



1 report for inclusion within the Florida Crime Information  
2 Center computer within 2 hours.

3 (2) Upon filing a police report that a person under  
4 the age of 26 is missing by the parent, guardian, legal  
5 custodian, spouse, significant other, or consanguineous  
6 relation, the law enforcement agency receiving the report  
7 shall transmit the report for entry into the Florida and  
8 National Crime Information Center computers within 2 hours  
9 after the agency receives the missing person information.

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

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

1 Amber Alert or Missing Child Alert information pertaining to  
2 such child.

3 (b) Upon receiving a request to record, report,  
4 transmit, display, or release information and photographs  
5 pertaining to a missing person under the age of 26 from the  
6 law enforcement agency having jurisdiction over the missing or  
7 endangered person, the Department of Law Enforcement; any  
8 state or local law enforcement agency and the personnel of  
9 these agencies; any radio or television network, broadcaster,  
10 or other media representative; any dealer of communications  
11 services as defined in s. 202.11; or any agency, employee,  
12 individual, or entity is immune from civil liability for  
13 damages for complying in good faith with the request and is  
14 presumed to have acted in good faith in recording, reporting,  
15 transmitting, displaying, or releasing information or  
16 photographs pertaining to such person.

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

24 ~~(d)(e)~~ Neither this subsection nor any other provision  
25 of law creates a duty of the agency, employee, individual, or  
26 entity to record, report, transmit, display, or release the  
27 Amber Alert or Missing Child Alert information received from  
28 the local law enforcement agency having jurisdiction. The  
29 decision to record, report, transmit, display, or release  
30 information is discretionary with the agency, employee,  
31

1 individual, or entity receiving that information from the  
2 local law enforcement agency having jurisdiction.

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

7 1. Biological samples suitable for DNA analysis, if  
8 available.

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

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

16 (c) The law enforcement agency shall send appropriate  
17 biological samples and materials obtained to the Department of  
18 Law Enforcement. The department shall coordinate with  
19 appropriate agencies following established procedures to  
20 complete DNA analysis of the samples and upload appropriate  
21 DNA profiles to CODIS.

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

25 Section 2. Section 937.022, Florida Statutes, is  
26 amended to read:

27 937.022 Missing Children Information Clearinghouse.--

28 (1) There is created a Missing Children Information  
29 Clearinghouse within the Department of Law Enforcement. The  
30 clearinghouse is established as a central repository of  
31 information regarding missing children. Such information

1 shall be collected and disseminated to assist in the location  
2 of missing children and persons under the age of 26.

3 (2) The clearinghouse shall be supervised by a  
4 director who shall be employed upon the recommendation of the  
5 executive director. The executive director shall establish  
6 services deemed appropriate by the department to aid in the  
7 location of missing children and persons under the age of 26.

8 (3) The clearinghouse shall:

9 (a) Establish a system of intrastate communication of  
10 information relating to children determined to be missing by  
11 their parents, guardians, or legal custodians or by law  
12 enforcement agencies.

13 (b) Provide a centralized file for the exchange of  
14 information on missing children and persons under the age of  
15 26 within the state.

16 1. Every state, county, or municipal law enforcement  
17 agency shall submit to the clearinghouse information received  
18 by it pursuant to s. 937.021.

19 2. Any parent, guardian, ~~or~~ legal custodian, spouse,  
20 significant other, or consanguineous relation may submit a  
21 missing person ~~child~~ report to the clearinghouse about a child  
22 or person 26 years of age or younger whose whereabouts is  
23 unknown, regardless of the circumstances, subsequent to  
24 reporting such ~~child~~ missing person to the appropriate law  
25 enforcement agency. ~~The within the county in which the child~~  
26 ~~became missing, which~~ missing person ~~child~~ report shall be  
27 included in the clearinghouse database.

28 (c) Interface with the National Crime Information  
29 Center for the exchange of information on children suspected  
30 of interstate travel.

31

1 (d) Collect, process, maintain, and disseminate  
2 information on missing children and persons under the age of  
3 26 and strive to maintain or disseminate only accurate and  
4 complete information.

5 (4) The parent, guardian, ~~or~~ legal custodian or  
6 reporter who is responsible for notifying the clearinghouse or  
7 a law enforcement agency about a missing child or person under  
8 the age of 26 shall immediately notify the clearinghouse or  
9 the agency of any child or missing person whose location has  
10 been determined.

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

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

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

22 (b) "Missing person" means a person under the age of  
23 26 who has been reported as missing to a local law enforcement  
24 agency. Missing persons who are age 26 or older do not come  
25 under the authority of the Missing Children Information  
26 Clearinghouse.

27 (c) ~~(b)~~ "Missing child report" or "missing person  
28 report" means a report prepared on a form designed by the  
29 Department of Law Enforcement for ~~the~~ use by private citizens  
30 and law enforcement agencies to report information about  
31

1 missing children or missing persons under the age of 26 to the  
2 Missing Children Information Clearinghouse.

3           Section 3. The Department of Law Enforcement shall  
4 create within the Missing Children Information Clearinghouse a  
5 database containing appropriate forensic photos and other  
6 information on unidentified deceased persons. The information  
7 shall be provided to the Department of Law Enforcement by  
8 medical examiners and law enforcement agencies having  
9 information pertaining to unidentified persons as specified in  
10 section 406.145, Florida Statutes, and compiled in a database  
11 that is searchable and available to the public via the  
12 Internet.

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

14  
15                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
16                   COMMITTEE SUBSTITUTE FOR  
17                   Senate Bill 2864

- 18 - Removes special requirements for investigating law  
19 enforcement agencies to obtain evidence and disseminate  
20 information concerning missing persons of all ages, and  
21 providing requirement for addressing missing persons  
22 under the age of 26.
- 23 - Includes persons under the age of 26 within FDLE's  
24 Missing Children Information Clearinghouse, which  
25 currently applies only to children under 18 years old.
- 26 - Removes designation of categories of missing persons as  
27 "high-risk missing persons."
- 28 - Replaces requirement for certain actions to be taken by  
29 law enforcement investigators and medical examiners with  
30 regard to identification of human remains with creation  
31 of an Internet-searchable database of information  
relating to unidentified deceased persons.