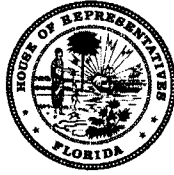




Transportation & Highway Safety Subcommittee

MEETING PACKET

**Tuesday, January 14, 2014
9:00 AM – 11:00 AM
Sumner Hall (404 HOB)**



The Florida House of Representatives

Economic Affairs Committee

Transportation & Highway Safety Subcommittee

Will Weatherford
Speaker



Daniel Davis
Chair

Meeting Agenda **January 14, 2014** **9:00 AM - 11:00 AM** **Sumner Hall (404 HOB)**

- I. Call to Order & Opening Remarks by Chair Davis**
- II. Consideration of the following bill(s):**
 - HB 17 Motorist Safety by Rep. Slosberg**
 - HB 19 Pub. Rec./Yellow Dot Critical Motorist Medical Information Program by Slosberg**
- III. Workshop on the following:**
 - Specialty License Plate Issues**
- IV. Closing Remarks and Adjournment by the Chairman**

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 17 Motorist Safety
SPONSOR(S): Slosberg and others
TIED BILLS: HB 19 **IDEN./SIM. BILLS:** SB 262

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee		Thompson 	Miller 
2) Local & Federal Affairs Committee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

The bill authorizes, but does not require, the governing board of a county to create a "yellow dot critical motorist medical information program" for the purpose of assisting emergency medical responders and program participants in the event of a motor vehicle accident or a medical emergency involving a participant's vehicle. Participants in the program receive a yellow dot decal to place on their vehicle's rear window, which alerts emergency services personnel to look for a corresponding yellow dot folder in the glove box. The yellow dot folder includes the participant's emergency contact and medical information.

Under the bill, a person's participation in the program is voluntary and free. A county, or group of counties, may solicit sponsorships to cover expenditures, including the cost of the yellow dot decals and folders. The bill also authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) and the Department of Transportation (DOT) to provide education and training to encourage emergency medical responders to participate in the program. DHSMV and DOT may also take reasonable measures to publicize the program.

The bill limits the liability of emergency medical responders, and requires the governing body of a participating county to adopt guidelines and procedures to ensure that confidential information is not made public.

This bill has no fiscal impact.

The bill will take effect on October 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The yellow dot program is a system to alert first responders at an accident scene to search for medical information about the injured—especially if the injured is unconscious or unable to speak.¹ According to the newspaper USA Today, the yellow dot program is “...simple but effective: [p]articipants in the free program receive a yellow dot to place on their rear window; it alerts emergency services personnel to look for a corresponding yellow folder in the glove box.”² The yellow folder may include the injured participant’s name, photograph, emergency contact information, medical information, hospital preference, and other vital information.

The program began in Connecticut in 2002, and now, with slight variations, is in counties scattered across at least eight other states: Kansas, Illinois, Iowa, Minnesota, Massachusetts, Virginia, Alabama and New York.³

Effect of Proposed Changes

The bill authorizes the governing body of a county to create a yellow dot critical motorist medical information program for the purpose of assisting emergency medical responders and program participants in the event of a motor vehicle accident or a medical emergency involving a participant’s vehicle.

Under the bill, a person’s participation in the program is voluntary and free. A county, or group of counties, may solicit sponsorships from interested business entities and not-for-profit organizations to cover expenditures, including the cost of the yellow dot decals and folders that are provided free of charge to participants. Two or more counties also may enter into an interlocal agreement to solicit such sponsorships.

The bill also authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) and the Department of Transportation (DOT) to provide education and training to encourage emergency medical responders to participate in the program. DHSMV and DOT may also take reasonable measures to publicize the program.

Any owner or lessee of a motor vehicle may participate in the program upon submission of an application. The application is created by the county and must include a statement that the information submitted will be disclosed only to authorized personnel of law enforcement and public safety agencies, emergency medical services agencies, and hospitals in the case of a motor vehicle accident or other emergency situation. The application must describe the confidential nature of the medical information voluntarily provided by the participant. The application must also require that the participant give express written consent for the use and disclosure of the yellow dot folder’s contents to authorized personnel for the following purposes:

- to positively identify the participant;
- to ascertain whether the participant has a medical condition that might impede communications between the participant and the responder;
- to inform the participant’s emergency contacts about the location, condition, or death of the participant;

¹ Additional information about the Yellow Dot program at www.yellow-dot.com (Last viewed on 1/2/14).

² “Yellow Dot car program speeds to help crash victims.” Larry Copeland, USA Today (5/24/2011) at http://usatoday30.usatoday.com/news/nation/2011-05-23-yellow-dot-seniors-drivers-baby-boomers_n.htm (Last viewed on 1/2/14).

³ *Id.*

- to learn the nature of any medical information reported by the participant; and
- to ensure that the participant's current medications and preexisting medical conditions are considered when emergency medical treatment is administered for any injury to or condition of the participant.

After submitting a completed application, the participant is given a yellow dot decal to affix onto the lower left corner of his or her vehicle's rear window (or a clearly visible location on a motorcycle), a yellow dot folder, and a form for the participant's information.

A motor vehicle passenger may also participate in the yellow dot program, but may not be issued a decal if a decal is issued to the owner or lessee of the motor vehicle in which the person rides.

The form, which is to be placed inside the yellow dot folder, must contain the following information:

- the participant's name;
- the participant's photograph;
- emergency contact information of no more than two persons;
- the participant's medical information, including medical conditions, recent surgeries, allergies and medications;
- the participant's hospital preference; and
- contact information for no more than two physicians.

When the driver of a vehicle with an affixed yellow dot decal is involved in an accident or emergency situation, an emergency medical responder at the scene is authorized to search the glove compartment of the vehicle for the corresponding yellow dot folder. With regard to liability, the bill provides that—except for wanton or willful conduct—an emergency medical responder, or the employer of a responder, does not incur any liability if the responder is unable, in good faith, to:

- make contact with a participant's emergency contact person; or
- disseminate any information from the yellow dot folder to any other emergency medical responder, hospital, or health care provider who renders emergency medical treatment to the participant.

The governing body of a participating county is required to adopt guidelines and procedures for ensuring that any information that is confidential is not made public through the program.

B. SECTION DIRECTORY:

Section 1 Creates an unnumbered section of law authorizing a "yellow dot critical motorist medical information program;" yellow dot decal, folder, and information form.

Section 2 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None. Neither DHSMV nor DOT is required to provide training, education or to publicize the program.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See Fiscal Comments.

D. FISCAL COMMENTS:

The bill does not require a county to create a yellow dot program. If the governing body of a county decides to create such a program, the bill authorizes the county's governing body to seek sponsorships to cover costs. Public participation in the program is voluntary and free.

The cost of the program is unknown. Yellow Dot LLC, a Nevada business, advertises a booklet with a sticker priced at \$5.00.⁴

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Other Comments

It appears that under its home rule powers,⁵ a county may enact a yellow dot program without the authority provided by this bill. Nonetheless, a statute, such as the one proposed, may serve to encourage participation in this program, while requiring some uniformity.

HB 19 creates a public record exemption for a yellow dot program participant's personal and medical information that is held by a participating county. HB 19 is linked to the passage of this bill.

⁴ See, <http://www.yellow-dot.com/3301.html>. (Last viewed 1/2/14).

⁵ Home rule powers are conferred to Florida counties by Article VIII, Section 1(f), of the Florida Constitution (1968), and by s. 125.01, F.S.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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A bill to be entitled
 An act relating to motorist safety; authorizing the governing body of a county to create a yellow dot critical motorist medical information program for certain purposes; authorizing a county to solicit sponsorships for the medical information program and enter into an interlocal agreement with another county to solicit such sponsorships; authorizing the Department of Highway Safety and Motor Vehicles and the Department of Transportation to provide education and training and publicize the program; requiring the program to be free to participants; providing for applications to participate; providing for a yellow dot decal and a yellow dot folder to be issued to participants and a form containing specified information about the participant; providing procedures for use of the decal, folder, and form; providing for limited use of information on the forms by emergency medical responders; limiting liability of emergency medical responders; requiring the governing body of a participating county to adopt guidelines and procedures to ensure that confidential information is not made public; providing a contingent effective date.

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

Section 1. Yellow dot critical motorist medical

29 information program; yellow dot decal, folder, and information
 30 form.—

31 (1) The governing body of a county may create a yellow dot
 32 critical motorist medical information program to assist
 33 emergency medical responders and drivers and passengers who
 34 participate in the program by making critical medical
 35 information readily available to a responder in the event of a
 36 motor vehicle accident or a medical emergency involving a
 37 participant's vehicle.

38 (2) (a) The governing body of a county may solicit
 39 sponsorships from interested business entities and not-for-
 40 profit organizations to cover costs of the program, including
 41 the cost of the yellow dot decals and folders that shall be
 42 provided free of charge to participants. Two or more counties
 43 may enter into an interlocal agreement to solicit such
 44 sponsorships.

45 (b) The Department of Highway Safety and Motor Vehicles or
 46 the Department of Transportation may provide education and
 47 training to encourage emergency medical responders to
 48 participate in the program and may take reasonable measures to
 49 publicize the program.

50 (3) (a) Any owner or lessee of a motor vehicle may
 51 participate in the program upon submission of an application and
 52 documentation in the form and manner prescribed by the governing
 53 body of the county.

54 (b) The application form shall include a statement that
 55 the information submitted will be disclosed only to authorized
 56 personnel of law enforcement and public safety agencies,

57 emergency medical services agencies, and hospitals for the
 58 purposes authorized in subsection (5).

59 (c) The application form shall describe the confidential
 60 nature of the medical information voluntarily provided by the
 61 participant and shall state that, by providing the medical
 62 information, the participant has authorized the use and
 63 disclosure of the medical information to authorized personnel
 64 solely for the purposes listed in subsection (5). The
 65 application form shall also require the participant's express
 66 written consent for such use and disclosure.

67 (d) The county may not charge any fee to participate in
 68 the yellow dot program.

69 (4) A participant shall receive a yellow dot decal, a
 70 yellow dot folder, and a form with the participant's
 71 information.

72 (a) The participant shall affix the decal onto the rear
 73 window in the left lower corner of a motor vehicle or in a
 74 clearly visible location on a motorcycle.

75 (b) A person who rides in a motor vehicle as a passenger
 76 may also participate in the program but may not be issued a
 77 decal if a decal is issued to the owner or lessee of the motor
 78 vehicle in which the person rides.

79 (c) The yellow dot folder, which shall be stored in the
 80 glove compartment of the motor vehicle or in a compartment
 81 attached to a motorcycle, shall contain a form with the
 82 following information about the participant:

- 83 1. The participant's name.
- 84 2. The participant's photograph.

85 3. Emergency contact information of no more than two
 86 persons for the participant.

87 4. The participant's medical information, including
 88 medical conditions, recent surgeries, allergies, and medications
 89 being taken.

90 5. The participant's hospital preference.

91 6. Contact information for no more than two physicians for
 92 the participant.

93 (5) (a) If a driver or passenger of a motor vehicle becomes
 94 involved in a motor vehicle accident or emergency situation, and
 95 a yellow dot decal is affixed to the vehicle, an emergency
 96 medical responder at the scene is authorized to search the glove
 97 compartment of the vehicle for the corresponding yellow dot
 98 folder.

99 (b) An emergency medical responder at the scene may use
 100 the information in the yellow dot folder for the following
 101 purposes only:

102 1. To positively identify the participant.

103 2. To ascertain whether the participant has a medical
 104 condition that might impede communications between the
 105 participant and the responder.

106 3. To inform the participant's emergency contacts about
 107 the location, condition, or death of the participant.

108 4. To learn the nature of any medical information reported
 109 by the participant on the form.

110 5. To ensure that the participant's current medications
 111 and preexisting medical conditions are considered when emergency

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2014

112 medical treatment is administered for any injury to or condition
113 of the participant.

114 (6) Except for wanton or willful conduct, an emergency
115 medical responder or the employer of a responder does not incur
116 any liability if a responder is unable to make contact, in good
117 faith, with a participant's emergency contact person, or if a
118 responder disseminates or fails to disseminate any information
119 from the yellow dot folder to any other emergency medical
120 responder, hospital, or healthcare provider who renders
121 emergency medical treatment to the participant.

122 (7) The governing body of a participating county shall
123 adopt guidelines and procedures for ensuring that any
124 information that is confidential is not made public through the
125 program.

126 Section 2. This act shall take effect July 1, 2014.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Transportation & Highway
 2 Safety Subcommittee

3 Representative Slosberg offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Yellow dot critical motorist medical
 8 information program; yellow dot decal, folder, and information
 9 form.-

10 (1) The governing body of a county may create a yellow dot
 11 critical motorist medical information program to facilitate the
 12 provision of emergency medical care to program participants by
 13 emergency medical responders by making critical medical
 14 information readily available to responders in the event of a
 15 motor vehicle accident or a medical emergency involving a
 16 participant's vehicle.

17 (2) (a) The governing body of a county may solicit



Amendment No. 1

18 sponsorships from business entities and not-for-profit
19 organizations to cover the costs of the program, including the
20 cost of decals and folders that must be provided free of charge
21 to participants. Two or more counties may enter into an
22 interlocal agreement to solicit such sponsorships.

23 (b) The Department of Highway Safety and Motor Vehicles or
24 the Department of Transportation may provide education and
25 training to encourage emergency medical responders to
26 participate in the program and may take reasonable measures to
27 publicize the program.

28 (3) Any owner or lessee of a motor vehicle may participate
29 in the program upon submission of an application and
30 documentation in the form and manner prescribed by the governing
31 body of the county.

32 (a) The application form must include a statement that the
33 information submitted will be disclosed only to authorized
34 personnel of law enforcement and public safety agencies,
35 emergency medical services agencies, and hospitals for the
36 purposes authorized in subsection (5).

37 (b) The application form must describe the confidential
38 nature of the medical information voluntarily provided by the
39 participant and must include a notice to the participant stating
40 that, by providing the medical information and signing the form,
41 he or she agrees to the disclosure of the medical information to
42 authorized personnel and their use of such information solely
43 for the purposes listed in subsection (5).



Amendment No. 1

44 (c) The county may not charge a fee to participate in the
45 yellow dot program.

46 (4) A participant shall receive a yellow dot decal, a
47 yellow dot folder, and a form containing the personal and
48 medical information provided by the participant.

49 (a) The participant shall affix the decal onto the rear
50 window in the left lower corner of a motor vehicle or in a
51 clearly visible location on a motorcycle.

52 (b) A person who rides in a motor vehicle as a passenger
53 may also participate in the program but may not be issued a
54 decal if a decal has been issued to the owner or lessee of the
55 motor vehicle in which the person rides.

56 (c) The yellow dot folder, which shall be stored in the
57 glove compartment of the motor vehicle or in a compartment
58 attached to a motorcycle, shall contain a form with the
59 following information about the participant:

60 1. The participant's name.
61 2. The participant's photograph.
62 3. Emergency contact information for no more than two
63 persons.

64 4. The participant's medical information, including
65 medical conditions, recent surgeries, allergies, and current
66 medications.

67 5. The participant's hospital preference.

68 6. Contact information for no more than two physicians.

69 (5) (a) If the driver or a passenger of a motor vehicle is



Amendment No. 1

70 involved in a motor vehicle accident or emergency situation and
71 a yellow dot decal is affixed to the vehicle, an emergency
72 medical responder at the scene may search the glove compartment
73 of the vehicle for the corresponding yellow dot folder.

74 (b) The use of the information contained in the yellow dot
75 folder by an emergency medical responder at the scene is limited
76 to the following purposes:

77 1. To positively identify the participant.

78 2. To ascertain whether the participant has a medical
79 condition that might impede communications between the
80 participant and the responder.

81 3. To access the medical information form.

82 4. To ensure that the participant's current medications
83 and preexisting medical conditions are considered when emergency
84 medical treatment is administered for any injury to or condition
85 of the participant.

86 (6) Except for wanton or willful conduct, an emergency
87 medical responder or his or her employer is not liable if a
88 responder disseminates or fails to disseminate any information
89 from the yellow dot folder to any other emergency medical
90 responder, hospital, or health care provider who renders
91 emergency medical treatment to the participant.

92 (7) The governing body of a participating county shall
93 adopt guidelines and procedures to prevent the public disclosure
94 of confidential information through the program.

95 Section 2. This act shall take effect July 1, 2014.



Amendment No. 1

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T I T L E A M E N D M E N T



Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to motorist safety; authorizing the governing body of a county to create a yellow dot critical motorist medical information program for certain purposes; authorizing a county to solicit sponsorships and enter into an interlocal agreement with another county to solicit such sponsorships for the medical information program; authorizing the Department of Highway Safety and Motor Vehicles and the Department of Transportation to provide education and training and publicize the program; requiring the program to be free to participants; providing for yellow dot program applications, decals, folders, and participant information forms; providing procedures for use of the decal, folder, and form; providing for limited use of information on the forms by emergency medical responders; limiting liability of emergency medical responders in certain circumstances; requiring the governing body of a participating county to adopt guidelines and procedures to ensure that confidential information is not made public; providing an effective date.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 19 Public Records/Yellow Dot Critical Motorist Medical Information Program
SPONSOR(S): Slosberg
TIED BILLS: HB 17 **IDEN./SIM. BILLS:** SB 350

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee		Thompson 	Miller 
2) Government Operations Subcommittee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

HB 17 authorizes the governing body of a county to create a "yellow dot critical motorist medical information program" for the purpose of assisting emergency medical responders and program participants in the event of a motor vehicle accident or a medical emergency involving a participant's vehicle. After submitting a completed application, participants are given a yellow dot decal to affix onto the lower left corner of his or her vehicle's rear window (or a clearly visible location on a motorcycle), a yellow dot folder, and a form that contains certain personal and medical information about the participant.

This bill (HB 19), which is linked to HB 17, provides a public record exemption for participants in a yellow dot critical motorist medical information program. Specifically, the bill provides that the following is confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution:

- the name, identifying photograph, and medical records of a participant in a yellow dot critical motorist medical information program; and
- any medical information pertaining to such participant, including, but not limited to, the participant's medical conditions, medications, emergency contact information, primary care doctor, preferred hospital, allergies, or blood type, contained within a yellow dot folder distributed by the governing body of a county participating in a yellow dot critical motorist medical information program.

The bill provides an exception to the exemption for information, photographs, and records that are used in evidentiary proceedings in accordance with part III of chapter 499, F.S.

The bill provides that the public records exemption is subject to the Open Government Sunset Review Act and stands repealed on July 1, 2019, unless reviewed and saved from repeal through reenactment by the Legislature. It also provides a statement of public necessity as required by the State Constitution.

The bill as drafted may conflict with certain constitutional and statutory requirements, and may contain drafting inconsistencies (See Comments Section below for details).

The bill may have an insignificant negative fiscal impact on local governments that opt to participate in a yellow dot program (See Fiscal Comments Section below for details). The bill does not appear to have a fiscal impact on the state.

The bill will take effect on the same date that HB 17 or similar legislation takes effect.

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public records exemption. The bill creates a public records exemption; thus, it requires a two-thirds vote for final passage.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Public Records

Article I, s. 24(a) of the State Constitution sets forth the state's public policy regarding access to government records. This section guarantees every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government. The Legislature, however, may provide by general law for the exemption of records from the requirements of Article I, s. 24(a) of the State Constitution. The general law must state with specificity the public necessity justifying the exemption (public necessity statement) and must be no broader than necessary to accomplish its purpose.¹

Public policy regarding access to government records is addressed further in the Florida Statutes. Section 119.07(1), F.S., guarantees every person a right to inspect and copy any state, county, or municipal record. Furthermore, the Open Government Sunset Review Act² provides that a public record or public meeting exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than is necessary to meet one of the following purposes:

- Allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption.
- Protects sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision.
- Protects trade or business secrets.

Yellow Dot Program

The yellow dot program is a system to alert first responders at an accident scene to search for medical information about the injured—especially if the injured is unconscious or unable to speak. The program provides medical personnel with vital information about the victims during the first critical hours after injury, often called the “crucial golden hour”, when prompt treatment is most effective.³

According to the newspaper USA Today, “... [p]articipants in the free program receive a yellow dot to place on their rear window; it alerts emergency services personnel to look for a corresponding yellow folder in the glove box.”⁴ The yellow folder may include the injured participant's name, photograph, emergency contact information, medical information, hospital preference, and other vital information.

The program began in Connecticut in 2002, and now, with slight variations, is in counties scattered across at least eight other states: Kansas, Illinois, Iowa, Minnesota, Massachusetts, Virginia, Alabama and New York.⁵

HB 17

HB 17, the companion to this bill, authorizes the governing body of a county to create a yellow dot critical motorist medical information program for the purpose of assisting emergency medical responders and program participants in the event of a motor vehicle accident or a medical emergency

¹ Section 24(c), Art. I of the State Constitution.

² See s. 119.15, F.S.

³ Additional information about the Yellow Dot program at www.yellow-dot.com (Last viewed on 1/2/14).

⁴ “Yellow Dot car program speeds to help crash victims.” Larry Copeland, USA Today (5/24/2011) at http://usatoday30.usatoday.com/news/nation/2011-05-23-yellow-dot-seniors-drivers-baby-boomers_n.htm (Last viewed on 1/2/14).

⁵ *Id.*

involving a participant's vehicle. After submitting a completed application, participants are given a yellow dot decal to affix onto the lower left corner of his or her vehicle's rear window (or a clearly visible location on a motorcycle), a yellow dot folder, and a form for the participant's information.

The form, which is to be placed inside the yellow dot folder, is to contain the following information:

- the participant's name;
- the participant's photograph;
- emergency contact information of no more than two persons;
- the participant's medical information, including medical conditions, recent surgeries, allergies and medications;
- the participant's hospital preference; and
- contact information for no more than two physicians.

Effect of Proposed Changes

The bill provides a public record exemption for participants in a yellow dot critical motorist medical information program. Specifically, the bill provides that the following is confidential and exempt⁶ from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution:

- the name, identifying photograph, and medical records of a participant in a yellow dot critical motorist medical information program; and
- any medical information pertaining to such participant, including, but not limited to, the participant's medical conditions, medications, emergency contact information, primary care doctor, preferred hospital, allergies, or blood type, contained within a yellow dot folder distributed by the governing body of a county participating in a yellow dot critical motorist medical information program.

The bill provides that information, photographs, and records held exempt may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with part III of chapter 499, Florida Statutes.⁷

The bill provides that the public records exemption is subject to the Open Sunset Review Act and stands repealed on July 1, 2019, unless reviewed and saved from repeal through reenactment by the Legislature. It also provides a statement of public necessity as required by the State Constitution.⁸

The bill provides an effective date contingent upon the passage of HB 17 or similar legislation.

B. SECTION DIRECTORY:

- | | |
|-----------|--|
| Section 1 | Creates an unnumbered section of law exempting from public records requirements information of participants in a yellow dot critical motorist medical information program. |
| Section 2 | Provides a statement of public necessity. |
| Section 3 | Provides an effective date contingent upon the passage of HB 17 or similar legislation. |

⁶ There is a difference between records the Legislature designates as exempt from public record requirements and those the Legislature deems confidential and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances. See *WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48, 53 (Fla. 5th DCA 2004), review denied 892 So.2d 1015 (Fla. 2004); *City of Riviera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 1994); *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991) If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released, by the custodian of public records, to anyone other than the persons or entities specifically designated in the statutory exemption. See Attorney General Opinion 85-62 (August 1, 1985).

⁷ Part III of chapter 499, F.S., does not exist. See comment under part III C. of this analysis.

⁸ Section 24(c), Art. I of the State Constitution.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Participation in the yellow dot program by a county is not mandatory. The bill could create a minimal fiscal impact on the governing body of a county that opts to create a yellow dot program, because staff responsible for complying with public records requests could require training related to the creation of the public records exemption. In addition, the governing body of a participating county could incur costs associated with redacting the confidential and exempt information prior to releasing a record. The costs, however, would be absorbed, as they are part of the day-to-day responsibilities of county government.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

Vote Requirement

Article I, s. 24(c) of the State Constitution, requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public records exemption. The bill creates a public records exemption; thus, it requires a two-thirds vote for final passage.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution, requires a public necessity statement for a newly created or expanded public record or public meeting exemption. The bill creates a public records exemption; thus, it includes a public necessity statement. However, portions of the public necessity statement do not accurately reflect the confidential and exempt nature of the public record exemption, are superfluous, or are not consistent with HB 17 (See Drafting Issues for more specific line references).

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires a newly created public record or public meeting exemption to be no broader than necessary to accomplish the stated purpose of the law. HB 17 authorizes the yellow dot program and requires the yellow dot form to contain the participant's name, photograph, emergency contact information for two people, medical information (including medical conditions, recent surgeries, allergies, and medications being taken), hospital preference, and two physicians contact information. The exemption in this bill (HB 19) protects the name, photograph, and medical records of a participant in a yellow dot program, and any medical information pertaining to such participant, including, but not limited to, the participant's medical conditions, medications, emergency contact information, primary care doctor, preferred hospital, allergies, or blood type, contained within a yellow dot folder distributed by the governing body of a participating county. Consequently, the exemption (HB 19) may be in conflict with the constitutional requirement that an exemption be no broader than necessary to accomplish its purpose.

Right to Privacy

Article I, Section 23 of the State Constitution grants all Florida citizens the right to privacy. Consequently, Florida courts have recognized patients' rights to secure the confidentiality of their health information (medical records); however, that right must be balanced with and yields to any compelling state interest.⁹ These rights would apply to participants in a yellow dot critical motorist medical information program.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issues

Lines 15-25 delineate the specific yellow dot critical motorist medical information that the bill exempts from public records requirements. However, this information does not correspond with the information that a program participant would be required to submit pursuant to HB 17.

Lines 26-30 provide an exception to the exemption for information, photographs, and records that are used in evidentiary proceedings in accordance with part III of chapter 499, F.S. However, part III of chapter 499, F.S., does not exist. This provision is not related to the bill.

Line 33 sets the repeal date for July 1, 2019. This conflicts with the Open Government Sunset Review Act requirement for an exemption to be repealed on October 2nd of the fifth year after enactment.

Lines 69, 75, and 79, of the public necessity statement do not accurately reflect the confidential and exempt nature of the public record exemption. Lines 70 through 72, of the public necessity statement are superfluous. Lines 70 through 72, 75 through 77, and 80, of the public necessity statement are not consistent with HB 17.

⁹ See *State v. Johnson*, 814 So.2d 390 (Fla.2002) distinguished in *Limbaugh v. State of Florida* 2004 WL 2238978 (4th DCA October 6, 2004); and *Rasmussen v. S. Fla. Blood Serv. Inc.*, 500 So.2d 533 (Fla.1987) (privacy interests of blood donors defeated AIDS victims claim to obtain via subpoena names and addresses of blood donors who may have contributed the tainted blood).

Other Comments: Retroactive Application

The Supreme Court of Florida has ruled that a public records exemption is not to be applied retroactively unless the legislation clearly expresses the intent that such exemption is to be applied retroactively.¹⁰ The bill does not expressly provide that the public records exemption be applied retroactively. As such, the bill will apply prospectively.

Other Comments: Records of Emergency Calls

Section 401.30, F.S., requires emergency medical services (EMS) entities that are licensed¹¹ by the Department of Health (DOH) to maintain accurate records of emergency calls. Such records that contain patient examination or treatment information are confidential and exempt from public record disclosure requirements, and are not to be disclosed without the consent of the person to whom they pertain.¹² As this exemption only applies to records that are acquired by emergency medical services as a result of an emergency call, it does not appear to protect yellow dot critical motorist information held by a participating county as provided in HB 17.

Other Comments: The Health Insurance Portability and Accountability Act of 1996 (HIPAA)

The federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule¹³ protects individually identifiable health information held by "covered entities." The information protected is referred to as protected health information or PHI. Covered entities include health plans, health care clearinghouses, and health care providers who conduct certain financial and administrative transactions electronically. If a state, county, or local government, performs functions that make it a covered entity (i.e., those activities that make it a provider who conducts certain transactions electronically, a health plan or a health care clearinghouse), or otherwise meets the definition of a covered entity, compliance with the HIPAA Privacy Rule is required.¹⁴ HIPAA defines a health care provider as any person or organization who furnishes, bills, or is paid for health care in the normal course of business.¹⁵ As such, a governing body of a county, as it relates to the participation in a yellow dot critical motorist medical information program, is not considered to be a health care provider under HIPAA, and thus, the PHI collected under the program would not appear to be covered under the HIPAA Privacy Rule.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

¹⁰ A statute affecting the right to public records access is presumptively prospective and there must be a clear legislative intent for the statute to apply retroactively. *See Memorial Hospital-West Volusia, Inc. v. News-Journal Corporation*, 784 so. 2d 438 (Fla. 2001). The Supreme Court ruled that a statute providing an exemption from open government requirements for meetings and records of private corporations leasing hospitals from public taxing authorities did not apply to records created prior to the effective date of the statute. *See also Baker County Press, Inc. v. Baker County Medical Services*, 870 so. 2d 189, 192-193 (Fla. 1st DCA 2004). Generally, the critical date in determining whether a document is subject to disclosure is the date the public records request is made; the law in effect on that date applies.

¹¹ s. 401.23(13), F.S., defines "licensee" as any basic life support service, advanced life support service, or air ambulance service licensed pursuant to this part, by DOH.

¹² s. 401.30(4), F.S.

¹³ Pub.L. 104-191, 110 Stat. 1936.

¹⁴ *See* 45 CFR 160.103, for more information regarding HIPAA definitions of covered entity, health care provider, health plan and health care clearinghouse.

¹⁵ 45 CFR 160.103.

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

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

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

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

(b) Information, photographs, and records held exempt
 under paragraph (a) may not be used or received in evidence,
 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

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.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Transportation & Highway
2 Safety Subcommittee

3 Representative Slosberg offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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

9 (1) Personal identifying information of a participant in a
10 yellow dot critical motorist medical information program which
11 is held by the governing body of a county participating in such
12 program is exempt from s. 119.07(1), Florida Statutes, and s.
13 24(a), Article I of the State Constitution.

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



Amendment No. 1

18 Section 2. The Legislature finds that it is a public
19 necessity that the personal identifying information of a
20 participant in a yellow dot critical motorist medical
21 information program held by the governing body of a county
22 participating in such program be made exempt from s. 119.07(1),
23 Florida Statutes, and s. 24(a), Article I of the State
24 Constitution. Nevertheless, allowing the governing bodies of
25 participating counties to distribute yellow dot folders, as well
26 as allowing emergency medical responders and law enforcement
27 agents to access the information provided in yellow dot folders,
28 will ensure the most rapid and effective treatment for victims
29 of serious traffic accidents. If the personal identifying
30 information of a participant in such program were not exempt
31 from disclosure, any person could inspect and copy documentation
32 that identifies the program participant. Consequently, the
33 availability of such information to the public would result in
34 the invasion of the program participant's privacy. If
35 information regarding the program participant could be
36 correlated with his or her medical records, it would be possible
37 for the public to become aware of any diseases or other medical
38 concerns for which the qualifying patient is being treated by
39 his or her physician. This knowledge could be used to embarrass
40 or humiliate a qualifying patient or to discriminate against him
41 or her. Finally, protecting the personal identifying information
42 of a participant in such program prevents the identification of
43 program participants who could be victimized by robbery,

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Amendment No. 1

44 burglary, or illicit drug activities. Accordingly, the
 45 Legislature finds that the harm to a program participant which
 46 could result from the release of personal identifying
 47 information of the participant outweighs any minimal public
 48 benefit that would be derived from disclosure of that
 49 information to the public. Therefore, it is the finding of the
 50 Legislature that such identifying information must be made
 51 confidential and exempt from public disclosure.

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

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 59 -----

T I T L E A M E N D M E N T

61 Remove everything before the enacting clause and insert:

62 A bill to be entitled

63 An act relating to public records; providing an
 64 exemption from public records requirements for
 65 personal identifying information of participants in a
 66 yellow dot critical motorist medical information
 67 program; providing for future legislative review and
 68 repeal of the exemption; providing a statement of
 69 public necessity; providing a contingent effective



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 19 (2014)

Amendment No. 1

70 | date.

**Specialty License Plate
Issues**

Specialty License Plates Workshop

Issue Title	Current Situation	Proposed Change
Pre-Legislative Approval Process		
Application Process (Pre-Legislative Approval)	<p>Section 320.08053(1), F.S., requires an organization wishing to establish a specialty license plate to submit to the Department of Highway Safety and Motor Vehicles (DHSMV):</p> <ol style="list-style-type: none"> 1) a request for the specialty plate being sought; describing the proposed license plate in specific terms, including a sample plate; 2) an application fee, not to exceed \$60,000, to defray the costs incurred by DHSMV in the review of the application and development of the specialty license plate; and 3) a marketing strategy and financial analysis. 	Repeal
Application Deadline (Pre-Legislative Approval)	Section 320.08053(1) flush left, F.S., requires a specialty license plate organization's request, application fee, and marketing strategy, be submitted to DHSMV 90 days prior to the next regular session.	Repeal
Refund	Section 320.08053(2), F.S., requires the application fee to be refunded if a specialty license plate is not approved by the Legislature.	Repeal
Post-Legislative Approval Process		
Art Design	Section 320.08053(2), F.S., requires a Legislatively approved plate organization to submit an art design to DHSMV no later than 60 days after Leg approval.	Require an art design to be submitted to DHSMV within 90 days of Leg approval. Also require all Specialty License Plates after 2014 to include 'Florida' at top of plate.
Presale Voucher	Section 320.08053(3)(a), F.S., requires DHSMV within 120 days after a specialty license plate Legislative approval, to establish a method to issue a presale specialty license plate voucher. The processing fee as prescribed in s. 320.08056, F.S., the service charge and branch fee as prescribed in s. 320.04, F.S., and the annual use fee as prescribed in s. 320.08056, F.S., would be charged for the voucher. All other applicable fees would be charged at the time of issuance of the license plates.	Require DHSMV to establish presale voucher within 120 days after Legislative approval as provided under current law. Fees charged the same as under current law.
Minimum Voucher Sales Requirement	Section 320.08053(3)(b), F.S., 1,000 voucher sales 24 months after the voucher is established or deauthorized.	Require that the organization record 5,000 voucher sales with DHSMV within 24 months after the presale voucher is established. If the minimum sales requirement is not met, 1) the plate is deauthorized, and 2) plate development and voucher issuance are discontinued.
Credit/Refund	Section 320.08053(3)(b), F.S., requires the annual use fee to be credited if the voucher presales requirement is not met.	If a plate is deauthorized, a purchaser may use fee as credit toward another specialty license plate or apply for a refund.
Moratorium Exception	Section 320.08053(3)(c), F.S., allows the above requirements to substitute as a valid survey as it relates to the exception to the current moratorium on SLPs.	Repeal - moratorium is expiring

Specialty License Plates Workshop

Issue Title	Current Situation	Proposed Change
Annual Use Fee		
Annual Use Fee	Section 320.08056(4), F.S., provides a list of specialty license plates and each plate's respective annual use fee. The fees range from \$15 to \$25.	Standardize the various specialty license plate annual use fees to a \$25 fee for all specialty license plates.
Fee Accountability - Discontinuance		
Plate Discontinuance (1,000 registration minimum)	Section 320.08056(8)(a), F.S., authorizes DHSMV to discontinue a plate if registrations fall below 1,000 for 12 consecutive months.	Change "discontinuance" to "deauthorize", and increase the required number of specialty license plate registrations from 1,000 to 5,000.
Collegiate Exception	Section 320.08056(8)(a), F.S., provides an exception to the 1,000 plate registration requirement above for collegiate license plates established under s. 320.08058(3), F.S.	Revise the exception for collegiate license plates to deauthorize plates with registrations less than 4% of current student enrollment at the institution.
Plate Discontinuance (additional criteria)	Section 320.08056(8)(b), F.S., authorizes DHSMV to discontinue issuance of a specialty license plate and distribution of associated annual use fee proceeds if the organization ceases to exist, stops providing authorized services, does not meet presale requirements, or pursuant to an organization's request.	Change "discontinue the issuance" to simply "deauthorize" a specialty license plate and stop distribution of associated annual use fee proceeds if the organization ceases to exist, stops providing authorized services, does not meet presale requirements, or pursuant to an organization's request.
Redesign	Section 320.08056(9), F.S., organization requesting to redesign its plate may not unless the current inventory is depleted. May purchase the remaining plates from DHSMV at cost.	Require an organization who is purchasing all of its remaining plates from DHSMV to do so prior to the distribution of the newly designed plate.
Administrative Expenses	Section 320.08056(10), F.S., prohibits annual use fee for commercial or for-profit expenses, or administrative expenses except as authorized by s. 320.08058, F.S., or to pay cost of audit or report required in s. 320.08062, F.S.	Define "administrative cost" to mean expenditures which are considered direct operating costs of the organization. Such costs include: 1) administrative salaries of employees and officers of the organization who do not, or cannot prove via detailed daily time sheets that they, actively participate in program activities; 2) bookkeeping and support services of the organization; 3) office supplies and equipment not directly utilized for the specified program(s); 4) travel time, per diem, mileage reimbursement, and lodging expenses not directly associated with a specified program purpose; 5) paper, printing, envelopes, and postage not directly associated with a specified program purpose; 6) miscellaneous expenses such as food, beverage, entertainment, and conventions; 7) cost of the audit or report required by s. 320.08062(1).

Specialty License Plates Workshop

Issue Title	Current Situation	Proposed Change
Fee Accountability - Audits and Attestations		
Audits and Attestations (general requirement)	Section 320.08062(1), F.S., all plate organizations must use proceeds in accordance with the law. They must submit an audit or attestation depending on the organization's state or nonstate status, to DHSMV.	Not changed.
Compliance	Section 320.08062(2)(a), F.S., requires DHSMV within 90 days after receiving an organization's audit or attestation, to determine compliance. If not compliant, DHSMV must discontinue revenues to the organization until compliant. After 12 months of non-compliance, the proceeds are deposited into the Highway Safety Operating Trust Fund.	Amend to: 1) extend DHSMV's 90 day timeframe to 120 days; 2) authorize DHSMV to hire a third party consultant in determining compliance; 3) require DHSMV to discontinue distributions to organizations that do not submit audit and attestation documentation; 4) require DHSMV to provide notice of findings and directions to comply to the non-compliant organization; 5) allow officers of a non-compliant organization to take corrective action; 6) authorize DHSMV to resume distribution of revenues if proof of corrective action is submitted; 7) remove the 12 month timeframe before proceeds must be deposited into the Highway Safety Operating Trust Fund; 8) authorize the Legislature to provide direction to the organization and DHSMV regarding the status of undistributed revenue; and 9) require DHSMV to deauthorize the plate and deposit undistributed revenues into the Highway Safety Operating Trust Fund if the Legislature does not provide direction.
Redirect Revenues	Section 320.08062(2)(b), F.S., authorizes DHSMV to redirect revenues to similar organizations, instead of discontinuance with LBC approval.	Repeal - unneeded if prior section changes are made.
Record Examination Authority	Section 320.08062(3), F.S., authorizes DHSMV to examine all records relating to use of funds from the sale of SLPs.	Authorize a DHSMV designee to examine all records relating to use of funds.

