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The Honorable Dave Kerner  
Florida House of Representatives  
402 South Monroe Street, Room 1101 Cap  
Tallahassee, FL 32399-1300

Re: HB 865/Motor Vehicle Crash Reports

Dear Representative Kerner:

We are writing to express our serious concerns regarding HB 865, which amends the exception to the public records exemption in s. 316.066(2), F.S., for written motor vehicle crash reports in the first 60 days following the crash. Currently, s. 316.066(2)(b) allows access to the written crash reports by certain print and broadcast media during that 60 day window. The same section specifically excludes certain types of newspapers from those that fall within the exception, including those "with the primary purpose of publishing names and other personal identifying information concerning parties to motor vehicle crashes."

Inexplicably, HB 865 equates publication of information concerning motor vehicle crashes by mainstream media to the unlawful solicitation of those involved in such crashes by those intent on committing insurance fraud, and prohibits the release of all contact information to those media legally authorized to obtain copies of the crash reports under s. 316.066(2)(b). It is our position that HB 865 goes far beyond a permissible exemption and simply tries to edit the public records. This raises significant constitutional issues, and we respectfully suggest that HB 865 be withdrawn from further consideration.

If you have any questions, Representative Kerner, please don't hesitate to contact US.

Sincerely,

Barbara A. Petersen, President

Cc: The Honorable Will Weatherford, Speaker, Florida House of Representatives  
Jon Kaney, General Counsel, First Amendment Foundation  
Sam Morley, General Counsel, Florida Press Association