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LEGISLATIVE ACTION

Senate

.

House

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Floor: WD/2R

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04/29/2019 05:46 PM

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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



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12 suspected by a law enforcement agency of being endangered or the
13 victim of criminal activity.~~;~~~~or~~

14 (d) A missing adult who meets the criteria for activation
15 of the Silver Alert Plan of the Department of Law Enforcement.

16 (e) A missing adult who meets the criteria for activation
17 of the Orange Alert of the Department of Law Enforcement
18 pursuant to s. 937.0205.

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

21 937.0205 Orange Alert.-

22 (1) The Legislature finds that a standardized state system
23 is necessary to aid in the search for a missing adult as
24 described in subparagraphs (4) (a) 1., 2., and 3. The Legislature
25 also finds that a coordinated local law enforcement and state
26 agency response with prompt and widespread sharing of
27 information will improve the chances of the person being found.
28 Therefore, the Legislature intends to establish the Orange Alert
29 pursuant to this section.

30 (2) It is the intent of the Legislature that the Orange
31 Alert be established and implemented in a manner that seeks to
32 safeguard the privacy rights and related health and diagnostic
33 information of the missing adult to the greatest extent
34 practicable.

35 (3) The Department of Law Enforcement, in cooperation with
36 the Department of Transportation, the Department of Highway
37 Safety and Motor Vehicles, the Department of the Lottery, and
38 local law enforcement agencies, shall establish and implement
39 the Orange Alert. At a minimum, the Orange Alert must:

40 (a) Provide for the protection of the privacy, dignity,



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41 independence, and autonomy of the missing adult by including
42 standards that aim to safeguard these civil liberties through
43 preventing the inadvertent or unnecessary broadcasting or
44 dissemination of sensitive health and diagnostic information in
45 unwarranted circumstances; and

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

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

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

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

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

67 (b) The local law enforcement agency broadcasting such
68 information must be the agency that is best able to notify the
69 media and the subscribers for such notifications in the



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70 jurisdiction where the missing adult is believed to be. Such
71 local law enforcement agency may also request that the
72 notification be broadcast on lottery terminals within the
73 geographic regions where the missing adult may reasonably be,
74 including, but not limited to, the lottery terminals in gas
75 stations, convenience stores, and supermarkets in such regions.

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

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

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

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

98 Section 176. Effective July 1, 2020, paragraphs (c), (d),



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99 and (e) of subsection (5) of section 937.021, Florida Statutes,
100 are amended to read:

101 937.021 Missing child and missing adult reports.—

102 (5)

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

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

125 (e) Neither this subsection nor any other provision of law
126 creates a duty of the agency, employee, individual, or entity to
127 record, report, transmit, display, or release the Amber Alert,



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128 Missing Child Alert, missing child information, missing adult
129 information, ~~or~~ Silver Alert, or Orange Alert information
130 received from the local law enforcement agency having
131 jurisdiction. The decision to record, report, transmit, display,
132 or release information is discretionary with the agency,
133 employee, individual, or entity receiving the information.

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

137 937.022 Missing Endangered Persons Information
138 Clearinghouse.—

139 (3) The clearinghouse shall:

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

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

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

156 3. Only the law enforcement agency having jurisdiction over



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157 the case may submit a missing endangered person report to the
158 clearinghouse involving a missing adult age 26 years or older
159 who is suspected by a law enforcement agency of being endangered
160 or the victim of criminal activity.

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

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

170 429.918 Licensure designation as a specialized Alzheimer's
171 services adult day care center.—

172 (6)

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

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

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

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

184 (9) An adult day care center having a license designated
185 under this section must give to each person who enrolls as an



186 ADRD participant in the center, or the caregiver, a copy of the
187 ADRD participant's plan of care, as well as information
188 regarding resources to assist in ensuring the safety and
189 security of the ADRD participant, which must include, but need
190 not be limited to, information pertaining to driving for those
191 persons affected by dementia, available technology on wandering-
192 prevention devices and identification devices, the Silver Alert
193 program and the Orange Alert in this state, and dementia-
194 specific safety interventions and strategies that can be used in
195 the home setting.

196 Section 179. For the 2019-2020 fiscal year, the sums of
197 \$152,836 in recurring and \$170,000 in nonrecurring funds from
198 the General Revenue Fund are appropriated to the Florida
199 Department of Law Enforcement, and three full-time equivalent
200 positions with an associated salary rate of 83,779 are
201 authorized for the purpose of implementing ss. 937.0201,
202 937.0205, 937.021, 937.022, and 429.918, Florida Statutes, as
203 amended or created by this act.

204
205 ===== T I T L E A M E N D M E N T =====

206 And the title is amended as follows:

207 Between lines 722 and 723

208 insert:

209 amending s. 937.0201, F.S.; redefining the term
210 "missing endangered person" to include a missing adult
211 who meets the criteria for activation of the Orange
212 Alert of the Department of Law Enforcement; creating
213 s. 937.0205, F.S.; providing legislative findings and
214 intent; requiring the Department of Law Enforcement,



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215 in cooperation with the Department of Transportation,
216 the Department of Highway Safety and Motor Vehicles,
217 the Department of the Lottery, and local law
218 enforcement agencies, to establish and implement the
219 Orange Alert; providing alert requirements;
220 authorizing local law enforcement agencies to
221 broadcast to subscribers of notifications, to the
222 media, and on lottery terminals about certain missing
223 adults; specifying which local law enforcement agency
224 may broadcast such information; authorizing the local
225 law enforcement agency to request that a case be
226 opened with the Department of Law Enforcement's
227 Missing Endangered Persons Information Clearinghouse;
228 requiring the clearinghouse to coordinate with the
229 Department of Transportation and the Department of
230 Highway Safety and Motor Vehicles for the activation
231 of dynamic message signs on state highways and the
232 immediate broadcast of certain critical information
233 under certain circumstances; specifying that an agency
234 responsible for posting an Orange Alert on dynamic
235 message signs does not violate the act if other
236 emergency information must be posted instead;
237 requiring the Orange Alert to include certain
238 procedures; specifying additional requirements for the
239 alert; authorizing the Department of Law Enforcement
240 to adopt rules; amending s. 937.021, F.S.; providing
241 that the Department of Law Enforcement, as the Orange
242 Alert coordinator, and certain agencies, employees,
243 individuals, and entities are immune from civil



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244 liability for damages for performing certain actions
245 in good faith; providing that the presumption of good
246 faith is not overcome under certain circumstances;
247 providing construction; amending s. 937.022, F.S.;
248 authorizing only the law enforcement agency having
249 jurisdiction over a case to make a request to the
250 clearinghouse for the activation of a state Orange
251 Alert involving a missing adult under certain
252 circumstances; amending s. 429.918, F.S.; conforming
253 provisions to changes made by the act; providing an
254 appropriation;