

By Senator Abruzzo

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1 A bill to be entitled
2 An act relating to public records; providing an
3 exemption from public records requirements for
4 personal identifying information of participants in a
5 yellow dot critical motorist medical information
6 program; providing for future legislative review and
7 repeal of the exemption; providing a statement of
8 public necessity; providing a contingent effective
9 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) Personal identifying information of a participant in a
16 yellow dot critical motorist medical information program which
17 is held by the governing body of a county participating in such
18 program is exempt from s. 119.07(1), Florida Statutes, and s.
19 24(a), Article I of the State Constitution.

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22 is repealed on July 1, 2019, unless reviewed and saved from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

24 Section 2. The Legislature finds that it is a public
25 necessity that the personal identifying information of a
26 participant in a yellow dot critical motorist medical
27 information program held by the governing body of a county
28 participating in such program be made exempt from s. 119.07(1),
29 Florida Statutes, and s. 24(a), Article I of the State

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30 Constitution. Nevertheless, allowing the governing bodies of
31 participating counties to distribute yellow dot folders, as well
32 as allowing emergency medical responders and law enforcement
33 agents to access the information provided in yellow dot folders,
34 will ensure the most rapid and effective treatment for victims
35 of serious traffic accidents. If the personal identifying
36 information of a participant in such program were not exempt
37 from disclosure, any person could inspect and copy documentation
38 that identifies the program participant. Consequently, the
39 availability of such information to the public would result in
40 the invasion of the program participant's privacy. If
41 information regarding the program participant could be
42 correlated with his or her medical records, it would be possible
43 for the public to become aware of any diseases or other medical
44 concerns for which the qualifying patient is being treated by
45 his or her physician. This knowledge could be used to embarrass
46 or humiliate a qualifying patient or to discriminate against him
47 or her. Finally, protecting the personal identifying information
48 of a participant in such program prevents the identification of
49 program participants who could be victimized by robbery,
50 burglary, or illicit drug activities. Accordingly, the
51 Legislature finds that the harm to a program participant which
52 could result from the release of personal identifying
53 information of the participant outweighs any minimal public
54 benefit that would be derived from disclosure of that
55 information to the public. Therefore, it is the finding of the
56 Legislature that such identifying information must be made
57 confidential and exempt from public disclosure.

58 Section 3. This act shall take effect on the same date that

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59 SB 262 or similar legislation authorizing the governing body of
60 a county to create a yellow dot critical motorist medical
61 information program takes effect, if such legislation is adopted
62 in the same legislative session or an extension thereof and
63 becomes a law.