

1 A bill to be entitled
 2 An act relating to missing persons; amending s. 937.021,
 3 F.S.; requiring law enforcement agencies to adopt written
 4 policies and procedures to be used when investigating
 5 missing person reports; requiring law enforcement agencies
 6 to submit information to specified databases; providing
 7 immunity from civil liability for certain persons
 8 involving such reports; requiring that a law enforcement
 9 agency attempt to obtain a DNA sample after a person has
 10 been missing more than 90 days and requiring the
 11 Department of Law Enforcement to adopt rules establishing
 12 procedures for such DNA sampling and analysis, contingent
 13 on appropriation of federal funds; amending s. 937.022,
 14 F.S.; renaming the Missing Children Information
 15 Clearinghouse the "Missing Persons and Children
 16 Information Clearinghouse"; requiring the clearinghouse to
 17 collect and process information regarding missing
 18 children, missing persons younger than 26 years of age,
 19 and missing persons suspected by a law enforcement agency
 20 of being in danger or victims of criminal activity;
 21 providing definitions; providing an effective date.

22
 23 Be It Enacted by the Legislature of the State of Florida:

24
 25 Section 1. Section 937.021, Florida Statutes, is amended
 26 to read:

27 937.021 Missing child or missing person reports.--
 28 (1) Law enforcement agencies in this state shall adopt

29 written policies that specify the procedures to be used to
30 investigate reports of missing persons. The policies adopted
31 must ensure that cases involving reported missing persons,
32 including cases involving minor children, are investigated
33 promptly using appropriate resources. The adopted policies must
34 include:

35 (a) Requirements for accepting missing person reports;

36 (b) Procedures for initiating, maintaining, closing, or
37 referring a missing person investigation; and

38 (c) Standards for maintaining and clearing computer data
39 of missing person information that is stored in the Florida
40 Crime Information Center and the National Crime Information
41 Center. The standards shall require, at a minimum, a monthly
42 review of each case and a determination of whether the case
43 should be maintained in the database.

44 (2)~~(1)~~ Upon the filing of a credible police report that a
45 child is missing by the parent or guardian, the law enforcement
46 agency receiving the report shall immediately inform all on-duty
47 law enforcement officers of the existence of the missing child
48 report, communicate the report to every other law enforcement
49 agency having jurisdiction in the county, and within 2 hours
50 transmit the information report for inclusion within the Florida
51 Crime Information Center and the National Crime Information
52 Center databases ~~computer.~~

53 (3) A law enforcement agency may not adopt a policy
54 requiring the removal of a missing child or missing person entry
55 from the Florida Crime Information Center or the National Crime
56 Information Center databases based solely on the age of the

57 missing person.

58 (4)(2) If a law enforcement agency has a reasonable belief
59 that a person is missing, a police report that a child is
60 missing may be filed with the law enforcement agency having
61 jurisdiction in the county or municipality in which the person
62 child was last seen shall be accepted by that agency prior to
63 the filing of the report, without regard to whether the child
64 resides in or has any significant contacts with that county or
65 municipality. The filing and acceptance of such a report imposes
66 shall impose the duties specified in this section subsection (1)
67 upon the that law enforcement agency receiving the missing
68 person report. This subsection does not preclude a law
69 enforcement agency from filing or accepting a missing person
70 report when agency jurisdiction cannot be determined.

71 (5) If an adult files a credible police report that an
72 adult person is missing, the law enforcement agency receiving
73 the report must, within 2 hours after receiving the missing
74 person information, transmit the information for entry into the
75 Florida Crime Information Center and the National Crime
76 Information Center databases.

77 (6)(3)(a) Upon receiving a request to record, report,
78 transmit, display, or release Amber Alert or Missing Child Alert
79 information from the law enforcement agency having jurisdiction
80 over the missing or endangered child younger than 18 years of
81 age, the Department of Law Enforcement as the state Amber Alert
82 coordinator; any state or local law enforcement agency and the
83 personnel of these agencies; any radio or television network,
84 broadcaster, or other media representative; any dealer of

HB 223

2008

85 | communications services as defined in s. 202.11; or any agency,
86 | employee, individual, or entity is immune from civil liability
87 | for damages for complying in good faith with the request and is
88 | presumed to have acted in good faith in recording, reporting,
89 | transmitting, displaying, or releasing Amber Alert or Missing
90 | Child Alert information pertaining to such child.

91 | (b) After receiving a request to record, report, transmit,
92 | display, or release information and photographs pertaining to a
93 | missing person from the law enforcement agency having
94 | jurisdiction over the missing person, the Department of Law
95 | Enforcement; a state or local law enforcement agency and the
96 | personnel of these agencies; any radio or television network,
97 | broadcaster, or other media representative; any dealer of
98 | communications services as defined in s. 202.11; or any agency,
99 | employee, individual, or person is immune from civil liability
100 | for damages for complying in good faith with the request to
101 | provide information and is presumed to have acted in good faith
102 | in recording, reporting, transmitting, displaying, or releasing
103 | information or photographs pertaining to the missing person.

104 | (c)~~(b)~~ The presumption of good faith is not overcome if a
105 | technical or clerical error is made by any such agency,
106 | employee, individual, or entity acting at the request of the
107 | local law enforcement agency having jurisdiction or if the Amber
108 | Alert, ~~or~~ Missing Child Alert, or missing person information is
109 | incomplete or incorrect because the information received from
110 | the local law enforcement agency was incomplete or incorrect.

111 | (d)~~(e)~~ Neither this subsection nor any other provision of
112 | law creates a duty of the agency, employee, individual, or

113 entity to record, report, transmit, display, or release the
114 Amber Alert, ~~or~~ Missing Child Alert, or other missing person
115 information received from the local law enforcement agency
116 having jurisdiction. The decision to record, report, transmit,
117 display, or release information is discretionary with the
118 agency, employee, individual, or entity receiving that
119 information from the local law enforcement agency having
120 jurisdiction.

121 (7) If a person who has been reported as missing has not
122 been located within 90 days after the missing person report is
123 filed, the law enforcement agency that accepted the missing
124 person report shall attempt to obtain a biological specimen
125 approved by the Department of Law Enforcement for DNA analysis
126 from the missing person or from appropriate family members of
127 the missing person in addition to any documentation necessary to
128 enable the agency to use the specimens in conducting searches of
129 DNA databases.

130 (8) The Department of Law Enforcement shall adopt rules
131 establishing procedures for:

132 (a) The submission of biological specimens approved by the
133 department for DNA analysis in a missing person case.

134 (b) The forwarding of approved biological specimens by law
135 enforcement agencies for DNA analysis in a missing person case.

136 (9) Subsections (7) and (8) are contingent upon the
137 availability of an appropriation of federal funds for the
138 submission and processing of approved biological specimens for
139 DNA analysis.

140 (10) Subsection (7) does not prevent a law enforcement

HB 223

2008

141 agency from attempting to obtain information or approved
142 biological specimens for DNA analysis before the expiration of
143 the 90-day period.

144 Section 2. Section 937.022, Florida Statutes, is amended
145 to read:

146 937.022 Missing Persons and Children Information
147 Clearinghouse.--

148 (1) There is created a Missing Persons and Children
149 Information Clearinghouse within the Department of Law
150 Enforcement. The clearinghouse is established as a central
151 repository of information regarding missing children and certain
152 missing persons. Such information shall be collected and
153 disseminated to assist in the location of missing children,
154 missing persons younger than 26 years of age, or missing persons
155 suspected by a law enforcement agency of being endangered or the
156 victim of criminal activity.

157 (2) The clearinghouse shall be supervised by a director
158 who shall be employed upon the recommendation of the executive
159 director. The executive director shall establish services deemed
160 appropriate by the department to aid in the location of missing
161 children, missing persons younger than 26 years of age, or
162 missing persons suspected by a law enforcement agency of being
163 endangered or the victim of criminal activity.

164 (3) The clearinghouse shall:

165 (a) Establish a system of intrastate communication of
166 information relating to missing children, missing persons
167 younger than 26 years of age, or missing persons suspected by a
168 law enforcement agency of being endangered or the victim of

HB 223

2008

169 ~~criminal activity determined to be missing by their parents,~~
170 ~~guardians, or legal custodians or by law enforcement agencies.~~

171 (b) Provide a centralized file for the exchange of
172 information concerning ~~on~~ missing children, missing persons
173 younger than 26 years of age, or missing persons suspected by a
174 law enforcement agency of being endangered or the victim of
175 criminal activity within the state.

176 1. Every state, county, or municipal law enforcement
177 agency shall submit to the clearinghouse information concerning
178 persons who meet the criteria set forth in this section received
179 by it pursuant to s. 937.021.

180 2. Any person having knowledge ~~parent, guardian, or legal~~
181 ~~custodian~~ may submit a missing person child report to the
182 clearinghouse concerning ~~about~~ a person younger than 26 years of
183 age child whose whereabouts is unknown, regardless of the
184 circumstances, subsequent to reporting such person child missing
185 to the appropriate law enforcement agency within the county in
186 which the person child became missing and subsequent to the law
187 enforcement agency entering the person into the Florida Crime
188 Information Center and the National Crime Information Center.
189 ~~The, which~~ missing person child report shall be included in the
190 clearinghouse database.

191 ~~(c) Interface with the National Crime Information Center~~
192 ~~for the exchange of information on children suspected of~~
193 ~~interstate travel.~~

194 ~~(c)(d)~~ Collect, process, maintain, and disseminate
195 information concerning ~~on~~ missing children and strive to
196 maintain or disseminate only accurate and complete information.

197 (4) Requests to the Missing Persons and Children
 198 Information Clearinghouse to accept reports of missing persons
 199 who are 26 years of age or older and who are suspected by a law
 200 enforcement agency of being endangered or the victim of criminal
 201 activity must be made by the law enforcement agency having
 202 jurisdiction.

203 (5)~~(4)~~ The parent, guardian, or legal custodian, or other
 204 person who is responsible for notifying the clearinghouse or a
 205 law enforcement agency about a missing child or missing person
 206 shall immediately notify the clearinghouse or the agency of any
 207 missing child or missing person whose location has been
 208 determined.

209 (6)~~(5)~~ Information received pursuant to s. 937.021 about a
 210 missing person or child, which information has been included in
 211 the clearinghouse database and in the Florida Crime Information
 212 Center and the National Crime Information Center databases,
 213 shall be purged by the appropriate law enforcement agency and
 214 the clearinghouse shall be notified immediately upon location of
 215 the person ~~such child~~.

216 (7)~~(6)~~ As used in this section, the term:

217 (a) "Missing child" means a person who is younger than
 218 ~~under the age of~~ 18 years of age; whose temporary or permanent
 219 residence is in, or is believed to be in, this state; whose
 220 location has not been determined; and who has been reported as
 221 missing to a law enforcement agency.

222 (b) "Missing child or missing person report" means a
 223 report prepared on a form designed by the Department of Law
 224 Enforcement for ~~the use by~~ the public ~~private citizens~~ and law

HB 223

2008

225 enforcement agencies in reporting to the Missing Persons and
226 Children Information Clearinghouse ~~to report~~ information about
227 missing children, missing persons who were younger than 26 years
228 of age at the time they were reported missing, or missing
229 persons 26 or older who are suspected by the law enforcement
230 agency having jurisdiction of being endangered or the victim of
231 criminal activity ~~to the Missing Children Information~~
232 ~~Clearinghouse.~~

233 (c) "Missing person" means a person who has been reported
234 as missing to a local law enforcement agency under this section.

235 Section 3. This act shall take effect July 1, 2008.