

1 A bill to be entitled
2 An act relating to emergency alerts; creating s.
3 316.02703, F.S.; defining terms; authorizing a law
4 enforcement agency to request the Florida Highway
5 Patrol to activate a Yellow Alert if a hit-and-run
6 incident is reported to the agency and the agency
7 determines that specified requirements are satisfied;
8 authorizing the Florida Highway Patrol, if it concurs
9 that the specified requirements are satisfied, to
10 activate a Yellow Alert within the geographic area
11 requested by the agency; providing that radio,
12 television, and cable and satellite systems are
13 encouraged to cooperate in disseminating the
14 information in a Yellow Alert; requiring the Florida
15 Highway Patrol, upon activation of the alert, to
16 assist the investigating law enforcement agency by
17 issuing the alert, in cooperation with the Department
18 of Highway Safety and Motor Vehicles and the
19 Department of Transportation, using certain dynamic
20 message signs; authorizing the Florida Highway Patrol
21 to prioritize the activation of alerts if multiple
22 Yellow Alerts are requested, subject to certain
23 requirements; specifying the conditions that an agency
24 must determine to have been satisfied in order for the
25 agency to be allowed to request that a Yellow Alert be

26 | activated; creating s. 784.072, F.S.; defining terms;
27 | authorizing a local law enforcement agency to activate
28 | the Emergency Alert System and issue a Lockdown Alert
29 | to public and private schools and child care
30 | facilities under certain circumstances; requiring
31 | local law enforcement agencies to create and maintain
32 | a list of all public schools, private schools, and
33 | child care facilities within their jurisdictions for
34 | specified purposes; authorizing public or private
35 | schools or child care facilities to contact their
36 | local law enforcement agencies to verify that they are
37 | included on the list or to register for inclusion on
38 | the list; requiring a local law enforcement agency to
39 | take a private school or child care facility off the
40 | list if the school or facility requests that it be
41 | taken off the list; requiring the Department of Law
42 | Enforcement, in cooperation with the Department of
43 | Highway Safety and Motor Vehicles and the Department
44 | of Transportation, to activate the Emergency Alert
45 | System and issue an Imminent Threat Alert to the
46 | public at the request of a local law enforcement
47 | agency under certain circumstances; specifying
48 | information that, if available, must be provided in
49 | Imminent Threat Alerts; requiring Imminent Threat
50 | Alerts to be disseminated to the public through the

51 Emergency Alert System and through the use of certain
 52 dynamic message signs; providing that the agency
 53 responsible for posting the Imminent Threat Alert on
 54 the dynamic message sign does not violate this section
 55 if certain traffic emergency information is displayed
 56 on the sign in lieu of the alert; providing an
 57 effective date.
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59 Be It Enacted by the Legislature of the State of Florida:
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61 Section 1. Section 316.02703, Florida Statutes, is created
 62 to read:

63 316.02703 Hit-and-run incidents; Yellow Alert.-

64 (1) As used in this section, the term:

65 (a) "Serious bodily injury" means an injury that involves,
 66 either at the time of the actual injury or at a later time, a
 67 substantial risk of serious and permanent disfigurement; a
 68 substantial risk of protracted loss or impairment of the
 69 function of any part of the body; or a break, fracture, or burn
 70 of the second or third degree.

71 (b) "Yellow Alert" means a notification system activated
 72 pursuant to subsection (2) which is designed to issue and
 73 coordinate alerts with respect to a hit-and-run incident
 74 resulting in the death or serious bodily injury of a person.

75 (2) (a) If a hit-and-run incident is reported to a law

76 enforcement agency and that agency determines that the
77 requirements of subsection (3) are satisfied, the agency may
78 request the Florida Highway Patrol to activate a Yellow Alert.
79 If the Florida Highway Patrol concurs that the requirements of
80 subsection (3) are satisfied, it may activate a Yellow Alert
81 within the geographic area requested by the investigating law
82 enforcement agency.

83 (b) Radio, television, and cable and satellite systems are
84 encouraged, but not required, to cooperate in disseminating the
85 information in a Yellow Alert.

86 (c) Upon activation of a Yellow Alert, the Florida Highway
87 Patrol must assist the investigating law enforcement agency by
88 issuing the Yellow Alert, in cooperation with the Department of
89 Highway Safety and Motor Vehicles and the Department of
90 Transportation, through the use of the dynamic message signs
91 that are located along the state's highways.

92 (d) If there are multiple Yellow Alerts requested, the
93 Florida Highway Patrol may prioritize the activation of alerts
94 based on factors that include, but are not limited to, the
95 severity of the injuries resulting from a hit-and-run incident,
96 the time elapsed between a hit-and-run incident and the request
97 for the Yellow Alert activation, or the likelihood that an
98 activation would reasonably lead to the apprehension of a
99 suspect.

100 (3) A law enforcement agency may request that a Yellow

101 Alert be activated if the agency determines that all of the
102 following conditions are satisfied by the investigation of the
103 hit-and-run incident:

104 (a) A person has been killed or has suffered serious
105 bodily injury due to the hit-and-run incident.

106 (b) There is an indication that a suspect has fled the
107 scene of the hit-and-run incident using the state highway system
108 or is likely to be observed by the public on the state highway
109 system.

110 (c) The investigating law enforcement agency has
111 additional information concerning the suspect or the suspect's
112 vehicle, including, but not limited to, any of the following:

113 1. The complete license plate number of the suspect's
114 vehicle.

115 2. A partial license plate number and additional unique
116 identifying characteristics, such as the make, model, and color
117 of the suspect's vehicle, which could reasonably lead to the
118 apprehension of the suspect.

119 3. The identity of the suspect.

120 (d) Public dissemination of available information could
121 either help avert further harm or hasten apprehension of the
122 suspect based on factors that include, but are not limited to,
123 the severity of the injuries resulting from the hit-and-run
124 incident, the time elapsed between the hit-and-run incident and
125 the request for the Yellow Alert activation, or the likelihood

126 that an activation would reasonably lead to the apprehension of
127 a suspect.

128 Section 2. Section 784.072, Florida Statutes, is created
129 to read:

130 784.072 Notification of imminent threat to schools and
131 child care facilities or the public; Imminent Threat Alert;
132 Lockdown Alert.—

133 (1) As used in this section, the term:

134 (a) "Child care facility" has the same meaning as in s.
135 402.302.

136 (b) "Imminent Threat Alert" means a notification issued
137 pursuant to subsection (3) which informs the public that the
138 lives and safety of citizens are endangered by an imminent
139 threat that may include, but is not limited to, instances in
140 which a person suspected of killing or causing serious bodily
141 injury to another person or of assaulting another person with a
142 deadly weapon has fled the scene of the offense.

143 (c) "Lockdown Alert" means a notification issued pursuant
144 to subsection (2) which informs public schools, private schools,
145 and child care facilities that an imminent threat exists,
146 including, but not limited to, instances in which a person
147 suspected of killing or causing serious bodily injury to another
148 person or of assaulting another person with a deadly weapon has
149 fled the scene of the offense. The alert advises the schools and
150 facilities to lock their doors and encourages persons in those

151 schools and facilities to remain on lockdown and to be vigilant
152 in watching for and reporting any suspicious activity.

153 (d) "Private school" has the same meaning as in s.
154 1002.01.

155 (2)(a) A local law enforcement agency that has
156 jurisdiction over the scene of an incident giving rise to an
157 imminent threat to members of the public may activate the
158 Emergency Alert System and issue a Lockdown Alert to all public
159 and private schools and child care facilities that it determines
160 are at risk, given their proximity to the incident, including,
161 but not limited to, an incident in which all of the following
162 conditions are satisfied:

163 1. A person has been killed or has suffered serious bodily
164 injury, or a person has been assaulted with a deadly weapon by
165 another person.

166 2. The person suspected of committing the offense has fled
167 the scene.

168 3. The local law enforcement agency investigating the
169 offense has determined that the suspect poses an imminent threat
170 to the public safety.

171 (b) For purposes of complying with this subsection, each
172 local law enforcement agency shall create and maintain a list of
173 all public schools, private schools, and child care facilities
174 within its jurisdiction.

175 (c) A public or private school or child care facility may

176 contact local law enforcement agencies to verify that it is
177 included on the list to receive a Lockdown Alert or to register
178 to be included on the list. A local law enforcement agency must
179 take a private school or child care facility off the list if the
180 school or facility requests that it be taken off the list.

181 (3) At the request of a local law enforcement agency, the
182 Department of Law Enforcement, in cooperation with the
183 Department of Highway Safety and Motor Vehicles and the
184 Department of Transportation, shall activate the Emergency Alert
185 System and issue an Imminent Threat Alert to the public when the
186 local law enforcement agency confirms that an imminent threat to
187 the public exists, including, but not limited to, an incident in
188 which all of the following conditions are satisfied:

189 (a) A person has been killed or has suffered serious
190 bodily injury, or a person has been assaulted with a deadly
191 weapon by another person.

192 (b) The person suspected of committing the offense has
193 fled the scene.

194 (c) The local law enforcement agency investigating the
195 offense has determined that the suspect poses an imminent threat
196 to the public safety.

197 (4) An Imminent Threat Alert must, to the extent
198 practicable, provide a detailed description of a suspect's
199 vehicle or other means of escape, the license plate number of
200 the suspect's vehicle, or any other available information that

201 may assist in averting further harm or in the apprehension of a
202 suspect.

203 (5) (a) An Imminent Threat Alert must be immediately
204 disseminated to the public through the Emergency Alert System
205 and through the use of the dynamic message signs that are
206 located along the State Highway System.

207 (b) If a traffic emergency arises requiring that
208 information pertaining to the traffic emergency be displayed on
209 a dynamic message sign on a state highway in lieu of an Imminent
210 Threat Alert, the agency responsible for posting the Imminent
211 Threat Alert on the dynamic message sign does not violate this
212 section.

213 Section 3. This act shall take effect October 1, 2019.