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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/12/2019	.	
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The Committee on Appropriations (Berman) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(4) "Missing endangered person" means any of the following:

(a) A missing child.†

(b) A missing adult younger than 26 years of age.†



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11 (c) A missing adult 26 years of age or older who is
12 suspected by a law enforcement agency of being endangered or the
13 victim of criminal activity.~~;~~~~or~~

14 (d) A missing adult who meets the criteria for activation
15 of the Silver Alert Plan of the Department of Law Enforcement.

16 (e) A missing adult who meets the criteria for activation
17 of the Orange Alert of the Department of Law Enforcement
18 pursuant to s. 937.0205.

19 Section 2. Section 937.0205, Florida Statutes, is created
20 to read:

21 937.0205 Orange Alert.-

22 (1) The Legislature finds that a standardized state system
23 is necessary to aid in the search for a missing adult as
24 described in subparagraphs (4)(a)1., 2., and 3. The Legislature
25 also finds that a coordinated local law enforcement and state
26 agency response with prompt and widespread sharing of
27 information will improve the chances of the person being found.
28 Therefore, the Legislature intends to establish the Orange Alert
29 pursuant to this section.

30 (2) It is the intent of the Legislature that the Orange
31 Alert be established and implemented in a manner that seeks to
32 safeguard the privacy rights and related health and diagnostic
33 information of the missing adult to the greatest extent
34 practicable.

35 (3) The Department of Law Enforcement, in cooperation with
36 the Department of Transportation, the Department of Highway
37 Safety and Motor Vehicles, the Department of the Lottery, and
38 local law enforcement agencies, shall establish and implement
39 the Orange Alert. At a minimum, the Orange Alert must:



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40 (a) Provide for the protection of the privacy, dignity,
41 independence, and autonomy of the missing adult by including
42 standards that aim to safeguard these civil liberties through
43 preventing the inadvertent or unnecessary broadcasting or
44 dissemination of sensitive health and diagnostic information in
45 unwarranted circumstances; and

46 (b) Provide that the broadcasting and dissemination of
47 alerts and related information be limited to the geographic
48 areas where the missing adult could reasonably be, considering
49 the person's circumstances and physical and mental condition,
50 the modes of transportation available to the person, and the
51 circumstances of the person's disappearance.

52 (4) (a) Under the Orange Alert, a local law enforcement
53 agency may broadcast to persons who subscribe to receive
54 notifications under this section and to the media information
55 about a missing adult:

56 1. Who has a mental or cognitive disability; an
57 intellectual disability or a developmental disability as those
58 terms are defined in s. 393.063; a brain injury; another
59 physical, mental, or emotional disability or impaired judgment
60 not related to substance abuse; or a combination of any of
61 these;

62 2. Whose disappearance poses a credible threat of immediate
63 danger or serious bodily harm to himself or herself, as
64 determined by the local law enforcement agency; and

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

67 (b) The local law enforcement agency broadcasting such
68 information must be the agency that is best able to notify the



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69 media and the subscribers for such notifications in the
70 jurisdiction where the missing adult is believed to be. Such
71 local law enforcement agency may also request that the
72 notification be broadcast on lottery terminals within the
73 geographic regions where the missing adult may reasonably be,
74 including, but not limited to, the lottery terminals in gas
75 stations, convenience stores, and supermarkets in such regions.

76 (c) Under the Orange Alert, the local law enforcement
77 agency may also request that a case be opened with the
78 Department of Law Enforcement's Missing Endangered Persons
79 Information Clearinghouse. To enhance the local or regional
80 efforts, in cases in which a vehicle is involved, the
81 clearinghouse must coordinate with the Department of
82 Transportation and the Department of Highway Safety and Motor
83 Vehicles for the activation of dynamic message signs on state
84 highways and the immediate broadcast of critical information to
85 the public about the missing adult in accordance with the alert.

86 (d) If a traffic emergency arises requiring that
87 information pertaining to the traffic emergency be displayed on
88 a dynamic message sign on a state highway in lieu of an Orange
89 Alert, the agency responsible for posting the Orange Alert on
90 the dynamic message sign does not violate this section.

91 (5) The Orange Alert must include procedures to monitor the
92 use and activation of this system and the results from its use.
93 The Orange Alert must also include a strategy for informing and
94 educating law enforcement, the media, and other stakeholders
95 about the alert.

96 (6) The Department of Law Enforcement may adopt rules to
97 implement and administer this section.



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

100 937.021 Missing child and missing adult reports.—

101 (5)

102 (c) Upon receiving a request to record, report, transmit,
103 display, or release Silver Alert or Orange Alert information
104 from the law enforcement agency having jurisdiction over the
105 missing adult, the Department of Law Enforcement as the state
106 Silver Alert and the Orange Alert coordinator, any state or
107 local law enforcement agency, and the personnel of these
108 agencies; any radio or television network, broadcaster, or other
109 media representative; any dealer of communications services as
110 defined in s. 202.11; or any agency, employee, individual, or
111 entity is immune from civil liability for damages for complying
112 in good faith with the request and is presumed to have acted in
113 good faith in recording, reporting, transmitting, displaying, or
114 releasing Silver Alert or Orange Alert information pertaining to
115 the missing adult.

116 (d) The presumption of good faith is not overcome if a
117 technical or clerical error is made by any agency, employee,
118 individual, or entity acting at the request of the local law
119 enforcement agency having jurisdiction, or if the Amber Alert,
120 Missing Child Alert, missing child information, missing adult
121 information, ~~or~~ Silver Alert, or Orange Alert information is
122 incomplete or incorrect because the information received from
123 the local law enforcement agency was incomplete or incorrect.

124 (e) Neither this subsection nor any other provision of law
125 creates a duty of the agency, employee, individual, or entity to
126 record, report, transmit, display, or release the Amber Alert,



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127 Missing Child Alert, missing child information, missing adult
128 information, ~~or~~ Silver Alert, or Orange Alert information
129 received from the local law enforcement agency having
130 jurisdiction. The decision to record, report, transmit, display,
131 or release information is discretionary with the agency,
132 employee, individual, or entity receiving the information.

133 Section 4. Paragraph (b) of subsection (3) of section
134 937.022, Florida Statutes, is amended to read:

135 937.022 Missing Endangered Persons Information
136 Clearinghouse.—

137 (3) The clearinghouse shall:

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

140 1. Every state, county, or municipal law enforcement agency
141 shall submit to the clearinghouse information concerning missing
142 endangered persons.

143 2. Any person having knowledge may submit a missing
144 endangered person report to the clearinghouse concerning a child
145 or adult younger than 26 years of age whose whereabouts is
146 unknown, regardless of the circumstances, subsequent to
147 reporting such child or adult missing to the appropriate law
148 enforcement agency within the county in which the child or adult
149 became missing, and subsequent to entry by the law enforcement
150 agency of the child or person into the Florida Crime Information
151 Center and the National Crime Information Center databases. The
152 missing endangered person report shall be included in the
153 clearinghouse database.

154 3. Only the law enforcement agency having jurisdiction over
155 the case may submit a missing endangered person report to the



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156 clearinghouse involving a missing adult age 26 years or older
157 who is suspected by a law enforcement agency of being endangered
158 or the victim of criminal activity.

159 4. Only the law enforcement agency having jurisdiction over
160 the case may make a request to the clearinghouse for the
161 activation of a state Silver Alert or an Orange Alert involving
162 a missing adult if circumstances regarding the disappearance
163 have met the criteria for activation of the Silver Alert Plan or
164 the Orange Alert.

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

167 429.918 Licensure designation as a specialized Alzheimer's
168 services adult day care center.-

169 (6)

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

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

176 2. Information on the Silver Alert program and the Orange
177 Alert in this state.

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

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



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185 regarding resources to assist in ensuring the safety and
186 security of the ADRD participant, which must include, but need
187 not be limited to, information pertaining to driving for those
188 persons affected by dementia, available technology on wandering-
189 prevention devices and identification devices, the Silver Alert
190 program and the Orange Alert in this state, and dementia-
191 specific safety interventions and strategies that can be used in
192 the home setting.

193 Section 6. For the 2019-2020 fiscal year, the sums of
194 \$152,836 in recurring and \$170,000 in nonrecurring funds from
195 the General Revenue Fund are appropriated to the Florida
196 Department of Law Enforcement, and three full-time equivalent
197 positions with associated salary rate of 83,779, are authorized
198 for the purpose of implementing this act.

199 Section 7. This act shall take effect July 1, 2020.

200
201 ===== T I T L E A M E N D M E N T =====

202 And the title is amended as follows:

203 Delete everything before the enacting clause
204 and insert:

205 A bill to be entitled
206 An act relating to the Orange Alert; amending s.
207 937.0201, F.S.; redefining the term "missing
208 endangered person" to include a missing adult who
209 meets the criteria for activation of the Orange Alert
210 of the Department of Law Enforcement; creating s.
211 937.0205, F.S.; providing legislative findings and
212 intent; requiring the Department of Law Enforcement,
213 in cooperation with the Department of Transportation,



214 the Department of Highway Safety and Motor Vehicles,
215 the Department of the Lottery, and local law
216 enforcement agencies, to establish and implement the
217 Orange Alert; providing alert requirements;
218 authorizing local law enforcement agencies to
219 broadcast to subscribers of notifications, to the
220 media, and on lottery terminals about certain missing
221 adults; specifying which local law enforcement agency
222 may broadcast such information; authorizing the local
223 law enforcement agency to request that a case be
224 opened with the Department of Law Enforcement's
225 Missing Endangered Persons Information Clearinghouse;
226 requiring the clearinghouse to coordinate with the
227 Department of Transportation and the Department of
228 Highway Safety and Motor Vehicles for the activation
229 of dynamic message signs on state highways and the
230 immediate broadcast of certain critical information
231 under certain circumstances; specifying that an agency
232 responsible for posting an Orange Alert on dynamic
233 message signs does not violate the act if other
234 emergency information must be posted instead;
235 requiring the Orange Alert to include certain
236 procedures; specifying additional requirements for the
237 alert; authorizing the Department of Law Enforcement
238 to adopt rules; amending s. 937.021, F.S.; providing
239 that the Department of Law Enforcement, as the Orange
240 Alert coordinator, and certain agencies, employees,
241 individuals, and entities are immune from civil
242 liability for damages for performing certain actions



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243 in good faith; providing that the presumption of good
244 faith is not overcome under certain circumstances;
245 providing construction; amending s. 937.022, F.S.;
246 authorizing only the law enforcement agency having
247 jurisdiction over a case to make a request to the
248 clearinghouse for the activation of a state Orange
249 Alert involving a missing adult under certain
250 circumstances; amending s. 429.918, F.S.; conforming
251 provisions to changes made by the act; providing an
252 appropriation; providing an effective date.