

By Senator Berman

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1 A bill to be entitled
2 An act relating to the At-Risk Adult Alert Plan;
3 amending s. 937.0201, F.S.; redefining the term
4 "missing endangered person" to include a missing adult
5 who meets the criteria for activation of the At-Risk
6 Adult 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;

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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 following:

55 (a) A missing child.†

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

57 (c) A missing adult 26 years of age or older who is

58 suspected by a law enforcement agency of being endangered or the

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59 victim of criminal activity.~~;~~ ~~or~~

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

62 (e) A missing adult who meets the criteria for activation
63 of the At-Risk Adult Alert Plan of the Department of Law
64 Enforcement pursuant to s. 937.0205.

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

67 937.0205 At-Risk Adult Alert Plan.-

68 (1) The Legislature finds that a standardized state system
69 is necessary to aid in the search for a missing adult who has a
70 verified mental or cognitive impairment, whose disappearance
71 poses a credible threat to the person's welfare and safety, and
72 who does not meet the criteria for activation of the Silver
73 Alert Plan of the Department of Law Enforcement. The Legislature
74 also finds that a coordinated local law enforcement and state
75 agency response with prompt and widespread sharing of
76 information will improve the chances of the person being found.
77 Therefore, the Legislature intends to establish the At-Risk
78 Adult Alert Plan pursuant to this section.

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

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

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88 minimum, the At-Risk Adult Alert Plan must:

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

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

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

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

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

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

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

115 (c) Under the plan, the local law enforcement agency may
116 also request that a case be opened with the Department of Law

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117 Enforcement's Missing Endangered Persons Information
118 Clearinghouse. To enhance the local or regional efforts, in
119 cases in which a vehicle is involved, the clearinghouse must
120 coordinate with the Department of Transportation and the
121 Department of Highway Safety and Motor Vehicles for the
122 activation of dynamic message signs on state highways and the
123 immediate broadcast of critical information to the public about
124 the missing adult in accordance with the plan.

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

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

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

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

140 937.021 Missing child and missing adult reports.—

141 (5)

142 (c) Upon receiving a request to record, report, transmit,
143 display, or release Silver Alert or At-Risk Adult Alert
144 information from the law enforcement agency having jurisdiction
145 over the missing adult, the Department of Law Enforcement as the

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

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

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

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

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175 937.022 Missing Endangered Persons Information
176 Clearinghouse.—

177 (3) The clearinghouse shall:

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

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

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

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

199 4. Only the law enforcement agency having jurisdiction over
200 the case may make a request to the clearinghouse for the
201 activation of a state Silver Alert or an At-Risk Adult Alert
202 involving a missing adult if circumstances regarding the
203 disappearance have met the criteria for activation of the Silver

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204 Alert or an At-Risk Adult Alert Plan.

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

207 429.918 Licensure designation as a specialized Alzheimer's
208 services adult day care center.—

209 (6)

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

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

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

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

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

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