

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/CS/HB 69 Missing Persons with Special Needs

SPONSOR(S): Justice Appropriations Subcommittee; Children, Families & Seniors Subcommittee; Criminal Justice Subcommittee; Porter and others

TIED BILLS: None **IDEN./SIM. BILLS:** CS/CS/SB 330

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	12 Y, 0 N, As CS	Cox	Cunningham
2) Children, Families & Seniors Subcommittee	10 Y, 0 N, As CS	Langston	Brazzell
3) Justice Appropriations Subcommittee	12 Y, 0 N, As CS	Schrader	Lloyd
4) Judiciary Committee	17 Y, 0 N	Cox	Havlicak

SUMMARY ANALYSIS

Elopement, which is defined as leaving an area without supervision or caregiver permission, is prevalent among persons with certain special needs and may expose them to dangerous situations. Individuals with Alzheimer's disease or with autism are two populations at higher risk to elope.

There are a number of personal devices on the market that aid in search and rescue of individuals who elope.

CS/CS/CS/HB 69 creates the "Project Leo" pilot program in Baker, Columbia, Hamilton, and Suwanee Counties to provide personal 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 provides that the act is subject to available funding within the center's existing resources and expires on June 30, 2017.

The bill is effective on July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Elopement of Individuals with Special Needs

Elopement, which is defined as leaving an area without supervision or caregiver permission, is prevalent among persons with certain special needs and may expose a person to dangerous situations.¹ Wandering and elopement are concerns in particular with children and adults with autism and seniors with Alzheimer's.²

Elopement and Wandering of Individuals with Autism

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 (such as uncomfortable noise or bright lights).³ Children and adults with autism wander from all types of settings, such as educational, therapeutic, residential, camp programs, outdoor, public places, and home settings.⁴

Approximately half of children with autism have a tendency to wander or elope.⁵ 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.⁶ Of those children who went missing, 24% were in danger of drowning and 65% were in danger of a traffic injury.⁷

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 to assist rescuers; they can become disoriented, even in familiar places. An individual with 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.⁸

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.⁹ Six in ten people with some form of dementia will wander or elope;¹⁰ additionally, it is estimated that 11-24% of institutionalized dementia patients wander.¹¹

¹ Russell Lang, et al., *Treatment of elopement in individuals with developmental disabilities: A systematic review*, RESEARCH IN DEVELOPMENTAL DISABILITIES 30 (2009) 670–681, http://scholar.google.com/scholar_url?url=http://www.researchgate.net/profile/Christina_Fragale/publication/23716164_Treatment_of_elopement_in_individuals_with_developmental_disabilities_a_systematic_review/links/53e3f99e0cf21cc29fc75814.pdf&hl=en&sa=X&scisig=AAGBfm33xL1MHakTS87tq_NEgw_oFixP4w&nossl=1&oi=scholar (last visited in April 10, 2015).

² *Autism & Wandering*, AWAARE COLLABORATION, <http://awaare.nationalautismassociation.org/autism-wandering/> (last visited April 10, 2015).

³ *Id.*

⁴ *Id.*

⁵ Michelle Diament, *Autism Wandering Poses "Critical Safety Issue," Survey Suggests*, DISABILITY SCOOP, (April 21, 2011), <http://www.disabilityscoop.com/2011/04/21/autism-wandering-survey/12953/> (last visited April 10, 2015).

⁶ 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 10, 2015).

⁷ *Id.*

⁸ *Alzheimer's: Understand and control wandering*, MAYO CLINIC, <http://www.mayoclinic.org/healthy-living/caregivers/in-depth/alzheimers/art-20046222> (last visited April 10, 2015).

⁹ *Wandering and Elopement Resources*, NATIONAL COUNCIL OF CERTIFIED DEMENTIA PRACTITIONERS, <http://www.nccdp.org/wandering.htm> (last visited April 10, 2015).

Personal Devices for Individuals with Special Needs

Anti-wandering and GPS¹² 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.¹³ 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.¹⁴ 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.¹⁵ The PAL tracking system costs \$249.99 per unit and requires a monitoring/service plan of \$29.95 per month.¹⁶

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 Droid cellular phones to provide the real-time location of the wearer.¹⁷ 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.¹⁸ 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.¹⁹ Amber Alert GPS costs \$179 per unit and requires a monitoring/service plan of \$10-42 per month.²⁰

Center for Autism and Related Disabilities

The Center for Autism and Related Disabilities (CARD) works with families, caregivers and professionals to optimize the potential of people with autism and related disabilities.²¹ CARD serves children and adults of all levels of intellectual functioning who have autism, autistic-like disabilities, pervasive developmental disorder, dual sensory impairments (deaf-blindness), or a vision or hearing loss with another disabling condition.²²

¹⁰ *Wandering and Getting Lost*, ALZHEIMER'S ASSOCIATION, <http://www.alz.org/care/alzheimers-dementia-wandering.asp> (last visited April 10, 2015).

¹¹ *Supra*, note 9.

¹² A global positioning system (GPS) is a network of computers and earth-orbiting satellites that allows an earth-bound receiver to determine its precise location. BLACK'S LAW DICTIONARY (10th ed. 2014).

¹³ *PAL Info*, PROJECT LIFESAVER, <http://www.projectlifesaver.org/Pal-info/> (last visited April 10, 2015).

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *10 Resources And Devices For Wandering Children With Autism*, FRIENDSHIP CIRCLE BLOG, (June 1, 2011; updated 2014) <http://www.friendshipcircle.org/blog/2011/06/01/10-resources-for-wandering-children-with-autism/> (last visited April 10, 2015).

¹⁷ *Amber Alert GPS Smart Locator*, AMBER ALERT GPS, <https://www.amberalertgps.com/products> (last visited April 10, 2015).

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Supra*, Note 16.

²¹ CENTER FOR AUTISM AND RELATED DISABILITIES UNIVERSITY OF FLORIDA, *About CARD FAQ*, <http://card.ufl.edu/about-card/faq/> (last visited April 10, 2015).

²² *Id.*

There are seven non-residential CARD centers across the state; the Center for Autism and Related Disabilities at the University of Florida (CARD UF) serves fourteen counties in North Central Florida.²³ The counties served by CARD UF are Alachua, Bradford, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Levy, Marion, Putnam, Suwannee, and Union.²⁴

Effect of Proposed Changes

CS/CS/CS/HB 69 creates the “Project Leo” pilot program in Baker, Columbia, Hamilton, and Suwannee Counties to provide personal devices to aid search-and-rescue for persons with special needs in case of elopement. The bill does not define the term “special needs.”

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-served 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;
- 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 CARD UF’s existing resources and expires on June 30, 2017.

The bill provides that the act shall take effect July 1, 2015.

B. SECTION DIRECTORY:

Section 1. Creates s. 937.041, F.S., relating to the missing persons with special needs pilot program.

Section 2. Provides an effective date of July 1, 2015.

²³ *Id.*

²⁴ CENTER FOR AUTISM AND RELATED DISABILITIES UNIVERSITY OF FLORIDA, *About CARD*, <http://card.ufl.edu/about-card/> (last visited April 10, 2015).

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have any impact on state revenues.

2. Expenditures:

The bill is subject to available funding within the existing resources of the Center for Autism and Related Disabilities at the University of Florida (CARD UF).

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have any impact on local government revenues.

2. Expenditures:

The bill does not appear to have any impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties and 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:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 3, 2015, the Criminal Justice Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment:

- Deletes the requirement that FDLE and DCF provide electronic monitoring devices to specified individuals with special needs, as well as the requirement for APD to produce of a list of persons eligible for the electronic monitoring devices; and
- Removes the requirement that FDLE incorporate training on retrieving missing persons with special needs in its law enforcement officer training.

On March 24, 2015, the Children, Families, and Seniors Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The amendment:

- Creates the “Project Leo” pilot program in Baker, Columbia, Hamilton, and Suwanee Counties to provide personal devices to aid in search-and-rescue for persons with special needs in case of elopement.
- Provides that the pilot project is to be developed and administered by the Center for Autism and Related Disabilities at the University of Florida and that the respective county sheriff’s offices will distribute the personal devices.
- Requires the center to submit preliminary and final reports to the Governor, the Speaker of the House of Representatives, and the President of the Senate.
- Provides that the act is subject to available funding and expires on June 30, 2017.

On April 7, 2015, the Justice Appropriations Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment:

- Clarifies available funding for participants selected on a first-served basis must remain within the center’s existing resources; and
- Clarifies the center shall fund any costs associated with monitoring the devices; and
- Clarifies the project shall operate to the extent of available funding within the center’s existing resources.

The analysis is drafted to the committee substitute as passed by the Justice Appropriations Subcommittee.