

By the Committee on Health Regulation; and Senator Wise

588-01389-10

2010308c1

1 A bill to be entitled

2 An act relating to disorders affecting a person's  
3 ability to operate a motor vehicle; amending s.  
4 322.126, F.S.; requiring a physician or a person  
5 having knowledge of a licensed driver's or applicant's  
6 mental or physical disability to drive or need to wear  
7 a medical identification bracelet to report such  
8 knowledge to the Department of Highway Safety and  
9 Motor Vehicles; providing that a physician or a person  
10 who reports a licensed driver's or applicant's mental  
11 or physical disability to drive or need to wear a  
12 medical identification bracelet is not  
13 administratively, civilly, or criminally liable for  
14 making such report; providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. Section 322.126, Florida Statutes, is amended to  
19 read:

20 322.126 Report of disability to department; content; use.-

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

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

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

588-01389-10

2010308c1

30 (2) Any physician, person, or agency having knowledge of  
31 any licensed driver's or applicant's mental or physical  
32 disability to drive or need to obtain or to wear a medical  
33 identification bracelet must ~~is authorized to~~ report such  
34 knowledge to the Department of Highway Safety and Motor  
35 Vehicles. The report should be made in writing giving the full  
36 name, date of birth, address, and a description of the alleged  
37 disability of any person over 15 years of age having mental or  
38 physical disorders that could affect his or her driving ability.

39 (3) (a) The reports authorized by this section are ~~shall be~~  
40 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and  
41 shall be used solely for the purpose of determining the  
42 qualifications of any person to operate a motor vehicle on the  
43 highways of this state.

44 (b) An administrative, ~~No~~ civil, or criminal action may not  
45 be brought against any physician, person, or agency who provides  
46 the information required by subsection (2) herein.

47 (4) A ~~No~~ report forwarded under the provisions of this  
48 section may not ~~shall~~ be used as evidence in any civil or  
49 criminal trial or in any court proceeding.

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