

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: HB 937 Purple Alert
SPONSOR(S): Casello and others
TIED BILLS: IDEN./SIM. **BILLS:** CS/SB 640

FINAL HOUSE FLOOR ACTION: 110 Y's 0 N's **GOVERNOR'S ACTION:** Approved

SUMMARY ANALYSIS

HB 937 passed the House on February 28, 2024, and subsequently passed the Senate on March 1, 2024.

Florida's Purple Alert may be used to assist in locating missing adults suffering from a mental or cognitive disability. Under a Purple Alert, a local law enforcement agency may broadcast to the media, on lottery terminals, and to persons who subscribe to receive alert notifications information concerning a missing adult:

- Who has a mental or cognitive disability that is not Alzheimer's disease or a dementia-related disorder; an intellectual disability or developmental disability as defined in s. 393.063, F.S.; a brain injury; another physical, mental, or emotional disability that is not related to substance abuse; or a combination of any of these;
- Whose disappearance indicates a credible threat of immediate danger or serious bodily harm;
- Who cannot be returned to safety without law enforcement intervention; and
- Who does not meet the criteria for activation of a Silver Alert.

The bill amends s. 937.0205, F.S., to create two levels of activation under the Purple Alert: local and statewide. For cases involving an unidentifiable vehicle or a missing adult on foot, the bill limits dissemination of a Purple Alert to local distribution within the area where the person may reasonably be located. The bill requires local law enforcement agencies to develop their own policies for the activation of a local Purple Alert. Under the bill, when activating a local Purple Alert, local law enforcement agencies must:

- Contact media outlets in the affected area and surrounding jurisdictions;
- Inform all on-duty law enforcement officers of the missing adult report; and
- Communicate the report to any other law enforcement agency in the county of jurisdiction.

Under the bill, a law enforcement agency may only request the issuance of a statewide Purple Alert when the investigation indicates that there is an identifiable vehicle involved. In such cases, the Florida Department of Law Enforcement's (FDLE) Missing Endangered Person Information Clearinghouse must coordinate with the Florida Department of Transportation, the Florida Department of Highway Safety and Motor Vehicles, and the Department of the Lottery for the:

- Activation of dynamic message signs on state highways and immediate distribution of critical information to the public about the missing adult;
- Notification on lottery terminals, including, but not limited to, lottery terminals in gas stations, convenience stores, and supermarkets; and
- Notification to subscribers of the Purple Alert.

The bill may have an indeterminate positive fiscal impact on FDLE by limiting the activation of a statewide Purple Alert, and may have an indeterminate, but likely insignificant negative fiscal impact on local law enforcement agencies by requiring them to adopt policies to implement a local Purple Alert.

The bill was approved by the Governor on April 11, 2024, ch. 2024-82, L.O.F., and will become effective on July 1, 2024.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Background

Missing Person Investigations

Every state, county, or municipal law enforcement agency is required to submit information concerning missing endangered persons to the Florida Department of Law Enforcement's (FDLE) Missing Endangered Person Information Clearinghouse (MEPIC).¹ Located in the Enforcement and Investigative Support Bureau as part of the Investigations and Forensic Science Program of FDLE, MEPIC serves as the central repository of information regarding missing endangered persons.² MEPIC acts as a liaison between citizens, private organizations, and law enforcement officials regarding missing endangered persons information.³ Upon receiving information about a missing endangered person, MEPIC disseminates the information to the appropriate local, regional, and statewide agencies in an effort to locate the missing person.⁴ Section 937.0201, F.S., defines a "missing endangered person" to include:

- A missing child;
- A missing adult younger than 26 years of age;
- 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;
- A missing adult who meets the criteria for activation of the Silver Alert;⁵ and
- A missing adult who meets the criteria for activation of the Purple Alert.⁶

Section 937.021, F.S., requires a law enforcement agency that receives a credible report that an adult is missing to transmit the report for inclusion within the Florida Crime Information Center (FCIC), the National Crime Information Center (NCIC), and the National Missing and Unidentified Persons System (NamUs) databases within two hours.⁷ A law enforcement agency that receives a report that a child is missing must immediately inform all on-duty law enforcement officers of the missing child report, communicate the report to every other law enforcement agency within the affected jurisdiction, and transmit the report to the FCIC, NCIC, and the NamUs database within two hours.⁸

¹ S. 937.022(3)(b)1., F.S.

² S. 937.022(1), F.S.

³ Florida Department of Law Enforcement: Missing Endangered Persons Information Clearinghouse, *About Us*, <https://www.fdle.state.fl.us/MCICSearch/AboutUs.asp> (last visited Jan. 20, 2024).

⁴ *Id.*

⁵ S. 937.0201(4)(d), F.S. The Silver Alert may be used to locate a person who is 60 years of age or older and suffers from an irreversible deterioration of intellectual faculties (e.g. Alzheimer's disease or dementia). In rare instances, a Silver Alert may also be activated when a person is 18 to 59 years old, has an irreversible deterioration of intellectual faculties, law enforcement has determined the individual lacks the capacity to consent, and the use of dynamic message signs along major highways may be the only means to rescue the missing person. Florida Department of Law Enforcement, *Silver Activation Steps*, <https://www.fdle.state.fl.us/Silver-Alert-Plan/Activation-Steps> (last visited Jan. 20, 2024).

⁶ S. 937.0201(4), F.S.

⁷ S. 937.021(4)(b), F.S. The FCIC consists of online databases that provide criminal justice agencies in Florida with information on wanted persons, missing persons, stolen vehicles and license plates, stolen guns and other personal property, and complete criminal records. It serves as Florida's point of contact with the NCIC in Washington, D.C., which provides information on wanted and missing persons, stolen property, and an index of criminal offenders nationwide. NamUs is a national centralized repository and resource center for missing, unidentified, and unclaimed person cases across the United States. Florida Department of Law Enforcement, *1989 Florida Directory of Automated Criminal Justice Information Systems*, <https://www.ojp.gov/pdffiles1/Digitization/116893NCJRS.pdf> (last visited Jan. 20, 2024); National Missing and Unidentified Persons System, *What is NamUs?*, <https://namus.nij.ojp.gov/> (last visited Jan. 20, 2024).

⁸ S. 937.021(4)(a), F.S.

Purple Alert

Section 937.0205, F.S., establishes Florida's Purple Alert, which may be used to assist in locating missing adults suffering from a mental or cognitive disability.⁹ FDLE, the Florida Department of Transportation (FDOT), the Florida Department of Highway Safety and Motor Vehicles (FLHSMV), the Florida Department of the Lottery, and local law enforcement agencies implement the Purple Alert.¹⁰

Under a Purple Alert, a local law enforcement agency may broadcast to the media, on lottery terminals within the geographic regions where the missing adult may reasonably be located, and to persons who subscribe to receive alert notifications information concerning a missing adult:

- Who has a mental or cognitive disability that is not Alzheimer's disease or a dementia-related disorder; an intellectual disability or developmental disability as defined in s. 393.063, F.S.;¹¹ a brain injury; another physical, mental, or emotional disability that is not related to substance abuse; or a combination of any of these;
- Whose disappearance indicates a credible threat of immediate danger or serious bodily harm;
- Who cannot be returned to safety without law enforcement intervention; and
- Who does not meet the criteria for activation of a Silver Alert.¹²

The local law enforcement agency having jurisdiction may also request that a case be opened with FDLE's MEPIC.¹³ If the law enforcement investigation determines that the missing person is in an identifiable vehicle, MEPIC must coordinate with FDOT and FLHSMV for the activation of message signs on state highways and for the immediate distribution of critical information to the public regarding the missing adult in accordance with the alert.¹⁴ If a Purple Alert is activated and the person is missing in an identified vehicle, FDOT road signs will be activated and remain active for a maximum of six hours displaying information relevant to the missing person.¹⁵

The local law enforcement agency to which the missing adult is reported determines whether the case meets the criteria to activate a Purple Alert.¹⁶ Currently, a Purple Alert is activated only when there is sufficient descriptive information about the missing adult and the circumstances surrounding his or her disappearance indicate that activation of the Purple Alert is likely to help locate the missing adult.¹⁷ The dissemination of a Purple Alert and related information is limited to the geographic area where the missing adult could reasonably be located.¹⁸ The local law enforcement agency determines the status of the Purple Alert, but the Purple Alert generally stays active until the missing person is recovered.¹⁹

Since the Purple Alert began July 1, 2022, and as of November 30, 2023, 331 Purple Alerts have been issued.²⁰ Of those, 100 (30 percent) involved persons who went missing in a vehicle, and 231 (70 percent) involved persons who went missing on foot.²¹ Although s. 937.0205, F.S., appears to authorize

⁹ Florida Department of Law Enforcement, *Florida's Purple Alert Plan*, <https://www.fdle.state.fl.us/PurpleAlerts/Purple-Alert-Plan.aspx#:~:text=The%20Florida%20Purple%20Alert%20is,or%20emotional%20disabilities%20that%20are> (last visited Jan. 20, 2024); s. 937.0205(4)(a)1., F.S.; s. 937.0205(4)(a)2., F.S.

¹⁰ S. 937.0205(3), F.S.

¹¹ Section 393.063(11), F.S., defines a developmental disability as a disorder or syndrome attributable to intellectual disability, cerebral palsy, autism, spina bifida, Down syndrome, Phelan-McDermid syndrome, or Prader-Willi syndrome that manifests before the age of 18 and is reasonably expected to continue indefinitely. Section 393.063(23), F.S., defines an intellectual disability as significantly subaverage general intellectual functioning that exists concurrently with deficits in adaptive behavior, manifests before the age of 18, and can be reasonably expected to continue indefinitely.

¹² S. 937.0205(4)(a), F.S.

¹³ S. 937.0205(4)(c), F.S.

¹⁴ *Id.*

¹⁵ Florida Department of Law Enforcement, *Purple Alert Frequently Asked Questions*, <https://www.fdle.state.fl.us/PurpleAlerts/Frequently-Asked-Questions#how> (last visited Jan. 20, 2024).

¹⁶ *Id.*

¹⁷ S. 937.0205(3)(d), F.S.

¹⁸ S. 937.0205(3)(c), F.S.

¹⁹ Florida Department of Law Enforcement, *supra* note 15.

²⁰ Florida Department of Law Enforcement, *2024 Florida Department of Law Enforcement Legislative Bill Analysis HB 937*, December 19, 2023 (on file with the House Criminal Justice Subcommittee).

²¹ *Id.*

local law enforcement agencies to issue their own Purple Alerts, all Purple Alerts are currently processed and issued by FDLE, regardless of whether a person is missing on foot or in an identifiable vehicle.²² Under s. 937.0205(4)(b), F.S., local law enforcement agencies must notify subscribers to the Purple Alert of a missing person in their jurisdictions and may request the activation of lottery terminals and message signs on state highways to assist in locating a missing person. To receive a list of subscribers to the Purple Alert and to activate the lottery terminals and message signs on state highways, local law enforcement agencies must contact FDLE.²³ However, FDLE may only activate lottery terminals and message signs on state highways for a Purple Alert if an identifiable vehicle is involved.²⁴ In a case where a person is missing and an identifiable vehicle is not involved, FDLE may issue a “Be on the Lookout” (BOLO) message statewide.²⁵

According to FDLE, when a person is missing on foot, public safety may be better served if the agency of jurisdiction develops and follows its own policies and issues a local Purple Alert. Increasing the number and frequency of alerts issued statewide for those not in a vehicle may likely have a desensitizing effect on the public and significantly decrease the effectiveness and gravity of the Purple Alert.

Effect of the Bill

The bill amends s. 937.0205, F.S., to create two levels of activation under the Purple Alert: local and statewide. The bill clarifies that any Purple Alert involving a person who is missing on foot or in an unidentifiable vehicle must be processed and issued through policies developed by the local law enforcement agency of jurisdiction, rather than by FDLE.

For cases involving an unidentifiable vehicle or a missing adult on foot, the bill limits dissemination of a Purple Alert to local distribution to the area where the person may reasonably be located. The bill requires local law enforcement agencies to develop their own policies for the activation of a local Purple Alert that meets the requirements set forth in s. 937.021, F.S. Under the bill, when activating a local Purple Alert, local law enforcement agencies must:

- Contact media outlets in the affected area and surrounding jurisdictions;
- Inform all on-duty law enforcement officers of the missing adult report; and
- Communicate the report to any other law enforcement agency in the county of jurisdiction.

Under the bill, a law enforcement agency may only request the issuance of a statewide Purple Alert from FDLE’s MEPIC when the investigation indicates that there is a motor vehicle with an identified license plate or other vehicle information involved. In such cases, the clearinghouse must coordinate with FDOT, FLHSMV, and the Department of the Lottery for the:

- Activation of dynamic message signs on state highways and immediate distribution of critical information to the public about the missing adult;
- Notification on lottery terminals, including, but not limited to, lottery terminals in gas stations, convenience stores, and supermarkets; and
- Notification to subscribers of the Purple Alert.

The bill authorizes the local law enforcement agency having jurisdiction of the missing adult case to request MEPIC to open a case if the agency determines either a local or statewide Purple Alert is necessary and appropriate. Additionally, the bill limits the current requirements for the Purple Alert process to include procedures to monitor the use, activation, and results of alerts and to develop information and education strategies to the statewide Purple Alert.

The effective date of the bill is July 1, 2024.

²² Email from Bobbie Smith, Director of Legislative Affairs, Florida Department of Law Enforcement, Re: Purple Alert (Jan. 16, 2024) (on file with the House Criminal Justice Subcommittee).

²³ *Id.*; S. 937.0205(4)(a-b), F.S.

²⁴ S. 937.0205(4)(b), F.S.

²⁵ Email from Bobbie Smith, *supra* note 22.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill may have an indeterminate positive impact on state expenditures associated with workload. See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

The bill may have an indeterminate, but likely insignificant, impact on local government expenditures associated with workload. See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

By limiting the activation of a statewide Purple Alert to when an identifiable vehicle is involved, the bill may reduce FDLE workload and expenditures related to managing Purple Alerts. To the extent that the Purple Alert is a relatively new alert, and the majority of alerts to date have not involved vehicles, any potential cost savings are indeterminate.

The bill may also increase workload and expenditures for local law enforcement agencies by requiring such agencies to adopt policies to implement a local Purple Alert if an identified vehicle is not involved. To the extent that the bill still allows local law enforcement agencies to request a statewide alert, and that essential functions of local alerts are already utilized by local agencies under current law, any such impacts are indeterminate.