

By Representatives Turnbull and Trovillion

1 A bill to be entitled
 2 An act relating to driver's licenses; amending
 3 s. 322.126, F.S.; authorizing the Department of
 4 Highway Safety and Motor Vehicles to require a
 5 person who is licensed to submit to an
 6 examination if the department has reason to
 7 believe the person is incompetent or
 8 unqualified to retain the license; providing
 9 for license retention, suspension, denial, or
 10 revocation; providing a definition; providing
 11 for the elements of the examination; providing
 12 for reports to the department; providing for
 13 immunity for certain reports; providing for
 14 records; providing for report forms; providing
 15 a penalty for false reports; providing for
 16 reinstatement under certain circumstances;
 17 providing an effective date.

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

20
 21 Section 1. Section 322.126, Florida Statutes, is
 22 amended to read:

23 322.126 Report of disability to department; retention,
 24 suspension, or denial of license;content; use.--

25 (1) For the purpose of the reports authorized by this
 26 section, the Department of Highway Safety and Motor Vehicles,
 27 assisted by the Medical Advisory Board, shall:

28 (a) Define mental or physical disabilities affecting
 29 the ability of a person to safely operate a motor vehicle.

30 (b) Develop and keep current coded restrictions to be
 31 placed upon drivers' licenses of persons who are required to

1 wear medical identification bracelets when operating a motor
2 vehicle.

3 (2) Any physician, person, or agency having knowledge
4 of any licensed driver's or applicant's mental or physical
5 disability to drive or need to obtain or to wear a medical
6 identification bracelet is authorized to report such knowledge
7 to the Department of Highway Safety and Motor Vehicles. The
8 report should be made in writing giving the full name, date of
9 birth, address, and a description of the alleged disability of
10 any person over 15 years of age having mental or physical
11 disorders that could affect his or her driving ability. The
12 department shall have good cause to believe that an operator
13 is incompetent or unqualified to retain a driver's license on
14 the basis of a report filed pursuant to this section. The
15 report must state that the person reasonably and in good faith
16 believes the driver cannot safely operate a motor vehicle and
17 must be based upon personal observation or physical evidence
18 which shall be described in the report, or the report shall be
19 based upon an investigation by a law enforcement officer. The
20 report shall be a written declaration in the form prescribed
21 by the department and shall contain the name, address,
22 telephone number, and signature of the person making the
23 report.

24 (3)(a) The department, having good cause to believe
25 that an operator is incompetent or unqualified to retain his
26 or her license pursuant to a report received under this
27 section, after giving 10 days' notice to such person in
28 writing by certified mail directed to such person's present
29 known address, may require the person to submit to an
30 examination as prescribed by the department. Upon conclusion
31 of the examination, the department may allow the person to

1 retain his or her license, may suspend, deny, or revoke the
2 person's license, or may issue the person a license subject to
3 restrictions. If an examination indicates a condition that
4 potentially impairs safe driving, the department, in addition
5 to action with respect to the license, may require the person
6 to submit to further periodic examinations. The refusal or
7 neglect of the person to submit to an examination within 30
8 days after the date of such notice shall be grounds for
9 suspension, denial, or revocation of the person's license by
10 the director. Notice of any suspension, denial, revocation, or
11 other restriction shall be provided by certified mail. As used
12 in this section, the term "denial" means the act of not
13 licensing a person who is currently suspended, revoked, or
14 otherwise not licensed to operate a motor vehicle. Denial may
15 also include the act of withdrawing a previously issued
16 license.

17 (b) The examination provided for in paragraph (a) may
18 include, but is not limited to, a written test and tests of
19 driving skills, vision, highway sign recognition, and, if
20 appropriate, a physical and/or mental examination.

21 (4)(3) The reports authorized by this section shall be
22 confidential and exempt from the provisions of s. 119.07(1)
23 and shall be used solely for the purpose of determining the
24 qualifications of any person to operate a motor vehicle on the
25 highways of this state. No civil or criminal action may be
26 brought against any physician, person, or agency who provides
27 the information required herein.

28 (5)(4) No report forwarded under the provisions of
29 this section shall be used as evidence in any civil or
30 criminal trial or in any court proceeding.

31

1 (6) Any person who makes a report in good faith
2 pursuant to this section shall be immune from any civil
3 liability that otherwise might result from making the report.
4 (7) The department shall keep records and statistics
5 of reports made and actions taken against drivers' licenses
6 pursuant to this section.
7 (8) The department shall develop a standardized form
8 and provide guidelines for the reporting of cases and for the
9 examination of drivers pursuant to this section. The
10 guidelines shall be published and adopted as required by rule.
11 The department shall also adopt rules as necessary to carry
12 out the other provisions of this section. The director shall
13 provide health care professionals and law enforcement officers
14 with information about the procedures authorized in this
15 section. The guidelines and rules implementing this section
16 shall be in compliance with the Americans with Disabilities
17 Act of 1990.
18 (9) Any person who intentionally files a false report
19 pursuant to this section shall be guilty of a misdemeanor of
20 the first degree, punishable as provided for in s. 775.082 or
21 s. 775.083.
22 (10) Any individual whose condition is temporary in
23 nature shall have the right to petition the director of the
24 department for total or partial reinstatement of his or her
25 license. Such request shall be made on a form prescribed by
26 the department and be accompanied by a statement from a health
27 care provider with the same or similar license as the health
28 care provider who made the initial report resulting in the
29 limitation or loss of the driver's license. Such petition
30 shall be decided by the director of the department within 30
31 days after receipt of the petition.

1 Section 2. This act shall take effect October 1, 2000.

2

3

4

HOUSE SUMMARY

5

6

7

8

9

Authorizes the Department of Highway Safety and Motor
Vehicles, having good cause to believe that a motor
vehicle operator is incompetent or unqualified to retain
his or her license, to require the person to submit to an
examination as prescribed by the department and upon
conclusion of the examination to retain the license or to
have the license suspended, denied, or revoked. See bill
for details.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31