

By Senator Berman

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1                   A bill to be entitled  
2       An act relating to the Purple Alert; amending s.  
3       937.0201, F.S.; redefining the term "missing  
4       endangered person"; creating s. 937.0205, F.S.;  
5       providing legislative findings and intent; requiring  
6       the Department of Law Enforcement, in cooperation with  
7       the Department of Transportation, the Department of  
8       Highway Safety and Motor Vehicles, the Department of  
9       the Lottery, and local law enforcement agencies, to  
10      establish and implement the Purple Alert; specifying  
11      minimum requirements for the Purple Alert; authorizing  
12      local law enforcement agencies to broadcast  
13      information concerning certain missing adults;  
14      requiring the local law enforcement agency of  
15      jurisdiction to notify certain media and alert  
16      subscribers if a Purple Alert is determined to be  
17      necessary and appropriate; authorizing the local law  
18      enforcement agency of jurisdiction which broadcasts  
19      the notification to request that a case be opened with  
20      the Department of Law Enforcement's Missing Endangered  
21      Persons Information Clearinghouse; requiring the  
22      clearinghouse to coordinate with the Department of  
23      Transportation and the Department of Highway Safety  
24      and Motor Vehicles in the activation of dynamic  
25      message signs on state highways and the immediate  
26      distribution of certain critical information under  
27      certain circumstances; requiring the Purple Alert to  
28      include certain procedures and an information and  
29      education strategy; authorizing the Department of Law

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30 Enforcement to adopt rules; amending s. 937.021, F.S.;

31 providing that the Department of Law Enforcement, as

32 the Purple Alert coordinator, and certain agencies,

33 employees, individuals, and entities are immune from

34 civil liability for damages when performing certain

35 actions in good faith; providing that the presumption

36 of good faith is not overcome under certain

37 circumstances; providing construction; amending s.

38 937.022, F.S.; authorizing only the law enforcement

39 agency having jurisdiction over a case to make a

40 request to the clearinghouse for the activation of a

41 Purple Alert involving a missing adult under certain

42 circumstances; amending s. 429.918, F.S.; conforming

43 provisions to changes made by the act; providing an

44 appropriation; providing effective dates.

45

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

47

48 Section 1. Subsection (4) of section 937.0201, Florida

49 Statutes, is amended to read:

50 937.0201 Definitions.—As used in this chapter, the term:

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

52 (a) A missing child.~~†~~

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

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

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

56 victim of criminal activity.~~†~~~~†~~

57 (d) A missing adult who meets the criteria for activation

58 of the Silver Alert Plan of the Department of Law Enforcement.

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59 (e) A missing adult who meets the criteria for activation  
60 of the Purple Alert of the Department of Law Enforcement  
61 pursuant to s. 937.0205.

62 Section 2. Section 937.0205, Florida Statutes, is created  
63 to read:

64 937.0205 Purple Alert.—

65 (1) The Legislature finds that a standardized state system  
66 is necessary to aid in the search for a missing adult identified  
67 in paragraph (4) (a). The Legislature also finds that a  
68 coordinated local law enforcement and state agency response with  
69 prompt and widespread sharing of information will improve the  
70 chances of finding the person.

71 (2) It is the intent of the Legislature to establish the  
72 Purple Alert, to be implemented in a manner that, to the extent  
73 practicable, safeguards the privacy rights and related health  
74 and diagnostic information of such missing adults.

75 (3) The Department of Law Enforcement, in cooperation with  
76 the Department of Transportation, the Department of Highway  
77 Safety and Motor Vehicles, the Department of the Lottery, and  
78 local law enforcement agencies, shall establish and implement  
79 the Purple Alert. At a minimum, the Purple Alert must:

80 (a) Be the only viable means by which the missing adult is  
81 likely to be returned to safety;

82 (b) Provide, to the greatest extent possible, for the  
83 protection of the privacy, dignity, and independence of such  
84 missing adults by including standards aimed at safeguarding  
85 these civil liberties by preventing the inadvertent or  
86 unnecessary broadcasting or dissemination of sensitive health  
87 and diagnostic information;

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88 (c) Provide that the broadcasting and dissemination of  
89 alerts and related information be limited to the geographic  
90 areas where such missing adult could reasonably be, considering  
91 his or her circumstances and physical and mental condition, the  
92 potential modes of transportation available to him or her or  
93 suspected to be involved, and the known or suspected  
94 circumstances of his or her disappearance; and

95 (d) Be activated only when there is sufficient descriptive  
96 information about the missing adult and the circumstances  
97 surrounding the missing adult's disappearance to indicate that  
98 activating the alert is likely to help locate the missing adult.

99 (4) (a) Under a Purple Alert, a local law enforcement agency  
100 may broadcast to the media and to persons who subscribe to  
101 receive alert notifications under this section information  
102 concerning a missing adult:

103 1. Who has a mental or cognitive disability; an  
104 intellectual disability or a developmental disability, as those  
105 terms are defined in s. 393.063; a brain injury; another  
106 physical, mental, or emotional disability that is not related to  
107 substance abuse; or a combination of any of these;

108 2. Whose disappearance indicates a credible threat of  
109 immediate danger or serious bodily harm to himself or herself,  
110 as determined by the local law enforcement agency;

111 3. Who cannot be returned to safety without law enforcement  
112 intervention; and

113 4. Who does not meet the criteria for activation of a local  
114 Silver Alert or the Silver Alert Plan of the Department of Law  
115 Enforcement.

116 (b) If a Purple Alert is determined to be necessary and

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117 appropriate, the local law enforcement agency of jurisdiction  
118 shall notify the media and subscribers in the jurisdiction or  
119 jurisdictions where the missing adult is believed to or may be  
120 located. The local law enforcement agency of jurisdiction may  
121 also request that the Purple Alert notification be broadcast on  
122 lottery terminals within the geographic regions where the  
123 missing adult may reasonably be, including, but not limited to,  
124 lottery terminals in gas stations, convenience stores, and  
125 supermarkets.

126 (c) Under the Purple Alert, the local law enforcement  
127 agency of jurisdiction may also request that a case be opened  
128 with the Department of Law Enforcement's Missing Endangered  
129 Persons Information Clearinghouse. To enhance local or regional  
130 efforts when the investigation indicates that an identifiable  
131 vehicle is involved, the clearinghouse must coordinate with the  
132 Department of Transportation and the Department of Highway  
133 Safety and Motor Vehicles for the activation of dynamic message  
134 signs on state highways and the immediate distribution of  
135 critical information to the public regarding the missing adult  
136 in accordance with the alert.

137 (5) The Purple Alert process must include procedures to  
138 monitor the use, activation, and results of alerts and a  
139 strategy for informing and educating law enforcement, the media,  
140 and other stakeholders concerning the alert.

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

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

145 937.021 Missing child and missing adult reports.-

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146 (5)

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

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

169 (e) Neither this subsection nor any other provision of law  
170 creates a duty of the agency, employee, individual, or entity to  
171 record, report, transmit, display, or release the Amber Alert,  
172 Missing Child Alert, missing child information, missing adult  
173 information, or Silver Alert or Purple Alert information  
174 received from the local law enforcement agency having

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175 jurisdiction. The decision to record, report, transmit, display,  
176 or release information is discretionary with the agency,  
177 employee, individual, or entity receiving the information.

178 Section 4. Paragraph (b) of subsection (3) of section  
179 937.022, Florida Statutes, is amended to read:

180 937.022 Missing Endangered Persons Information  
181 Clearinghouse.—

182 (3) The clearinghouse shall:

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

185 1. Every state, county, or municipal law enforcement agency  
186 shall submit to the clearinghouse information concerning missing  
187 endangered persons.

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

199 3. Only the law enforcement agency having jurisdiction over  
200 the case may submit a missing endangered person report to the  
201 clearinghouse involving a missing adult age 26 years or older  
202 who is suspected by a law enforcement agency of being endangered  
203 or the victim of criminal activity.

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204 4. Only the law enforcement agency having jurisdiction over  
205 the case may make a request to the clearinghouse for the  
206 activation of a state Silver Alert or a Purple Alert involving a  
207 missing adult if circumstances regarding the disappearance have  
208 met the criteria for activation of the Silver Alert Plan or the  
209 Purple Alert.

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

212 429.918 Licensure designation as a specialized Alzheimer's  
213 services adult day care center.—

214 (6)

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

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

221 2. Information on the Silver Alert program and the Purple  
222 Alert in this state.

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

226 (9) An adult day care center having a license designated  
227 under this section must give to each person who enrolls as an  
228 ADRD participant in the center, or the caregiver, a copy of the  
229 ADRD participant's plan of care, as well as information  
230 regarding resources to assist in ensuring the safety and  
231 security of the ADRD participant, which must include, but need  
232 not be limited to, information pertaining to driving for those



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233 persons affected by dementia, available technology on wandering-  
234 prevention devices and identification devices, the Silver Alert  
235 program and the Purple Alert in this state, and dementia-  
236 specific safety interventions and strategies that can be used in  
237 the home setting.

238 Section 6. Effective July 1, 2020, for the 2020-2021 fiscal  
239 year, the sums of \$152,836 in recurring funds and \$170,000 in  
240 nonrecurring funds are appropriated from the General Revenue  
241 Fund to the Department of Law Enforcement, and three full-time  
242 equivalent positions with an associated salary rate of 83,779  
243 are authorized, for the purpose of implementing this act.

244 Section 7. Except as otherwise expressly provided in this  
245 act and except for this section, which shall take effect July 1,  
246 2020, this act shall take effect July 1, 2021.