



First Amendment Foundation

Protecting Your Right to Know for 30 Years!

18 February 2014

BOARD OF TRUSTEES

DAVE WILSON, CHAIRMAN

Senior Editor/Administration
The Miami Herald

BOB SHAW, VICE CHAIRMAN

Retired Editor

MIKE VASILINDA, SECRETARY & TREASURER

President

Capitol News Service

JON KANEY, GENERAL COUNSEL

Kaney & Olivari

DICK BATCHELOR

Founder and President

Dick Batchelor Management Group, Inc.

BRIAN CROWLEY

Principal

Immediacy Public Relations

MIKE DEESON

Senior Reporter

WTSP-TV

FRANK DENTON

Editor

Florida Times-Union

DEREK DUNN-RANKIN

Chairman & CEO

Suncoast Media Group

CAROL JEAN LOCICERO

Thomas & LoCicero

TIM NICKENS

Editor of Editorials

Tampa Bay Times

PATSY PALMER

D'Alemberte & Palmer, PLLC

PATRICK RICE

Editor

Daytona Beach News-Journal

DEAN RIDINGS

President & CEO

Intersect Media Solutions

LYNDA RUSSELL

Public Policy Advocate

Florida Education Association

APRIL SALTER

President & Chief Operating Officer

Salter Mitchell

CRAIG SANDLER

General Manager

Affiliated News Services

MATT WALSH

Publisher

The Sarasota Observer

PETE WEITZEL

Director Emeritus

The Honorable Bill Galvano
The Florida Senate
404 South Monroe Street, Room 326 SOB
Tallahassee, FL 32399-1100

Re: SB 1046/Motor Vehicle Crash Reports

Dear Senator Galvano:

We are writing to express our serious concerns regarding SB 1046, 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, SB 1046 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 SB 1046 goes far beyond a permissible exemption and simply tries to edit the public records. This raises significant constitutional issues, and we respectfully suggest that SB 1046 be withdrawn from further consideration.

If you have any questions, Senator Galvano, please don't hesitate to contact us.

Sincerely,


Barbara A. Petersen, President

Cc: The Honorable Don Gaetz, President, The Florida Senate
Jon Kaney, General Counsel, First Amendment Foundation
Sam Morley, General Counsel, Florida Press Association