

By Senator Wise

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2010308

1 A bill to be entitled
2 An act relating to disorders affecting a person's
3 ability to operate a motor vehicle; requiring a
4 physician to report to the local county health
5 department certain information regarding patients
6 diagnosed as having disorders characterized by lapses
7 of consciousness; requiring the county health
8 department to report such information to the
9 Department of Highway Safety and Motor Vehicles;
10 requiring that the Department of Highway Safety and
11 Motor Vehicles keep the reports confidential and use
12 the reports only for determining a person's
13 eligibility to operate a motor vehicle; requiring the
14 Department of Health, in consultation with certain
15 professional medical organizations and in cooperation
16 with the Department of Highway Safety and Motor
17 Vehicles, to define by a specified date disorders
18 characterized by lapses of consciousness; providing
19 certain requirements for the definition of the
20 disorder; requiring the Department of Health, in
21 consultation with certain professional medical
22 organizations and by a specified date, to adopt
23 definitions of levels of functional severity for the
24 disorders and adopt rules to enhance the monitoring of
25 persons having disorders characterized by lapses of
26 consciousness; requiring the Department of Health, in
27 cooperation with the Department of Highway Safety and
28 Motor Vehicles and by a specified date, to list
29 circumstances in which reporting is not necessary;

5-00430-10

2010308

30 providing that a physician who reports a patient
31 diagnosed as having a disorder characterized by lapses
32 of consciousness is not civilly or criminally liable
33 for making such report; providing an effective date.
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35 Be It Enacted by the Legislature of the State of Florida:
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37 Section 1. (1) A physician licensed under chapter 458 or
38 chapter 459, Florida Statutes, shall immediately report in
39 writing to the local county health department the name, date of
40 birth, and address of each patient at least 14 years of age or
41 older whom the physician has diagnosed as having a disorder
42 characterized by lapses of consciousness. However, if a
43 physician reasonably and in good faith believes that the
44 reporting of a patient serves the public interest, the physician
45 may report the patient's condition even if it may not be
46 required under this subsection.

47 (2) Each county health department shall report in writing
48 to the Department of Highway Safety and Motor Vehicles the name,
49 date of birth, and address of each person reported to it as
50 having a disorder characterized by lapses of consciousness.

51 (3) The Department of Highway Safety and Motor Vehicles
52 shall:

53 (a) Use the reports from the county health departments for
54 the sole purpose of determining the eligibility of a person to
55 operate a motor vehicle in this state in compliance with chapter
56 316, Florida Statutes.

57 (b) Keep the reports confidential pursuant to s. 119.0712,
58 Florida Statutes.

5-00430-10

2010308

59 (4) By January 1, 2011, the Department of Health, in
60 consultation with professional medical organizations whose
61 members have specific expertise in the diagnosis and treatment
62 of disorders characterized by lapses of consciousness and in
63 cooperation with the Department of Highway Safety and Motor
64 Vehicles, shall adopt by rule a definition of disorders
65 characterized by lapses of consciousness which is based upon
66 existing clinical standards and shall be used for purposes of
67 this section. The definition must include Alzheimer's disease
68 and those related disorders that are severe enough to likely
69 impair a person's ability to operate a motor vehicle.

70 (5) By January 1, 2011, the Department of Health, in
71 consultation with professional medical organizations whose
72 members have specific expertise in the diagnosis and treatment
73 of disorders characterized by lapses of consciousness, shall:

74 (a) Adopt by rule definitions of levels of functional
75 severity so that a person is reported pursuant to this section
76 only if there is reason to believe that the person's condition
77 is likely to impair his or her ability to operate a motor
78 vehicle.

79 (b) Adopt rules that are designed to enhance the monitoring
80 of persons having disorders characterized by lapses of
81 consciousness in order to assist a person in complying with
82 restrictions indicated on his or her driver's license which are
83 imposed by the Department of Highway Safety and Motor Vehicles.

84 (6) By January 1, 2011, the Department of Health, in
85 cooperation with the Department of Highway Safety and Motor
86 Vehicles, shall list the circumstances that do not require
87 reporting under subsection (1), such as when a patient is unable

5-00430-10

2010308__

88 to ever operate a motor vehicle or is otherwise unlikely to
89 represent a danger that requires reporting.

90 (7) A physician who reports a patient diagnosed as having a
91 disorder characterized by lapses of consciousness under this
92 section is not civilly or criminally liable for making a report
93 required or authorized by this section.

94 Section 2. This act shall take effect July 1, 2010.