

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 an  
 71 irreversible cognitive disorder or syndrome or brain injury,  
 72 including, but not limited to, a developmental disability or an  
 73 intellectual disability, as those terms are defined in s.  
 74 393.063, whose disappearance poses a credible threat to the  
 75 person's welfare and safety, and who does not meet the criteria

76 for activation of the Silver Alert Plan of the Department of Law  
 77 Enforcement. The Legislature also finds that a coordinated local  
 78 law enforcement and state agency response with prompt and  
 79 widespread sharing of information will improve the chances of  
 80 the person being found. Therefore, the Legislature intends to  
 81 establish the At-Risk Adult Alert Plan pursuant to this section.

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

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

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

98 (b) Provide that the broadcasting and dissemination of  
 99 alerts and related information be limited to the geographic  
 100 areas where the missing adult could reasonably be, considering

101 the person's circumstances and physical and mental condition,  
102 the modes of transportation available to the person, and the  
103 circumstances of the person's disappearance.

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

107 1. Who has an irreversible cognitive disorder or syndrome  
108 or brain injury, including, but not limited to, a developmental  
109 disability or an intellectual disability, as those terms are  
110 defined in s. 393.063;

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

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

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

121 (c) Under the plan, the local law enforcement agency may  
122 also request that a case be opened with the Department of Law  
123 Enforcement's Missing Endangered Persons Information  
124 Clearinghouse. To enhance the local or regional efforts, in  
125 cases in which a vehicle is involved, the clearinghouse must

126 coordinate with the Department of Transportation and the  
127 Department of Highway Safety and Motor Vehicles for the  
128 activation of dynamic message signs on state highways and the  
129 immediate broadcast of critical information to the public about  
130 the missing adult in accordance with the plan.

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

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

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

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

146 937.021 Missing child and missing adult reports.—

147 (5)

148 (c) Upon receiving a request to record, report, transmit,  
149 display, or release Silver Alert or At-Risk Adult Alert  
150 information from the law enforcement agency having jurisdiction

151 over the missing adult, the Department of Law Enforcement as the  
152 state Silver Alert and At-Risk Adult Alert coordinator, any  
153 state or local law enforcement agency, and the personnel of  
154 these agencies; any radio or television network, broadcaster, or  
155 other media representative; any dealer of communications  
156 services as defined in s. 202.11; or any agency, employee,  
157 individual, or entity is immune from civil liability for damages  
158 for complying in good faith with the request and is presumed to  
159 have acted in good faith in recording, reporting, transmitting,  
160 displaying, or releasing Silver Alert or At-Risk Adult Alert  
161 information pertaining to the missing adult.

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

170 (e) Neither this subsection nor any other provision of law  
171 creates a duty of the agency, employee, individual, or entity to  
172 record, report, transmit, display, or release the Amber Alert,  
173 Missing Child Alert, missing child information, missing adult  
174 information, ~~or~~ Silver Alert, or At-Risk Adult Alert information  
175 received from the local law enforcement agency having

176 jurisdiction. The decision to record, report, transmit, display,  
177 or release information is discretionary with the agency,  
178 employee, individual, or entity receiving the information.

179 Section 4. Paragraph (b) of subsection (3) of section  
180 937.022, Florida Statutes, is amended to read:

181 937.022 Missing Endangered Persons Information  
182 Clearinghouse.—

183 (3) The clearinghouse shall:

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

186 1. Every state, county, or municipal law enforcement  
187 agency shall submit to the clearinghouse information concerning  
188 missing endangered persons.

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

200 3. Only the law enforcement agency having jurisdiction

201 over the case may submit a missing endangered person report to  
202 the clearinghouse involving a missing adult age 26 years or  
203 older who is suspected by a law enforcement agency of being  
204 endangered or the victim of criminal activity.

205 4. Only the law enforcement agency having jurisdiction  
206 over the case may make a request to the clearinghouse for the  
207 activation of a state Silver Alert or At-Risk Adult Alert  
208 involving a missing adult if circumstances regarding the  
209 disappearance have met the criteria for activation of the Silver  
210 Alert or At-Risk Adult Alert Plan.

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

213 429.918 Licensure designation as a specialized Alzheimer's  
214 services adult day care center.—

215 (6)

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

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

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

224 3. Information regarding available products or programs  
225 used to identify ADRD participants or prevent them from

226 | wandering away from the center, their home, or other locations.

227 |       (9) An adult day care center having a license designated  
228 | under this section must give to each person who enrolls as an  
229 | ADRD participant in the center, or the caregiver, a copy of the  
230 | ADRD participant's plan of care, as well as information  
231 | regarding resources to assist in ensuring the safety and  
232 | security of the ADRD participant, which must include, but need  
233 | not be limited to, information pertaining to driving for those  
234 | persons affected by dementia, available technology on wandering-  
235 | prevention devices and identification devices, the Silver Alert  
236 | program and the At-Risk Adult Alert Plan in this state, and  
237 | dementia-specific safety interventions and strategies that can  
238 | be used in the home setting.

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