

By Senator Berman

31-00279-21

2021184__

1 A bill to be entitled
2 An act relating to the Purple Alert; amending s.
3 252.35, F.S.; requiring the Division of Emergency
4 Management to identify and maintain an inventory of
5 certain digitally displayed automatic changeable
6 facing signs; amending s. 937.0201, F.S.; redefining
7 the term "missing endangered person"; creating s.
8 937.0205, F.S.; providing legislative findings and
9 intent; requiring the Department of Law Enforcement,
10 in cooperation with the Department of Transportation,
11 the Department of Highway Safety and Motor Vehicles,
12 the Department of the Lottery, and local law
13 enforcement agencies, to establish and implement the
14 Purple Alert; specifying minimum requirements for the
15 Purple Alert; authorizing local law enforcement
16 agencies to broadcast information concerning certain
17 missing adults; requiring the local law enforcement
18 agency having jurisdiction to notify media and alert
19 subscribers if a Purple Alert is determined to be
20 necessary and appropriate; authorizing the local law
21 enforcement agency having jurisdiction to request that
22 a case be opened with the Department of Law
23 Enforcement's Missing Endangered Persons Information
24 Clearinghouse; requiring the clearinghouse to
25 coordinate with the Department of Transportation and
26 the Department of Highway Safety and Motor Vehicles in
27 the activation of dynamic message signs on state
28 highways and the immediate distribution of certain
29 critical information under certain circumstances;

31-00279-21

2021184__

30 requiring the Purple Alert process to include certain
31 procedures and an information and education strategy;
32 authorizing the Department of Law Enforcement to adopt
33 rules; amending s. 937.021, F.S.; providing that the
34 Department of Law Enforcement, as the Purple Alert
35 coordinator, and certain agencies, employees,
36 individuals, and entities are immune from civil
37 liability for damages when performing certain actions
38 in good faith; providing that the presumption of good
39 faith is not overcome under certain circumstances;
40 providing construction; amending s. 937.022, F.S.;
41 authorizing only the law enforcement agency having
42 jurisdiction over a case to make a request to the
43 clearinghouse for the activation of a Purple Alert
44 involving a missing adult under certain circumstances;
45 amending s. 429.918, F.S.; conforming provisions to
46 changes made by the act; providing an appropriation;
47 providing effective dates.

48
49 Be It Enacted by the Legislature of the State of Florida:

50
51 Section 1. Paragraph (z) is added to subsection (2) of
52 section 252.35, Florida Statutes, to read:

53 252.35 Emergency management powers; Division of Emergency
54 Management.—

55 (2) The division is responsible for carrying out the
56 provisions of ss. 252.31-252.90. In performing its duties, the
57 division shall:

58 (z) Identify and maintain an inventory of available

31-00279-21

2021184__

59 digitally displayed automatic changeable facing signs capable of
60 providing the immediate distribution of critical information to
61 the public in times of declared emergency and regarding missing
62 endangered persons.

63 Section 2. Subsection (4) of section 937.0201, Florida
64 Statutes, is amended to read:

65 937.0201 Definitions.—As used in this chapter, the term:

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

67 (a) A missing child.~~†~~

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

69 (c) A missing adult 26 years of age or older who is
70 suspected by a law enforcement agency of being endangered or the
71 victim of criminal activity.~~† or~~

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

74 (e) A missing adult who meets the criteria for activation
75 of the Purple Alert of the Department of Law Enforcement
76 pursuant to s. 937.0205.

77 Section 3. Section 937.0205, Florida Statutes, is created
78 to read:

79 937.0205 Purple Alert.—

80 (1) The Legislature finds that a standardized state system
81 is necessary to aid in the search for a missing adult identified
82 in paragraph (4) (a). The Legislature also finds that a
83 coordinated local law enforcement and state agency response with
84 prompt and widespread sharing of information will improve the
85 chances of finding the person.

86 (2) It is the intent of the Legislature to establish the
87 Purple Alert, to be implemented in a manner that, to the extent

31-00279-21

2021184__

88 practicable, safeguards the privacy rights and related health
89 and diagnostic information of such missing adults.

90 (3) The Department of Law Enforcement, in cooperation with
91 the Department of Transportation, the Department of Highway
92 Safety and Motor Vehicles, the Department of the Lottery, and
93 local law enforcement agencies, shall establish and implement
94 the Purple Alert. At a minimum, the Purple Alert must:

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

97 (b) Provide, to the greatest extent possible, for the
98 protection of the privacy, dignity, and independence of the
99 missing adult by including standards aimed at safeguarding these
100 civil liberties by preventing the inadvertent or unnecessary
101 broadcasting or dissemination of sensitive health and diagnostic
102 information;

103 (c) Limit the broadcasting and dissemination of alerts and
104 related information to the geographic areas where the missing
105 adult could reasonably be, considering his or her circumstances
106 and physical and mental condition, the potential modes of
107 transportation available to him or her or suspected to be
108 involved, and the known or suspected circumstances of his or her
109 disappearance; and

110 (d) Be activated only when there is sufficient descriptive
111 information about the missing adult and the circumstances
112 surrounding his or her disappearance to indicate that activating
113 the alert is likely to help locate the missing adult.

114 (4) (a) Under a Purple Alert, a local law enforcement agency
115 may broadcast to the media and to persons who subscribe to
116 receive alert notifications under this section information

31-00279-21

2021184__

117 concerning a missing adult:

118 1. Who has a mental or cognitive disability; an
119 intellectual disability or a developmental disability, as those
120 terms are defined in s. 393.063; a brain injury; another
121 physical, mental, or emotional disability that is not related to
122 substance abuse; or a combination of any of these;

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

126 3. Who cannot be returned to safety without law enforcement
127 intervention; and

128 4. Who does not meet the criteria for activation of a local
129 Silver Alert or the Silver Alert Plan of the Department of Law
130 Enforcement.

131 (b) If a Purple Alert is determined to be necessary and
132 appropriate, the local law enforcement agency having
133 jurisdiction must notify the media and subscribers in the
134 jurisdiction or jurisdictions where the missing adult is
135 believed to or may be located. The local law enforcement agency
136 having jurisdiction may also request that the Purple Alert
137 notification be broadcast on lottery terminals within the
138 geographic regions where the missing adult may reasonably be,
139 including, but not limited to, lottery terminals in gas
140 stations, convenience stores, and supermarkets.

141 (c) Under the Purple Alert, the local law enforcement
142 agency having jurisdiction may also request that a case be
143 opened with the Department of Law Enforcement's Missing
144 Endangered Persons Information Clearinghouse. To enhance local
145 or regional efforts when the investigation indicates that an

31-00279-21

2021184__

146 identifiable vehicle is involved, the clearinghouse must
147 coordinate with the Department of Transportation and the
148 Department of Highway Safety and Motor Vehicles for the
149 activation of dynamic message signs on state highways and the
150 immediate distribution of critical information to the public
151 regarding the missing adult in accordance with the alert.

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

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

158 Section 4. Paragraphs (c), (d), and (e) of subsection (5)
159 of section 937.021, Florida Statutes, are amended to read:

160 937.021 Missing child and missing adult reports.-

161 (5)

162 (c) Upon receiving a request to record, report, transmit,
163 display, or release Silver Alert or Purple Alert information
164 from the law enforcement agency having jurisdiction over the
165 missing adult, the Department of Law Enforcement as the state
166 Silver Alert and Purple Alert coordinator, any state or local
167 law enforcement agency, and the personnel of these agencies; any
168 radio or television network, broadcaster, or other media
169 representative; any dealer of communications services as defined
170 in s. 202.11; or any agency, employee, individual, or entity is
171 immune from civil liability for damages for complying in good
172 faith with the request and is presumed to have acted in good
173 faith in recording, reporting, transmitting, displaying, or
174 releasing Silver Alert or Purple Alert information pertaining to

31-00279-21

2021184__

175 the missing adult.

176 (d) The presumption of good faith is not overcome if a
177 technical or clerical error is made by any agency, employee,
178 individual, or entity acting at the request of the local law
179 enforcement agency having jurisdiction, or if the Amber Alert,
180 Missing Child Alert, missing child information, missing adult
181 information, or Silver Alert or Purple Alert information is
182 incomplete or incorrect because the information received from
183 the local law enforcement agency was incomplete or incorrect.

184 (e) Neither this subsection nor any other ~~provision of law~~
185 creates a duty of the agency, employee, individual, or entity to
186 record, report, transmit, display, or release the Amber Alert,
187 Missing Child Alert, missing child information, missing adult
188 information, or Silver Alert or Purple Alert information
189 received from the local law enforcement agency having
190 jurisdiction. The decision to record, report, transmit, display,
191 or release information is discretionary with the agency,
192 employee, individual, or entity receiving the information.

193 Section 5. Paragraph (b) of subsection (3) of section
194 937.022, Florida Statutes, is amended to read:

195 937.022 Missing Endangered Persons Information
196 Clearinghouse.—

197 (3) The clearinghouse shall:

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

200 1. Every state, county, or municipal law enforcement agency
201 shall submit to the clearinghouse information concerning missing
202 endangered persons.

203 2. Any person having knowledge may submit a missing

31-00279-21

2021184__

204 endangered person report to the clearinghouse concerning a child
205 or adult younger than 26 years of age whose whereabouts is
206 unknown, regardless of the circumstances, subsequent to
207 reporting such child or adult missing to the appropriate law
208 enforcement agency within the county in which the child or adult
209 became missing, and subsequent to entry by the law enforcement
210 agency of the child or person into the Florida Crime Information
211 Center and the National Crime Information Center databases. The
212 missing endangered person report shall be included in the
213 clearinghouse database.

214 3. Only the law enforcement agency having jurisdiction over
215 the case may submit a missing endangered person report to the
216 clearinghouse involving a missing adult age 26 years or older
217 who is suspected by a law enforcement agency of being endangered
218 or the victim of criminal activity.

219 4. Only the law enforcement agency having jurisdiction over
220 the case may make a request to the clearinghouse for the
221 activation of a state Silver Alert or a Purple Alert involving a
222 missing adult if circumstances regarding the disappearance have
223 met the criteria for activation of the Silver Alert Plan or the
224 Purple Alert.

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

227 429.918 Licensure designation as a specialized Alzheimer's
228 services adult day care center.—

229 (6)

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

31-00279-21

2021184__

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

236 2. Information on the Silver Alert program and the Purple
237 Alert in this state.

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

241 (9) An adult day care center having a license designated
242 under this section must give to each person who enrolls as an
243 ADRD participant in the center, or the caregiver, a copy of the
244 ADRD participant's plan of care, as well as information
245 regarding resources to assist in ensuring the safety and
246 security of the ADRD participant, which must include, but need
247 not be limited to, information pertaining to driving for those
248 persons affected by dementia, available technology on wandering-
249 prevention devices and identification devices, the Silver Alert
250 program and the Purple Alert in this state, and dementia-
251 specific safety interventions and strategies that can be used in
252 the home setting.

253 Section 7. Effective July 1, 2021, for the 2021-2022 fiscal
254 year, the sums of \$152,836 in recurring funds and \$170,000 in
255 nonrecurring funds are appropriated from the General Revenue
256 Fund to the Department of Law Enforcement, and three full-time
257 equivalent positions with an associated salary rate of 83,779
258 are authorized, for the purpose of implementing this act.

259 Section 8. Except as otherwise expressly provided in this
260 act and except for this section, which shall take effect July 1,
261 2021, this act shall take effect July 1, 2022.