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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/14/2019	.	
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The Committee on Infrastructure and Security (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 At-Risk Adult Alert Plan of the Department of Law
18 Enforcement pursuant to s. 937.0205.

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

21 937.0205 At-Risk Adult Alert Plan.-

22 (1) The Legislature finds that a standardized state system
23 is necessary to aid in the search for a missing adult who has an
24 irreversible cognitive disorder or syndrome or brain injury,
25 whose disappearance poses a credible threat to the person's
26 welfare and safety, and who does not meet the criteria for
27 activation of the Silver Alert Plan of the Department of Law
28 Enforcement. The Legislature also finds that a coordinated local
29 law enforcement and state agency response with prompt and
30 widespread sharing of information will improve the chances of
31 the person being found. Therefore, the Legislature intends to
32 establish the At-Risk Adult Alert Plan pursuant to this section.

33 (2) It is the intent of the Legislature that the At-Risk
34 Adult Alert Plan be established and implemented in a manner that
35 seeks to safeguard the privacy rights and related health and
36 diagnostic information of the missing adult to the greatest
37 extent practicable.

38 (3) The Department of Law Enforcement, in cooperation with
39 the Department of Transportation, the Department of Highway



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40 Safety and Motor Vehicles, the Department of the Lottery, and
41 local law enforcement agencies, shall establish and implement
42 the At-Risk Adult Alert Plan. At a minimum, the At-Risk Adult
43 Alert Plan must:

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

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

56 (4) (a) Under the At-Risk Adult Alert Plan, a local law
57 enforcement agency may broadcast to persons who subscribe for
58 notifications and to the media about a missing adult:

59 1. Who has an irreversible cognitive disorder or syndrome
60 or brain injury, including, but not limited to, a developmental
61 disability or an intellectual disability, as those terms are
62 defined in s. 393.063;

63 2. Whose disappearance poses a credible threat to the
64 person's welfare and safety; 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 plan, the local law enforcement agency may
77 also request that a case be opened with the Department of Law
78 Enforcement's Missing Endangered Persons Information
79 Clearinghouse. To enhance the local or regional efforts, in
80 cases in which a vehicle is involved, the clearinghouse must
81 coordinate with the Department of Transportation and the
82 Department of Highway Safety and Motor Vehicles for the
83 activation of dynamic message signs on state highways and the
84 immediate broadcast of critical information to the public about
85 the missing adult in accordance with the plan.

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 At-Risk
89 Adult Alert, the agency responsible for posting the At-Risk
90 Adult Alert on the dynamic message sign does not violate this
91 section.

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

97 (6) The Department of Law Enforcement may adopt rules to



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98 implement and administer this section.

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

101 937.021 Missing child and missing adult reports.-

102 (5)

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

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

125 (e) Neither this subsection nor any other provision of law
126 creates a duty of the agency, employee, individual, or entity to



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

134 Section 4. Paragraph (b) of subsection (3) of section
135 937.022, Florida Statutes, is amended to read:

136 937.022 Missing Endangered Persons Information
137 Clearinghouse.—

138 (3) The clearinghouse shall:

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

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

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

155 3. Only the law enforcement agency having jurisdiction over



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

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

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

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

170 (6)

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

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

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

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

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



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

194 Section 6. This act shall take effect July 1, 2020.

195
196 ===== T I T L E A M E N D M E N T =====

197 And the title is amended as follows:

198 Delete everything before the enacting clause
199 and insert:

200 A bill to be entitled
201 An act relating to the At-Risk Adult Alert Plan;
202 amending s. 937.0201, F.S.; redefining the term
203 "missing endangered person" to include a missing adult
204 who meets the criteria for activation of the At-Risk
205 Adult Alert Plan of the Department of Law Enforcement;
206 creating s. 937.0205, F.S.; providing legislative
207 findings and intent; requiring the Department of Law
208 Enforcement, in cooperation with the Department of
209 Transportation, the Department of Highway Safety and
210 Motor Vehicles, the Department of the Lottery, and
211 local law enforcement agencies, to establish and
212 implement the At-Risk Adult Alert Plan; providing plan
213 requirements; authorizing local law enforcement



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214 agencies to broadcast to subscribers of notifications,
215 to the media, and on lottery terminals about certain
216 missing adults; specifying which local law enforcement
217 agency may broadcast such information; authorizing the
218 local law enforcement agency to request that a case be
219 opened with the Department of Law Enforcement's
220 Missing Endangered Persons Information Clearinghouse;
221 requiring the clearinghouse to coordinate with the
222 Department of Transportation and the Department of
223 Highway Safety and Motor Vehicles for the activation
224 of dynamic message signs on state highways and the
225 immediate broadcast of certain critical information
226 under certain circumstances; specifying that an agency
227 responsible for posting an At-Risk Adult Alert on
228 dynamic message signs does not violate the act if
229 other emergency information must be posted instead;
230 requiring the At-Risk Adult Alert Plan to include
231 certain procedures; specifying additional requirements
232 for the plan; authorizing the Department of Law
233 Enforcement to adopt rules; amending s. 937.021, F.S.;
234 providing that the Department of Law Enforcement, as
235 the At-Risk Adult Alert coordinator, and certain
236 agencies, employees, individuals, and entities are
237 immune from civil liability for damages for performing
238 certain actions in good faith; providing that the
239 presumption of good faith is not overcome under
240 certain circumstances; providing construction;
241 amending s. 937.022, F.S.; authorizing only the law
242 enforcement agency having jurisdiction over a case to



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243 make a request to the clearinghouse for the activation
244 of a state At-Risk Adult Alert involving a missing
245 adult under certain circumstances; amending s.
246 429.918, F.S.; conforming provisions to changes made
247 by the act; providing an effective date.