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LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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05/01/2013 11:13 AM

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Senator Abruzzo moved the following:

1 **Senate Amendment to Amendment (218538) (with title**
2 **amendment)**

3
4 Between lines 4238 and 4239
5 insert:

6 Section 63. Yellow dot critical motorist medical
7 information program; yellow dot decal, folder, and information
8 form.-

9 (1) The governing body of a county may create a yellow dot
10 critical motorist medical information program to assist
11 emergency medical responders and drivers and passengers who
12 participate in the program by making critical medical
13 information readily available to a responder in the event of a



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14 motor vehicle accident or a medical emergency involving a
15 participant's vehicle.

16 (2) (a) The governing body of a county may solicit
17 sponsorships from interested business entities and not-for-
18 profit organizations to cover costs of the program, including
19 the cost of the yellow dot decals and folders that shall be
20 provided free of charge to participants. Two or more counties
21 may enter into an interlocal agreement to solicit such
22 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) (a) Any owner or lessee of a motor vehicle may
29 participate in the program upon submission of an application and
30 documentation, in the form and manner prescribed by the
31 governing body of the county.

32 (b) The application form shall 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 (c) The application form shall describe the confidential
38 nature of the medical information voluntarily provided by the
39 participant and shall state that, by providing the medical
40 information, the participant has authorized the use and
41 disclosure of the medical information to authorized personnel
42 solely for the purposes listed in subsection (5). The



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43 application form shall also require the participant's express
44 written consent for such use and disclosure.

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

47 (4) A participant shall receive a yellow dot decal, a
48 yellow dot folder, and a form with the participant's
49 information.

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

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

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

61 1. The participant's name.

62 2. The participant's photograph.

63 3. Emergency contact information of no more than two
64 persons for the participant.

65 4. The participant's medical information, including medical
66 conditions, recent surgeries, allergies, and medications being
67 taken.

68 5. The participant's hospital preference.

69 6. Contact information for no more than two physicians for
70 the participant.

71 (5) (a) If a driver or passenger of a motor vehicle becomes



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

77 (b) An emergency medical responder at the scene may use the
78 information in the yellow dot folder for the following purposes
79 only:

80 1. To positively identify the participant.

81 2. To ascertain whether the participant has a medical
82 condition that might impede communications between the
83 participant and the responder.

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

86 4. To learn the nature of any medical information reported
87 by the participant on the form.

88 5. To ensure that the participant's current medications and
89 preexisting medical conditions are considered when emergency
90 medical treatment is administered for any injury to or condition
91 of the participant.

92 (6) Except for wanton or willful conduct, an emergency
93 medical responder or the employer of a responder does not incur
94 any liability if a responder is unable to make contact, in good
95 faith, with a participant's emergency contact person, or if a
96 responder disseminates or fails to disseminate any information
97 from the yellow dot folder to any other emergency medical
98 responder, hospital, or healthcare provider who renders
99 emergency medical treatment to the participant.

100 (7) The governing body of a participating county shall



101 adopt guidelines and procedures for ensuring that any
102 information that is confidential is not made public through the
103 program.

104 (8) This section shall take effect July 1, 2014, or on the
105 same date that legislation which exempts the information
106 required under the yellow dot critical motorist medical
107 information program from s. 119.071(1), Florida Statutes, and s.
108 24(a), Article I of the State Constitution, takes effect,
109 whichever occurs later, if such legislation is adopted in the
110 2014 Regular Session of the Legislature or an extension thereof
111 and becomes law.

112
113 ===== T I T L E A M E N D M E N T =====

114 And the title is amended as follows:

115 Delete line 4944

116 and insert:

117 vessel; authorizing the governing body of a county to
118 create a yellow dot critical motorist medical
119 information program for certain purposes; authorizing
120 a county to solicit sponsorships for the medical
121 information program and enter into an interlocal
122 agreement with another county to solicit such
123 sponsorships; authorizing the Department of Highway
124 Safety and Motor Vehicles and the Department of
125 Transportation to provide education and training and
126 publicize the program; authorizing an owner or lessee
127 of a motor vehicle to participate in the program upon
128 the submission of certain documentation; providing for
129 an application form that must contain statements



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130 regarding the disclosure of personal information and
131 confidentiality; providing for distribution to
132 participants of a yellow dot decal, a yellow dot
133 folder to be issued to participants, and a form
134 containing specified information about the
135 participant; providing procedures for use of the
136 decal, folder, and form; providing for limited use of
137 information on the forms by emergency medical
138 responders; limiting liability of emergency medical
139 responders; requiring the governing body of a
140 participating county to adopt guidelines and
141 procedures to ensure that confidential information is
142 not made public; providing for applicability; amending
143 ss. 212.08, 261.03, 316.2122,