

PCB RCC 07-08

ORIGINAL

YEAR

1 A bill to be entitled
 2 An act relating to public records; creating s. 627.7364,
 3 F.S.; creating a public records exemption for reports of
 4 cancellations, policy renewals, and reports of the
 5 issuance of new policies held by the Department of Highway
 6 Safety and Motor Vehicles; providing an exception to the
 7 exemption; providing for future legislative review and
 8 repeal; providing a statement of public necessity;
 9 providing a contingent effective date.

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

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13 Section 1. Section 627.7364, Florida Statutes, is created
 14 to read:

15 627.7364 Emergency care coverage; public records
 16 exemption.—

17 (1) Reports of cancellations, policy renewals, and reports
 18 of the issuance of new policies held by the Department of Highway
 19 Safety and Motor Vehicles are confidential and exempt from s.
 20 119.07(1) and s. 24(a), Art. I of the State Constitution.

21 (2) The Department of Highway Safety and Motor Vehicles
 22 shall release, upon a written request by a person involved in a
 23 motor vehicle accident, by the person's attorney, or by a
 24 representative of the person's motor vehicle insurer, the name of
 25 the insurance company and the policy number for the policy
 26 covering the vehicle named by the requesting party. The written
 27 request must include a copy of the appropriate accident form as
 28 provided in s. 316.065, s. 316.066, or s. 316.068.

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 30 Review Act in accordance with s. 119.15, and shall stand repealed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

33 Section 2. The Legislature finds that it is a public
 34 necessity that reports of cancellations, policy renewals, and
 35 reports of the issuance of new policies held by the Department of
 36 Highway Safety and Motor Vehicles be made confidential and exempt
 37 from public records requirements. Such reports contain sensitive
 38 information regarding individuals who purchase insurance. In
 39 addition, such reports contain proprietary information concerning
 40 firms and corporations who purchase insurance, as well as
 41 proprietary information regarding the insurer. Without this
 42 exemption, sensitive information that is not otherwise available
 43 would be publicly available pursuant to a public records request.
 44 Further, the release of proprietary information regarding the
 45 insurer could jeopardize its market standing and participation
 46 and involvement in an open and free marketplace. Release of such
 47 information could injure the insurer in the marketplace by
 48 providing its competitors with detailed client and policy
 49 information, thereby diminishing the advantage that the insurer
 50 maintains over those who do not possess such information. As
 51 such, release of such information would adversely impact the
 52 insurer in the marketplace.

53 Section 3. This act shall take effect on the same date that
 54 PCB RCC 07-XX or similar legislation takes effect, if such
 55 legislation is adopted in the same legislative session or an
 56 extension thereof and becomes law.