

By the Committee on Infrastructure and Security; and 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, the Department of the Lottery, and
12 local law enforcement agencies, to establish and
13 implement the At-Risk Adult Alert Plan; providing plan
14 requirements; authorizing local law enforcement
15 agencies to broadcast to subscribers of notifications,
16 to the media, and on lottery terminals about certain
17 missing adults; specifying which local law enforcement
18 agency may broadcast such information; authorizing the
19 local law enforcement agency to request that a case be
20 opened with the Department of Law Enforcement's
21 Missing Endangered Persons Information Clearinghouse;
22 requiring the clearinghouse to coordinate with the
23 Department of Transportation and the Department of
24 Highway Safety and Motor Vehicles for the activation
25 of dynamic message signs on state highways and the
26 immediate broadcast of certain critical information
27 under certain circumstances; specifying that an agency
28 responsible for posting an At-Risk Adult Alert on
29 dynamic message signs does not violate the act if

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30 other emergency information must be posted instead;
31 requiring the At-Risk Adult Alert Plan to include
32 certain procedures; specifying additional requirements
33 for the plan; authorizing the Department of Law
34 Enforcement to adopt rules; amending s. 937.021, F.S.;
35 providing that the Department of Law Enforcement, as
36 the At-Risk Adult Alert coordinator, and certain
37 agencies, employees, individuals, and entities are
38 immune from civil liability for damages for performing
39 certain actions in good faith; providing that the
40 presumption of good faith is not overcome under
41 certain circumstances; providing construction;
42 amending s. 937.022, F.S.; authorizing only the law
43 enforcement agency having jurisdiction over a case to
44 make a request to the clearinghouse for the activation
45 of a state At-Risk Adult Alert involving a missing
46 adult under certain circumstances; amending s.
47 429.918, F.S.; conforming provisions to changes made
48 by the act; providing an effective date.

50 Be It Enacted by the Legislature of the State of Florida:

51
52 Section 1. Subsection (4) of section 937.0201, Florida
53 Statutes, is amended to read:

54 937.0201 Definitions.—As used in this chapter, the term:

55 (4) "Missing endangered person" means any of the 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

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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 whose disappearance poses a credible threat to the person's
73 welfare and safety, and who does not meet the criteria for
74 activation of the Silver Alert Plan of the Department of Law
75 Enforcement. The Legislature also finds that a coordinated local
76 law enforcement and state agency response with prompt and
77 widespread sharing of information will improve the chances of
78 the person being found. Therefore, the Legislature intends to
79 establish the At-Risk Adult Alert Plan pursuant to this section.

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

85 (3) The Department of Law Enforcement, in cooperation with
86 the Department of Transportation, the Department of Highway
87 Safety and Motor Vehicles, the Department of the Lottery, and

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88 local law enforcement agencies, shall establish and implement
89 the At-Risk Adult Alert Plan. At a minimum, the At-Risk Adult
90 Alert Plan must:

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

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

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

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

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

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

114 (b) The local law enforcement agency broadcasting such
115 information must be the agency that is best able to notify the
116 media and the subscribers for such notifications in the

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117 jurisdiction where the missing adult is believed to be. Such
118 local law enforcement agency may also request that the
119 notification be broadcast on lottery terminals within the
120 geographic regions where the missing adult may reasonably be,
121 including, but not limited to, the lottery terminals in gas
122 stations, convenience stores, and supermarkets in such regions.

123 (c) Under the plan, the local law enforcement agency may
124 also request that a case be opened with the Department of Law
125 Enforcement's Missing Endangered Persons Information
126 Clearinghouse. To enhance the local or regional efforts, in
127 cases in which a vehicle is involved, the clearinghouse must
128 coordinate with the Department of Transportation and the
129 Department of Highway Safety and Motor Vehicles for the
130 activation of dynamic message signs on state highways and the
131 immediate broadcast of critical information to the public about
132 the missing adult in accordance with the plan.

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

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

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

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

148 937.021 Missing child and missing adult reports.—

149 (5)

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

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

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

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175 Missing Child Alert, missing child information, missing adult
176 information, ~~or Silver Alert~~, or At-Risk Adult Alert information
177 received from the local law enforcement agency having
178 jurisdiction. The decision to record, report, transmit, display,
179 or release information is discretionary with the agency,
180 employee, individual, or entity receiving the information.

181 Section 4. Paragraph (b) of subsection (3) of section
182 937.022, Florida Statutes, is amended to read:

183 937.022 Missing Endangered Persons Information
184 Clearinghouse.—

185 (3) The clearinghouse shall:

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

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

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

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

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

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

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

215 429.918 Licensure designation as a specialized Alzheimer's
216 services adult day care center.—

217 (6)

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

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

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

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

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

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233 regarding resources to assist in ensuring the safety and
234 security of the ADRD participant, which must include, but need
235 not be limited to, information pertaining to driving for those
236 persons affected by dementia, available technology on wandering-
237 prevention devices and identification devices, the Silver Alert
238 program and the At-Risk Adult Alert Plan in this state, and
239 dementia-specific safety interventions and strategies that can
240 be used in the home setting.

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