Senator Berman moved the following:

**Senate Amendment (with title amendment)**

Between lines 8604 and 8605

insert:

Section 174. Effective July 1, 2020, subsection (4) of section 937.0201, Florida Statutes, is amended to read:

937.0201 Definitions.—As used in this chapter, the term:

(4) “Missing endangered person” means any of the following:

(a) A missing child.

(b) A missing adult younger than 26 years of age.

(c) A missing adult 26 years of age or older who is
suspected by a law enforcement agency of being endangered or the
victim of criminal activity.  
(d) A missing adult who meets the criteria for activation
of the Silver Alert Plan of the Department of Law Enforcement.
(e) A missing adult who meets the criteria for activation
of the Orange Alert of the Department of Law Enforcement
pursuant to s. 937.0205.

Section 175. Effective July 1, 2020, section 937.0205,
Florida Statutes, is created to read:

937.0205 Orange Alert.—
(1) The Legislature finds that a standardized state system
is necessary to aid in the search for a missing adult as
described in subparagraphs (4)(a)1., 2., and 3. The Legislature
also finds that a coordinated local law enforcement and state
agency response with prompt and widespread sharing of
information will improve the chances of the person being found.
Therefore, the Legislature intends to establish the Orange Alert
pursuant to this section.
(2) It is the intent of the Legislature that the Orange
Alert be established and implemented in a manner that seeks to
safeguard the privacy rights and related health and diagnostic
information of the missing adult to the greatest extent
practicable.
(3) The Department of Law Enforcement, in cooperation with
the Department of Transportation, the Department of Highway
Safety and Motor Vehicles, the Department of the Lottery, and
local law enforcement agencies, shall establish and implement
the Orange Alert. At a minimum, the Orange Alert must:
(a) Provide for the protection of the privacy, dignity,
independence, and autonomy of the missing adult by including standards that aim to safeguard these civil liberties through preventing the inadvertent or unnecessary broadcasting or dissemination of sensitive health and diagnostic information in unwarranted circumstances; and

(b) Provide that the broadcasting and dissemination of alerts and related information be limited to the geographic areas where the missing adult could reasonably be, considering the person’s circumstances and physical and mental condition, the modes of transportation available to the person, and the circumstances of the person’s disappearance.

(4)(a) Under the Orange Alert, a local law enforcement agency may broadcast to persons who subscribe to receive notifications under this section and to the media information concerning a missing adult:

1. Who has a mental or cognitive disability; an intellectual disability or a developmental disability as those terms are defined in s. 393.063; a brain injury; another physical, mental, or emotional disability or impaired judgment not related to substance abuse; or a combination of any of these;

2. Whose disappearance poses a credible threat of immediate danger or serious bodily harm to himself or herself, as determined by the local law enforcement agency; and

3. Who does not meet the criteria for activation of the Silver Alert Plan of the Department of Law Enforcement.

(b) The local law enforcement agency broadcasting such information must be the agency that is best able to notify the media and the subscribers for such notifications in the
jurisdiction where the missing adult is believed to be. Such
local law enforcement agency may also request that the
notification be broadcast on lottery terminals within the
geographic regions where the missing adult may reasonably be,
including, but not limited to, the lottery terminals in gas
stations, convenience stores, and supermarkets in such regions.

(c) Under the Orange Alert, the local law enforcement
agency may also request that a case be opened with the
Department of Law Enforcement’s Missing Endangered Persons
Information Clearinghouse. To enhance the local or regional
efforts, in cases in which a vehicle is involved, the
clearinghouse must coordinate with the Department of
Transportation and the Department of Highway Safety and Motor
Vehicles for the activation of dynamic message signs on state
highways and the immediate broadcast of critical information to
the public about the missing adult in accordance with the alert.

(d) If a traffic emergency arises requiring that
information pertaining to the traffic emergency be displayed on
a dynamic message sign on a state highway in lieu of an Orange
Alert, the agency responsible for posting the Orange Alert on
the dynamic message sign does not violate this section.

(5) The Orange Alert must include procedures to monitor the
use and activation of this system and the results from its use.
The Orange Alert must also include a strategy for informing and
educating law enforcement, the media, and other stakeholders
about the alert.

(6) The Department of Law Enforcement may adopt rules to
implement and administer this section.

Section 176. Effective July 1, 2020, paragraphs (c), (d),
and (e) of subsection (5) of section 937.021, Florida Statutes, are amended to read:

937.021 Missing child and missing adult reports.—

(5)

(c) Upon receiving a request to record, report, transmit, display, or release Silver Alert or Orange Alert information from the law enforcement agency having jurisdiction over the missing adult, the Department of Law Enforcement as the state Silver Alert and the Orange Alert coordinator, any state or local law enforcement agency, and the personnel of these agencies; any radio or television network, broadcaster, or other media representative; any dealer of communications services as defined in s. 202.11; or any agency, employee, individual, or entity is immune from civil liability for damages for complying in good faith with the request and is presumed to have acted in good faith in recording, reporting, transmitting, displaying, or releasing Silver Alert or Orange Alert information pertaining to the missing adult.

(d) The presumption of good faith is not overcome if a technical or clerical error is made by any agency, employee, individual, or entity acting at the request of the local law enforcement agency having jurisdiction, or if the Amber Alert, Missing Child Alert, missing child information, missing adult information, or Silver Alert, or Orange Alert information is incomplete or incorrect because the information received from the local law enforcement agency was incomplete or incorrect.

(e) Neither this subsection nor any other provision of law creates a duty of the agency, employee, individual, or entity to record, report, transmit, display, or release the Amber Alert,
Missing Child Alert, missing child information, missing adult information, Silver Alert, or Orange Alert information received from the local law enforcement agency having jurisdiction. The decision to record, report, transmit, display, or release information is discretionary with the agency, employee, individual, or entity receiving the information.

Section 177. Effective July 1, 2020, paragraph (b) of subsection (3) of section 937.022, Florida Statutes, is amended to read:

937.022 Missing Endangered Persons Information Clearinghouse.—

(3) The clearinghouse shall:

(b) Provide a centralized file for the exchange of information on missing endangered persons.

1. Every state, county, or municipal law enforcement agency shall submit to the clearinghouse information concerning missing endangered persons.

2. Any person having knowledge may submit a missing endangered person report to the clearinghouse concerning a child or adult younger than 26 years of age whose whereabouts is unknown, regardless of the circumstances, subsequent to reporting such child or adult missing to the appropriate law enforcement agency within the county in which the child or adult became missing, and subsequent to entry by the law enforcement agency of the child or person into the Florida Crime Information Center and the National Crime Information Center databases. The missing endangered person report shall be included in the clearinghouse database.

3. Only the law enforcement agency having jurisdiction over
the case may submit a missing endangered person report to the clearinghouse involving a missing adult age 26 years or older who is suspected by a law enforcement agency of being endangered or the victim of criminal activity.

4. Only the law enforcement agency having jurisdiction over the case may make a request to the clearinghouse for the activation of a state Silver Alert or an Orange Alert involving a missing adult if circumstances regarding the disappearance have met the criteria for activation of the Silver Alert Plan or the Orange Alert.

Section 178. Effective July 1, 2020, paragraph (d) of subsection (6) and subsection (9) of section 429.918, Florida Statutes, are amended to read:

429.918 Licensure designation as a specialized Alzheimer’s services adult day care center.—

(6)

(d) Each employee hired on or after July 1, 2012, who provides direct care to ADRD participants, must receive and review an orientation plan that includes, at a minimum:

1. Procedures to locate an ADRD participant who has wandered from the center. These procedures shall be reviewed regularly with all direct care staff.

2. Information on the Silver Alert program and the Orange Alert in this state.

3. Information regarding available products or programs used to identify ADRD participants or prevent them from wandering away from the center, their home, or other locations.

(9) An adult day care center having a license designated under this section must give to each person who enrolls as an
ADRD participant in the center, or the caregiver, a copy of the ADRD participant’s plan of care, as well as information regarding resources to assist in ensuring the safety and security of the ADRD participant, which must include, but need not be limited to, information pertaining to driving for those persons affected by dementia, available technology on wandering-prevention devices and identification devices, the Silver Alert program and the Orange Alert in this state, and dementia-specific safety interventions and strategies that can be used in the home setting.

Section 179. For the 2019-2020 fiscal year, the sums of $152,836 in recurring and $170,000 in nonrecurring funds from the General Revenue Fund are appropriated to the Florida Department of Law Enforcement, and three full-time equivalent positions with an associated salary rate of 83,779 are authorized for the purpose of implementing ss. 937.0201, 937.0205, 937.021, 937.022, and 429.918, Florida Statutes, as amended or created by this act.

And the title is amended as follows:
Between lines 722 and 723
insert:
amending s. 937.0201, F.S.; redefining the term “missing endangered person” to include a missing adult who meets the criteria for activation of the Orange Alert of the Department of Law Enforcement; creating s. 937.0205, F.S.; providing legislative findings and intent; requiring the Department of Law Enforcement,
in cooperation with the Department of Transportation, the Department of Highway Safety and Motor Vehicles, the Department of the Lottery, and local law enforcement agencies, to establish and implement the Orange Alert; providing alert requirements; authorizing local law enforcement agencies to broadcast to subscribers of notifications, to the media, and on lottery terminals about certain missing adults; specifying which local law enforcement agency may broadcast such information; authorizing the local law enforcement agency to request that a case be opened with the Department of Law Enforcement’s Missing Endangered Persons Information Clearinghouse; requiring the clearinghouse to coordinate with the Department of Transportation and the Department of Highway Safety and Motor Vehicles for the activation of dynamic message signs on state highways and the immediate broadcast of certain critical information under certain circumstances; specifying that an agency responsible for posting an Orange Alert on dynamic message signs does not violate the act if other emergency information must be posted instead; requiring the Orange Alert to include certain procedures; specifying additional requirements for the alert; authorizing the Department of Law Enforcement to adopt rules; amending s. 937.021, F.S.; providing that the Department of Law Enforcement, as the Orange Alert coordinator, and certain agencies, employees, individuals, and entities are immune from civil
liability for damages for performing certain actions in good faith; providing that the presumption of good faith is not overcome under certain circumstances; providing construction; amending s. 937.022, F.S.; authorizing only the law enforcement agency having jurisdiction over a case to make a request to the clearinghouse for the activation of a state Orange Alert involving a missing adult under certain circumstances; amending s. 429.918, F.S.; conforming provisions to changes made by the act; providing an appropriation;