

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 Committee on Appropriations

BILL: CS/SB 230

INTRODUCER: Appropriations Committee and Senator Dean

SUBJECT: Missing Persons with Special Needs

DATE: November 23, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Erickson</u>	<u>Cannon</u>	<u>CJ</u>	Favorable
2.	<u>Preston</u>	<u>Hendon</u>	<u>CF</u>	Favorable
3.	<u>Brown</u>	<u>Kynoch</u>	<u>AP</u>	Fav/CS

I. Summary:

CS/SB 230 creates the “Project Leo” pilot project in five North Florida counties – Alachua, Baker, Columbia, Hamilton, and Suwanee – to provide personal devices to aid search-and-rescue efforts for persons with special needs in the case of elopement. The bill creates a separate pilot project for the same purpose in two South Florida counties – Broward and Palm Beach.

The North Florida project will be developed and administered by the Center for Autism and Related Disabilities at the University of Florida (“CARD/UF”) while the South Florida project will be developed and administered by Center for Autism and Related Disabilities at Florida Atlantic University (“CARD/FAU”). The bill directs the CARD/UF and the CARD/FAU to develop criteria for selecting project participants. The CARD/UF and the CARD/FAU will select qualifying participants on a first-come, first-served basis to the extent that funding is available. The project will be voluntary and free of charge to participants. The CARD/UF and the CARD/FAU will distribute the personal devices to the sheriff’s offices of the participating counties and will fund any device monitoring costs.

The CARD/UF and the CARD/FAU will submit preliminary and final reports to the Governor, the Speaker of the House of Representatives, and the President of the Senate. The final reports must include recommendations for modifications or continued implementation of the projects.

The bill appropriates \$100,000 to the CARD/UF and \$100,000 to the CARD/FAU from the General Revenue Fund for Fiscal Year 2016-2017 for the purpose of implementing this act.

The effective date of the bill is July 1, 2016.

II. Present Situation:

Elopement of Individuals with Special Needs

Elopement, also referred to as wandering, is a safety issue that affects some individuals with disabilities, their families, and the community. Wandering occurs when someone leaves a safe area or a responsible caregiver. This typically includes situations where the person may be injured or harmed as a result.¹

Elopement and Wandering of Individuals with Autism

Elopement in children with autism might include running away from adults at school or in the community, leaving a classroom without permission, or leaving the house when the family is not looking. This behavior is considered common and short-lived in toddlers, but it may persist or re-emerge in children and adults with autism. Children with autism have challenges with social and communication skills and safety awareness. This makes wandering a potentially dangerous behavior.²

There are various reasons someone with autism may wander; typically he or she will wander to an area of interest (especially bodies of water) or away from something that is bothersome or stressful (such as uncomfortable noise or bright lights).³

Approximately 50 percent of children with autism have a tendency to wander or elope.⁴ Families report that about half of such children who have a tendency to wander succeeded and went missing long enough to cause serious concern. A substantial portion of those children who wander are at risk of bodily harm.⁵ Of those children who went missing, 24 percent were in danger of drowning and 65 percent were in danger of traffic injury.⁶

Elopement and Wandering of Individuals with Alzheimer's Disease

Wandering and elopement can also be dangerous for individuals with Alzheimer's disease and other forms of dementia. The individual may not remember his or her name or address in order to assist rescuers. They can become disoriented even in familiar places. An individual with

¹“Wandering (Elopement),” Centers for Disease Control and Prevention, available at <http://www.cdc.gov/ncbddd/disabilityandsafety/wandering.html> (last viewed on September 23, 2015).

² Information provided by the AWAARE Collaboration, available at <http://awaare.nationalautismassociation.org/> (last viewed on September 23, 2015).

³ “Why is My Child Eloping and What Can I Do?” Autism Community, available at <http://www.autism-community.com/why-is-my-child-elooping-and-what-can-i-do/> (last viewed on September 23, 2015).

⁴ Michelle Diamant, “Autism Wandering Poses ‘Critical Safety Issue,’ Survey Suggests,” *Autism Wandering Poses “Critical”* (April 21, 2011), disability scoop, available at <http://www.disabilityscoop.com/2011/04/21/autism-wandering-survey/12953/> (last viewed on September 23, 2015).

⁵ Connie Anderston, et al., “Occurrence and Family Impact of Elopement in Children With Autism Spectrum Disorders,” *PEDIATRICS* (October 8, 2012), available at <http://pediatrics.aappublications.org/content/early/2012/10/02/peds.2012-0762.full.pdf+html> (last viewed on September 23, 2015).

⁶ *Id.*

Alzheimer's disease who wanders or elopes is most often looking for someone or something familiar, escaping a source of stress or anxiety, or may be reliving the past.⁷

Statistics indicate that in the United States, more than 34,000 individuals with Alzheimer's disease wander out of their homes or care facilities each year.⁸ Six in 10 people with some type of dementia will wander or elope;⁹ additionally, it is estimated that 11-24 percent of institutionalized dementia patients wander.¹⁰

Anti-wandering and GPS tracking devices can be worn or attached to an individual's shoe or belt loop or sewn into clothing. In the event that an individual goes missing, a caregiver can utilize products and services from the monitoring company for the device to pinpoint the wearer's location. There are a number of anti-wandering and GPS tracking devices on the market that can aid in search and rescue for individuals with special needs who are prone to wander. Two examples are the Protect and Locate (PAL) tracking system through Project Lifesaver and the Amber Alert GPS.

- The PAL is a tracking device that is worn as a watch by the individual at risk of wandering and has a companion portable receiver which notifies the caregiver of a wandering event. Through the use of cell phone ID location and GPS technologies, it provides the location of a wearer accurate to nine feet.¹¹ If an individual wearing a PAL device wanders outside of a set perimeter, the caregiver's receiver will receive an alert and the caregiver will receive an email alert and the device will send a text message with the date and location of the wandering event.¹² Additionally, a caregiver can press the "find" button on his or her receiver to have the location of the individual and the address displayed on the portable receiver. If the individual wearing the PAL watch/transmitter is lost, he or she can push the panic button on the PAL watch to have the current address shown on the caregiver's portable receiver.¹³ The PAL tracking system costs \$249.99 per unit and requires a monitoring/service plan of \$29.95 per month.¹⁴
- The Amber Alert GPS is a small disk that can be put in an individual's purse or backpack or, with the purchase of an accessory, can be attached to the individual. The Amber Alert GPS syncs with an online tracking portal and mobile application for iPhone, Blackberry, and Droid cellular phones to provide the real-time location of the wearer.¹⁵ It allows the caregiver to designate up to 20 "safe zones" and receive an alert each time a wearer leaves one of the designated safe zones. It also has a two-way voice feature to allow the caregiver and wearer to talk to each other through the device and an SOS button that the wearer can push in the

⁷ "Alzheimer's: Understand wandering and how to address it," Mayo Clinic, available at <http://www.mayoclinic.org/healthy-living/caregivers/in-depth/alzheimers/art-20046222> (last viewed on September 23, 2015).

⁸ "Wandering and Elopement Resources," National Council of Certified Dementia Practitioners, available at <http://www.nccdp.org/wandering.htm> (last viewed on September 23, 2015).

⁹ "Wandering and Getting Lost," Alzheimer's Association, available at <http://www.alz.org/care/alzheimers-dementia-wandering.asp> (last viewed on September 23, 2015).

¹⁰ See footnote 8.

¹¹ Information about PAL (Protect And Locate) Tracking System is available from Project Lifesaver at <http://www.projectlifesaver.org/Pal-info/> (last viewed on September 23, 2015).

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Information about the Amber Alert GPS Smart Locator is available from Amber Alert GPS at <https://www.amberalertgps.com/products> (last viewed on September 23, 2015).

event of an emergency to notify the caregiver and up to ten additional individuals.¹⁶ Amber Alert GPS costs \$145 per unit and requires a monitoring/service plan of \$15-18 per month.¹⁷

Centers for Autism and Related Disabilities (CARD)

There are seven non-residential CARD centers across the state. The centers work with families, caregivers, and professionals to optimize the potential of people with autism and related disabilities. The centers serve children and adults of all levels of intellectual functioning who have autism, autistic-like disabilities, pervasive developmental disorder, dual sensory impairments (hearing and vision impaired), or a vision or hearing loss with another disabling condition.^{18, 19} The CARD/UF serves fourteen counties in North Central Florida,²⁰ and the CARD/FAU serves five counties in South Florida.²¹

III. Effect of Proposed Changes:

The bill creates s. 937.041, F.S., which creates the “Project Leo” pilot in Alachua, Baker, Columbia, Hamilton, and Suwanee counties to provide personal devices to aid search-and-rescue efforts for persons with special needs in the case of elopement. The project will be developed and administered by the Center for Autism and Related Disabilities at the University of Florida (CARD/UF).

The bill creates an additional pilot project in Broward and Palm Beach counties for the same purpose as Project Leo. The additional pilot project will be developed and administered by the Center for Autism and Related Disabilities at Florida Atlantic University (CARD/FAU).

Under the bill, the CARD/UF and the CARD/FAU select project participants based on criteria developed by the centers, which must include, at a minimum, the individual’s risk of elopement. Participants are selected on a first-come, first-served basis. The number of participants is determined based on available funding within the centers’ existing resources.

Participation in the project is voluntary and free of charge. Participants are provided a personal device to aid search and rescue efforts. This device is attachable to clothing or otherwise wearable. The CARD/UF and the CARD/FAU distribute the personal devices to the sheriff’s offices of the participating counties. The CARD/UF and the CARD/FAU will fund any device monitoring costs.

The CARD/UF and the CARD/FAU are directed to submit preliminary and final reports to the Governor, the Speaker of the House of Representatives, and the President of the Senate. Both reports must include all of the following for each pilot project:

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ “About CARD FAQ,” Center for Autism and Related Disabilities, University of Florida, available at <http://card.ufl.edu/about-card/faq/> (last viewed on September 23, 2015).

¹⁹ “About FAU Center for Autism & Related Disorders,” Florida Atlantic University, available at <http://coe.fau.edu/centersandprograms/card/aboutcard.php> (last viewed on November 19, 2015).

²⁰ *Supra*, note 18. The counties served by the CARD/UF are Alachua, Bradford, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Levy, Marion, Putnam, Suwannee, and Union.

²¹ *Supra*, note 19. The counties served by the CARD/FAU are Indian River, Martin, Okeechobee, Palm Beach, and St. Lucie.

- The criteria used to select the participants;
- The number of participants;
- The nature of the participants' special needs;
- The number of participants who elope;
- The amount of time taken to rescue a participant following elopement; and
- The outcome of any rescue attempts.

Additionally, the final reports must include recommendations for modifications or continued implementation of the respective projects. The projects operate to the extent of available funding within the centers' existing resources. Since the bill provides that s. 937.041, F.S., expires on June 30, 2018, the projects effectively end on that date.

The bill appropriates \$100,000 to the CARD/UF and an additional \$100,000 to the CARD/FAU from the General Revenue Fund for FY 2016-2017 for the purpose of implementing this act.

The effective date of the bill is July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The number of participants is determined based on available funding within the existing resources of the CARD/UF and the CARD/FAU. The centers distribute the personal devices to the sheriff's offices of the participating counties. The centers will fund any device monitoring costs.

CS/SB 230 provides \$100,000 to the CARD/UF and an additional \$100,000 to the CARD/FAU from the General Revenue Fund for the purpose of implementing this act.

The Board of Governors states that there is no determinable fiscal impact to the state universities from the bill and the bill has no fiscal impact on the Board of Governors office.²²

VI. Technical Deficiencies:

None.

VII. Related Issues:

The intent of the bill regarding funding is unclear. Section 1 of the bill indicates that the pilot projects will operate to the extent of available funding within the existing resources of the CARD/UF and the CARD/FAU. However, Section 2 appropriates a total of \$200,000 from the General Revenue Fund (\$100,000 to CARD/UF and \$100,000 to CARD/FAU) for the purpose of implementing the pilot projects.

VIII. Statutes Affected:

This bill creates section 937.041 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 Appropriations on November 19, 2015:

The committee substitute:

- Adds Alachua County to the list of counties in which the “Project Leo” pilot project may be implemented;
- Creates an additional pilot project in Broward and Palm Beach counties which will have the same purpose as Project Leo and operate identically to Project Leo, except that the additional pilot will be developed and administered by the Center for Autism and Related Disabilities at Florida Atlantic University (CARD/FAU);
- Removes the underlying bill’s requirement for reports submitted by the pilot projects to include the age of participants; and
- Appropriates \$100,000 in general revenue to the CARD/FAU for the purpose of implementing the bill, bringing the bill’s total appropriation to \$200,000 in general revenue.

²² 2016 Legislative Bill Analysis (SB 230) (September 9, 2015), State University System of Florida Board of Governors (on file with the Senate Committee on Criminal Justice).

B. Amendments:

None.

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