

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1030

SPONSOR: Senator Burt

SUBJECT: Vehicle Crash Reports

DATE: February 22, 2002 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Vickers</u>	<u>Meyer</u>	<u>TR</u>	<u>Favorable</u>
2.	<u> </u>	<u> </u>	<u>GO</u>	<u> </u>
3.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
4.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
5.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
6.	<u> </u>	<u> </u>	<u> </u>	<u> </u>

I. Summary:

This bill authorizes local agencies access to certain personal information contained in crash reports. This provision extends to local agencies the same authorization currently granted to state and federal agencies. The bill also clarifies existing law by providing that an agent or employee of a state or federal agency has access to such reports, so long as the information is used in the furtherance of that agent's or employee's statutory duties. Additionally, the bill requires local, state, and federal agencies, agents, and employees who receive crash reports to maintain the confidential and exempt status of such reports and does not permit disclosure of those reports.

This bill substantially amends section 316.066 of the Florida Statutes.

II. Present Situation:

Section 316.066, F.S., requires law enforcement officers to file written reports of motor vehicle crashes. These crash reports are considered a public record. However, crash reports that reveal the identity, the home or employment telephone number, the home or employment address, or other personal information concerning parties involved in a crash, received or prepared by any agency that regularly receives or prepares information concerning the parties to motor vehicle crashes is confidential and exempt from public disclosure. This information is to remain confidential and exempt for 60 days after the date the report is filed.

Subsection (3) of this section provides exceptions to the public records exemption. Specifically, crash reports may be made available to the following entities:

- Parties involved in the crash;

- Legal representatives of such parties;
- Licensed insurance agents of such parties;
- Insurers or insurers to which such parties have applied for coverage;
- Persons under contract with such insurers to provide claims or underwriting information;
- Prosecutorial authorities;
- Radio and television stations licensed by the Federal Communications Commission;
- Newspapers qualified to publish legal notices; and
- Free newspapers of general circulation.

In addition, any state or federal agency authorized to have access to crash reports is granted such access in the furtherance of that agency's duties. Currently, this same access does not apply to local agencies, their employees, or their agents.

III. Effect of Proposed Changes:

This bill amends s. 316.066, F.S., to allow local agencies access to certain personal information contained in crash reports. This provision extends to local agencies the same authorization currently granted to state and federal agencies. Representatives of local governments have indicated that they want access to this information primarily for traffic engineering and safety purposes.

The bill clarifies existing law by specifically stating that an agent or employee of a federal, state, or local agency has access to such reports, so long as the information is used in the furtherance of that agent's or employee's statutory duties. Additionally, the bill requires local, state, and federal agencies, agents, and employees who receive crash reports to maintain the confidential and exempt status of such reports and does not permit disclosure of those reports.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

The bill extends the same access to personal information contained in crash reports currently granted for state and federal agencies to local agencies. In addition, the bill provides that employees and agents of such governmental agencies shall have access to this information. Finally, the bill requires that local, state, and federal agencies, agents, and employees who receive crash reports to maintain the confidential and exempt status of such reports and does not permit disclosure of those reports.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
