

HB 19

2014

1 A bill to be entitled
2 An act relating to public records; providing an
3 exemption from public records requirements for
4 specified identifying information, medical records,
5 and medical information of participants in a yellow
6 dot critical motorist medical information program;
7 providing for future legislative review and repeal of
8 the exemption; providing a statement of public
9 necessity; providing a contingent effective date.

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

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13 Section 1. Public records exemption; participants in a
14 yellow dot critical motorist medical information program.-

15 (1) (a) The name, identifying photograph, and medical
16 records of a participant in a yellow dot critical motorist
17 medical information program, and any medical information
18 pertaining to such participant, including, but not limited to,
19 the participant's medical conditions, medications, emergency
20 contact information, primary care doctor, preferred hospital,
21 allergies, or blood type, contained within a yellow dot folder
22 distributed by the governing body of a county participating in a
23 yellow dot critical motorist medical information program, is
24 confidential and exempt from s. 119.07(1), Florida Statutes, and
25 s. 24(a), Article I of the State Constitution.

26 (b) Information, photographs, and records held exempt
27 under paragraph (a) may not be used or received in evidence,
28 obtained in discovery, or disclosed in any public or private

29 proceedings, except in accordance with part III of chapter 499,
30 Florida Statutes.

31 (2) Subsection (1) is subject to the Open Government
32 Sunset Review Act in accordance with s. 119.15, Florida
33 Statutes, and is repealed on July 1, 2019, unless reviewed and
34 saved from repeal through reenactment by the Legislature.

35 Section 2. The Legislature finds that it is a public
36 necessity that the name, identifying photograph, and medical
37 records of a participant in a yellow dot critical motorist
38 medical information program and any medical information
39 pertaining to the participant, including, but not limited to,
40 the participant's medical conditions, medications, emergency
41 contact information, primary care doctor, preferred hospital,
42 allergies, or blood type, contained within a yellow dot folder
43 distributed by the governing body of a county participating in a
44 yellow dot critical motorist medical information program be held
45 confidential and exempt from s. 119.07(1), Florida Statutes, and
46 s. 24(a), Article I of the State Constitution. Nevertheless,
47 allowing the governing bodies of participating counties to
48 distribute yellow dot folders, as well as allowing emergency
49 responders and law enforcement agents to access the information
50 provided in yellow dot folders, will ensure the most rapid and
51 effective treatment for victims of serious traffic accidents.
52 If, in the process of responding to an emergency and providing
53 treatment to a participant, the information that would identify
54 a program participant or the information provided in their
55 yellow dot folder were not confidential and exempt from
56 disclosure, any person could inspect and copy documentation that

57 identifies the program participant, the participant's medical
58 records, and information relating to the participant's medical
59 conditions, medications, emergency contacts, primary care
60 doctor, preferred hospital, allergies, or blood type.
61 Consequently, the availability of such information to the public
62 would result in the invasion of the program participant's
63 privacy. If information regarding the program participant could
64 be correlated with his or her medical records, it would be
65 possible for the public to become aware of any diseases or other
66 medical concerns for which the qualifying patient is being
67 treated by his or her physician. This knowledge could be used to
68 embarrass or humiliate a qualifying patient or to discriminate
69 against him or her. Additionally, exempting from disclosure
70 information obtained by emergency responders or law enforcement
71 via a yellow dot folder, or obtained through the act of
72 searching a participant's vehicle for a yellow dot folder, will
73 protect the privacy and legal rights of the participant in a
74 yellow dot critical motorist medical information program.
75 Further, exempting from disclosure information provided within a
76 yellow dot folder, or obtained through the act of searching a
77 participant's vehicle for a yellow dot folder, will ensure that
78 emergency responders and law enforcement agencies are not
79 legally liable. Finally, protecting information relating to the
80 use, administration, and possession of a yellow dot folder
81 prevents the identification of program participants who could be
82 sought out for purposes of victimization as a result of robbery,
83 burglary, or illicit drug activities. Accordingly, the
84 Legislature finds that the harm to a program participant that

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85 could result from the release of information regarding the use,
86 administration, and possession of a yellow dot folder
87 distributed by the governing body of a participating county
88 outweighs any minimal public benefit that would be derived from
89 disclosure of that information to the public. Therefore, it is
90 the finding of the Legislature that such identifying
91 information, medical records, and medical information must be
92 held confidential and exempt from public disclosure.

93 Section 3. This act shall take effect on the same date
94 that HB 17 or similar legislation authorizing the governing body
95 of a county to create a yellow dot critical motorist medical
96 information program takes effect, if such legislation is adopted
97 in the same legislative session or an extension thereof and
98 becomes a law.