

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/CS/HB 591 Missing Persons With Special Needs  
**SPONSOR(S):** PreK-12 Appropriations Subcommittee; Criminal Justice Subcommittee; Porter  
**TIED BILLS:** None **IDEN./SIM. BILLS:** 1156

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	11 Y, 0 N, As CS	MacNamara	Sumner
2) PreK-12 Appropriations Subcommittee	13 Y, 0 N, As CS	Seifert	Potvin
3) Judiciary Committee	18 Y, 0 N	MacNamara	Poche

### SUMMARY ANALYSIS

Elopement, also referred to as wandering, is a safety issue that affects some individuals with disabilities, their families, and the community. Wandering occurs when a person leaves a safe area or a responsible caregiver. It is prevalent among individuals with certain special needs and may expose them to dangerous situations. Anti-wandering and global-positioning systems can be worn or attached to an individual and are specially designed to aid in search-and-rescue efforts for individuals with special needs who are prone to wandering.

In 2016, the Legislature created three "Project Leo" pilot projects at the Center for Autism and Related Disabilities at the University of Florida, University of South Florida, and Florida Atlantic University. Each pilot project provides personal devices to aid in search-and-rescue efforts for persons with special needs in cases of elopement. Furthermore, each project is required to submit a report and recommendations annually to the Governor, the Speaker of the House of Representatives, and the President of the Senate. The pilot projects expire on June 30, 2018.

CS/CS/HB 591 expands Project Leo statewide and permits a Center for Autism and Related Disabilities at any state university to participate in a program providing personal devices to aid search-and-rescue efforts for persons with special needs in the case of elopement. The bill makes the University of Florida responsible for developing criteria for the selection of participants in the project and removes the requirement that Florida Atlantic University and University of South Florida develop similar criteria.

The bill also removes the requirement that each participating center submit a preliminary and final report to the Governor, the Speaker of the House of Representatives, and the President of the Senate. Lastly, the bill extends the project to June 30, 2019.

See Section II, Fiscal Analysis and Economic Impact Statement, *infra*, for discussion on fiscal impact to state government.

The bill provides an effective date of July 1, 2018.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Background**

##### Elopement and Personal Devices

Elopement, also referred to as wandering, is prevalent among individuals with certain special needs and may expose them to dangerous situations. Elopement occurs when an individual leaves a safe area or responsible caregiver. Elopement is a concern particularly with children and adults who have autism and seniors who have Alzheimer's disease.<sup>1</sup> Approximately half of children with autism have a tendency to elope at least once after the age of four.<sup>2</sup> Families report that about a quarter of the children who have a tendency to elope have gone missing long enough to cause serious concern.<sup>3</sup> A substantial portion of those children who wander are at risk of bodily harm; 24% were in danger of drowning and 65% were in danger of a traffic injury.<sup>4</sup>

Anti-wandering and global-positioning system (GPS) can be used to track persons with special needs in the event they wander away from a safe area or a responsible caregiver. These tracking devices can be worn as a bracelet, attached to an individual's shoe or belt loop, or sewn into clothing. If an individual goes missing, a caregiver can pinpoint the wearer's location. There are a number of anti-wandering and GPS tracking devices which are specially designed to aid in search-and-rescue efforts for individuals with special needs who are prone to wandering. 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 that 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. If an individual wearing a PAL device wanders outside of a set perimeter, the caregiver receives an alert, and email and text alerts with the date and location of the wandering event.<sup>5</sup> The PAL tracking system costs \$549 per unit and requires a monitoring/service plan of \$29.95 per month.

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. The Amber Alert GPS costs \$135, has a one-time activation fee of \$20, and requires a \$15 per month service plan.<sup>6</sup>

##### The Center for Autism and Related Disabilities

Centers for Autism and Related Disabilities (CARD) work with families, caregivers, and professionals to optimize the potential of individuals who have autism and related disabilities. 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. CARD centers provide individualized assistance, technical assistance to

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<sup>1</sup> *Autism & Wandering*, AWAARE COLLABORATION, <http://awaare.nationalautismassociation.org/autism-wandering/> (last visited February 15, 2018).

<sup>2</sup> Connie Anderson, 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 February 15, 2018).

<sup>3</sup> Id.

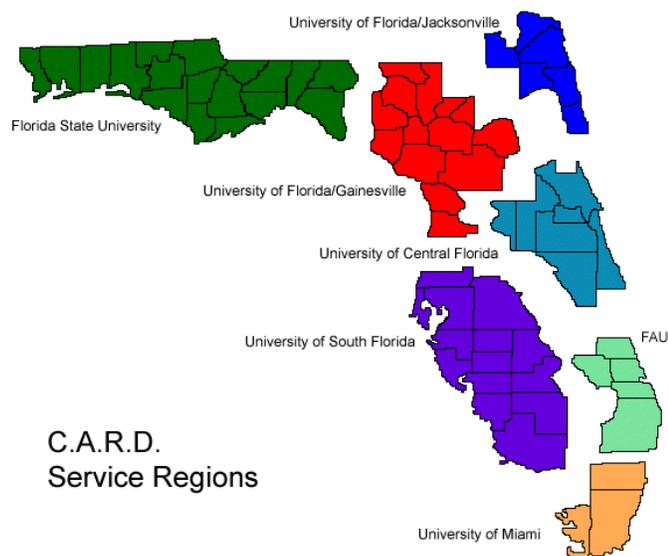
<sup>4</sup> Id.

<sup>5</sup> *About PAL*, Project Lifesaver, <http://www.projectlifesaver.org/Pal-info/about-pal/> (last visited February 15, 2018).

<sup>6</sup> *Amber Alert GPS*, <https://amberalertgps.com/> (last visited February 12, 2018).

schools and school districts, and assist individuals seeking a diagnosis with finding qualified professionals.<sup>7</sup>

Currently, there are seven non-residential CARD centers across the state: Florida State University, University of Florida-Jacksonville, University of Florida-Gainesville, University of Central Florida, University of South Florida, Florida Atlantic University, and University of Miami.<sup>8</sup> Together, these seven CARD centers serve every county in the state.<sup>9</sup>



## Project Leo

In 2016, the Legislature created three “Project Leo” pilot projects. Each pilot project provides personal devices to aid in search-and-rescue efforts for persons with special needs in cases of elopement.<sup>10</sup> The first pilot project was developed by the CARD at the University of Florida (UF) and serves Alachua, Baker, Columbia, Hamilton, and Suwannee Counties. The second pilot project was developed by the CARD at Florida Atlantic University (FAU) and serves Palm Beach County. The third pilot project was developed by the CARD at the University of South Florida (USF) and serves Hillsborough County.<sup>11</sup>

Participants are selected based on criteria developed by CARD UF, CARD FAU, or CARD USF. Each center’s criteria is required to, at a minimum, consider the individual’s risk of elopement. For instance, both CARD UF and CARD USF require that the individual:

- Resides in a county served by the university’s CARD;
- Has documentation of a diagnosis of autism spectrum disorder or a related disability;
- Has wandered or is at risk of wandering; and
- Is under constant supervision and monitoring of a responsible adult, who can prevent wandering and can contact 911 in the event the individual is missing.<sup>12</sup>

The number of participants is determined based on available funding within each center’s existing resources, and participation in the project is voluntary and free of charge.<sup>13</sup> Participants are provided with a personal device to aid in search-and-rescue efforts which is attachable to clothing or otherwise

<sup>7</sup> *University of Florida*, Center for Autism and Related Disabilities, [www.card.ufl.edu/about-card/faq/](http://www.card.ufl.edu/about-card/faq/) (last visited February 15, 2018).

<sup>8</sup> S. 1004.55, F.S.

<sup>9</sup> *Find Your Card*, <http://card.ufl.edu/about-card/find-your-card/> (last visited February 15, 2018).

<sup>10</sup> S. 937.041(1), F.S.

<sup>11</sup> Ch. 2016-186, L.O.F.

<sup>12</sup> *University of Florida*, Project Leo FAQs, <http://card.ufl.edu/project-leo-faqs/> (last visited February 15, 2018), and *University of South Florida*, Project Leo brochure, [http://cfs.cbcs.usf.edu/docs/news/CARD\\_SafetyNet\\_Brochure.pdf](http://cfs.cbcs.usf.edu/docs/news/CARD_SafetyNet_Brochure.pdf) (last visited February 15, 2018).

<sup>13</sup> S. 937.041(2), F.S.

wearable. The respective county sheriff's offices distribute the devices to the project participants. CARD UF, CARD FAU, and CARD USF are tasked with funding any cost associated with the monitoring of the devices.<sup>14</sup>

Project Leo further requires CARD UF, CARD FAU, and CARD USF to submit preliminary and final reports to the Governor, the Speaker of the House of Representatives, and the President of the Senate. Both reports are required to include:

- The criteria used to select the participants;
- The number of 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.<sup>15</sup>

Each of the three CARDS received \$100,000 when the project was implemented in 2016.<sup>16</sup> The projects continued operation is subject to available funding within the existing resources of CARD UF, CARD FAU, and CARD USF. The project expires on June 30, 2018.<sup>17</sup>

### **Effect of Proposed Changes**

CS/CS/HB 591 expands Project Leo statewide and provides that a CARD at any state university, as stated in s. 1004.55(1), F.S., may participate in a program providing personal devices to aid search-and-rescue efforts for persons with special needs in the case of elopement. The bill makes the University of Florida responsible for developing criteria for the selection of participants in the project and removes the requirement that Florida Atlantic University and University of South Florida develop similar criteria.

The bill also removes the requirement that each CARD participating in the project submit a preliminary and final report to the Governor, the Speaker of the House of Representatives, and the President of the Senate. Lastly, the bill extends the project to June 30, 2019.

The bill provides an effective date of July 1, 2018.

#### **B. SECTION DIRECTORY:**

**Section 1:** Amending s. 937.041, F.S., related to missing persons with special needs pilot projects.

**Section 2:** Providing an effective date of July 1, 2018.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

##### **1. Revenues:**

None.

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<sup>14</sup> S. 937.041(3), F.S.

<sup>15</sup> S. 937.041(4), F.S.

<sup>16</sup> Ch. 2016-186, L.O.F.

<sup>17</sup> S. 937.041(5)-(6), F.S.

2. Expenditures:

Specific Appropriation 105 in HB 5001 appropriates the nonrecurring sum of \$700,000 to fund HB 3335, Project Leo, as described in Appropriations Project Request 1296; which is to expand the Project Leo Pilot Program that was created in 2016 to all Centers for Autism and Related Disabilities programs.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 10, 2018, the Criminal Justice Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment:

- Removed the term “pilot” from the bill as the project is now statewide, and
- Amended the term “institutions in the state university system” to read “state university,” and provides a reference to s. 1000.21, F.S., for a definition of “state university.”

On January 30, 2018, the PreK-12 Appropriations Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment:

- Corrected the statutory reference of s. 1000.21, F.S. to s. 1004.55, F.S., which defines the Centers for Autism and Related Disabilities, and
- Amended the selection of participant criteria from the University of Florida to each CARD service area.

This analysis is drafted to the committee substitute as passed by the PreK-12 Appropriations Subcommittee.