

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/CS/CS/HB 11 Missing Persons with Special Needs

**SPONSOR(S):** Judiciary Committee; Education Appropriations Subcommittee; Criminal Justice Subcommittee; Porter and others

**TIED BILLS:** None **IDEN./SIM. BILLS:** CS/SB 230

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	12 Y, 0 N, As CS	Cox	White
2) Education Appropriations Subcommittee	13 Y, 0 N, As CS	deNagy	Heflin
3) Judiciary Committee	16 Y, 0 N, As CS	Cox	Havlicak
4) Appropriations Committee		deNagy	Leznoff

### SUMMARY ANALYSIS

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. Individuals with Alzheimer's disease or autism are two populations at higher risk to elope.

There are a number of personal devices on the market which aid in search-and-rescue of individuals who elope.

The bill creates the "Project Leo" pilot projects, with the first pilot project serving Alachua, Baker, Columbia, Hamilton, and Suwanee Counties and the second pilot project serving Broward and Palm Beach Counties. Each pilot project must provide personal devices to aid in search-and-rescue efforts for persons with special needs in cases of elopement.

The first project will be developed and administered by the Center for Autism and Related Disabilities at the University of Florida (CARD UF) and the second project to be developed and administered by CARD at the Florida Atlantic University (CARD FAU). The bill directs CARD UF and CARD FAU to select participants on a first-come, first-serve basis to receive a personal device to aid in search-and-rescue efforts. Participants will be selected based on criteria developed by CARD UF or CARD FAU. Each center's criteria must, at a minimum, consider the individual's risk of elopement. The number of participants shall be determined based on available funding within the each center's existing resources. The respective county sheriff's offices will distribute these devices to the project participants.

The bill requires CARD UF and CARD FAU to submit preliminary and final reports to the Governor, the Speaker of the House of Representatives, and the President of the Senate. The final reports must include recommendations for modifications or continued implementation of the program.

The bill provides that the act is subject to available funding within the center's existing resources and expires on June 30, 2018. The bill provides a total appropriation of \$200,000 in nonrecurring general revenue funds for the 2016-2017 Fiscal Year to purchase personal devices to aid search-and-rescue efforts. The bill provides that \$100,000 is appropriated to CARD UF and \$100,000 is appropriated to CARD FAU. See fiscal section.

The bill is effective on July 1, 2016.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Elopement of Individuals with Special Needs**

Elopement, which means leaving an area without supervision or caregiver permission, is prevalent among persons with certain special needs and may expose a person to dangerous situations.<sup>1</sup> Wandering and elopement are concerns in particular with children and adults with autism and seniors with Alzheimer's.<sup>2</sup>

##### *Elopement and Wandering of Individuals with Autism*

There are various reasons someone with autism may wander; more often than not, he or she will wander to something of interest (especially bodies of water) or away from something that is bothersome (such as uncomfortable noise or bright lights).<sup>3</sup> Children and adults with autism wander from all types of settings, such as educational, therapeutic, residential, camp programs, outdoor, public places, and home settings.<sup>4</sup>

Approximately half of children with autism have a tendency to wander or elope.<sup>5</sup> Families report that about half of the children who have a tendency to wander have gone missing long enough to cause serious concern. A substantial portion of those children who wander are at risk for bodily harm.<sup>6</sup> Of those children who went missing, 24% were in danger of drowning and 65% were in danger of a traffic injury.<sup>7</sup>

##### *Elopement and Wandering of Individuals with Alzheimer's Disease*

Wandering and elopement can also be dangerous for individuals with Alzheimer's disease and other forms of dementia, as the individual may become disoriented, even in familiar places and may not remember his or her name or address to assist rescuers. An individual with Alzheimer's disease who wanders or elopes is most often looking for someone or something familiar, escaping a source of stress or anxiety, or may be reliving the past.<sup>8</sup>

Statistics indicate that in the U.S., more than 34,000 individuals with Alzheimer's disease wander out of their homes or care facilities each year.<sup>9</sup> Six in ten people with some form of dementia will wander or elope;<sup>10</sup> additionally, it is estimated that 11-24% of institutionalized dementia patients wander.<sup>11</sup>

#### **Personal Devices for Individuals with Special Needs**

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<sup>1</sup> Russell Lang, et al., *Treatment of elopement in individuals with developmental disabilities: A systematic review*, RESEARCH IN DEVELOPMENTAL DISABILITIES 30 (2009) 670–681, [http://scholar.google.com/scholar\\_url?url=http://www.researchgate.net/profile/Christina\\_Fragale/publication/23716164\\_Treatment\\_of\\_elopement\\_in\\_individuals\\_with\\_developmental\\_disabilities\\_a\\_systematic\\_review/links/53e3f99e0cf21cc29fc75814.pdf&hl=en&sa=X&scisig=AAGBfm33xL1MHakTS87tq\\_NEgw\\_oFixP4w&nossl=1&oi=scholar](http://scholar.google.com/scholar_url?url=http://www.researchgate.net/profile/Christina_Fragale/publication/23716164_Treatment_of_elopement_in_individuals_with_developmental_disabilities_a_systematic_review/links/53e3f99e0cf21cc29fc75814.pdf&hl=en&sa=X&scisig=AAGBfm33xL1MHakTS87tq_NEgw_oFixP4w&nossl=1&oi=scholar) (last visited October 15, 2015).

<sup>2</sup> *Autism & Wandering*, AWAARE COLLABORATION, <http://awaare.nationalautismassociation.org/autism-wandering/> (last visited October 15, 2015).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> Michelle Diamant, *Autism Wandering Poses "Critical Safety Issue," Survey Suggests*, DISABILITY SCOOP, (April 21, 2011), <http://www.disabilityscoop.com/2011/04/21/autism-wandering-survey/12953/> (last visited October 15, 2015).

<sup>6</sup> Connie Anderston, et al., *Occurrence and Family Impact of Elopement in Children With Autism Spectrum Disorders*, PEDIATRICS, (October 8, 2012), available at <http://pediatrics.aappublications.org/content/early/2012/10/02/peds.2012-0762.full.pdf+html> (last visited October 15, 2015).

<sup>7</sup> *Id.*

<sup>8</sup> *Alzheimer's: Understand and control wandering*, MAYO CLINIC, <http://www.mayoclinic.org/healthy-living/caregivers/in-depth/alzheimers/art-20046222> (last visited October 15, 2015).

<sup>9</sup> *Wandering and Elopement Resources*, NATIONAL COUNCIL OF CERTIFIED DEMENTIA PRACTITIONERS, <http://www.nccdp.org/wandering.htm> (last visited October 15, 2015).

<sup>10</sup> *Wandering and Getting Lost*, ALZHEIMER'S ASSOCIATION, <http://www.alz.org/care/alzheimers-dementia-wandering.asp> (last visited October 15, 2015).

<sup>11</sup> *Supra*, note 9.

Anti-wandering and global-positioning system (GPS)<sup>12</sup> tracking devices can be worn as a bracelet, attached to an individual's shoe or belt loop, or sewn into clothing. If an individual goes missing, a caregiver can utilize products and services from the monitoring company for the device to pinpoint the wearer's location. There are a number of anti-wandering and GPS tracking devices on the market that are specially designed to aid in search-and-rescue efforts for individuals with special needs who are prone to wander. Two examples are the Protect and Locate (PAL) tracking system through Project Lifesaver and the Amber Alert GPS.

The PAL is a tracking device that is worn as a watch by the individual at risk of wandering and has a companion portable receiver that notifies the caregiver of a wandering event. Through the use of cell ID location and GPS technologies, it provides the location of a wearer accurate to nine feet.<sup>13</sup> If an individual wearing a PAL device wanders outside of a set perimeter, the caregiver's receiver will receive an alert and the caregiver will receive email and text alerts with the date and location of the wandering event.<sup>14</sup> Additionally, a caregiver can press the "find" button on his or her receiver to have the location of the individual and the address displayed on the portable receiver. If the individual wearing the PAL watch/transmitter is lost, he or she can push the panic button on the PAL watch to have the current address shown on the caregiver's portable receiver.<sup>15</sup> The PAL tracking system costs \$249.99 per unit and requires a monitoring/service plan of \$29.95 per month.<sup>16</sup>

The Amber Alert GPS is a small disk that can be put in an individual's purse or backpack or, with the purchase of an accessory, can be attached to the individual. The Amber Alert GPS syncs with an online tracking portal and mobile application for iPhone, Blackberry, and Droid cellular phones to provide the real-time location of the wearer.<sup>17</sup> It allows the caregiver to designate up to 20 "safe zones" and receive an alert each time a wearer leaves one of the designated safe zones.<sup>18</sup> It also has a two-way voice feature to allow the caregiver and wearer to talk to each other through the device and an SOS button that the wearer can push in the event of an emergency to notify the caregiver and up to ten additional individuals.<sup>19</sup> Amber Alert GPS costs \$179 per unit and requires a monitoring/service plan of \$10-42 per month.<sup>20</sup>

### **Center for Autism and Related Disabilities**

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.<sup>21</sup> 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.<sup>22</sup>

There are seven non-residential CARD centers across the state. The Center for Autism and Related Disabilities at the University of Florida (CARD UF) serves fourteen counties in North Central Florida.<sup>23</sup> The counties served by CARD UF are Alachua, Bradford, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Levy, Marion, Putnam, Suwannee, and Union.<sup>24</sup>

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<sup>12</sup> GPS is a network of computers and earth-orbiting satellites that allows an earth-bound receiver to determine its precise location. BLACK'S LAW DICTIONARY (10th ed. 2014).

<sup>13</sup> PAL Info, PROJECT LIFESAVER, <http://www.projectlifesaver.org/Pal-info/> (last visited October 15, 2015).

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> 10 Resources And Devices For Wandering Children With Autism, FRIENDSHIP CIRCLE BLOG, (June 1, 2011; updated 2014) <http://www.friendshipcircle.org/blog/2011/06/01/10-resources-for-wandering-children-with-autism/> (last visited October 15, 2015).

<sup>17</sup> Amber Alert GPS Smart Locator, AMBER ALERT GPS, <https://www.amberalertgps.com/products> (last visited October 15, 2015).

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Supra*, note 16.

<sup>21</sup> CENTER FOR AUTISM AND RELATED DISABILITIES UNIVERSITY OF FLORIDA, *About CARD FAQ*, <http://card.ufl.edu/about-card/faq/> (last visited October 15, 2015).

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> CENTER FOR AUTISM AND RELATED DISABILITIES UNIVERSITY OF FLORIDA, *About CARD*, <http://card.ufl.edu/about-card/> (last visited February 10, 2016).

The counties served by CARD at the Florida Atlantic University (CARD FAU) are Indian River, Martin, Okeechobee, Palm Beach and St. Lucie.<sup>25</sup>

Broward County is currently served by CARD at the University of Miami.

#### Effect of the Bill

The bill creates the “Project Leo” pilot projects, with the first pilot project serving Alachua, Baker, Columbia, Hamilton, and Suwanee Counties and the second pilot project serving Broward and Palm Beach Counties. Each pilot project must provide personal devices to aid in search-and-rescue efforts for persons with special needs in cases of elopement. The bill does not define the term “special needs.”

The first project will be developed and administered by the Center for Autism and Related Disabilities at the University of Florida (CARD UF) and the second project to be developed and administered by CARD at the Florida Atlantic University (CARD FAU). The bill directs CARD UF and CARD FAU to select participants on a first-come, first-serve basis to receive a personal device to aid in search-and-rescue efforts. Participants will be selected based on criteria developed by CARD UF or CARD FAU. Each center’s criteria must, at a minimum, consider the individual’s risk of elopement. The number of participants shall be determined based on available funding within the each center’s existing resources.

Participation in the project is voluntary. Participants will be provided a personal device to aid in search-and-rescue efforts which is attachable to clothing or otherwise wearable. The respective county sheriff’s offices will distribute these devices to the project participants. CARD UF and CARD FAU will fund any cost associated with the monitoring of the devices.

The bill requires CARD UF and CARD FAU to submit preliminary and final reports to the Governor, the Speaker of the House of Representatives, and the President of the Senate. Both reports must include:

- The criteria used to select the participants;
- The number of participants;
- The age of the 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.

Additionally, the final report must include recommendations for modifications or continued implementation of the program.

The bill provides that the “Project Leo” is subject to available funding within CARD UF’s and CARD FAU’s existing resources and expires on June 30, 2018. However, the bill also provides a total appropriation of \$200,000 in nonrecurring general revenue funds for the 2016-2017 Fiscal Year to purchase personal devices to aid search-and-rescue efforts. The bill provides that \$100,000 is appropriated to CARD UF and \$100,000 is appropriated to CARD FAU.

#### **B. SECTION DIRECTORY:**

Section 1. Creates s. 937.041, F.S., relating to missing persons with special needs pilot program.

Section 2. Provides an appropriation.

Section 3. Provides an effective date of July 1, 2016.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

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<sup>25</sup> CENTER FOR AUTISM AND RELATED DISABILITIES FLORIDA ATLANTIC UNIVERSITY, *About FAU Card*, <http://www.coe.fau.edu/centersandprograms/card/aboutcard.php> (last visited February 10, 2016).

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

**1. Revenues:**

The bill does not appear to have any impact on state revenues.

**2. Expenditures:**

The bill is subject to available funding within the existing resources of the CARD UF and CARD FAU.

The bill provides a total appropriation of \$200,000 in nonrecurring general revenue funds for the 2016-2017 Fiscal Year to purchase personal devices to aid search-and-rescue efforts. The bill provides that \$100,000 is appropriated to CARD UF and \$100,000 is appropriated to CARD FAU.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

**1. Revenues:**

The bill does not appear to have any impact on local government revenues.

**2. Expenditures:**

The bill does not appear to have any impact on local government expenditures.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

**1. Applicability of Municipality/County Mandates Provision:**

The bill does not appear to require counties and municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

**2. Other:**

None.

**B. RULE-MAKING AUTHORITY:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

The bill provides that the second pilot project that serves Broward and Palm Beach Counties must be established and maintained by CARD FAU, however, CARD FAU does not currently serve Broward County.

#### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On November 17, 2015, the Criminal Justice Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment adds Alachua County to the list of counties served by the pilot project.

On January 28, 2016, the Education Appropriations Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment clarified that the appropriation of \$100,000 in general revenue is nonrecurring and that it is specifically for the purchase of personal devices to aid search and rescue efforts.

On February 10, 2016, the Judiciary Committee adopted one strike-all amendment and reported the bill favorably as a committee substitute. The strike-all amendment:

- Establishes a second pilot project for Broward and Palm Beach Counties to be created and maintained by CARD FAU;
- Provides an additional \$100,000 appropriation to CARD FAU for implementing the project.

This bill analysis is drafted to the committee substitute as passed by the Judiciary Committee.