

By Senator Berman

31-01125-22

20221672__

1 A bill to be entitled
2 An act relating to an active shooter alert system;
3 creating s. 943.45, F.S.; providing for the
4 development and implementation of an active shooter
5 alert system by the Department of Law Enforcement;
6 providing for cooperation by other agencies;
7 designating the executive director of the department
8 as the statewide coordinator of the system; providing
9 for rulemaking; providing for the recruitment of
10 participants; providing criteria for activation of the
11 system; providing requirements for law enforcement
12 agencies requesting activation of the system;
13 providing duties of state agencies concerning the
14 system; limiting participation by the Department of
15 Transportation; providing for termination of the
16 system; limiting liability for failure to activate the
17 system; providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Section 943.45, Florida Statutes, is created to
22 read:

23 943.45 Active shooter alert system.—

24 (1) DEVELOPMENT AND IMPLEMENTATION.—With the cooperation of
25 the Department of Transportation, the Executive Office of the
26 Governor, and other appropriate law enforcement agencies in this
27 state, the department shall develop and implement an alert
28 system to be activated upon a report of an active shooter.

29 (2) ADMINISTRATION.—

31-01125-22

20221672__

30 (a) The executive director is the statewide coordinator of
31 the alert system.

32 (b) The department shall adopt rules as necessary to ensure
33 proper implementation of the alert system. The rules must
34 include instructions on the procedures for activating and
35 deactivating the alert system.

36 (c) The department shall prescribe forms for law
37 enforcement agencies to use in requesting activation of the
38 alert system.

39 (3) RECRUITING PARTICIPANTS.—

40 (a) The department shall recruit public and commercial
41 television and radio broadcasters, mobile telephone service
42 providers by use of the federal Wireless Emergency Alerts
43 system, private commercial entities, state or local governmental
44 entities, the public, and other appropriate persons to assist in
45 the development and implementation of the alert system.

46 (b) The department may enter into agreements with
47 participants in the alert system to provide necessary support
48 for the alert system.

49 (4) ACTIVATION.—

50 (a) Upon the request of a state or local law enforcement
51 agency or as the department determines appropriate to assist a
52 law enforcement agency regarding an active shooter, the
53 department shall activate the alert system and notify
54 appropriate participants in the alert system as established by
55 rule if the law enforcement agency or department:

56 1. Believes an active shooter is in an agency's
57 jurisdiction.

58 2. Determines an active shooter alert would assist

31-01125-22

20221672__

59 individuals near the active shooter's location.

60 3. Verifies the active shooter situation through a
61 preliminary investigation.

62 4. Provides the active shooter's last known location and
63 any identifiable information about the active shooter.

64 (b) The department may modify the criteria described by
65 paragraph (a) as necessary for the proper implementation of the
66 alert system.

67 (5) LAW ENFORCEMENT AGENCIES.—Before requesting activation
68 of the alert system, a law enforcement agency must verify that
69 the criteria in paragraph (4) (a) have been satisfied. Upon
70 verification that the applicable criteria have been satisfied, a
71 law enforcement agency may immediately contact the department to
72 request activation of the alert system and supply the necessary
73 information.

74 (6) STATE AGENCIES.—

75 (a) A state agency participating in the alert system shall:

76 1. Cooperate with the department and assist in developing
77 and implementing the alert system.

78 2. Establish a plan for providing relevant information to
79 its officers, investigators, or employees, as appropriate, upon
80 activation of the alert system.

81 (b) In addition to its duties as a state agency under
82 paragraph (a), the Department of Transportation shall establish
83 a plan for providing relevant information to the public within
84 50 miles of an active shooter for which an alert has been issued
85 through an existing system of dynamic message signs located
86 across the state.

87 (7) LIMITATION ON PARTICIPATION BY DEPARTMENT OF

31-01125-22

20221672__

88 TRANSPORTATION.—Notwithstanding paragraph (6) (b), the Department
89 of Transportation is not required to use any existing system of
90 dynamic message signs in a statewide alert system created under
91 this section if the Department of Transportation receives notice
92 from the Federal Highway Administration that the use of the
93 signs would result in the loss of federal highway funding or
94 other punitive actions taken against this state due to
95 noncompliance with federal laws, regulations, or policies.

96 (8) TERMINATION.—The executive director shall terminate any
97 activation of the alert system for a particular active shooter
98 if:

99 (a) The active shooter situation is resolved; or

100 (b) The executive director or a law enforcement agency
101 determines that the alert system is no longer an effective tool
102 for providing relevant information to the public about the
103 active shooter.

104 (9) LIMITATION OF LIABILITY.—Neither the department nor a
105 law enforcement agency is liable for a failure to activate the
106 alert system.

107 Section 2. This act shall take effect July 1, 2022.