of personal information contained in traffic

276 citations, such as a driver's date of birth, driver license  
277 number, and address, creating ever-expanding threats to privacy  
278 and security never envisioned in generations past. Driver  
279 information, when held by the Department of Highway Safety and  
280 Motor Vehicles in driver license and motor vehicle records, is  
281 confidential pursuant to the federal Driver's Privacy Protection  
282 Act of 1994, 18 U.S.C. ss. 2721 et seq., and s. 119.0712(2),  
283 Florida Statutes. These restrictions on disclosure of personal  
284 information, however, have not applied to driver information  
285 contained in uniform traffic citations. When driver information  
286 contained in uniform traffic citations is made available to the  
287 public, because it comprises much of the same personal  
288 information contained in driver license and motor vehicle  
289 records, the protections afforded by the federal Driver's  
290 Privacy Protection Act of 1994 are significantly undermined,  
291 eroding the privacy and safety of drivers. Therefore, the  
292 Legislature finds that it is a public necessity to make exempt  
293 from public records requirements driver information contained in  
294 uniform traffic citations.

295 Section 4. This act shall take effect March 1, 2023.