

1 A bill to be entitled
2 An act relating to the At-Risk Adult Alert Plan;
3 amending s. 937.0201, F.S.; revising the term "missing
4 endangered person" to include a missing adult who
5 meets the criteria for activation of the At-Risk Adult
6 Alert Plan of the Department of Law Enforcement;
7 creating s. 937.0205, F.S.; providing legislative
8 findings and intent; requiring the Department of Law
9 Enforcement, in cooperation with the Department of
10 Transportation, the Department of Highway Safety and
11 Motor Vehicles, and local law enforcement agencies, to
12 establish and implement the At-Risk Adult Alert Plan;
13 providing plan requirements; requiring a local law
14 enforcement agency to broadcast information to the
15 public and the media about certain missing adults;
16 specifying which local law enforcement agency must
17 broadcast such information; authorizing the local law
18 enforcement agency to request that a case be opened
19 with the Department of Law Enforcement's Missing
20 Endangered Persons Information Clearinghouse;
21 requiring the clearinghouse to coordinate with the
22 Department of Transportation and the Department of
23 Highway Safety and Motor Vehicles for the activation
24 of dynamic message signs on state highways and the
25 immediate broadcast of certain critical information

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

48 |
49 | Be It Enacted by the Legislature of the State of Florida:
50 |

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

53 937.0201 Definitions.—As used in this chapter, the term:

54 (4) "Missing endangered person" means any of the
 55 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
 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 At-Risk Adult Alert Plan of the Department of Law
 65 Enforcement pursuant to s. 937.0205.

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

68 937.0205 At-Risk Adult Alert Plan.—

69 (1) The Legislature finds that a standardized state system
 70 is necessary to aid in the search for a missing adult who has a
 71 verified mental or cognitive impairment, whose disappearance
 72 poses a credible threat to the person's welfare and safety, and
 73 who does not meet the criteria for activation of the Silver
 74 Alert Plan of the Department of Law Enforcement. The Legislature
 75 also finds that a coordinated local law enforcement and state

76 agency response with prompt and widespread sharing of
77 information will improve the chances of the person being found.
78 Therefore, the Legislature intends to establish the At-Risk
79 Adult Alert Plan pursuant to this section.

80 (2) It is the intent of the Legislature that the At-Risk
81 Adult Alert Plan be established and implemented in a manner that
82 seeks to safeguard the privacy rights and related health and
83 diagnostic information of the missing adult to the greatest
84 extent practicable.

85 (3) The Department of Law Enforcement, in cooperation with
86 the Department of Transportation, the Department of Highway
87 Safety and Motor Vehicles, and local law enforcement agencies,
88 shall establish and implement the At-Risk Adult Alert Plan. At a
89 minimum, the At-Risk Adult Alert Plan must:

90 (a) Provide for the protection of the privacy, dignity,
91 independence, and autonomy of the missing adult by including
92 standards that aim to safeguard these civil liberties through
93 preventing the inadvertent or unnecessary broadcasting or
94 dissemination of sensitive health and diagnostic information in
95 unwarranted circumstances.

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

101 circumstances of the person's disappearance.

102 (4) (a) Under the At-Risk Adult Alert Plan, a local law
103 enforcement agency shall broadcast information to the public and
104 the media about a missing adult:

105 1. Who has a verified mental or cognitive impairment;

106 2. Whose disappearance poses a credible threat to the
107 person's welfare and safety; and

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

110 (b) The local law enforcement agency broadcasting such
111 information must be the agency that is best able to notify the
112 media and disseminate the information by cellular telephone
113 alerts and other technologies in order to communicate with the
114 residents in the jurisdiction where the missing adult is
115 believed to be.

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

126 (d) If a traffic emergency arises requiring that
127 information pertaining to the traffic emergency be displayed on
128 a dynamic message sign on a state highway in lieu of an At-Risk
129 Adult Alert, the agency responsible for posting the At-Risk
130 Adult Alert on the dynamic message sign does not violate this
131 section.

132 (5) The At-Risk Adult Alert Plan must include procedures
133 to monitor the use and activation of this system and the results
134 from its use. The plan must also include a strategy for
135 informing and educating law enforcement, the media, and other
136 stakeholders about the plan.

137 (6) The Department of Law Enforcement shall adopt rules to
138 implement and administer this section.

139 Section 3. Paragraphs (c), (d), and (e) of subsection (5)
140 of section 937.021, Florida Statutes, are amended to read:

141 937.021 Missing child and missing adult reports.—

142 (5)

143 (c) Upon receiving a request to record, report, transmit,
144 display, or release Silver Alert or At-Risk Adult Alert
145 information from the law enforcement agency having jurisdiction
146 over the missing adult, the Department of Law Enforcement as the
147 state Silver Alert and At-Risk Adult Alert coordinator, any
148 state or local law enforcement agency, and the personnel of
149 these agencies; any radio or television network, broadcaster, or
150 other media representative; any dealer of communications

151 services as defined in s. 202.11; or any agency, employee,
152 individual, or entity is immune from civil liability for damages
153 for complying in good faith with the request and is presumed to
154 have acted in good faith in recording, reporting, transmitting,
155 displaying, or releasing Silver Alert or At-Risk Adult Alert
156 information pertaining to the missing adult.

157 (d) The presumption of good faith is not overcome if a
158 technical or clerical error is made by any agency, employee,
159 individual, or entity acting at the request of the local law
160 enforcement agency having jurisdiction, or if the Amber Alert,
161 Missing Child Alert, missing child information, missing adult
162 information, ~~or~~ Silver Alert, or At-Risk Adult Alert information
163 is incomplete or incorrect because the information received from
164 the local law enforcement agency was incomplete or incorrect.

165 (e) Neither this subsection nor any other provision of law
166 creates a duty of the agency, employee, individual, or entity to
167 record, report, transmit, display, or release the Amber Alert,
168 Missing Child Alert, missing child information, missing adult
169 information, ~~or~~ Silver Alert, or At-Risk Adult Alert information
170 received from the local law enforcement agency having
171 jurisdiction. The decision to record, report, transmit, display,
172 or release information is discretionary with the agency,
173 employee, individual, or entity receiving the information.

174 Section 4. Paragraph (b) of subsection (3) of section
175 937.022, Florida Statutes, is amended to read:

176 937.022 Missing Endangered Persons Information
 177 Clearinghouse.—

178 (3) The clearinghouse shall:

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

181 1. Every state, county, or municipal law enforcement
 182 agency shall submit to the clearinghouse information concerning
 183 missing endangered persons.

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

195 3. Only the law enforcement agency having jurisdiction
 196 over the case may submit a missing endangered person report to
 197 the clearinghouse involving a missing adult age 26 years or
 198 older who is suspected by a law enforcement agency of being
 199 endangered or the victim of criminal activity.

200 4. Only the law enforcement agency having jurisdiction

201 over the case may make a request to the clearinghouse for the
202 activation of a state Silver Alert or At-Risk Adult Alert
203 involving a missing adult if circumstances regarding the
204 disappearance have met the criteria for activation of the Silver
205 Alert or At-Risk Adult Alert Plan.

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

208 429.918 Licensure designation as a specialized Alzheimer's
209 services adult day care center.—

210 (6)

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

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

217 2. Information on the Silver Alert program and the At-Risk
218 Adult Alert Plan in this state.

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

222 (9) An adult day care center having a license designated
223 under this section must give to each person who enrolls as an
224 ADRD participant in the center, or the caregiver, a copy of the
225 ADRD participant's plan of care, as well as information

226 | regarding resources to assist in ensuring the safety and
227 | security of the ADRD participant, which must include, but need
228 | not be limited to, information pertaining to driving for those
229 | persons affected by dementia, available technology on wandering-
230 | prevention devices and identification devices, the Silver Alert
231 | program and the At-Risk Adult Alert Plan in this state, and
232 | dementia-specific safety interventions and strategies that can
233 | be used in the home setting.

234 | Section 6. This act shall take effect July 1, 2019.