

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 Children, Families, and Elder Affairs

BILL: CS/CS/SB 330

INTRODUCER: Children, Families, and Elder Affairs Committee, Criminal Justice Committee, and Senator Dean

SUBJECT: Missing Persons with Special Needs

DATE: April 9, 2015

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Erickson	Cannon	CJ	Fav/CS
2. Brown	Cibula	JU	Favorable
3. Preston	Hendon	CF	Fav/CS
4. _____	_____	AP	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 330 creates the “Project Leo” pilot program in Baker, Columbia, Hamilton, and Suwanee Counties to provide personal assistive technology devices to aid in search-and-rescue for persons with special needs in case of elopement.

The project will be developed and administered by the Center for Autism and Related Disabilities at the University of Florida (CARD UF). The bill directs CARD UF to select participants on a first-come, first-served basis to receive a personal device to aid in search and rescue based on criteria it develops. Criteria must consider, at a minimum, the individual’s risk of elopement. The number of participants shall be determined based on available funding within the center’s existing resources. The respective county sheriff’s offices will distribute these devices to the project participants.

The bill requires CARD UF to submit preliminary and final reports to the Governor, the Speaker of the House of Representatives, and the President of the Senate. The final report must include recommendations for modifications or continued implementation of the program.

The bill is not anticipated to have a fiscal impact on state government and has an effective date of July 1, 2015.

II. Present Situation:

Elopement of Individuals with Special Needs

Elopement, also referred to as wandering, is a safety issue that affects some individuals with disabilities, their families, and the community. Wandering is when someone leaves a safe area or a responsible caregiver. This typically includes situations where the person may be injured or harmed as a result.¹

Elopement and Wandering of Individuals with Autism

Elopement in children with autism might include running off from adults at school or in the community, leaving the classroom without permission, or leaving the house when the family is not looking. This behavior is considered common and short-lived in toddlers, but it may persist or re-emerge in children and adults with autism. Children with autism have challenges with social and communication skills and safety awareness. This makes wandering a potentially dangerous behavior.²

There are various reasons someone with autism may wander; more often than not, he or she will wander to something of interest (especially bodies of water) or away from something that is bothersome or stressful (such as uncomfortable noise or bright lights).³

Approximately 50 percent of children with autism have a tendency to wander or elope.⁴ Families report that about half of those children who have a tendency to wander succeeded and went missing long enough to cause serious concern. A substantial portion of those children who wander are at risk for bodily harm.⁵ Of those children who went missing, 24 percent were in danger of drowning and 65 percent were in danger of traffic injury.⁶

Elopement and Wandering of Individuals with Alzheimer's Disease

Wandering and elopement can also be dangerous for individuals with Alzheimer's disease and other forms of dementia, as the individual may not remember his or her name or address in order to assist rescuers; they can become disoriented, even in familiar places. An individual with

¹ Centers for Disease Control and Prevention, Wandering (Elopement), available at: <http://www.cdc.gov/ncbddd/disabilityandsafety/wandering.html>. (last visited April 9, 2015).

² AWAARE Collaboration, *Autism and Wandering*, available at: <http://awaare.nationalautismassociation.org/>. (last visited April 9, 2015).

³ Autism Community, *Why is My Child Eloping and What Can I Do?*, available at: <http://www.autism-community.com/why-is-my-child-elooping-and-what-can-i-do/>. (last visited April 9, 2015).

⁴ Michelle Diamant, *Autism Wandering Poses "Critical Safety Issue," Survey Suggests*, DISABILITY SCOOP, (April 21, 2011), available at: <http://www.disabilityscoop.com/2011/04/21/autism-wandering-survey/12953/>. (last visited April 9, 2015).

⁵ Connie Anderston, et al., *Occurrence and Family Impact of Elopement in Children With Autism Spectrum Disorders*, PEDIATRICS, (October 8, 2012), available at: <http://pediatrics.aappublications.org/content/early/2012/10/02/peds.2012-0762.full.pdf+html>. (last visited April 9, 2015).

⁶ *Id.*

Alzheimer's disease who wanders or elopes is most often looking for someone or something familiar, escaping a source of stress or anxiety, or may be reliving the past.⁷

Statistics indicate that in the U.S., more than 34,000 individuals with Alzheimer's disease wander out of their homes or care facilities each year.⁸ Six in 10 people with some type of dementia will wander or elope;⁹ additionally, it is estimated that 11-24 percent of institutionalized dementia patients wander.¹⁰

Personal Devices for Individuals with Special Needs

Anti-wandering and GPS tracking devices can be worn as a bracelet, attached to an individual's shoe or belt loop or even sewn into clothing. In the event that an individual goes missing, a caregiver can utilize products and services from the monitoring company for the device to pinpoint the wearer's location. There are a number of anti-wandering and GPS tracking devices on the market that can aid in search and rescue for individuals with special needs who are prone to wander. Two examples are the Protect and Locate (PAL) tracking system through Project Lifesaver and the Amber Alert GPS.

- The PAL is a tracking device that is worn as a watch by the individual at risk of wandering and has a companion portable receiver which notifies the caregiver of a wandering event. Through the use of cell ID location and GPS technologies, it provides the location of a wearer accurate to nine feet.¹¹ If an individual wearing a PAL device wanders outside of a set perimeter, the caregiver's receiver will receive an alert and the caregiver will receive an email alert and send a text message with the date and location of the wandering event.¹²

Additionally, a caregiver can press the "find" button on his or her receiver to have the location of the individual and the address displayed on the portable receiver. If the individual wearing the PAL watch/transmitter is lost, he or she can push the panic button on the PAL watch to have the current address shown on the caregiver's portable receiver.¹³ The PAL tracking system costs \$249.99 per unit and requires a monitoring/service plan of \$29.95 per month.¹⁴

- The Amber Alert GPS is a small disk that can be put in an individual's purse or backpack or, with the purchase of an accessory, can be attached to the individual. The Amber Alert GPS syncs with an online tracking portal and mobile application for iPhone, Blackberry, and

⁷ *Alzheimer's: Understand and control wandering*, Mayo Clinic, available at: <http://www.mayoclinic.org/healthy-living/caregivers/in-depth/alzheimers/art-20046222> (last visited April 9, 2015).

⁸ *Wandering and Elopement Resources*, National Council of Certified Dementia Practitioners, available at: <http://www.nccdp.org/wandering.htm> (last visited April 9, 2015).

⁹ *Wandering and Getting Lost*, Alzheimer's Association, available at: <http://www.alz.org/care/alzheimers-dementia-wandering.asp> (last visited April 9, 2015).

¹⁰ *Wandering and Elopement Resources*, National Council of Certified Dementia Practitioners, available at: <http://www.nccdp.org/wandering.htm> (last visited April 9, 2015).

¹¹ PAL Info, *Project Lifesaver*, available at: <http://www.projectlifesaver.org/Pal-info/> (last visited April 9, 2015).

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

Droid cellular phones to provide the real-time location of the wearer.¹⁵ It allows the caregiver to designate up to 20 “safe zones” and receive an alert each time a wearer leaves one of the designated safe zones. It also has a two-way voice feature to allow the caregiver and wearer to talk to each other through the device and an SOS button that the wearer can push in the event of an emergency to notify the caregiver and up to ten additional individuals.¹⁶ Amber Alert GPS costs \$145 per unit and requires a monitoring/service plan of \$15-18 per month.¹⁷

Center for Autism and Related Disabilities

The Center for Autism and Related Disabilities (CARD UF) works with families, caregivers and professionals to optimize the potential of people with autism and related disabilities. CARD UF serves children and adults of all levels of intellectual functioning who have autism, autistic-like disabilities, pervasive developmental disorder, dual sensory impairments (hearing and vision impaired), or a vision or hearing loss with another disabling condition.¹⁸ There are seven non-residential CARD centers across the state and CARD UF serves fourteen counties in North Central Florida.¹⁹

III. Effect of Proposed Changes:

Section 1 of the bill creates the “Project Leo” pilot program in Baker, Columbia, Hamilton, and Suwanee Counties to provide personal devices to aid search-and-rescue for persons with special needs in case of elopement. The project will be developed and administered by CARD UF.

The bill directs CARD UF to select participants based on criteria it develops, which must include, at a minimum, the individual’s risk of elopement. The participants will be selected on a first-come, first-serve basis. The number of participants must be determined based on available funding within the center’s existing resources.

Participation in the project is voluntary. Participants will be provided a personal device to aid in search and rescue that is attachable to clothing or otherwise wearable. The center will fund any cost associated with the monitoring of the devices. The respective county sheriff’s offices will distribute these devices to the project participants.

The bill requires CARD UF to submit preliminary and final reports to the Governor, the Speaker of the House of Representatives, and the President of the Senate. Both reports must include:

- The criteria used to select the participants;
- The number of participants;
- The age of the participants;
- The nature of the participants’ special needs;

¹⁵ Amber Alert GPS Smart Locator, AMBER ALERT GPS, <https://www.amberalertgps.com/products>. (last visited April 9, 2015).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Center for Autism and Related Disabilities University of Florida, *About CARD FAQ*, available at: <http://card.ufl.edu/about-card/faq/>. (last visited April 9, 2015).

¹⁹ *Id.* The counties Served by CARD UF are Alachua, Bradford, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Levy, Marion, Putnam, Suwannee, and Union.

- The number of participants who elope;
- The amount of time taken to rescue a participant following elopement; and
- The outcome of any rescue attempts.

Additionally, the final report must include recommendations for modifications or continued implementation of the program. The bill provides that the act is subject to available funding within existing resources and expires on June 30, 2017.

Section 2 of the bill provides an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

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:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates s. 937.041 of the Florida Statutes.

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

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

CS by Criminal Justice on March 2, 2015:

- Removes provisions relating to electronic monitoring of certain persons with special needs.
- Removes a provision requiring the Criminal Justice Standards and Training Commission to incorporate training of law enforcement officers in the retrieval of missing persons with special needs.

CS by Children, Families, and Elder Affairs on April 9, 2015:

- Removes provisions relating to the definition of the term “missing endangered person,” civil immunity for reporting missing persons, and reporting to the Missing Endangered Person Information Clearinghouse.
- Creates a pilot program to provide personal assistive technology devices to persons with special needs in case of elopement.

B. Amendments:

None.