

By the Committees on Appropriations; and Transportation; and
Senator Berman

576-04224-21

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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;

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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 providing an appropriation; providing effective dates.

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

48
49 Section 1. Paragraph (z) is added to subsection (2) of
50 section 252.35, Florida Statutes, to read:

51 252.35 Emergency management powers; Division of Emergency
52 Management.—

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

56 (z) Identify and maintain an inventory of available
57 digitally displayed automatic changeable facing signs capable of
58 providing the immediate distribution of critical information to

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59 the public in times of declared emergency and regarding missing
60 endangered persons.

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

63 937.0201 Definitions.—As used in this chapter, the term:

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

65 (a) A missing child.~~†~~

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

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

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

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

75 Section 3. Section 937.0205, Florida Statutes, is created
76 to read:

77 937.0205 Purple Alert.—

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

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

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

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

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

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

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

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

116 1. Who has a mental or cognitive disability that is not

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117 Alzheimer's disease or a dementia-related disorder; an
118 intellectual disability or a developmental disability, as those
119 terms are defined in s. 393.063; a brain injury; another
120 physical, mental, or emotional disability that is not related to
121 substance abuse; or a combination of any of these;

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

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

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

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

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

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

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

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

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

159 937.021 Missing child and missing adult reports.-

160 (5)

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

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

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

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

194 937.022 Missing Endangered Persons Information
195 Clearinghouse.—

196 (3) The clearinghouse shall:

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

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

202 2. Any person having knowledge may submit a missing
203 endangered person report to the clearinghouse concerning a child

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

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

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

224 Section 6. Effective July 1, 2021, for the 2021-2022 fiscal
225 year, the sums of \$107,111 in recurring funds and \$92,790 in
226 nonrecurring funds are appropriated from the Operating Trust
227 Fund to the Department of Law Enforcement, and two full-time
228 equivalent positions with associated salary rate of 55,853 are
229 authorized, for the purpose of implementing this act.

230 Section 7. Except as otherwise expressly provided in this
231 act and except for this section, which shall take effect July 1,
232 2021, this act shall take effect July 1, 2022.