

Council Substitute for House Bill No. 15-C

An act relating to a public records exemption; creating s. 324.242, F.S.; creating a public records exemption for certain information regarding personal injury protection and property damage liability insurance policies held by the Department of Highway Safety and Motor Vehicles; authorizing conditional release of confidential and exempt information to specified persons; providing for retroactive application of the exemption; providing for future review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Section 324.242, Florida Statutes, is created to read:

324.242 Personal injury protection and property damage liability insurance policies; public records exemption.—

(1) The following information regarding personal injury protection and property damage liability insurance policies held by the department is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(a) Personal identifying information of an insured or former insured; and

(b) An insurance policy number.

(2) Upon receipt of a written request and a copy of a crash report as required under s. 316.065, s. 316.066, or s. 316.068, the department shall release the policy number for a policy covering a vehicle involved in a motor vehicle accident to:

(a) Any person involved in such accident;

(b) The attorney of any person involved in such accident; or

(c) A representative of the insurer of any person involved in such accident.

(3) This exemption applies to personal identifying information of an insured or former insured and insurance policy numbers held by the department before, on, or after the effective date of this section.

(4) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2012, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity to make confidential and exempt from public records requirements certain information regarding personal injury protection and property damage liability in-

surance policies held by the Department of Highway Safety and Motor Vehicles. In order to effectively and efficiently administer and enforce personal injury protection and property damage liability insurance coverage requirements, the Legislature finds that it is a public necessity to protect the release of personal identifying information of an insured or former insured and the insurance policy number of an insured. In order to ensure public safety on the roads and highways of this state, it is imperative that automobile drivers be properly insured for damage to personal and real property, as well as personal injury. As such, insurers are required to report to the Department of Highway Safety and Motor Vehicles and verify the issuance of a new policy to a driver, as well as the renewal, nonrenewal, or cancellation of that policy. When this information is compiled it could result in a customer list of every insurer in the state. Customer lists contain detailed client and policy information that is traditionally considered proprietary business information because such lists could be used by competitors to solicit customers. Consequently, the release of that information could injure the insurer in the marketplace by diminishing the advantage the insurer maintains over those who do not possess such information. Therefore, the Legislature finds that it is a public necessity to prevent the release of such information held by the Department of Highway Safety and Motor Vehicles and thereby makes such information confidential and exempt from the requirements of s. 119.07(1), Florida Statutes, and s. 24(a), Art. I of the State Constitution.

Section 3. This act shall take effect on the same date that HB 13C or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

Approved by the Governor October 11, 2007.

Filed in Office Secretary of State October 11, 2007.