

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 1156

INTRODUCER: Appropriations Committee; (Recommend by Appropriations Subcommittee on Higher Education) and Senator Perry

SUBJECT: Missing Persons with Special Needs

DATE: March 1, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Olenick</u>	<u>Graf</u>	<u>ED</u>	Favorable
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AHE</u>	Recommend: Fav/CS
3.	<u>Sikes</u>	<u>Hansen</u>	<u>AP</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1156 expands “Project Leo” statewide to all Centers for Autism and Related Disabilities (CARD) to aid search-and-rescue efforts for persons with special needs in case of elopement. Additionally, the bill:

- Makes each CARD program responsible for developing eligibility criteria for the selection of participants based on the specific needs of that program’s service area counties.
- Removes obsolete reporting requirements related to program implementation and operation.
- Extends the project from June 30, 2018, to June 30, 2019.

The bill removes the scheduled repeal of the citizen support organization for Florida Missing Children’s Day.

The bill does not affect state revenues or expenditures. SB 2500, the Senate General Appropriations Bill for Fiscal Year 2018-2019, provides \$9.4 million to the CARD programs statewide. By law, the project operates at each CARD program to the extent that funding is available within that program’s existing resources.

The bill takes effect July 1, 2018.

II. Present Situation:

The Legislature has established supports to aid search-and-rescue efforts for persons with special needs.

Citizen Support Organizations

The Florida Department of Law Enforcement (FDLE) may establish a citizen support organization to provide assistance, funding, and promotional support for activities authorized for Florida Missing Children's Day.¹ A citizen support organization means an organization that is:²

- A Florida not-for-profit corporation incorporated under chapter 617 and approved by the Department of State;
- Organized and operated to conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, either real or personal; and make expenditures to or for the direct or indirect benefit of the department in furtherance of Florida Missing Children's Day;

The Florida Missing Children's Day Foundation (FMCDF) is the citizen support organization for Florida Missing Children's Day. FMCDF was formed in 2010 and is committed to financially supporting FDLE to ensure that Florida annually honors and recognizes victims, families, and first responders on Florida Missing Children's Day.³

The citizen support organization is scheduled to be repealed on October 1, 2018, unless reviewed and saved from repeal by the Legislature.⁴

Project Leo

In 2016, the Legislature created the "Project Leo" pilot project to provide personal devices to aid search-and-rescue efforts for persons with special needs in the case of elopement.⁵

Elopement, which means leaving an area without supervision or caregiver permission, is prevalent among persons with certain special needs and may expose them to dangerous situations.⁶ Individuals with Alzheimer's disease or autism are two populations at higher risk to elope.⁷

¹ Section 683.231, F.S. The second Monday in September of each year is designated as "Florida Missing Children's Day" in remembrance of Florida's past and present missing children and in recognition of the state's continued efforts to protect the safety of children through prevention, education, and community involvement. Section 683.23, F.S.

² Section 683.231(2)(a) and (b), F.S.

³ Florida Missing Children's Day Foundation, *2017 Annual Report*, available at <http://www.fmcdf.org/forms/2017-Annual-Report-Website.pdf>.

⁴ Section 683.231(8), F.S.

⁵ Chapter 2016-186, L.O.F.

⁶ AWAARE collaboration, *Autism & Wandering*, <http://awaare.nationalautismassociation.org/autism-wandering/> (last visited Jan. 18, 2018).

⁷ AWAARE collaboration, *Autism & Wandering*, <http://awaare.nationalautismassociation.org/autism-wandering/> (last visited Jan. 18, 2018).

The pilot is a collaboration between each Center for Autism and Related Disabilities (CARD)⁸ at the University of Florida (UF)⁹, Florida Atlantic University (FAU)¹⁰, and the University of South Florida (USF).¹¹ Each pilot project provides personal devices to aid in search-and-rescue efforts for person with special needs in cases of elopement in their respective areas.¹² Participants are selected based on criteria developed by the three participating universities and must, at a minimum, consider the individual's risk of elopement.¹³ For instance, both CARD UF and CARD USF require that the individual:¹⁴

- Reside in a county served by the university's CARD;
- Have documentation of a diagnosis of autism spectrum disorder or related disability;
- Be at risk of wandering; and
- Be under constant supervision and monitoring of a responsible adult, who can prevent wandering and can contact 911 in the event the individual is missing.

The number of participants is determined based on available funding within each center's existing resources, and participation in the project is voluntary and free of charge.¹⁵ Participants are provided with a personal device to aid in search-and-rescue efforts which is attachable to clothing or otherwise wearable.¹⁶ The respective county sheriff's offices distribute the devices to the project participants.¹⁷ CARD UF, CARD FAU, and CARD USF are tasked with funding any costs associated with monitoring the devices.¹⁸

Additionally, Project Leo requires CARD UF, CARD FAU, and CARD USF to submit a preliminary report by December 1, 2016, and final report by December 15, 2017, to the Governor, the Speaker of the House of Representatives, and the President of the Senate.¹⁹ Both reports are required to include:²⁰

- The criteria used to select the participants;

⁸ There are seven non-residential CARD centers across the state. The Center for Autism and Related Disabilities (CARD) works with families, caregivers, and professionals to optimize the potential of people with autism and related disabilities. CARD serves children and adults of all levels of intellectual functioning who have autism, autistic-like disabilities, pervasive developmental disorder, dual sensory impairments (deaf-blindness), or a vision or hearing loss with another disabling condition. University of Florida, Center for Autism Related Disabilities, *About CARD FAQ*, <http://card.ufl.edu/about-card/faq/> (last visited Jan. 18, 2018).

⁹ The Center for Autism and Related Disabilities at the University of Florida (CARD UF) serves fourteen counties in North Central Florida. The counties served by CARD UF are Alachua, Bradford, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Levy, Marion, Putnam, Suwannee, and Union. Section 1004.55(1)(b), F.S.

¹⁰ The counties served by CARD at Florida Atlantic University (CARD FAU) are Indian River, Martin, Okeechobee, Palm Beach, and St. Lucie. Section 1004.55(1)(g), F.S.

¹¹ The counties served by CARD at the University of South Florida (CARD USF) are Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Hillsborough, Lee, Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. Section 1004.55(1)(d), F.S.

¹² Section 937.041, F.S.

¹³ *Id.* at (1)(b).

¹⁴ University of Florida, *Project Leo FAQs*, <http://card.ufl.edu/project-leo-faqs/> (last visited January 19, 2018), and University of South Florida, *Project Leo brochure*, available at http://cfs.cbcs.usf.edu/docs/news/CARD_SafetyNet_Brochure.pdf.

¹⁵ Section 937.041(2), F.S.

¹⁶ *Id.* at (3).

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Section 937.041(4), F.S.

²⁰ *Id.*

- The number of participants;
- The nature of the participants special needs;
- The number of participants who elope;
- The amount of time taken to rescue a participant following elopement; and
- The outcome of any rescue attempts.

The final report must include recommendations for modification or continued implementation of the program.²¹

Each of the three CARD programs received nonrecurring appropriation of \$100,000 when the project was implemented in 2016.²² The project's continued operation is subject to available funding within the existing resources of CARD UF, CARD FAU, and CARD USF.²³

The project expires on June 30, 2018.²⁴

III. Effect of Proposed Changes:

Section 1 amends s. 683.231, F.S., to remove the scheduled repeal of the citizen support organization for Florida Missing Children's Day.

Section 2 amends s. 937.041, F.S., to expand "Project Leo" statewide to all Centers for Autism and Related Disabilities (CARD) to aid search-and-rescue efforts for persons with special needs in case of elopement. This expansion adds the CARD programs at Florida State University (FSU), the University of Central Florida (UCF), and the University of Miami to the project. Additionally, the bill:

- Makes each CARD program responsible for developing eligibility criteria for the selection of participants based on the specific needs of that program's service area counties.
- Removes obsolete reporting requirements related to program implementation and operation.
- Extends the project from June 30, 2018, to June 30, 2019.

Section 2 may expand access to supports for search-and-rescue efforts for individuals with special needs, as more CARD programs throughout state may be able to take advantage of the program.

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

²¹ Section 937.041(4), F.S.

²² Section 2, ch. 2016-186, L.O.F.

²³ Section 937.041(5), F.S.

²⁴ *Id.* at (6).

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill does not affect state revenues and no additional impact on state expenditures. SB 2500, the Senate General Appropriations Bill for Fiscal Year 2018-2019, provides \$9.4 million to the CARD programs statewide. By law, the project operates at each CARD program to the extent that funding is available within that program's existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 683.231 and 937.014.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Appropriations on February 27, 2018:**

The committee substitute

- Expands “Project Leo” to all CARD programs statewide and makes each CARD program responsible for developing eligibility criteria for the selection of participants based on the specific needs of that program's service area counties.

- Repeals the statutory sunset date for the citizen support organization for Florida Missing Children's Day by deleting the repeal date in the authorizing statute.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
