

By the Committees on Appropriations; and Infrastructure and Security; and Senators Berman, Bean, Hutson, and Gibson

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1 A bill to be entitled
2 An act relating to the Orange Alert; amending s.
3 937.0201, F.S.; redefining the term "missing
4 endangered person" to include a missing adult who
5 meets the criteria for activation of the Orange Alert
6 of the Department of Law Enforcement; creating s.
7 937.0205, F.S.; providing legislative findings and
8 intent; requiring the Department of Law Enforcement,
9 in cooperation with the Department of Transportation,
10 the Department of Highway Safety and Motor Vehicles,
11 the Department of the Lottery, and local law
12 enforcement agencies, to establish and implement the
13 Orange Alert; providing alert requirements;
14 authorizing local law enforcement agencies to
15 broadcast to subscribers of notifications, to the
16 media, and on lottery terminals about certain missing
17 adults; specifying which local law enforcement agency
18 may broadcast such information; authorizing the local
19 law enforcement agency to request that a case be
20 opened with the Department of Law Enforcement's
21 Missing Endangered Persons Information Clearinghouse;
22 requiring the clearinghouse to coordinate with the
23 Department of Transportation and the Department of
24 Highway Safety and Motor Vehicles for the activation
25 of dynamic message signs on state highways and the
26 immediate broadcast of certain critical information
27 under certain circumstances; specifying that an agency
28 responsible for posting an Orange Alert on dynamic
29 message signs does not violate the act if other

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30 emergency information must be posted instead;
31 requiring the Orange Alert to include certain
32 procedures; specifying additional requirements for the
33 alert; authorizing the Department of Law Enforcement
34 to adopt rules; amending s. 937.021, F.S.; providing
35 that the Department of Law Enforcement, as the Orange
36 Alert coordinator, and certain agencies, employees,
37 individuals, and entities are immune from civil
38 liability for damages for performing certain actions
39 in good faith; providing that the presumption of good
40 faith is not overcome under certain circumstances;
41 providing construction; amending s. 937.022, F.S.;
42 authorizing only the law enforcement agency having
43 jurisdiction over a case to make a request to the
44 clearinghouse for the activation of a state Orange
45 Alert involving a missing adult under certain
46 circumstances; amending s. 429.918, F.S.; conforming
47 provisions to changes made by the act; providing an
48 appropriation; providing an effective date.

49
50 Be It Enacted by the Legislature of the State of Florida:

51
52 Section 1. Subsection (4) of section 937.0201, Florida
53 Statutes, is amended to read:

54 937.0201 Definitions.—As used in this chapter, the term:

55 (4) "Missing endangered person" means any of the following:

56 (a) A missing child.†

57 (b) A missing adult younger than 26 years of age.†

58 (c) A missing adult 26 years of age or older who is

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59 suspected by a law enforcement agency of being endangered or the
60 victim of criminal activity.~~;~~ ~~or~~

61 (d) A missing adult who meets the criteria for activation
62 of the Silver Alert Plan of the Department of Law Enforcement.

63 (e) A missing adult who meets the criteria for activation
64 of the Orange Alert of the Department of Law Enforcement
65 pursuant to s. 937.0205.

66 Section 2. Section 937.0205, Florida Statutes, is created
67 to read:

68 937.0205 Orange Alert.-

69 (1) The Legislature finds that a standardized state system
70 is necessary to aid in the search for a missing adult as
71 described in subparagraphs (4)(a)1., 2., and 3. The Legislature
72 also finds that a coordinated local law enforcement and state
73 agency response with prompt and widespread sharing of
74 information will improve the chances of the person being found.
75 Therefore, the Legislature intends to establish the Orange Alert
76 pursuant to this section.

77 (2) It is the intent of the Legislature that the Orange
78 Alert be established and implemented in a manner that seeks to
79 safeguard the privacy rights and related health and diagnostic
80 information of the missing adult to the greatest extent
81 practicable.

82 (3) The Department of Law Enforcement, in cooperation with
83 the Department of Transportation, the Department of Highway
84 Safety and Motor Vehicles, the Department of the Lottery, and
85 local law enforcement agencies, shall establish and implement
86 the Orange Alert. At a minimum, the Orange Alert must:

87 (a) Provide for the protection of the privacy, dignity,

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88 independence, and autonomy of the missing adult by including
89 standards that aim to safeguard these civil liberties through
90 preventing the inadvertent or unnecessary broadcasting or
91 dissemination of sensitive health and diagnostic information in
92 unwarranted circumstances; and

93 (b) Provide that the broadcasting and dissemination of
94 alerts and related information be limited to the geographic
95 areas where the missing adult could reasonably be, considering
96 the person's circumstances and physical and mental condition,
97 the modes of transportation available to the person, and the
98 circumstances of the person's disappearance.

99 (4) (a) Under the Orange Alert, a local law enforcement
100 agency may broadcast to persons who subscribe to receive
101 notifications under this section and to the media information
102 concerning a missing adult:

103 1. Who has a mental or cognitive disability; an
104 intellectual disability or a developmental disability as those
105 terms are defined in s. 393.063; a brain injury; another
106 physical, mental, or emotional disability or impaired judgment
107 not related to substance abuse; or a combination of any of
108 these;

109 2. Whose disappearance poses a credible threat of immediate
110 danger or serious bodily harm to himself or herself, as
111 determined by the local law enforcement agency; and

112 3. Who does not meet the criteria for activation of the
113 Silver Alert Plan of the Department of Law Enforcement.

114 (b) The local law enforcement agency broadcasting such
115 information must be the agency that is best able to notify the
116 media and the subscribers for such notifications in the

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117 jurisdiction where the missing adult is believed to be. Such
118 local law enforcement agency may also request that the
119 notification be broadcast on lottery terminals within the
120 geographic regions where the missing adult may reasonably be,
121 including, but not limited to, the lottery terminals in gas
122 stations, convenience stores, and supermarkets in such regions.

123 (c) Under the Orange Alert, the local law enforcement
124 agency may also request that a case be opened with the
125 Department of Law Enforcement's Missing Endangered Persons
126 Information Clearinghouse. To enhance the local or regional
127 efforts, in cases in which a vehicle is involved, the
128 clearinghouse must coordinate with the Department of
129 Transportation and the Department of Highway Safety and Motor
130 Vehicles for the activation of dynamic message signs on state
131 highways and the immediate broadcast of critical information to
132 the public about the missing adult in accordance with the alert.

133 (d) If a traffic emergency arises requiring that
134 information pertaining to the traffic emergency be displayed on
135 a dynamic message sign on a state highway in lieu of an Orange
136 Alert, the agency responsible for posting the Orange Alert on
137 the dynamic message sign does not violate this section.

138 (5) The Orange Alert must include procedures to monitor the
139 use and activation of this system and the results from its use.
140 The Orange Alert must also include a strategy for informing and
141 educating law enforcement, the media, and other stakeholders
142 about the alert.

143 (6) The Department of Law Enforcement may adopt rules to
144 implement and administer this section.

145 Section 3. Paragraphs (c), (d), and (e) of subsection (5)

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146 of section 937.021, Florida Statutes, are amended to read:

147 937.021 Missing child and missing adult reports.-

148 (5)

149 (c) Upon receiving a request to record, report, transmit,
150 display, or release Silver Alert or Orange Alert information
151 from the law enforcement agency having jurisdiction over the
152 missing adult, the Department of Law Enforcement as the state
153 Silver Alert and the Orange Alert coordinator, any state or
154 local law enforcement agency, and the personnel of these
155 agencies; any radio or television network, broadcaster, or other
156 media representative; any dealer of communications services as
157 defined in s. 202.11; or any agency, employee, individual, or
158 entity is immune from civil liability for damages for complying
159 in good faith with the request and is presumed to have acted in
160 good faith in recording, reporting, transmitting, displaying, or
161 releasing Silver Alert or Orange Alert information pertaining to
162 the missing adult.

163 (d) The presumption of good faith is not overcome if a
164 technical or clerical error is made by any agency, employee,
165 individual, or entity acting at the request of the local law
166 enforcement agency having jurisdiction, or if the Amber Alert,
167 Missing Child Alert, missing child information, missing adult
168 information, ~~or~~ Silver Alert, or Orange Alert information is
169 incomplete or incorrect because the information received from
170 the local law enforcement agency was incomplete or incorrect.

171 (e) Neither this subsection nor any other provision of law
172 creates a duty of the agency, employee, individual, or entity to
173 record, report, transmit, display, or release the Amber Alert,
174 Missing Child Alert, missing child information, missing adult

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175 information, ~~or~~ Silver Alert, or Orange Alert information
176 received from the local law enforcement agency having
177 jurisdiction. The decision to record, report, transmit, display,
178 or release information is discretionary with the agency,
179 employee, individual, or entity receiving the information.

180 Section 4. Paragraph (b) of subsection (3) of section
181 937.022, Florida Statutes, is amended to read:

182 937.022 Missing Endangered Persons Information
183 Clearinghouse.—

184 (3) The clearinghouse shall:

185 (b) Provide a centralized file for the exchange of
186 information on missing endangered persons.

187 1. Every state, county, or municipal law enforcement agency
188 shall submit to the clearinghouse information concerning missing
189 endangered persons.

190 2. Any person having knowledge may submit a missing
191 endangered person report to the clearinghouse concerning a child
192 or adult younger than 26 years of age whose whereabouts is
193 unknown, regardless of the circumstances, subsequent to
194 reporting such child or adult missing to the appropriate law
195 enforcement agency within the county in which the child or adult
196 became missing, and subsequent to entry by the law enforcement
197 agency of the child or person into the Florida Crime Information
198 Center and the National Crime Information Center databases. The
199 missing endangered person report shall be included in the
200 clearinghouse database.

201 3. Only the law enforcement agency having jurisdiction over
202 the case may submit a missing endangered person report to the
203 clearinghouse involving a missing adult age 26 years or older

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204 who is suspected by a law enforcement agency of being endangered
205 or the victim of criminal activity.

206 4. Only the law enforcement agency having jurisdiction over
207 the case may make a request to the clearinghouse for the
208 activation of a state Silver Alert or an Orange Alert involving
209 a missing adult if circumstances regarding the disappearance
210 have met the criteria for activation of the Silver Alert Plan or
211 the Orange Alert.

212 Section 5. Paragraph (d) of subsection (6) and subsection
213 (9) of section 429.918, Florida Statutes, are amended to read:

214 429.918 Licensure designation as a specialized Alzheimer's
215 services adult day care center.—

216 (6)

217 (d) Each employee hired on or after July 1, 2012, who
218 provides direct care to ADRD participants, must receive and
219 review an orientation plan that includes, at a minimum:

220 1. Procedures to locate an ADRD participant who has
221 wandered from the center. These procedures shall be reviewed
222 regularly with all direct care staff.

223 2. Information on the Silver Alert program and the Orange
224 Alert in this state.

225 3. Information regarding available products or programs
226 used to identify ADRD participants or prevent them from
227 wandering away from the center, their home, or other locations.

228 (9) An adult day care center having a license designated
229 under this section must give to each person who enrolls as an
230 ADRD participant in the center, or the caregiver, a copy of the
231 ADRD participant's plan of care, as well as information
232 regarding resources to assist in ensuring the safety and

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233 security of the ADRD participant, which must include, but need
234 not be limited to, information pertaining to driving for those
235 persons affected by dementia, available technology on wandering-
236 prevention devices and identification devices, the Silver Alert
237 program and the Orange Alert in this state, and dementia-
238 specific safety interventions and strategies that can be used in
239 the home setting.

240 Section 6. For the 2019-2020 fiscal year, the sums of
241 \$152,836 in recurring and \$170,000 in nonrecurring funds from
242 the General Revenue Fund are appropriated to the Florida
243 Department of Law Enforcement, and three full-time equivalent
244 positions with an associated salary rate of 83,779 are
245 authorized for the purpose of implementing this act.

246 Section 7. This act shall take effect July 1, 2020.