

By Senator Simmons

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1                   A bill to be entitled  
2       An act relating to emergency alerts; creating s.  
3       316.02703, F.S.; defining the terms "serious bodily  
4       injury" and "Yellow Alert"; authorizing a law  
5       enforcement agency to request the Florida Highway  
6       Patrol to activate a Yellow Alert if a hit-and-run  
7       incident is reported to the agency and the agency  
8       determines that specified requirements are satisfied;  
9       authorizing the Florida Highway Patrol, if it concurs  
10      that the specified requirements are satisfied, to  
11      activate a Yellow Alert within the geographic area  
12      requested by the agency; providing that radio,  
13      television, and cable and satellite systems are  
14      encouraged to cooperate in disseminating the  
15      information contained in a Yellow Alert; requiring the  
16      Florida Highway Patrol, upon activation of the alert,  
17      to assist the investigating law enforcement agency by  
18      issuing the alert, in cooperation with the Department  
19      of Highway Safety and Motor Vehicles and the  
20      Department of Transportation, using certain dynamic  
21      message signs; authorizing the Florida Highway Patrol  
22      to prioritize the activation of alerts if multiple  
23      Yellow Alerts are requested, subject to certain  
24      requirements; specifying the conditions that an agency  
25      must determine to have been satisfied in order for the  
26      agency to be allowed to request that a Yellow Alert be  
27      activated; creating s. 784.072, F.S.; defining terms;  
28      authorizing a local law enforcement agency to activate  
29      the Emergency Alert System and issue a Lockdown Alert

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30 to public and private schools and child care  
31 facilities under certain circumstances; specifying  
32 certain conditions under which Lockdown Alerts may be  
33 issued; requiring local law enforcement agencies to  
34 create and maintain a list of all public schools,  
35 private schools, and child care facilities within  
36 their jurisdictions, which must be included in the  
37 Lockdown Alert system; authorizing public or private  
38 schools or child care facilities to contact their  
39 local law enforcement agencies to verify that they are  
40 included on the list or to register for inclusion on  
41 the list; requiring a local law enforcement agency to  
42 take a private school or child care facility off the  
43 list if the school or facility requests that it be  
44 taken off the list; requiring the Department of Law  
45 Enforcement, in cooperation with the Department of  
46 Highway Safety and Motor Vehicles and the Department  
47 of Transportation, to activate the Emergency Alert  
48 System and issue an Imminent Threat Alert to the  
49 public at the request of a local law enforcement  
50 agency under certain circumstances; specifying  
51 information that must be provided in Imminent Threat  
52 Alerts, if available; requiring Imminent Threat Alerts  
53 to be disseminated to the public through the Emergency  
54 Alert System and through the use of certain dynamic  
55 message signs; providing that the agency responsible  
56 for posting the Imminent Threat Alert on the dynamic  
57 message sign does not violate this section if certain  
58 traffic emergency information is displayed on the sign

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59 in lieu of the alert; providing an effective date.

60  
61 Be It Enacted by the Legislature of the State of Florida:

62  
63 Section 1. Section 316.02703, Florida Statutes, is created  
64 to read:

65 316.02703 Hit-and-run incidents; Yellow Alert.-

66 (1) As used in this section, the term:

67 (a) "Serious bodily injury" means an injury that involves,  
68 either at the time of the actual injury or at a later time, a  
69 substantial risk of serious and permanent disfigurement, a  
70 substantial risk of protracted loss or impairment of the  
71 function of any part of the body, or a break, fracture, or burn  
72 of the second or third degree.

73 (b) "Yellow Alert" means a notification system activated  
74 pursuant to subsection (2) which is designed to issue and  
75 coordinate alerts with respect to a hit-and-run incident  
76 resulting in the death or injury of a person.

77 (2) (a) If a hit-and-run incident is reported to a law  
78 enforcement agency and that agency determines that the  
79 requirements of subsection (3) are satisfied, the agency may  
80 request the Florida Highway Patrol to activate a Yellow Alert.  
81 If the Florida Highway Patrol concurs that the requirements of  
82 subsection (3) are satisfied, it may activate a Yellow Alert  
83 within the geographic area requested by the investigating law  
84 enforcement agency.

85 (b) Radio, television, and cable and satellite systems are  
86 encouraged, but are not required, to cooperate in disseminating  
87 the information contained in a Yellow Alert.

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88       (c) Upon activation of a Yellow Alert, the Florida Highway  
89 Patrol shall assist the investigating law enforcement agency by  
90 issuing the Yellow Alert, in cooperation with the Department of  
91 Highway Safety and Motor Vehicles and the Department of  
92 Transportation, through the use of the dynamic message signs  
93 that are located along the state's highways.

94       (d) If there are multiple Yellow Alerts requested, the  
95 Florida Highway Patrol may prioritize the activation of alerts  
96 based on factors that include, but not are not limited to, the  
97 severity of the injury, the time elapsed between a hit-and-run  
98 incident and the request, or the likelihood that an activation  
99 would reasonably lead to the apprehension of a suspect.

100       (3) A law enforcement agency may request that a Yellow  
101 Alert be activated if that agency determines that all of the  
102 following conditions are satisfied with regard to the  
103 investigation of the hit-and-run incident:

104       (a) A person has been killed or has suffered serious bodily  
105 injury due to a hit-and-run incident.

106       (b) There is an indication that a suspect has fled the  
107 scene using the state highway system or is likely to be observed  
108 by the public on the state highway system.

109       (c) The investigating law enforcement agency has additional  
110 information concerning the suspect or the suspect's vehicle,  
111 including, but not limited to, any of the following:

112       1. The complete license plate number of the suspect's  
113 vehicle.

114       2. A partial license plate number and additional unique  
115 identifying characteristics, such as the make, model, and color  
116 of the suspect's vehicle, which could reasonably lead to the

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117 apprehension of the suspect.

118 3. The identity of the suspect.

119 (d) Public dissemination of available information could  
120 either help avert further harm or hasten apprehension of the  
121 suspect based on factors that include, but are not limited to,  
122 the severity of the injury, the time elapsed between a hit-and-  
123 run incident and the request, or the likelihood that an  
124 activation would reasonably lead to the apprehension of a  
125 suspect.

126 Section 2. Section 784.072, Florida Statutes, is created to  
127 read:

128 784.072 Notification of imminent threat to schools and  
129 child care facilities or the public; Lockdown Alert; Imminent  
130 Threat Alert.-

131 (1) As used in this section, the term:

132 (a) "Child care facility" has the same meaning as in s.  
133 402.302.

134 (b) "Imminent Threat Alert" means a notification issued  
135 pursuant to subsection (3) which informs the public that an  
136 imminent threat exists such that the lives and safety of  
137 citizens are endangered, including, but not limited to,  
138 instances in which a person suspected of killing or causing  
139 serious bodily injury to another person or assaulting another  
140 person with a deadly weapon has fled the scene of the offense.

141 (c) "Lockdown Alert" means a notification issued pursuant  
142 to subsection (2) which informs public schools, private schools,  
143 and child care facilities that an imminent threat exists,  
144 including, but not limited to, instances in which a person  
145 suspected of killing or causing serious bodily injury to another

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146 person or assaulting another person with a deadly weapon has  
147 fled the scene of the offense. The alert advises the schools and  
148 facilities to lock their doors and encourages persons in those  
149 schools and facilities to remain in lockdown and be vigilant in  
150 watching for and reporting any suspicious activity.

151 (d) "Private school" has the same meaning as in s. 1002.01.

152 (2) (a) A local law enforcement agency that has jurisdiction  
153 over the scene of an incident giving rise to an imminent threat  
154 to members of the public may activate the Emergency Alert System  
155 and issue a Lockdown Alert to all public and private schools and  
156 child care facilities that it determines are at risk, given  
157 their proximity to the incident, including an incident in which  
158 the following conditions are satisfied:

159 1. A person has been killed or has suffered serious bodily  
160 injury or a person has been assaulted with a deadly weapon by  
161 another person.

162 2. The person suspected of committing the offense has fled  
163 the scene.

164 3. The law enforcement agency investigating the offense has  
165 determined that the suspect poses an imminent threat to the  
166 public safety.

167 (b) For purposes of complying with this subsection, each  
168 local law enforcement agency shall create and maintain a list of  
169 all public schools, private schools, and child care facilities  
170 within its jurisdiction.

171 (c) A public or private school or child care facility may  
172 contact local law enforcement agencies to verify that it is  
173 included on the list of those that will receive a Lockdown Alert  
174 or to register to be included on the list. A local law

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175 enforcement agency must take a private school or child care  
176 facility off the list if the school or facility requests that it  
177 be taken off the list.

178 (3) At the request of a local law enforcement agency, the  
179 Department of Law Enforcement, in cooperation with the  
180 Department of Highway Safety and Motor Vehicles and the  
181 Department of Transportation, shall activate the Emergency Alert  
182 System and issue an Imminent Threat Alert to the public when the  
183 local law enforcement agency confirms that an imminent threat to  
184 the public exists, including, but not limited to, circumstances  
185 in which the following conditions have been satisfied:

186 (a) A person has been killed or has suffered serious bodily  
187 injury or a person has been assaulted with a deadly weapon by  
188 another person.

189 (b) The person suspected of committing the offense has fled  
190 the scene.

191 (c) The agency has determined that the suspect poses an  
192 imminent threat to the public safety.

193 (4) An Imminent Threat Alert must, to the extent  
194 practicable, provide a detailed description of a suspect's  
195 vehicle or other means of escape, the license plate number of  
196 the suspect's vehicle, or any other available information that  
197 may assist in averting further harm or in the apprehending of a  
198 suspect.

199 (5) (a) An Imminent Threat Alert must be immediately  
200 disseminated to the public through the Emergency Alert System  
201 and through the use of the dynamic message signs that are  
202 located along the State Highway System.

203 (b) If a traffic emergency arises requiring that

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204 information pertaining to the traffic emergency be displayed on  
205 a dynamic message sign on a state highway in lieu of an Imminent  
206 Threat Alert, the agency responsible for posting the Imminent  
207 Threat Alert on the dynamic message sign does not violate this  
208 section.

209 Section 3. This act shall take effect October 1, 2017.