

1 A bill to be entitled
2 An act relating to the Purple Alert; amending s.
3 937.0201, F.S.; redefining the term "missing
4 endangered person"; creating s. 937.0205, F.S.;
5 providing legislative findings and intent; requiring
6 the Department of Law Enforcement, in cooperation with
7 the Department of Transportation, the Department of
8 Highway Safety and Motor Vehicles, the Department of
9 the Lottery, and local law enforcement agencies, to
10 establish and implement the Purple Alert; specifying
11 minimum requirements for the Purple Alert; authorizing
12 local law enforcement agencies to broadcast
13 information concerning certain missing adults;
14 requiring the local law enforcement agency to notify
15 certain media and alert subscribers if a Purple Alert
16 is determined to be necessary and appropriate;
17 authorizing the local law enforcement agency which
18 broadcasts the notification to request that a case be
19 opened with the Department of Law Enforcement's
20 Missing Endangered Persons Information Clearinghouse;
21 requiring the clearinghouse to coordinate with the
22 Department of Transportation and the Department of
23 Highway Safety and Motor Vehicles in the activation of
24 dynamic message signs on state highways and the
25 immediate distribution of certain critical information

26 | under certain circumstances; requiring the Purple
 27 | Alert to include certain procedures and an information
 28 | and education strategy; authorizing the Department of
 29 | Law Enforcement to adopt rules; amending s. 937.021,
 30 | F.S.; providing that the Department of Law
 31 | Enforcement, as the Purple Alert coordinator, and
 32 | certain agencies, employees, individuals, and entities
 33 | are immune from civil liability for damages when
 34 | performing certain actions in good faith; providing
 35 | that the presumption of good faith is not overcome
 36 | under certain circumstances; providing construction;
 37 | amending s. 937.022, F.S.; authorizing only the law
 38 | enforcement agency having jurisdiction over a case to
 39 | make a request to the clearinghouse for the activation
 40 | of a Purple Alert involving a missing adult under
 41 | certain circumstances; amending s. 429.918, F.S.;
 42 | conforming provisions to changes made by the act;
 43 | providing an appropriation; providing effective dates.

44 |
 45 | Be It Enacted by the Legislature of the State of Florida:
 46 |

47 | Section 1. Subsection (4) of section 937.0201, Florida
 48 | Statutes, is amended to read:
 49 | 937.0201 Definitions.—As used in this chapter, the term:
 50 | (4) "Missing endangered person" means any of the

51 following:

52 (a) A missing child.~~†~~

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

54 (c) A missing adult 26 years of age or older who is
 55 suspected by a law enforcement agency of being endangered or the
 56 victim of criminal activity.~~†~~~~or~~

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

59 (e) A missing adult who meets the criteria for activation
 60 of the Purple Alert of the Department of Law Enforcement
 61 pursuant to s. 937.0205.

62 Section 2. Section 937.0205, Florida Statutes, is created
 63 to read:

64 937.0205 Purple Alert.—

65 (1) The Legislature finds that a standardized state system
 66 is necessary to aid in the search for a missing adult identified
 67 in paragraph (4) (a). The Legislature also finds that a
 68 coordinated local law enforcement and state agency response with
 69 prompt and widespread sharing of information will improve the
 70 chances of finding the person.

71 (2) It is the intent of the Legislature to establish the
 72 Purple Alert, to be implemented in a manner that, to the extent
 73 practicable, safeguards the privacy rights and related health
 74 and diagnostic information of such missing adults.

75 (3) The Department of Law Enforcement, in cooperation with

76 | the Department of Transportation, the Department of Highway
77 | Safety and Motor Vehicles, the Department of the Lottery, and
78 | local law enforcement agencies, shall establish and implement
79 | the Purple Alert. At a minimum, the Purple Alert must:

80 | (a) Be the only viable means by which the missing adult is
81 | likely to be returned to safety.

82 | (b) Provide, to the greatest extent possible, for the
83 | protection of the privacy, dignity, and independence of such
84 | missing adults by including standards aimed at safeguarding
85 | these civil liberties by preventing the inadvertent or
86 | unnecessary broadcasting or dissemination of sensitive health
87 | and diagnostic information.

88 | (c) Provide that the broadcasting and dissemination of
89 | alerts and related information be limited to the geographic
90 | areas in which such missing adult could reasonably be,
91 | considering his or her circumstances and physical and mental
92 | condition, the potential modes of transportation available to
93 | him or her or suspected to be involved, and the known or
94 | suspected circumstances of his or her disappearance.

95 | (d) Be activated only when there is sufficient descriptive
96 | information about the missing adult and the circumstances
97 | surrounding the missing adult's disappearance to indicate that
98 | activating the alert is likely to help locate the missing adult.

99 | (4) (a) Under a Purple Alert, a local law enforcement
100 | agency may broadcast to the media and to persons who subscribe

101 to receive alert notifications under this section information
102 concerning a missing adult:

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

108 2. Whose disappearance indicates a credible threat of
109 immediate danger or serious bodily harm to himself or herself,
110 as determined by the local law enforcement agency.

111 3. Who cannot be returned to safety without law
112 enforcement intervention.

113 4. Who does not meet the criteria for activation of a
114 local Silver Alert or the Silver Alert Plan of the Department of
115 Law Enforcement.

116 (b) If a Purple Alert is determined to be necessary and
117 appropriate, the local law enforcement agency with jurisdiction
118 shall notify the media and subscribers in the jurisdiction or
119 jurisdictions in which the missing adult is believed to or may
120 be located. The local law enforcement agency may also request
121 that the Purple Alert notification be broadcast on lottery
122 terminals within the geographic regions in which the missing
123 adult may reasonably be, including, but not limited to, lottery
124 terminals in gas stations, convenience stores, and supermarkets.

125 (c) Under the Purple Alert, the local law enforcement

126 agency with jurisdiction may also request that a case be opened
127 with the Department of Law Enforcement's Missing Endangered
128 Persons Information Clearinghouse. To enhance local or regional
129 efforts when the investigation indicates that an identifiable
130 vehicle is involved, the clearinghouse must coordinate with the
131 Department of Transportation and the Department of Highway
132 Safety and Motor Vehicles for the activation of dynamic message
133 signs on state highways and the immediate distribution of
134 critical information to the public regarding the missing adult
135 in accordance with the alert.

136 (5) The Purple Alert process must include procedures to
137 monitor the use, activation, and results of alerts and a
138 strategy for informing and educating law enforcement, the media,
139 and other stakeholders concerning the alert.

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

142 Section 3. Paragraphs (c), (d), and (e) of subsection (5)
143 of section 937.021, Florida Statutes, are amended to read:

144 937.021 Missing child and missing adult reports.—

145 (5)

146 (c) Upon receiving a request to record, report, transmit,
147 display, or release Silver Alert or Purple Alert information
148 from the law enforcement agency having jurisdiction over the
149 missing adult, the Department of Law Enforcement as the state
150 Silver Alert and Purple Alert coordinator, any state or local

151 law enforcement agency, and the personnel of these agencies; any
152 radio or television network, broadcaster, or other media
153 representative; any dealer of communications services as defined
154 in s. 202.11; or any agency, employee, individual, or entity is
155 immune from civil liability for damages for complying in good
156 faith with the request and is presumed to have acted in good
157 faith in recording, reporting, transmitting, displaying, or
158 releasing Silver Alert or Purple Alert information pertaining to
159 the missing adult.

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

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

176 employee, individual, or entity receiving the information.

177 Section 4. Paragraph (b) of subsection (3) of section
178 937.022, Florida Statutes, is amended to read:

179 937.022 Missing Endangered Persons Information
180 Clearinghouse.—

181 (3) The clearinghouse shall:

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

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

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

198 3. Only the law enforcement agency having jurisdiction
199 over the case may submit a missing endangered person report to
200 the clearinghouse involving a missing adult age 26 years or

201 older who is suspected by a law enforcement agency of being
202 endangered or the victim of criminal activity.

203 4. Only the law enforcement agency having jurisdiction
204 over the case may make a request to the clearinghouse for the
205 activation of a state Silver Alert or a Purple Alert involving a
206 missing adult if circumstances regarding the disappearance have
207 met the criteria for activation of the Silver Alert Plan or the
208 Purple Alert.

209 Section 5. Paragraph (d) of subsection (6) and subsection
210 (9) of section 429.918, Florida Statutes, are amended to read:

211 429.918 Licensure designation as a specialized Alzheimer's
212 services adult day care center.—

213 (6)

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

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

220 2. Information on the Silver Alert program and the Purple
221 Alert in this state.

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

225 (9) An adult day care center having a license designated

226 | under this section must give to each person who enrolls as an
227 | ADRD participant in the center, or the caregiver, a copy of the
228 | ADRD participant's plan of care, as well as information
229 | regarding resources to assist in ensuring the safety and
230 | security of the ADRD participant, which must include, but need
231 | not be limited to, information pertaining to driving for those
232 | persons affected by dementia, available technology on wandering-
233 | prevention devices and identification devices, the Silver Alert
234 | program and the Purple Alert in this state, and dementia-
235 | specific safety interventions and strategies that can be used in
236 | the home setting.

237 | Section 6. Effective July 1, 2020, for the 2020-2021
238 | fiscal year, the sums of \$152,836 in recurring funds and
239 | \$170,000 in nonrecurring funds are appropriated from the General
240 | Revenue Fund to the Department of Law Enforcement, and three
241 | full-time equivalent positions with an associated salary rate of
242 | 83,779 are authorized, for the purpose of implementing this act.

243 | Section 7. Except as otherwise expressly provided in this
244 | act and except for this section, which shall take effect July 1,
245 | 2020, this act shall take effect July 1, 2021.