

By the Committee on Health Policy; and Senator Abruzzo

588-01760-14

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1                   A bill to be entitled  
2           An act relating to public records; providing an  
3           exemption from public records requirements for  
4           personal identifying information of participants in a  
5           yellow dot critical motorist medical information  
6           program; providing for future legislative review and  
7           repeal of the exemption; providing a statement of  
8           public necessity; providing a contingent effective  
9           date.

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

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13           Section 1. Public records exemption; participants in a  
14 yellow dot critical motorist medical information program.-

15           (1) Personal identifying information of a participant in a  
16 yellow dot critical motorist medical information program which  
17 is held by a county participating in such program is exempt from  
18 s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the  
19 State Constitution.

20           (2) Subsection (1) is subject to the Open Government Sunset  
21 Review Act in accordance with s. 119.15, Florida Statutes, and  
22 is repealed on October 2, 2019, unless reviewed and saved from  
23 repeal through reenactment by the Legislature.

24           Section 2. The Legislature finds that it is a public  
25 necessity that the personal identifying information of a  
26 participant in a yellow dot critical motorist medical  
27 information program held by the governing body of a county  
28 participating in such program be made exempt from s. 119.07(1),  
29 Florida Statutes, and s. 24(a), Article I of the State

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30 Constitution. Nevertheless, allowing the governing bodies of  
31 participating counties to distribute yellow dot folders, as well  
32 as allowing emergency medical responders and law enforcement  
33 agents to access the information provided in yellow dot folders,  
34 will ensure the most rapid and effective treatment for victims  
35 of serious traffic accidents. If the personal identifying  
36 information of a participant in such program were not exempt  
37 from disclosure, any person could inspect and copy documentation  
38 that identifies the program participant. Consequently, the  
39 availability of such information to the public would result in  
40 the invasion of the program participant's privacy. If  
41 information regarding the program participant could be  
42 correlated with his or her medical records, it would be possible  
43 for the public to become aware of any diseases or other medical  
44 concerns for which the qualifying patient is being treated by  
45 his or her physician. This knowledge could be used to embarrass  
46 or humiliate a qualifying patient or to discriminate against him  
47 or her. Finally, protecting the personal identifying information  
48 of a participant in such program prevents the identification of  
49 program participants who could be victimized by robbery,  
50 burglary, or illicit drug activities. Accordingly, the  
51 Legislature finds that the harm to a program participant which  
52 could result from the release of personal identifying  
53 information of the participant outweighs any minimal public  
54 benefit that would be derived from disclosure of that  
55 information to the public. Therefore, it is the finding of the  
56 Legislature that such identifying information must be made  
57 confidential and exempt from public disclosure.

58 Section 3. This act shall take effect on the same date that

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59 SB 262 or similar legislation authorizing the governing body of  
60 a county to create a yellow dot critical motorist medical  
61 information program takes effect, if such legislation is adopted  
62 in the same legislative session or an extension thereof and  
63 becomes a law.