

Bill No. SB 2864

Barcode 345744

CHAMBER ACTION

Senate

House

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

Comm: RCS  
04/10/2007 04:49 PM

.  
. .  
. .  
. .  
. .  
. .

---

The Committee on Criminal Justice (King) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Section 937.021, Florida Statutes, is amended to read:

937.021 Missing child reports.--

(1) Upon the filing of a police report that a child is missing by the parent or guardian, the law enforcement agency receiving the report shall immediately inform all on-duty law enforcement officers of the existence of the missing child report, communicate the report to every other law enforcement agency having jurisdiction in the county, and transmit the report for inclusion within the Florida Crime Information Center computer within 2 hours.

(2) Upon filing a police report that a person under the age of 26 is missing, the law enforcement agency receiving the report shall transmit the report for entry into the

Bill No. SB 2864

Barcode 345744

1 Florida and National Crime Information Center computers within  
2 2 hours after the agency receives the missing person  
3 information.

4 (3)(2) A police report that a child or person under  
5 the age of 26 is missing shall ~~may~~ be filed with the law  
6 enforcement agency having jurisdiction in the county or  
7 municipality in which the child or person was last seen prior  
8 to the filing of the report, without regard to whether the  
9 child or person resides in or has any significant contacts  
10 with that county or municipality. The filing of such a report  
11 shall impose the duties specified in subsections ~~subsection~~  
12 (1) and (2) upon that law enforcement agency.

13 (4)(3)(a) Upon receiving a request to record, report,  
14 transmit, display, or release Amber Alert or Missing Child  
15 Alert information from the law enforcement agency having  
16 jurisdiction over the missing or endangered child, the  
17 Department of Law Enforcement as the state Amber Alert  
18 coordinator; any state or local law enforcement agency and the  
19 personnel of these agencies; any radio or television network,  
20 broadcaster, or other media representative; any dealer of  
21 communications services as defined in s. 202.11; or any  
22 agency, employee, individual, or entity is immune from civil  
23 liability for damages for complying in good faith with the  
24 request and is presumed to have acted in good faith in  
25 recording, reporting, transmitting, displaying, or releasing  
26 Amber Alert or Missing Child Alert information pertaining to  
27 such child.

28 (b) Upon receiving a request to record, report,  
29 transmit, display, or release information and photographs  
30 pertaining to a missing person under the age of 26 from the  
31 law enforcement agency having jurisdiction over the missing or

Bill No. SB 2864

Barcode 345744

1 endangered person, the Department of Law Enforcement; any  
 2 state or local law enforcement agency and the personnel of  
 3 these agencies; any radio or television network, broadcaster,  
 4 or other media representative; any dealer of communications  
 5 services as defined in s. 202.11; or any agency, employee,  
 6 individual, or entity is immune from civil liability for  
 7 damages for complying in good faith with the request and is  
 8 presumed to have acted in good faith in recording, reporting,  
 9 transmitting, displaying, or releasing information or  
 10 photographs pertaining to such person.

11 ~~(c)(b)~~ The presumption of good faith is not overcome  
 12 if a technical or clerical error is made by any such agency,  
 13 employee, individual, or entity acting at the request of the  
 14 local law enforcement agency having jurisdiction or if the  
 15 Amber Alert or Missing Child Alert information is incomplete  
 16 or incorrect because the information received from the local  
 17 law enforcement agency was incomplete or incorrect.

18 ~~(d)(c)~~ Neither this subsection nor any other provision  
 19 of law creates a duty of the agency, employee, individual, or  
 20 entity to record, report, transmit, display, or release the  
 21 Amber Alert or Missing Child Alert information received from  
 22 the local law enforcement agency having jurisdiction. The  
 23 decision to record, report, transmit, display, or release  
 24 information is discretionary with the agency, employee,  
 25 individual, or entity receiving that information from the  
 26 local law enforcement agency having jurisdiction.

27 (5)(a) If a person under the age of 26 has been  
 28 missing for more than 90 days, the law enforcement agency  
 29 having jurisdiction of the case shall, with the consent of the  
 30 biological next of kin, obtain the following information:

- 31 1. Biological samples suitable for DNA analysis, if

Bill No. SB 2864

Barcode 345744

1 available.

2 2. Appropriate consent forms necessary to access the  
3 Combined DNA Indexing System (CODIS) which includes local,  
4 state, and national DNA databases.

5 (b) If a person under the age of 26 has been missing  
6 for more than 90 days, the law enforcement agency having  
7 jurisdiction of the case shall obtain secondary samples  
8 belonging to the missing person, when available.

9 (c) The law enforcement agency shall send appropriate  
10 biological samples and materials obtained to the Department of  
11 Law Enforcement. The department shall coordinate with  
12 appropriate agencies following established procedures to  
13 complete DNA analysis of the samples and upload appropriate  
14 DNA profiles to CODIS.

15 (d) This subsection does not preclude a law  
16 enforcement agency from attempting to obtain information or  
17 biological samples before the expiration of the 90-day period.

18 Section 2. Section 937.022, Florida Statutes, is  
19 amended to read:

20 937.022 Missing Children Information Clearinghouse.--

21 (1) There is created a Missing Children Information  
22 Clearinghouse within the Department of Law Enforcement. The  
23 clearinghouse is established as a central repository of  
24 information regarding missing children. Such information  
25 shall be collected and disseminated to assist in the location  
26 of missing children and persons under the age of 26.

27 (2) The clearinghouse shall be supervised by a  
28 director who shall be employed upon the recommendation of the  
29 executive director. The executive director shall establish  
30 services deemed appropriate by the department to aid in the  
31 location of missing children and persons under the age of 26.

Bill No. SB 2864

Barcode 345744

1 (3) The clearinghouse shall:

2 (a) Establish a system of intrastate communication of  
3 information relating to children determined to be missing by  
4 their parents, guardians, or legal custodians or by law  
5 enforcement agencies.

6 (b) Provide a centralized file for the exchange of  
7 information on missing children and persons under the age of  
8 26 ~~within the state.~~

9 1. Every state, county, or municipal law enforcement  
10 agency shall submit to the clearinghouse information received  
11 by it pursuant to s. 937.021.

12 2. Any parent, guardian, or legal custodian may submit  
13 a missing child report to the clearinghouse about a child  
14 whose whereabouts is unknown, regardless of the circumstances,  
15 subsequent to reporting such child missing to the appropriate  
16 law enforcement agency within the county in which the child  
17 became missing, which missing child report shall be included  
18 in the clearinghouse database.

19 (c) Interface with the National Crime Information  
20 Center for the exchange of information on children suspected  
21 of interstate travel.

22 (d) Collect, process, maintain, and disseminate  
23 information on missing children and persons under the age of  
24 26 and strive to maintain or disseminate only accurate and  
25 complete information.

26 (4) The parent, guardian, ~~or~~ legal custodian or  
27 reporter who is responsible for notifying the clearinghouse or  
28 a law enforcement agency about a missing child or person under  
29 the age of 26 shall immediately notify the clearinghouse or  
30 the agency of any child or missing person whose location has  
31 been determined.

Bill No. SB 2864

Barcode 345744

1           (5) Information received pursuant to s. 937.021 about  
 2 a missing child or person under the age of 26, which  
 3 information has been included in the clearinghouse database,  
 4 shall be purged by the appropriate law enforcement agency  
 5 immediately upon location of such child.

6           (6) As used in this section, the term:

7           (a) "Missing child" means a person who is under the  
 8 age of 18 years; whose temporary or permanent residence is in,  
 9 or is believed to be in, this state; whose location has not  
 10 been determined; and who has been reported as missing to a law  
 11 enforcement agency.

12           **(b) "Missing person" means a person under the age of**  
 13 **26 who has been reported as missing to a local law enforcement**  
 14 **agency. Missing persons who are age 26 or older do not come**  
 15 **under the authority of the Missing Children Information**  
 16 **Clearinghouse.**

17           **(c)**~~(b)~~ "Missing child report" or "missing person  
 18 report" means a report prepared on a form designed by the  
 19 Department of Law Enforcement for ~~the~~ use by private citizens  
 20 and law enforcement agencies to report information about  
 21 missing children or missing persons under the age of 26 to the  
 22 Missing Children Information Clearinghouse.

23           Section 3. The Department of Law Enforcement shall  
 24 create within the Missing Children Information Clearinghouse a  
 25 database containing appropriate forensic photos and other  
 26 information on unidentified deceased persons. The information  
 27 shall be provided to the Department of Law Enforcement by  
 28 medical examiners and law enforcement agencies having  
 29 information pertaining to unidentified persons as specified in  
 30 section 406.145, Florida Statutes, and compiled in a database  
 31 that is searchable and available to the public via the

Bill No. SB 2864

Barcode 345744

1 Internet.

2 Section 4. This act shall take effect July 1, 2007.

3

4

5 ===== T I T L E A M E N D M E N T =====

6 And the title is amended as follows:

7 Delete everything before the enacting clause

8

9 and insert:

10

A bill to be entitled

11

An act relating to missing persons; amending s.

12

937.021, F.S.; requiring law enforcement

13

agencies to process reports of missing persons

14

under the age of 26 in a manner similar to that

15

of missing child reports; providing immunity

16

from civil liability for certain persons

17

involving such reports; requiring that certain

18

acts be undertaken by a law enforcement agency

19

after such persons have been missing more than

20

90 days; amending s. 937.022, F.S.; requiring

21

the Missing Children Information Clearinghouse

22

to collect and process information regarding

23

missing persons under the age of 26; providing

24

a definition; requiring the Department of Law

25

Enforcement to create within the Missing

26

Children Information Clearinghouse a database

27

of unidentified deceased persons; providing an

28

effective date.

29

30

31