

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 500

INTRODUCER: Appropriations Committee on Criminal and Civil Justice and Senator Avila

SUBJECT: Spectrum Alert

DATE: April 11, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Vaughan</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	Fav/CS
3.	<u> </u>	<u> </u>	<u>FP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 500 creates s. 937.0401, F.S., to establish and implement the “Spectrum Alert” standardized system by the Department of Law Enforcement (FDLE), in cooperation with the Department of Transportation (FDOT), the Department of Highway Safety and Motor Vehicles (DHSMV), the Department of the Lottery (Lottery) and local law enforcement agencies to enhance the safety and well-being of children with autism spectrum disorder (ASD) through immediate effective community response.

The bill also requires those agencies to:

- Develop a training program and alert system for missing children with ASD which is compatible with existing alert systems. The training program must implement crisis intervention team training to equip law enforcement officers with the skills to understand ASD and other mental illnesses, to de-escalate interactions with children in crisis, to facilitate appropriate interventions, and to respond effectively to a reported missing child emergency when the child has ASD.
- Establish policies and procedures for responding to a reported missing child emergency when the child has ASD. The bill specifies what policies and procedures must be included.
- Provide requirements for a law enforcement agency, when receiving such a report.

The bill appropriates \$190,000 in nonrecurring funds from the Operating Trust Fund within the Department of Law Enforcement to the Department of Law Enforcement to implement the

Spectrum Alert. State and local agencies may incur workload and other costs associated with the bill. See Section V., Fiscal Impact Statement.

The bill takes effect on July 1, 2025.

II. Present Situation:

Autism and Autism Spectrum Disorder

Definition

ASD is a developmental disability caused by differences in the brain. Some people with ASD have a known difference, such as a genetic condition. Other causes are not yet known. Scientists believe there are multiple causes of ASD that act together to change the most common ways people develop. There is still much to learn about the causes and how they impact people with ASD. Early intervention services can greatly improve the development of a child with ASD.¹

Section 627.6686(2)(b), F.S., defines “autism spectrum disorder” to mean any of the following disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association:

- Autistic disorder.
- Asperger’s syndrome.
- Pervasive developmental disorder not otherwise specified.²

ASD Screening and Diagnosis

Currently, there is no medical ASD test, like a blood test, to diagnose the disorder. Instead, experienced medical professionals examine a person’s developmental history and behavior, interview and observe the person and their loved ones, and use professional screening and diagnostic tools to make a diagnosis.³

Rise in Autism Diagnosis

The Centers for Disease Control and Prevention (CDC) estimates that, in the United States, 1 in 36 children have been identified as having ASD, based on 2020 data from the Autism and Developmental Disabilities Monitoring network. This is a significant increase from prior years where:⁴

- 1 in 150 children were identified in 2002.
- 1 in 110 children were identified in 2006.
- 1 in 68 children were identified in 2010.
- 1 in 59 children were identified in 2014.

¹ Centers for Disease Control and Prevention, *About Autism Spectrum Disorder*, available at <https://www.cdc.gov/autism/about/index.html> (last visited March 18, 2025).

² Section 627.6686, F.S.

³ Autism Speaks, *Autism screening*, available at <https://www.autismspeaks.org/autism-screening> (last visited March 18, 2025).

⁴ Centers for Disease Control and Prevention, *Prevalence and Characteristics of Autism Spectrum Disorder Among Children Aged 8 Years – Autism and Developmental Disabilities Monitoring Network*, (11 Sites, United States, 2020), available at <https://www.cdc.gov/mmwr/volumes/72/ss/ss7202a1.htm> (last visited on March 18, 2025).

- 1 in 44 children were identified in 2018.

The United States has the fourth highest rate of autism behind the United Kingdom, Sweden, and Japan according to data gathered by the World Population Review. The source acknowledges some of the difficulties in making comparisons among different countries are due to the lack of uniform criteria for assessing and diagnosing autism, lack of resources, and failure of some counties to track or report autism rates.⁵

Elopement and ASD

Elopement is when someone leaves a safe area or a responsible caregiver. First responders are vital for maintaining the health and safety of members of our communities. They are likely to be called upon in the event of a missing child or youth. It is important for first responders to be prepared by knowing which children in the community might wander, having family contact information, and having a plan to respond.⁶

Individuals with ASD are often attracted to water, yet have little to no sense of danger. Drowning is a leading cause of death in children with ASD. People with ASD may not be able to understand danger or respond to questions or verbal commands. Because many individuals with ASD go directly to water, it's important to treat each case as critical.⁷

Nearly half of children with ASD were reported to engage in elopement behavior, with a substantial number at risk for bodily harm. These results highlight the urgent need to develop interventions to reduce the risk of elopement, to support families coping with this issue, and to train childcare professionals, educators, and first responders who are often involved when elopements occur. Forty-nine percent of survey respondents reported their child with an ASD had attempted to elope at least once after age 4 years; 26% were missing long enough to cause concern. Of those who went missing, 24% were in danger of drowning and 65% were in danger of traffic injury.⁸

Criminal Justice Standards and Training Commission (CJSTC or commission)

The CJSTC is established under s. 943.11, F.S. The commission is an independent policy making body that ensures that Florida's criminal justice officers are ethical, qualified, and well-trained. The commission is responsible for creating entry-level curricula and certification testing for criminal justice officers in Florida, establishing minimum standards for employment and

⁵ World Population Review, *Autism Rates by Country 2024*, available at <https://worldpopulationreview.com/country-rankings/autism-rates-by-country> (last visited March 18, 2025).

⁶ Centers for Disease Control and Prevention, *Wandering (Elopement)*, available at <https://www.cdc.gov/child-development/disability-safety/wandering.html> (last visited on March 18, 2025).

⁷ National Autism Association, *Autism and Wandering: A guide for First Responders*, available at <https://nationalautismassociation.org/autism-wandering-a-guide-for-first-responders/> (last visited March 18, 2025).

⁸ Connie Anderson, J. Kiely Law, Amy Daniels, Catherine Rice, David S. Mandell, Louis Hagopian, and Paul A. Law. *Occurrence and Family Impact of Elopement in Children With Autism Spectrum Disorders*. *Pediatrics*, available at <https://publications.aap.org/pediatrics/article-abstract/130/5/870/32515/Occurrence-and-Family-Impact-of-Elopement-in?redirectedFrom=fulltext> (last visited March 18, 2025).

certification, and revoking the certification of officers who fail to maintain these minimum standards of conduct.⁹

Autism Training

In 2017, s. 943.1727, F.S., was created to include autism training for law enforcement officers. This training may be counted toward the 40 hours of instruction for continued employment or appointment as a law enforcement officer under s. 943.135, F.S.¹⁰

Currently, the Florida Law Enforcement Academy Basic Recruit Training Program (LEBRT or Basic Recruit) is set at 770 hours of instruction time. The Basic Recruit has a lesson in place on interacting with people with autism that addresses topics relating to ASD. Training is included in an optional 4-hour Specialized Course, Autism Spectrum Disorder and Awareness. The LEBRT program also includes information on interviewing people with ASD and responding to missing persons incidents involving people with ASD.¹¹

Alert Systems

Silver Alert

The Florida Silver Alert is used to locate missing persons traveling by vehicle who are suffering from an irreversible deterioration of intellectual faculties. Law enforcement agencies must determine that the use of dynamic message signs may be the only possible way to rescue the missing person in order to issue a Silver Alert. To qualify for a Silver Alert the person must:

- Be 60 years and older; or
- Be 18-59 and law enforcement has determined the missing person lacks the capacity to consent; and
- Have an irreversible deterioration of intellectual faculties (e.g. Alzheimer's disease or dementia) that has been verified by law enforcement.¹²

⁹ Florida Department of Law Enforcement, Criminal Justice Professionalism Division, *Overview of the Professionalism Division*, available at <https://www.fdle.state.fl.us/CJSTC/Overview.aspx> (last visited March 18, 2025).

¹⁰ The commission shall, by rule, adopt a program that requires all officers, as a condition of continued employment or appointment as officers, to receive periodic commission-approved continuing training or education. Such continuing training or education shall be required at the rate of 40 hours every 4 years. No officer shall be denied a reasonable opportunity by the employing agency to comply with this section. The employing agency must document that the continuing training or education is job-related and consistent with the needs of the employing agency. The employing agency must maintain and submit, or electronically transmit, the documentation to the commission, in a format approved by the commission. Section 943.135, F.S.

¹¹ Florida Department of Law Enforcement, Online Mandatory Training, *Autism Spectrum Disorders (ASD) & Interviews*, available at <https://www.fdle.state.fl.us/Media/BPDtraining/AutismInterviews/story.html> (last visited March 18, 2025).

¹² Florida Department of Law Enforcement (FDLE), *Silver Alert*, available at <https://www.fdle.state.fl.us/AMBER-Plan/Silver-Alert> (last visited March 18, 2025).

Purple Alert

In 2021,¹³ the Legislature created the Purple Alert to aid in the search for certain missing adults:¹⁴

- 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.¹⁵

Florida's Purple Alert law requires the FDLE, in cooperation with the FDOT, the DHSMV, 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.¹⁶

III. Effect of Proposed Changes:

The bill creates s. 937.0401, F.S., to establish and implement the "Spectrum Alert" standardized system by the FDLE, in cooperation with the FDOT, the DHSMV, the Lottery and local law enforcement agencies to enhance the safety and well-being of children with ASD through immediate effective community response.

The bill also requires those agencies to develop a training program alert system for missing children with ASD which is compatible with existing alert systems for law enforcement officers and specifies that the training program must implement crisis intervention team training to:

¹³ Chapter 2021-93, Laws of Florida.

¹⁴ 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.

¹⁵ Florida Department of Law Enforcement (FDLE), *Silver Alert*, available at <https://www.fdle.state.fl.us/AMBER-Plan/Silver-Alert> (last visited March 18, 2025).

¹⁶ Section 937.0205(3), F.S.

- Equip law enforcement officers with the skills to understand ASD and other mental illnesses;
- Deescalate interactions with children in crisis;
- Facilitate appropriate interventions;
- Respond effectively to a reported missing child emergency the child has ASD; and
- Establish policies and procedures for responding to a reported missing child emergency when the child has ASD.

The listed agencies must also establish policies and procedures for responding to a reported missing child who has ASD which must provide:

- Immediate and widespread dissemination of critical information when a child with ASD is reported missing;
- Enhancement of emergency response teams' competence by informing them of the unique behaviors and needs of children with ASD; and
- Measures to increase public awareness and understanding of the risks associated with autism-related elopement, to foster community support for children with ASD.

The listed agencies must require a law enforcement agency, at a minimum, to do the following when receiving such a report:

- Contact media outlets in the affected area or surrounding jurisdictions;
- Inform all on-duty law enforcement officers of the reported missing child with ASD; and
- Communicate the report to all other law enforcement agencies in the counties surrounding the county in which the report was filed.

The bill appropriates \$190,000 in nonrecurring funds from the FDLE's Operating Trust Fund to the FDLE to implement the Spectrum Alert.

The bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

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:

The bill appropriates \$190,000 in nonrecurring funds from the FDLE's Operating Trust Fund to the FDLE to implement the Spectrum Alert. FDLE will be able to absorb any additional costs above the appropriation within existing resources.¹⁷ The DHSMV will incur costs associated with training and the establishment of measures to increase public awareness of autism related elopement.¹⁸ The bill may also have an indeterminate workload impact on local law enforcement agencies.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 937.0401 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Appropriations Committee on Criminal and Civil Justice on April 10, 2025:

The committee substitute appropriated \$190,000 in nonrecurring funds from the FDLE's Operating Trust Fund to the FDLE to implement the Spectrum Alert.

¹⁷ Florida Department of Law Enforcement, *2025 Bill Analysis SB 500 Spectrum Alert*.

¹⁸ Department of Highway Safety and Motor Vehicles, *2025 Bill Analysis SB 500 Spectrum Alert*, (on file with Senate Criminal Justice Committee).

B. Amendments:

None.

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