

1 A bill to be entitled

2 An act relating to missing persons with special needs;
3 amending s. 937.0201, F.S.; revising the definition of
4 the term "missing endangered person" to include
5 certain persons with special needs; amending s.
6 937.021, F.S.; providing immunity from civil liability
7 for certain persons who comply with a request to
8 release information concerning missing persons with
9 special needs to appropriate agencies; providing a
10 presumption that a person recording, reporting,
11 transmitting, displaying, or releasing such
12 information acted in good faith; amending s. 937.022,
13 F.S.; specifying who may submit a report concerning a
14 missing person with special needs; creating s.
15 937.035, F.S.; requiring the Department of Law
16 Enforcement, contingent on funding, to provide
17 electronic monitoring devices to certain persons with
18 autism spectrum disorder; requiring the Agency for
19 Persons with Disabilities to make an annual report
20 concerning such individuals to the department;
21 requiring the Department of Children and Families,
22 contingent on funding, to provide electronic
23 monitoring devices to certain persons with dementia;
24 creating s. 943.17297, F.S.; requiring the Criminal
25 Justice Standards and Training Commission to
26 incorporate the retrieval of missing persons with

27 special needs into the curriculum required for law
 28 enforcement officers; providing an effective date.

29

30 Be It Enacted by the Legislature of the State of Florida:

31

32 Section 1. Paragraphs (c) and (d) of subsection (4) of
 33 section 937.0201, Florida Statutes, are amended, and paragraph
 34 (e) is added to that subsection, to read:

35 937.0201 Definitions.—As used in this chapter, the term:

36 (4) "Missing endangered person" means:

37 (c) A missing adult 26 years of age or older who is
 38 suspected by a law enforcement agency of being endangered or the
 39 victim of criminal activity; ~~or~~

40 (d) A missing adult who meets the criteria for activation
 41 of the Silver Alert Plan of the Department of Law Enforcement;
 42 or

43 (e) A missing person with special needs who is at risk of
 44 becoming lost or is prone to wander due to autism spectrum
 45 disorder, a developmental disability, or any other disease or
 46 condition.

47 Section 2. Paragraphs (d) and (e) of subsection (5) of
 48 section 937.021, Florida Statutes, are amended, and a new
 49 paragraph (d) is added to that subsection, to read:

50 937.021 Missing child and missing adult reports.—

51 (5)

52 (d) Upon receiving a request to record, report, transmit,

53 display, or release information about a missing person with
 54 special needs, as described in s. 937.0201(4)(e), from the law
 55 enforcement agency having jurisdiction over the missing person,
 56 the Department of Law Enforcement, any state or local law
 57 enforcement agency, and the personnel of these agencies; any
 58 radio or television network, broadcaster, or other media
 59 representative; any dealer of communications services as defined
 60 in s. 202.11; or any agency, employee, individual, or entity is
 61 immune from civil liability for damages for complying in good
 62 faith with the request and is presumed to have acted in good
 63 faith in recording, reporting, transmitting, displaying, or
 64 releasing information pertaining to the missing person with
 65 special needs.

66 (e)~~(d)~~ The presumption of good faith is not overcome if a
 67 technical or clerical error is made by any agency, employee,
 68 individual, or entity acting at the request of the local law
 69 enforcement agency having jurisdiction, or if the information
 70 regarding an Amber Alert, Missing Child Alert, Silver Alert,
 71 missing child information, missing adult information, or missing
 72 person with special needs ~~Silver Alert information~~ is incomplete
 73 or incorrect because the information received from the local law
 74 enforcement agency was incomplete or incorrect.

75 (f)~~(e)~~ Neither this subsection nor any other provision of
 76 law creates a duty of the agency, employee, individual, or
 77 entity to record, report, transmit, display, or release the
 78 information regarding an Amber Alert, Missing Child Alert,

79 Silver Alert, missing child ~~information~~, missing adult
 80 ~~information~~, or missing person with special needs Silver Alert
 81 ~~information~~ received from the local law enforcement agency
 82 having jurisdiction. The decision to record, report, transmit,
 83 display, or release information is discretionary with the
 84 agency, employee, individual, or entity receiving the
 85 information.

86 Section 3. Paragraph (b) of subsection (3) of section
 87 937.022, Florida Statutes, is amended to read:

88 937.022 Missing Endangered Persons Information
 89 Clearinghouse.—

90 (3) The clearinghouse shall:

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

93 1. Every state, county, or municipal law enforcement
 94 agency shall submit to the clearinghouse information concerning
 95 missing endangered persons.

96 2. Any person having knowledge may submit a missing
 97 endangered person report to the clearinghouse concerning a
 98 child, an ~~or~~ adult younger than 26 years of age, or a person
 99 with special needs, as described in s. 937.0201(4)(e), whose
 100 whereabouts are ~~is~~ unknown, regardless of the circumstances,
 101 subsequent to reporting such child, ~~or~~ adult, or person with
 102 special needs missing to the appropriate law enforcement agency
 103 within the county in which the child, ~~or~~ adult, or person with
 104 special needs went ~~became~~ missing, and subsequent to entry by

105 the law enforcement agency of the child or person into the
106 Florida Crime Information Center and the National Crime
107 Information Center databases. The missing endangered person
108 report shall be included in the clearinghouse database.

109 3. Only the law enforcement agency having jurisdiction
110 over the case may submit a missing endangered person report to
111 the clearinghouse involving a missing adult age 26 years or
112 older who is suspected by a law enforcement agency of being
113 endangered or the victim of criminal activity.

114 4. Only the law enforcement agency having jurisdiction
115 over the case may make a request to the clearinghouse for the
116 activation of a state Silver Alert involving a missing adult if
117 circumstances regarding the disappearance have met the criteria
118 for activation of the Silver Alert Plan.

119 Section 4. Section 937.035, Florida Statutes, is created
120 to read:

121 937.035 Electronic monitoring devices for certain
122 persons.—

123 (1) (a) The department shall, to the extent federally
124 funded, provide electronic monitoring devices for persons
125 described in s. 937.0201(4) (e) who have the potential to go
126 missing due to autism spectrum disorder.

127 (b) The Agency for Persons with Disabilities shall
128 annually provide the department with a list of the number of
129 persons in each county who would be eligible for an electronic
130 monitoring device under this subsection.

131 (2) The Department of Children and Families shall, subject
132 to legislative appropriation, provide electronic monitoring
133 devices to persons described in s. 937.0201(4)(e) who have the
134 potential to go missing due to diagnosed Alzheimer's disease or
135 any other form of dementia.

136 Section 5. Section 943.17297, Florida Statutes, is created
137 to read:

138 943.17297 Training in retrieval of persons with special
139 needs.-The commission shall incorporate detailed training in the
140 retrieval of missing persons with special needs as described in
141 s. 937.0201(4)(e) into the curriculum required for continuous
142 employment or appointment as a law enforcement officer.

143 Section 6. This act shall take effect July 1, 2015.