

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

**BILL:** CS/SB 1376

**INTRODUCER:** Community Affairs Committee and Senator Abruzzo

**SUBJECT:** Motorist Safety

**DATE:** April 16, 2013                      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Anderson	Yeatman	CA	<b>Fav/CS</b>
2.	_____	_____	HP	_____
3.	_____	_____	JU	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**Please see Section VIII. for Additional Information:**

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|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

CS/SB 1376 authorizes a county or counties to establish a "yellow dot program" whereby motor vehicle owners can provide health and medical information to be placed in the motor vehicle to be accessible to first responders. The bill provides that there is to be no cost to the motor vehicle owner and that the county may solicit sponsorships to cover the costs.

The bill also provides that necessary steps should be taken by counties and others to ensure the security of the confidential information provided. The bill authorizes the Department of Highway Safety and Motor Vehicles and the Department of Transportation to provide education and training and publicize the program.

The bill will take effect on July 1, 2014, only if legislation is adopted during the 2014 legislative session creating a public records exemption for the information required in Section 1 of the bill.

This bill substantially creates an unnumbered section of the Florida Statutes.

## II. Present Situation:

### Yellow Dot Program<sup>1</sup>

The Yellow Dot program is a system to alert first responders at an accident scene to search for medical information about the injured. This program, long in place in some eastern and midwestern states, is now available nationwide. The Yellow Dot program has proved valuable in providing 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, especially if the victim is unconscious or unable to speak.

According to an article in USA today, “It is simple but effective: Participants in the program receive a yellow dot to place on the rear window [of their vehicle]; it alerts emergency services personnel to look for a corresponding yellow folder in the glove box. That folder contains a photograph, their medical information, their medical conditions, prescriptions and other vital information.”<sup>2</sup>

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.<sup>3</sup>

## III. Effect of Proposed Changes:

**Section 1** authorizes, but does not require, 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 these 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

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<sup>1</sup> *See*, additional information about the Yellow Dot program at [www.yellow-dot.com](http://www.yellow-dot.com) (last visited on April 12, 2013).

<sup>2</sup> Larry Copeland, *Yellow Dot car program speeds to help crash victims*, USA TODAY, May 24, 2011, at [http://usatoday30.usatoday.com/news/nation/2011-05-23-yellow-dot-seniors-drivers-baby-boomers\\_n.htm](http://usatoday30.usatoday.com/news/nation/2011-05-23-yellow-dot-seniors-drivers-baby-boomers_n.htm) (last visited on April 12, 2013).

<sup>3</sup> *Id.*

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 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;
- 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.

The form, which is to be placed inside the yellow 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.

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 may 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 for:

- failing, in good faith, to make contact with a participant's emergency contact person; or
- disseminating, or failing to 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.

**Section 2** provides that this act shall take effect July 1, 2014, or on the same date that legislation which exempts the information required under the yellow dot critical motorist medical

information program created pursuant to section 1 of this act from s. 119.071(1), F.S., and s. 24(a), Article I of the State Constitution, takes effect, whichever occurs later, if such legislation is adopted in the 2014 Regular Session of the Legislature or an extension thereof and becomes law.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

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.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

#### **V. Fiscal Impact Statement:**

##### **A. Tax/Fee Issues:**

None.

##### **B. Private Sector Impact:**

Emergency medical responders and participants in the program will benefit by making critical medical information readily available to a responder in the event of a motor vehicle accident or a medical emergency.

##### **C. Government Sector Impact:**

The bill indicates the governing body of a county *may* create a yellow dot program (not required). The bill provides that the county may solicit sponsorships from business entities and not-for-profit organizations.

#### **VI. Technical Deficiencies:**

Line 74: While the bill provides that a person who rides in a motor vehicle as a passenger may also participate in the program, it provides no guidance for that participation.

**VII. Related Issues:**

The Department of Highway Safety and Motor Vehicles analysis of the bill states that it has some concerns including, “identity theft, targeting vulnerable drivers, keeping information up-to-date, and the concern that the yellow dot may be destroyed as a result of a crash.”<sup>4</sup>

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Community Affairs on April 16, 2013:**

The committee substitute authorized instead of required a medical responder at the scene of an accident to search the glove compartment of the injured person’s vehicle for the corresponding yellow dot folder. The CS changed the bill’s effective date and makes it contingent upon passage of a separate bill creating a public records exemption during the 2014 session.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

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<sup>4</sup> The Department of Highway Safety and Motor Vehicles, *SB 1376 Analysis*, (March 12, 2013) (on file with the Senate Community Affairs Committee).