

By the Committee on Transportation; and Senator Sebesta

596-1870-06

1 A bill to be entitled
2 An act relating to driver's licenses; amending
3 s. 322.051, F.S.; providing for a person to be
4 issued an identification card at no cost
5 following voluntary surrender of a driver's
6 license or suspension or revocation of a
7 driver's license under certain conditions;
8 authorizing issuance of an identification card
9 having a gold marking; amending s. 322.126,
10 F.S.; revising the requirement that a physician
11 report to the Department of Highway Safety and
12 Motor Vehicles any patient diagnosed with
13 epilepsy, catalepsy, or narcolepsy, which has
14 been unresponsive to medical treatment;
15 providing that there shall be no monetary
16 liability or cause of action with respect to a
17 physician making such a report under certain
18 circumstances; amending s. 322.18, F.S.;
19 requiring that the department issue a license
20 that expires within a specified period,
21 notwithstanding other provisions to the
22 contrary, if the person applying for the
23 license is older than a specified age;
24 providing an effective date.

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

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28 Section 1. Paragraph (d) is added to subsection (1) of
29 section 322.051, Florida Statutes, to read:
30 322.051 Identification cards.--
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1 (1) Any person who is 12 years of age or older, or any
2 person who has a disability, regardless of age, who applies
3 for a disabled parking permit under s. 320.0848, may be issued
4 an identification card by the department upon completion of an
5 application and payment of an application fee.

6 (d) Notwithstanding any other provision of this
7 chapter, an applicant for an original or a renewal of an
8 identification card who has voluntarily surrendered his or her
9 driver's license or has had his or her license suspended or
10 revoked pursuant to s. 322.221 or s. 322.27(1)(c) shall be
11 issued the identification card at no cost. In accordance with
12 this subsection, a person who voluntarily surrendered his or
13 her license may be issued at his or her option an
14 identification card that has a distinctive gold marking.

15 Section 2. Section 322.126, Florida Statutes, is
16 amended to read:

17 322.126 Report of disability to department; content;
18 use.--

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

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

24 (b) Develop and keep current coded restrictions to be
25 placed upon drivers' licenses of persons who are required to
26 wear medical identification bracelets when operating a motor
27 vehicle.

28 (2) Any ~~physician,~~ person, or agency having knowledge
29 of any licensed driver's or applicant's mental or physical
30 disability to drive or need to obtain or to wear a medical
31 identification bracelet is authorized to report such knowledge

1 to the Department of Highway Safety and Motor Vehicles. The
2 report should be made in writing giving the full name, date of
3 birth, address, and a description of the alleged disability of
4 any person over 15 years of age having mental or physical
5 disorders that could affect his or her driving ability.

6 (3) Notwithstanding any other law, a physician
7 licensed under chapter 458 or chapter 459 shall report
8 immediately to the department in writing the full name, date
9 of birth, and address of each patient older than 15 years of
10 age whom the physician has diagnosed with epilepsy, catalepsy,
11 or narcolepsy, which has been unresponsive to medical
12 treatment. There shall be no monetary liability on the part
13 of, and no cause of action for damages shall arise against,
14 any physician for any action taken without intentional fraud,
15 or for the failure to take any action, in carrying out the
16 provisions of this subsection.

17 ~~(4)(3)~~ The reports authorized by this section shall be
18 confidential and exempt from the provisions of s. 119.07(1)
19 and shall be used solely for the purpose of determining the
20 qualifications of any person to operate a motor vehicle on the
21 highways of this state. No civil or criminal action may be
22 brought against any physician, person, or agency who provides
23 the information required herein.

24 ~~(5)(4)~~ No report forwarded under the provisions of
25 this section shall be used as evidence in any civil or
26 criminal trial or in any court proceeding.

27 Section 3. Subsection (2) of section 322.18, Florida
28 Statutes, is amended to read:

29 322.18 Original applications, licenses, and renewals;
30 expiration of licenses; delinquent licenses.--
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1 (2) Each applicant who is entitled to the issuance of
2 a driver's license, as provided in this section, shall be
3 issued a driver's license, as follows:

4 (a) An applicant applying for an original issuance
5 shall be issued a driver's license which expires at midnight
6 on the licensee's birthday which next occurs on or after the
7 sixth anniversary of the date of issue.

8 (b) An applicant applying for a renewal issuance or
9 renewal extension shall be issued a driver's license or
10 renewal extension sticker which expires at midnight on the
11 licensee's birthday which next occurs 4 years after the month
12 of expiration of the license being renewed, except that a
13 driver whose driving record reflects no convictions for the
14 preceding 3 years shall be issued a driver's license or
15 renewal extension sticker which expires at midnight on the
16 licensee's birthday which next occurs 6 years after the month
17 of expiration of the license being renewed.

18 (c) Notwithstanding any other provision of this
19 chapter, if an applicant establishes his or her identity for a
20 driver's license using a document authorized under s.
21 322.08(2)(c)5., the driver's license shall expire in
22 accordance with paragraph (b). After an initial showing of
23 such documentation, he or she is exempted from having to renew
24 or obtain a duplicate in person.

25 (d) Notwithstanding any other provision of this
26 chapter, if an applicant establishes his or her identity for a
27 driver's license using a document authorized in s.
28 322.08(2)(c)6. or 7., the driver's license shall expire 2
29 years after the date of issuance or upon the expiration date
30 cited on the United States Department of Homeland Security
31 documents, whichever date first occurs.

1 (e) Notwithstanding any other provision of this
2 chapter, an applicant applying for an original or renewal
3 issuance of a commercial driver's license as defined in s.
4 322.01(7), with a hazardous-materials endorsement, pursuant to
5 s. 322.57(1)(e), shall be issued a driver's license that
6 expires at midnight on the licensee's birthday that next
7 occurs 4 years after the month of expiration of the license
8 being issued or renewed.

9 (f) Notwithstanding any other provision of this
10 chapter, the driver's license of any person expires at
11 midnight on the licensee's 80th birthday. A license issued to
12 a person after that person is 80 years of age shall expire at
13 midnight on the licensee's birthday that next occurs on or
14 after the fourth anniversary of the date of issue.

15 Section 4. This act shall take effect July 1, 2006.

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17 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
18 COMMITTEE SUBSTITUTE FOR
19 Senate Bill 1752

20 This CS clarifies the mandatory reporting by physicians is for
21 the conditions of epilepsy, catalepsy, or narcolepsy, which
22 has been unresponsive to medical treatment and modifies the
23 liability language. Also, the CS specifies a driver's license
24 expires on a licensee's 80th birthday and requires a mandatory
25 four year renewal period for persons who are 80 years of age
26 or older. Finally, the CS deletes the provisions creating the
27 Florida Safety Resource Center Program.
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