

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Committee on Criminal and Civil Justice

BILL: CS/SB 640

INTRODUCER: Transportation Committee and Senator Berman

SUBJECT: Purple Alert

DATE: February 7, 2024 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Johnson</u>	<u>Vickers</u>	<u>TR</u>	Fav/CS
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	Favorable
3.	<u> </u>	<u> </u>	<u>FP</u>	<u> </u>

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 640 addresses Purple Alerts issued for missing adults meeting specified requirements. The bill requires a *statewide* Purple Alert be issued only when an identifiable vehicle is involved. The Florida Department of Law Enforcement will issue statewide alerts that include activation of dynamic messaging signs and lottery terminals, and notifications to subscribers.

If no identifiable vehicle is involved, dissemination of the alert will be limited to local distribution in the area where the person may be reasonably located. Local law enforcement would still be responsible for entering the case into the Florida Crime Information Center, notifying local media, informing all on-duty law enforcement officers, and alerting all law enforcement agencies having jurisdiction.

The bill does not have a fiscal impact on state government. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2024.

II. Present Situation:

In 2021,¹ the Legislature created the Purple Alert to aide in the search for certain missing adults:²

- Who have a mental or cognitive disability that is not Alzheimer's disease or a dementia-related disorder; an intellectual disability or a developmental disability, a brain injury; another physical, mental, or emotional disability that is not related to substance abuse; or a combination of any of these;
- Whose disappearance indicates a credible threat of immediate danger or serious bodily harm to himself or herself, as determined by the local law enforcement agency;
- Who cannot be returned to safety without law enforcement intervention; and
- Who do not meet the criteria for activation of a local or statewide Silver Alert.³

Florida's Purple Alert law requires the Florida Department of Law Enforcement (FDLE), in cooperation with the Florida Department of Transportation (FDOT), the Department of Highway Safety and Motor Vehicles (DHSMV), the Department of the Lottery, and local law enforcement agencies, to establish and implement the Purple Alert. At a minimum, the Purple Alert must:

- Be the only viable means by which the missing adult is likely to be returned to safety;
- Provide, to the greatest extent possible, for the protection of the privacy, dignity, and independence of the missing adult by including standards aimed at safeguarding these civil liberties by preventing the inadvertent or unnecessary broadcasting or dissemination of sensitive health and diagnostic information;
- Limit the broadcasting and dissemination of alerts and related information to the geographic areas where the missing adult could reasonably be, considering his or her circumstances and physical and mental condition, the potential modes of transportation available to him or her or suspected to be involved, and the known or suspected circumstances of his or her disappearance; and
- Be activated only when there is sufficient descriptive information about the missing adult and the circumstances surrounding his or her disappearance to indicate that activating the alert is likely to help locate the missing adult.⁴

When a vehicle is involved in a Purple Alert, FDLE's Missing Endangered Persons Information Clearinghouse (MEPIC) notifies FDOT and DHSMV's Florida Highway Patrol to activate dynamic message signs on the highways. The Department of the Lottery is also notified and includes the missing person flyer on its retail machines. These steps are not taken if there is not a vehicle description, nor is the alert posted to FDLE's social media. For an on foot missing person

¹ Chapter 2021-93, Laws of Fla.

² Section 937.0201(2), F.S., defines the term "missing adult" to mean a person 18 years of age or older whose temporary or permanent residence is in, or is believed to be in, this state, whose location has not been determined, and who has been reported as missing to a law enforcement agency.

³ The criteria for a Silver Alert is that the person must be 60 years and older; or, The person must be 18-59 and law enforcement has determined the missing person lacks the capacity to consent and that the use of dynamic message signs may be the only possible way to rescue the missing person. The missing person must have an irreversible deterioration of intellectual faculties (e.g. Alzheimer's disease or dementia) that has been verified by law enforcement. Florida Department of Law Enforcement (FDLE), *Silver Alert*, <https://www.fdle.state.fl.us/AMBER-Plan/Silver-Alert> (last visited January 4, 2024).

⁴ Section 937.0205(3), F.S.

under a Purple alert, FDLE issues a statewide be on the lookout (BOLO) and public notification is sent to subscribers, regardless of the subscriber's location.⁵

Florida's Purple Alerts began on July 1, 2022. As of November 30, 2023, 331 Purple Alerts have been issued. Of those 100 (30 percent) involved individuals in a vehicle, and 231 (70 percent) involved individuals on foot.⁶

According to FDLE, public engagement is paramount to the effectiveness of alert programs. The carefully vetted and precisely defined criteria for issuing other existing alerts are in place to most effectively locate and protect those missing endangered individuals. Increasing the number and frequency of alerts by issuing them statewide for those not in a vehicle is likely to desensitize the public and may decrease the perceived gravity and actual effectiveness of all alerts including emergency weather, AMBER,⁷ Silver, and Missing Child⁸ Alerts.⁹

III. Effect of Proposed Changes:

The bill amends s. 937.0205, F.S., to authorize the issuance of a statewide Purple Alert *only* when an identifiable vehicle is involved in the case of a missing adult. In such instances, FDLE will issue statewide alerts, including activation of lottery terminals, dynamic message signs on state highways, and notifications to subscribers.

For an alert with no identifiable vehicle involved, the bill limits disseminating Purple Alerts to the local area where the missing person may reasonably be located. In such instances, law enforcement agencies must comply with s. 937.021, F.S., including entry into the Florida Crime Information Center (FCIC), notification of local media, informing all on-duty law enforcement of the missing adult report, and communicating the report to every law enforcement agency having jurisdiction.

FDLE asserts this change will better align the Purple Alert Plan with the existing Silver Alert Plan. Additionally, issuing statewide Purple Alerts only when a vehicle is involved will allow for addressing only those who may reasonably reach multiple jurisdictions.

The bill reiterates that statewide Purple Alert process must include monitoring the use, activation, and results of alerts and a strategy for informing and educating law enforcement, the media, and stakeholders concerning the alert.

⁵ FDLE, Agency Analysis of 2024 Senate Bill 640, p.2. December 12, 2023. (On file with Senate Committee on Transportation).

⁶ *Id.* at 5.

⁷ AMBER alerts are issued for missing children under the age of 18 where law enforcement has a well-founded belief that a kidnapping has occurred, that the child is in imminent danger of death or serious bodily injury, here is a detailed description of the child and or the abductor/vehicle to broadcast the public, and the law enforcement agency of jurisdiction recommends activation. FDLE, *Florida AMBER Alert*, <https://www.fdle.state.fl.us/Amber-Plan/Amber-Alert> (last visited December 15, 2023).

⁸ Missing Child Alerts are issued if the child is under the age of 18, law enforcement has a well-founded belief that the child is in danger of death or serious bodily injury, there is a detailed description or photograph of the child to broadcast to the public, and the local law enforcement agency of jurisdiction recommends activation. FDLE, *Missing Child Alert*, <https://www.fdle.state.fl.us/AMBER-Plan/Missing-Child-Alert> (last visited January, 4 2024).

⁹ *Supra* note 5 at 5.

The bill takes effect July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 937.0205 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on January 17, 2024

The committee substitute clarifies that a state Purple Alert may be requested from, instead of requested by, the Department of Law Enforcement.

- B. **Amendments:**

.This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
