

1 Highway Safety and Motor Vehicles for specified
2 purposes relating to a person's ability to
3 safely operate a vehicle; providing an
4 effective date.
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6 Be It Enacted by the Legislature of the State of Florida:
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8 Section 1. Paragraph (d) is added to subsection (1) of
9 section 322.051, Florida Statutes, to read:

10 322.051 Identification cards.--

11 (1) Any person who is 12 years of age or older, or any
12 person who has a disability, regardless of age, who applies
13 for a disabled parking permit under s. 320.0848, may be issued
14 an identification card by the department upon completion of an
15 application and payment of an application fee.

16 (d) Notwithstanding any other provision of this
17 chapter, an applicant for an original or a renewal of an
18 identification card who has voluntarily surrendered his or her
19 driver's license or has had his or her license suspended or
20 revoked pursuant to s. 322.221 or s. 322.27(1)(c) shall be
21 issued the identification card at no cost. In accordance with
22 this subsection, a person who voluntarily surrendered his or
23 her license may be issued at his or her option an
24 identification card that has a distinctive gold marking.

25 Section 2. Section 322.126, Florida Statutes, is
26 amended to read:

27 322.126 Report of disability to department; content;
28 use.--

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

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

3 (b) Develop and keep current coded restrictions to be
4 placed upon drivers' licenses of persons who are required to
5 wear medical identification bracelets when operating a motor
6 vehicle.

7 (2) Any ~~physician,~~ person, or agency having knowledge
8 of any licensed driver's or applicant's mental or physical
9 disability to drive or need to obtain or to wear a medical
10 identification bracelet is authorized to report such knowledge
11 to the Department of Highway Safety and Motor Vehicles. The
12 report should be made in writing giving the full name, date of
13 birth, address, and a description of the alleged disability of
14 any person over 15 years of age having mental or physical
15 disorders that could affect his or her driving ability.

16 (3) Notwithstanding any other law, a physician
17 licensed under chapter 458 or chapter 459 shall report
18 immediately to the department in writing the full name, date
19 of birth, and address of each patient older than 15 years of
20 age whom the physician has diagnosed with epilepsy, cataplexy,
21 or narcolepsy, which has been unresponsive to medical
22 treatment. There shall be no monetary liability on the part
23 of, and no cause of action for damages shall arise against,
24 any physician for any action taken without intentional fraud,
25 or for the failure to take any action, in carrying out the
26 provisions of this subsection.

27 ~~(4)(3)~~ The reports authorized by this section shall be
28 confidential and exempt from the provisions of s. 119.07(1)
29 and shall be used solely for the purpose of determining the
30 qualifications of any person to operate a motor vehicle on the
31 highways of this state. No civil or criminal action may be

1 brought against any physician, person, or agency who provides
2 the information required herein.

3 ~~(5)(4)~~ No report forwarded under the provisions of
4 this section shall be used as evidence in any civil or
5 criminal trial or in any court proceeding.

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

8 322.18 Original applications, licenses, and renewals;
9 expiration of licenses; delinquent licenses.--

10 (2) Each applicant who is entitled to the issuance of
11 a driver's license, as provided in this section, shall be
12 issued a driver's license, as follows:

13 (a) An applicant applying for an original issuance
14 shall be issued a driver's license which expires at midnight
15 on the licensee's birthday which next occurs on or after the
16 sixth anniversary of the date of issue. However, a driver's
17 license may not be issued for a period that exceeds an
18 applicant's 80th birthday, except as provided in paragraph
19 (f).

20 (b) An applicant applying for a renewal issuance or
21 renewal extension shall be issued a driver's license or
22 renewal extension sticker which expires at midnight on the
23 licensee's birthday which next occurs 4 years after the month
24 of expiration of the license being renewed, except that a
25 driver whose driving record reflects no convictions for the
26 preceding 3 years shall be issued a driver's license or
27 renewal extension sticker which expires at midnight on the
28 licensee's birthday which next occurs 6 years after the month
29 of expiration of the license being renewed. However, a
30 driver's license may not be renewed for a period that exceeds
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1 an applicant's 80th birthday, except as provided in paragraph
2 (f).

3 (c) Notwithstanding any other provision of this
4 chapter, if an applicant establishes his or her identity for a
5 driver's license using a document authorized under s.
6 322.08(2)(c)5., the driver's license shall expire in
7 accordance with paragraph (b). After an initial showing of
8 such documentation, he or she is exempted from having to renew
9 or obtain a duplicate in person.

10 (d) Notwithstanding any other provision of this
11 chapter, if an applicant establishes his or her identity for a
12 driver's license using a document authorized in s.
13 322.08(2)(c)6. or 7., the driver's license shall expire 2
14 years after the date of issuance or upon the expiration date
15 cited on the United States Department of Homeland Security
16 documents, whichever date first occurs.

17 (e) Notwithstanding any other provision of this
18 chapter, an applicant applying for an original or renewal
19 issuance of a commercial driver's license as defined in s.
20 322.01(7), with a hazardous-materials endorsement, pursuant to
21 s. 322.57(1)(e), shall be issued a driver's license that
22 expires at midnight on the licensee's birthday that next
23 occurs 4 years after the month of expiration of the license
24 being issued or renewed.

25 (f) Notwithstanding any other provision of this
26 chapter, the driver's license of any person expires at
27 midnight on the licensee's 80th birthday. A license issued to
28 a person after that person is 80 years of age shall expire at
29 midnight on the licensee's birthday that next occurs on or
30 after the fourth anniversary of the date of issue. A driver's
31 license that expires pursuant to this paragraph may be renewed

1 up to 6 months before the licensee's 80th birthday if the
2 applicant applying for the renewal license passes an eyesight
3 and hearing examination as provided in s. 322.121. The renewal
4 fee for a driver's license that expires pursuant to this
5 paragraph shall be waived if the applicant holds an otherwise
6 valid Florida driver's license that has been issued for less
7 than 4 years.

8 Section 4. Subsection (5) of section 456.057, Florida
9 Statutes, is amended to read:

10 456.057 Ownership and control of patient records;
11 report or copies of records to be furnished.--

12 (5)(a) Except as otherwise provided in this section
13 and in s. 440.13(4)(c), such records may not be furnished to,
14 and the medical condition of a patient may not be discussed
15 with, any person other than the patient or the patient's legal
16 representative or other health care practitioners and
17 providers involved in the care or treatment of the patient,
18 except upon written authorization of the patient. However,
19 such records may be furnished without written authorization
20 under the following circumstances:

21 1. To any person, firm, or corporation that has
22 procured or furnished such examination or treatment with the
23 patient's consent.

24 2. When compulsory physical examination is made
25 pursuant to Rule 1.360, Florida Rules of Civil Procedure, in
26 which case copies of the medical records shall be furnished to
27 both the defendant and the plaintiff.

28 3. In any civil or criminal action, unless otherwise
29 prohibited by law, upon the issuance of a subpoena from a
30 court of competent jurisdiction and proper notice to the
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1 patient or the patient's legal representative by the party
2 seeking such records.

3 4. For statistical and scientific research, provided
4 the information is abstracted in such a way as to protect the
5 identity of the patient or provided written permission is
6 received from the patient or the patient's legal
7 representative.

8 5. To a regional poison control center for purposes of
9 treating a poison episode under evaluation, case management of
10 poison cases, or compliance with data collection and reporting
11 requirements of s. 395.1027 and the professional organization
12 that certifies poison control centers in accordance with
13 federal law.

14 6. To the Department of Highway Safety and Motor
15 Vehicles for purposes of determining the qualifications of any
16 person with epilepsy, cataplexy, or narcolepsy to operate a
17 motor vehicle on the highways of this state.

18 (b) Absent a specific written release or authorization
19 permitting utilization of patient information for solicitation
20 or marketing the sale of goods or services, any use of that
21 information for those purposes is prohibited.

22 Section 5. This act shall take effect July 1, 2006.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS for SB 1752
4 The committee substitute requires a licensed allopathic or
5 osteopathic physician to report to the Department of Highway
6 Safety and Motor Vehicles (DHSMV) a patient over the age of 15
7 whom the physician has diagnosed with cataplexy which has been
8 unresponsive to medical treatment.
9 The committee substitute specifies that no driver's license
10 may be issued or renewed for a length of time greater than a
11 driver's 80th birthday and requires a mandatory 4-year
12 driver's license renewal period for persons over 80 years of
13 age. The renewal fee for a driver's license that expires
14 pursuant to this bill shall be waived if the applicant holds
15 an otherwise valid license that has been issued for less than
16 four years.
17 The committee substitute allows physicians to release medical
18 records to the DHSMV for the purpose of determining whether a
19 person with epilepsy, narcolepsy, or cataplexy may safely
20 operate a motor vehicle on the highways.
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