

BILL

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A bill to be entitled
 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 release of the confidential and exempt
 information provided certain requirements are met;
 providing for retroactive application of the public
 records exemption; providing for future review and repeal
 of the public records 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;

(b) An insurance policy number; and

(c) Information that identifies the insurer.

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28 (2) Upon receipt of a written request and a copy of a
 29 crash report as required in ss. 316.065, 316.066, or 316.068,
 30 the department shall release the name of the insurer and the
 31 policy number for a policy covering a vehicle involved in a
 32 motor vehicle accident to:

- 33 (a) Any person involved in such accident;
 34 (b) The attorney of any person involved in such accident;

35 or

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

38 (3) This exemption applies to such confidential and exempt
 39 information held by the department before, on, or after the
 40 effective date of this section.

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 43 repealed on October 2, 2012, unless reviewed and saved from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

45 Section 2. The Legislature finds that it is a public
 46 necessity to make confidential and exempt from public records
 47 requirements certain information regarding personal injury
 48 protection and property damage liability insurance policies held
 49 by the Department of Highway Safety and Motor Vehicles. In order
 50 to effectively and efficiently administer and enforce personal
 51 injury protection and property damage liability insurance
 52 coverage requirements, the Legislature finds that it is a public
 53 necessity to protect the release of personal identifying
 54 information of an insured or former insured, the insurance
 55 policy number, and information identifying the insurer. In order

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56 to ensure public safety on the roads and highways of this state,
 57 it is imperative that automobile drivers be properly insured for
 58 damage to personal and real property, as well as personal
 59 injury. As such, insurers are required to report to the
 60 department and verify the issuance of a new policy to a driver,
 61 as well as the renewal, nonrenewal, or cancellation of that
 62 policy. When this information is compiled it could result in a
 63 customer list of every insurer in the state. Customer lists
 64 contain detailed client and policy information that is
 65 traditionally considered proprietary business information
 66 because such lists could be used by competitors to solicit
 67 customers. As such, the release of that information could injure
 68 the insurer in the marketplace by diminishing the advantage that
 69 the insurer maintains over those who do not possess such
 70 information. Therefore, the Legislature finds that it is a
 71 public necessity to protect the release of such information held
 72 by the Department of Highway Safety and Motor Vehicles.

73 Section 3. This act shall take effect on the same date
 74 that HB ___ or similar legislation takes effect if such
 75 legislation is adopted in the same legislative session or an
 76 extension thereof and becomes law.