

By the Committee on Infrastructure and Security; and Senator  
Simmons

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1                                   A bill to be entitled  
2       An act relating to emergency alerts; creating s.  
3       784.072, F.S.; defining terms; authorizing a local law  
4       enforcement agency to activate the emergency alert  
5       system and issue a Lockdown Alert to public and  
6       private schools and child care facilities under  
7       certain circumstances; requiring local law enforcement  
8       agencies to create and maintain a list of all public  
9       schools, private schools, and child care facilities  
10      within their jurisdictions which must be included in  
11      the Lockdown Alert; authorizing public or private  
12      schools or child care facilities to contact their  
13      local law enforcement agencies to verify that they are  
14      included on the list or to register for inclusion on  
15      the list; requiring a local law enforcement agency to  
16      take a private school or child care facility off the  
17      list if the school or facility requests that it be  
18      taken off the list; providing immunity from civil  
19      liability to certain persons for damages for complying  
20      in good faith with specified provisions; providing a  
21      presumption of good faith; providing construction;  
22      requiring the Department of Law Enforcement, in  
23      cooperation with the Department of Highway Safety and  
24      Motor Vehicles and the Department of Transportation,  
25      to activate the emergency alert system and issue an  
26      Imminent Threat Alert to the public at the request of  
27      a local law enforcement agency under certain  
28      circumstances; specifying information that must be  
29      provided in Imminent Threat Alerts, if available;

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30 requiring Imminent Threat Alerts to be disseminated to  
31 the public through the emergency alert system and  
32 through the use of certain dynamic message signs;  
33 providing that the agency responsible for posting the  
34 Imminent Threat Alert on the dynamic message sign does  
35 not violate this section if certain traffic emergency  
36 information is displayed on the sign in lieu of the  
37 alert; providing immunity from civil liability to  
38 certain persons for damages for complying in good  
39 faith with specified provisions; providing a  
40 presumption of good faith; providing construction;  
41 providing an effective date.

42  
43 Be It Enacted by the Legislature of the State of Florida:

44  
45 Section 1. Section 784.072, Florida Statutes, is created to  
46 read:

47 784.072 Notification of imminent threat to schools and  
48 child care facilities or the public; Lockdown Alert; Imminent  
49 Threat Alert.-

50 (1) As used in this section, the term:

51 (a) "Child care facility" has the same meaning as in s.  
52 402.302.

53 (b) "Imminent Threat Alert" means a notification issued  
54 pursuant to subsection (3) which informs the public that an  
55 imminent threat exists such that the lives and safety of people  
56 are endangered, including, but not limited to, instances in  
57 which a person suspected of killing or causing serious bodily  
58 injury to another person or assaulting another person with a

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59 deadly weapon has fled the scene of the offense.

60 (c) "Lockdown Alert" means a notification issued pursuant  
61 to subsection (2) which informs public schools, private schools,  
62 and child care facilities that an imminent threat exists,  
63 including, but not limited to, instances in which a person  
64 suspected of killing or causing serious bodily injury to another  
65 person or assaulting another person with a deadly weapon has  
66 fled the scene of the offense. The alert advises the schools and  
67 facilities to lock their doors and encourages persons in those  
68 schools and facilities to remain in lockdown and be vigilant in  
69 watching for and reporting any suspicious activity.

70 (d) "Private school" has the same meaning as in s. 1002.01.

71 (2) (a) A local law enforcement agency that has jurisdiction  
72 over the scene of an incident giving rise to an imminent threat  
73 to the public may activate the emergency alert system and issue  
74 a Lockdown Alert to all public and private schools and child  
75 care facilities it determines are at risk, given their proximity  
76 to the incident, including an incident in which all of the  
77 following conditions are satisfied:

78 1. A person has been killed or has suffered serious bodily  
79 injury or a person has been assaulted with a deadly weapon by  
80 another person.

81 2. The person suspected of committing the offense has fled  
82 the scene of the offense.

83 3. The law enforcement agency investigating the offense has  
84 determined that the suspect poses an imminent threat to the  
85 public safety.

86 (b) For purposes of complying with this subsection, each  
87 local law enforcement agency shall create and maintain a list of

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88 all public schools, private schools, and child care facilities  
89 within its jurisdiction.

90 (c) A public or private school or child care facility may  
91 contact local law enforcement agencies to verify that it is  
92 included on the list of those that will receive a Lockdown Alert  
93 or to register to be included on the list. A local law  
94 enforcement agency must take a private school or child care  
95 facility off the list if the school or facility requests that it  
96 be taken off the list.

97 (d)1. Upon recording, reporting, transmitting, displaying,  
98 or releasing information pertaining to a Lockdown Alert, the  
99 local law enforcement agency with jurisdiction; the Department  
100 of Law Enforcement; any state or local law enforcement agency  
101 and the personnel of these agencies; any radio or television  
102 network, broadcaster, or other media representative; any dealer  
103 of communications services as defined in s. 202.11; or any  
104 agency, employee, individual, or entity is immune from civil  
105 liability for damages for complying in good faith with this  
106 subsection and is presumed to have acted in good faith in  
107 recording, reporting, transmitting, displaying, or releasing  
108 information pertaining to a Lockdown Alert. The presumption of  
109 good faith is not overcome if a technical or clerical error is  
110 made by any agency, employee, individual, or entity acting at  
111 the request of the local law enforcement agency having  
112 jurisdiction, or if information pertaining to a Lockdown Alert  
113 is incomplete or incorrect because the information received from  
114 the local law enforcement agency was incomplete or incorrect.

115 2. Neither this subsection nor any other law creates a duty  
116 of the agency, employee, individual, or entity to record,

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117 report, transmit, display, or release the Lockdown Alert  
118 information received from the local law enforcement agency  
119 having jurisdiction. The decision to record, report, transmit,  
120 display, or release information is discretionary with the  
121 agency, employee, individual, or entity receiving the  
122 information.

123 (3) At the request of a local law enforcement agency, the  
124 Department of Law Enforcement, in cooperation with the  
125 Department of Highway Safety and Motor Vehicles and the  
126 Department of Transportation, must activate the emergency alert  
127 system and issue an Imminent Threat Alert to the public when the  
128 local law enforcement agency confirms that an imminent threat to  
129 the public exists, including, but not limited to, circumstances  
130 in which all of the following conditions have been satisfied:

131 (a) A person has been killed or has suffered serious bodily  
132 injury or a person has been assaulted with a deadly weapon by  
133 another person.

134 (b) The person suspected of committing the offense has fled  
135 the scene of the offense.

136 (c) The law enforcement agency has determined that the  
137 suspect poses an imminent threat to the public safety.

138 (4) An Imminent Threat Alert must, to the extent  
139 practicable, provide a detailed description of a suspect's  
140 vehicle or other means of escape, the license plate number of  
141 the suspect's vehicle, or any other available information that  
142 may assist in averting further harm or in the apprehending of  
143 the suspect.

144 (5) (a) An Imminent Threat Alert must be immediately  
145 disseminated to the public through the emergency alert system

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146 and through the use of the dynamic message signs that are  
147 located along the State Highway System.

148 (b) If a traffic emergency arises requiring that  
149 information pertaining to the traffic emergency be displayed on  
150 a dynamic message sign on a state highway in lieu of an Imminent  
151 Threat Alert, the agency responsible for posting the Imminent  
152 Threat Alert on the dynamic message sign does not violate this  
153 section.

154 (c)1. Upon receiving a request to record, report, transmit,  
155 display, or release Imminent Threat Alert information from the  
156 law enforcement agency having jurisdiction, the Department of  
157 Law Enforcement; any state or local law enforcement agency and  
158 the personnel of these agencies; any radio or television  
159 network, broadcaster, or other media representative; any dealer  
160 of communications services as defined in s. 202.11; or any  
161 agency, employee, individual, or entity is immune from civil  
162 liability for damages for complying in good faith with this  
163 subsection and is presumed to have acted in good faith in  
164 recording, reporting, transmitting, displaying, or releasing  
165 information pertaining to an Imminent Threat Alert. The  
166 presumption of good faith is not overcome if a technical or  
167 clerical error is made by any agency, employee, individual, or  
168 entity acting at the request of the local law enforcement agency  
169 having jurisdiction, or if information pertaining to an Imminent  
170 Threat Alert is incomplete or incorrect because the information  
171 received from the local law enforcement agency was incomplete or  
172 incorrect.

173 2. Neither this subsection nor any other law creates a duty  
174 of the agency, employee, individual, or entity to record,

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175 report, transmit, display, or release the Imminent Threat Alert  
176 information received from the local law enforcement agency  
177 having jurisdiction. The decision to record, report, transmit,  
178 display, or release information is discretionary with the  
179 agency, employee, individual, or entity receiving the  
180 information.

181 Section 2. This act shall take effect October 1, 2020.