

1 A bill to be entitled
2 An act relating to traffic accidents; amending s.
3 316.066, F.S.; authorizing a law enforcement agency to
4 contract with a private entity to send a licensed,
5 state-authorized claims adjuster to complete a short-
6 form crash report or provide a driver exchange-of-
7 information form, in lieu of having a law enforcement
8 officer investigate the crash; requiring the claims
9 adjuster to submit the short-form crash report or
10 driver exchange-of-information form to the Department
11 of Highway Safety and Motor Vehicles and the law
12 enforcement agency; revising requirements for the
13 short-form crash report; conforming provisions to
14 changes made by the act; amending ss. 316.068,
15 324.051, and 456.072, F.S.; conforming provisions to
16 changes made by the act; providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Paragraphs (c), (d), and (e) of subsection (1)
21 and subsection (4) of section 316.066, Florida Statutes, are
22 amended to read:

23 316.066 Written reports of crashes.—

24 (1)

25 (c) 1. Except as provided in subparagraph 2., in any crash

26 | for which a Florida Traffic Crash Report, Long Form is not
27 | required by this section and which occurs on the public roadways
28 | of this state, the law enforcement officer who in the regular
29 | course of duty responds to a motor vehicle crash shall complete
30 | a short-form crash report or provide a driver exchange-of-
31 | information form, to be completed by all drivers and passengers
32 | involved in the crash, which requires the identification of each
33 | vehicle that the drivers and passengers were in.

34 | 2. A law enforcement agency may contract with a private
35 | entity to send a licensed, state-authorized claims adjuster to
36 | complete the short-form crash report or provide the driver
37 | exchange-of-information form. The claims adjuster shall submit
38 | the short-form crash report or driver exchange-of-information
39 | form to the department and the law enforcement agency upon its
40 | completion.

41 | 3. The short-form report under this paragraph must
42 | include:

43 | a.1. The date, time, and location of the crash.

44 | b.2. A description of the vehicles involved.

45 | c.3. The names and addresses of the parties involved,
46 | including all drivers and passengers, and the identification of
47 | the vehicle in which each was a driver or a passenger.

48 | d.4. The names and addresses of witnesses.

49 | e.5. If a law enforcement officer investigates the crash,
50 | the name, badge number, and law enforcement agency of the

51 officer ~~investigating the crash.~~

52 f. If a claims adjuster investigates the crash, the name
53 of the claims adjuster, proof of certification or licensure of
54 the claims adjuster, and the name of the private entity that
55 holds the contract with the law enforcement agency and that
56 employs or contracts with the claims adjuster.

57 ~~g.6.~~ The names of the insurance companies for the
58 respective parties involved in the crash.

59 (d) Each party to the crash must provide the law
60 enforcement officer or claims adjuster with proof of insurance,
61 which must be documented in the crash report. If a law
62 enforcement officer or claims adjuster submits a report on the
63 crash, proof of insurance must be provided to the officer or
64 claims adjuster by each party involved in the crash. Any party
65 who fails to provide the required information commits a
66 noncriminal traffic infraction, punishable as a nonmoving
67 violation as provided in chapter 318, unless the officer or
68 claims adjuster determines that due to injuries or other special
69 circumstances such insurance information cannot be provided
70 immediately. If the person provides the law enforcement agency,
71 within 24 hours after the crash, proof of insurance that was
72 valid at the time of the crash, the law enforcement agency may
73 void the citation.

74 (e) The driver of a vehicle that was in any manner
75 involved in a crash resulting in damage to a vehicle or other

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76 | property which does not require a law enforcement or claims
77 | adjuster report shall, within 10 days after the crash, submit a
78 | written report of the crash to the department. The report shall
79 | be submitted on a form approved by the department.

80 | (4) Except as specified in this subsection, each crash
81 | report made by a person involved in a crash and any statement
82 | made by such person to a law enforcement officer or claims
83 | adjuster for the purpose of completing a crash report required
84 | by this section shall be without prejudice to the individual so
85 | reporting. Such report or statement may not be used as evidence
86 | in any ~~trial~~, civil or criminal trial. However, subject to the
87 | applicable rules of evidence, a law enforcement officer or
88 | claims adjuster ~~at a criminal trial~~ may testify at a criminal
89 | trial as to any statement made to the officer or claims adjuster
90 | by the person involved in the crash if that person's privilege
91 | against self-incrimination is not violated. The results of
92 | breath, urine, and blood tests administered as provided in s.
93 | 316.1932 or s. 316.1933 are not confidential and are admissible
94 | into evidence in accordance with ~~the provisions of~~ s.
95 | 316.1934(2).

96 | Section 2. Subsection (2) of section 316.068, Florida
97 | Statutes, is amended to read:

98 | 316.068 Crash report forms.—

99 | (2) Every crash report required to be made in writing must
100 | be made on the appropriate form approved by the department and

101 must contain all the information required therein, including:
102 (a) The date, time, and location of the crash;
103 (b) A description of the vehicles involved;
104 (c) The names and addresses of the parties involved;
105 (d) The names and addresses of all drivers and passengers
106 in the vehicles involved;
107 (e) The names and addresses of witnesses;
108 (f) If a law enforcement officer investigates the crash,
109 the name, badge number, and law enforcement agency of the
110 officer ~~investigating the crash;~~
111 (g) If a claims adjuster investigates the crash, the name
112 of the claims adjuster, proof of certification or licensure of
113 the claims adjuster, and the name of the private entity that
114 holds the contract with the law enforcement agency and that
115 employs or contracts with the claims adjuster; and
116 (h) ~~(g)~~ The names of the insurance companies for the
117 respective parties involved in the crash,
118
119 unless not available. The absence of information in such written
120 crash reports regarding the existence of passengers in the
121 vehicles involved in the crash constitutes a rebuttable
122 presumption that no such passengers were involved in the
123 reported crash. Notwithstanding any other provisions of this
124 section, a crash report produced electronically by a law
125 enforcement officer or claims adjuster must, at a minimum,

126 contain the same information as is called for on those forms
 127 approved by the department.

128 Section 3. Paragraph (a) of subsection (1) of section
 129 324.051, Florida Statutes, is amended to read:

130 324.051 Reports of crashes; suspensions of licenses and
 131 registrations.—

132 (1) (a) Every law enforcement officer or claims adjuster
 133 who, in the regular course of duty either at the time of and at
 134 the scene of the crash or thereafter by interviewing
 135 participants or witnesses, investigates a motor vehicle crash
 136 which he or she is required to report pursuant to s. 316.066(1)
 137 shall forward a written report of the crash to the department
 138 within 10 days after ~~of~~ completing the investigation. However,
 139 when the investigation of a crash will take more than 10 days to
 140 complete, a preliminary copy of the crash report shall be
 141 forwarded to the department within 10 days after the occurrence
 142 of the crash, to be followed by a final report within 10 days
 143 after completion of the investigation. The report shall be on a
 144 form and contain information consistent with the requirements of
 145 s. 316.068.

146 Section 4. Paragraph (y) of subsection (1) of section
 147 456.072, Florida Statutes, is amended to read:

148 456.072 Grounds for discipline; penalties; enforcement.—

149 (1) The following acts shall constitute grounds for which
 150 the disciplinary actions specified in subsection (2) may be

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151 taken:

152 (y) Using information about people involved in motor
153 vehicle accidents which has been derived from accident reports
154 made by law enforcement officers, claims adjusters, or persons
155 involved in accidents under s. 316.066, or using information
156 published in a newspaper or other news publication or through a
157 radio or television broadcast that has used information gained
158 from such reports, for the purposes of commercial or any other
159 solicitation whatsoever of the people involved in the accidents.

160 Section 5. This act shall take effect July 1, 2018.