

By Senator Simmons

9-00656-19

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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

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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

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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 bodily  
105 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 additional  
111 information concerning the suspect or the suspect's vehicle,  
112 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

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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 to  
129 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,

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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. 1002.01.

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

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

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

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

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

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

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

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

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

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

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

196 (4) An Imminent Threat Alert must, to the extent  
197 practicable, provide a detailed description of a suspect's  
198 vehicle or other means of escape, the license plate number of  
199 the suspect's vehicle, or any other available information that  
200 may assist in averting further harm or in the apprehension of a  
201 suspect.

202 (5) (a) An Imminent Threat Alert must be immediately  
203 disseminated to the public through the Emergency Alert System

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204 and through the use of the dynamic message signs that are  
205 located along the State Highway System.

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

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