

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;
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.

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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
 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
 67 following:

68 (a) A missing child.~~†~~

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

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

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

75 (e) A missing adult who meets the criteria for activation

76 | of the Purple Alert of the Department of Law Enforcement
77 | pursuant to s. 937.0205.

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

80 | 937.0205 Purple Alert.—

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

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

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

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

98 | (b) Provide, to the greatest extent possible, for the
99 | protection of the privacy, dignity, and independence of the
100 | missing adult by including standards aimed at safeguarding these

101 civil liberties by preventing the inadvertent or unnecessary
102 broadcasting or dissemination of sensitive health and diagnostic
103 information;

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

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

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

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

124 2. Whose disappearance indicates a credible threat of
125 immediate danger or serious bodily harm to himself or herself,

126 as determined by the local law enforcement agency;

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

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

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

142 (c) Under the Purple Alert, the local law enforcement
143 agency having jurisdiction may also request that a case be
144 opened with the Department of Law Enforcement's Missing
145 Endangered Persons Information Clearinghouse. To enhance local
146 or regional efforts when the investigation indicates that an
147 identifiable vehicle is involved, the clearinghouse must
148 coordinate with the Department of Transportation and the
149 Department of Highway Safety and Motor Vehicles for the
150 activation of dynamic message signs on state highways and the

151 immediate distribution of critical information to the public
152 regarding the missing adult in accordance with the alert.

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

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

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

161 937.021 Missing child and missing adult reports.—

162 (5)

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

176 the missing adult.

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

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

194 Section 5. Paragraph (b) of subsection (3) of section
195 937.022, Florida Statutes, is amended to read:

196 937.022 Missing Endangered Persons Information
197 Clearinghouse.—

198 (3) The clearinghouse shall:

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

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

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

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

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

226 Section 6. Paragraph (d) of subsection (6) and subsection
 227 (9) of section 429.918, Florida Statutes, are amended to read:
 228 429.918 Licensure designation as a specialized Alzheimer's
 229 services adult day care center.—

230 (6)

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

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

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

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

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

251 | program and the Purple Alert in this state, and dementia-
252 | specific safety interventions and strategies that can be used in
253 | the home setting.

254 | Section 7. Effective July 1, 2021, for the 2021-2022
255 | fiscal year, the sums of \$107,111 in recurring funds and \$92,790
256 | in nonrecurring funds are appropriated from the Operating Trust
257 | Fund to the Department of Law Enforcement, and two full-time
258 | equivalent positions with associated salary rate of 55,853 are
259 | authorized, for the purpose of implementing this act.

260 | Section 8. Except as otherwise expressly provided in this
261 | act and except for this section, which shall take effect July 1,
262 | 2021, this act shall take effect July 1, 2022.