

1 A bill to be entitled
2 An act relating to missing persons; creating s. 937.0201,
3 F.S.; providing definitions; amending s. 937.021, F.S.;
4 requiring law enforcement agencies to adopt written
5 policies and procedures to be used when investigating
6 missing children and missing adult reports; providing that
7 an entry concerning a missing child or missing adult may
8 not be removed from specified databases based solely on
9 the age of the missing child or missing adult; requiring
10 the law enforcement agency having jurisdiction to accept
11 and file the report; providing a timeframe for
12 transmitting the report to state and national databases;
13 providing immunity from civil liability for certain
14 persons providing information in good faith; requiring
15 that a law enforcement agency obtain a DNA sample after a
16 child or adult has been missing for more than 90 days;
17 authorizing the Department of Law Enforcement to adopt
18 rules; providing that specified provisions relating to DNA
19 analysis are contingent upon the availability of federal
20 funding; amending s. 937.022, F.S.; renaming the Missing
21 Children Information Clearinghouse as the "Missing
22 Endangered Persons Information Clearinghouse"; revising
23 provisions to conform; requiring the state and national
24 databases to be purged of information about a person who
25 has been located; providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:
28

29 Section 1. Section 937.0201, Florida Statutes, is created
 30 to read:

31 937.0201 Definitions.--As used in this chapter, the term:

32 (1) "Department" means the Department of Law Enforcement.

33 (2) "Missing adult" means a person 18 years of age or
 34 older whose temporary or permanent residence is in, or is
 35 believed to be in, this state, whose location has not been
 36 determined, and who has been reported as missing to a law
 37 enforcement agency.

38 (3) "Missing child" means a person younger than 18 years
 39 of age whose temporary or permanent residence is in, or is
 40 believed to be in, this state, whose location has not been
 41 determined, and who has been reported as missing to a law
 42 enforcement agency.

43 (4) "Missing endangered person" means:

44 (a) A missing child;

45 (b) A missing adult younger than 26 years of age; or

46 (c) A missing adult 26 years of age or older who is
 47 suspected by a law enforcement agency of being endangered or the
 48 victim of criminal activity.

49 (5) "Missing endangered person report" means a report
 50 prepared on a form prescribed by the department by rule for use
 51 by the public and law enforcement agencies in reporting
 52 information to the Missing Endangered Persons Information
 53 Clearinghouse about a missing endangered person.

54 Section 2. Section 937.021, Florida Statutes, is amended
 55 to read:

56 937.021 Missing child and missing adult reports.--

57 (1) Law enforcement agencies in this state shall adopt
58 written policies that specify the procedures to be used to
59 investigate reports of missing children and missing adults. The
60 policies must ensure that cases involving missing children and
61 adults are investigated promptly using appropriate resources.
62 The policies must include the following:

63 (a) Requirements for accepting missing child and missing
64 adult reports.

65 (b) Procedures for initiating, maintaining, closing, or
66 referring a missing child or missing adult investigation.

67 (c) Standards for maintaining and clearing computer data
68 of information concerning a missing child and missing adult that
69 is stored in the Florida Crime Information Center and the
70 National Crime Information Center. The standards must require,
71 at a minimum, a monthly review of each case and a determination
72 of whether the case should be maintained in the database.

73 (2) An entry concerning a missing child or missing adult
74 may not be removed from the Florida Crime Information Center or
75 the National Crime Information Center databases based solely on
76 the age of the missing child or missing adult.

77 (3) A report that a child or adult is missing must be
78 accepted by and filed with the law enforcement agency having
79 jurisdiction in the county or municipality in which the child or
80 adult was last seen. The filing and acceptance of the report
81 imposes the duties specified in this section upon the law
82 enforcement agency receiving the report. This subsection does
83 not preclude a law enforcement agency from accepting a missing
84 child or missing adult report when agency jurisdiction cannot be

85 determined.

86 (4) (a) (1) Upon the filing of a police report that a child
 87 is missing by the parent or guardian, the law enforcement agency
 88 receiving the report shall immediately inform all on-duty law
 89 enforcement officers of the existence of the missing child
 90 report, communicate the report to every other law enforcement
 91 agency having jurisdiction in the county, and within 2 hours
 92 after receipt of the report, transmit the report for inclusion
 93 within the Florida Crime Information Center and the National
 94 Crime Information Center databases ~~computer.~~

95 (b) Upon the filing of a credible police report that an
 96 adult is missing, the law enforcement agency receiving the
 97 report shall, within 2 hours after receipt of the report,
 98 transmit the report for inclusion within the Florida Crime
 99 Information Center and the National Crime Information Center
 100 databases.

101 ~~(2) A police report that a child is missing may be filed~~
 102 ~~with the law enforcement agency having jurisdiction in the~~
 103 ~~county or municipality in which the child was last seen prior to~~
 104 ~~the filing of the report, without regard to whether the child~~
 105 ~~resides in or has any significant contacts with that county or~~
 106 ~~municipality. The filing of such a report shall impose the~~
 107 ~~duties specified in subsection (1) upon that law enforcement~~
 108 ~~agency.~~

109 (5) (3) (a) Upon receiving a request to record, report,
 110 transmit, display, or release Amber Alert or Missing Child Alert
 111 information from the law enforcement agency having jurisdiction
 112 over the missing ~~or endangered~~ child, the department ~~of Law~~

113 ~~Enforcement~~ as the state Amber Alert coordinator, ~~+~~ any state or
 114 local law enforcement agency, and the personnel of these
 115 agencies; any radio or television network, broadcaster, or other
 116 media representative; any dealer of communications services as
 117 defined in s. 202.11; or any agency, employee, individual, or
 118 entity is immune from civil liability for damages for complying
 119 in good faith with the request and is presumed to have acted in
 120 good faith in recording, reporting, transmitting, displaying, or
 121 releasing Amber Alert or Missing Child Alert information
 122 pertaining to such child.

123 (b) Upon receiving a request to record, report, transmit,
 124 display, or release information and photographs pertaining to a
 125 missing adult from the law enforcement agency having
 126 jurisdiction over the missing adult, the department, a state or
 127 local law enforcement agency, and the personnel of these
 128 agencies; any radio or television network, broadcaster, or other
 129 media representative; any dealer of communications services as
 130 defined in s. 202.11; or any agency, employee, individual, or
 131 person is immune from civil liability for damages for complying
 132 in good faith with the request to provide information and is
 133 presumed to have acted in good faith in recording, reporting,
 134 transmitting, displaying, or releasing information or
 135 photographs pertaining to the missing adult.

136 (c) ~~(b)~~ The presumption of good faith is not overcome if a
 137 technical or clerical error is made by any ~~such~~ agency,
 138 employee, individual, or entity acting at the request of the
 139 local law enforcement agency having jurisdiction, or if the
 140 Amber Alert, ~~or~~ Missing Child Alert, or missing adult

141 information is incomplete or incorrect because the information
142 received from the local law enforcement agency was incomplete or
143 incorrect.

144 (d)~~(e)~~ Neither this subsection nor any other provision of
145 law creates a duty of the agency, employee, individual, or
146 entity to record, report, transmit, display, or release the
147 Amber Alert, ~~or~~ Missing Child Alert, or missing adult
148 information received from the local law enforcement agency
149 having jurisdiction. The decision to record, report, transmit,
150 display, or release information is discretionary with the
151 agency, employee, individual, or entity receiving the ~~that~~
152 information ~~from the local law enforcement agency having~~
153 ~~jurisdiction.~~

154 (6) If a missing child or missing adult is not located
155 within 90 days after the missing child or missing adult report
156 is filed, the law enforcement agency that accepted the report
157 shall attempt to obtain a biological specimen for DNA analysis
158 from the missing child or missing adult or from appropriate
159 family members in addition to obtaining necessary documentation.
160 This subsection does not prevent a law enforcement agency from
161 attempting to obtain information or approved biological
162 specimens for DNA analysis before the expiration of the 90-day
163 period.

164 (7) The department shall adopt rules specific to cases
165 involving missing children and missing adults which will:

166 (a) Identify biological specimens that are approved by the
167 department for DNA analysis.

168 (b) Identify the documentation necessary for the

169 department to use the biological specimens for DNA analysis.

170 (c) Establish procedures for the collection of biological
 171 specimens by law enforcement agencies.

172 (d) Establish procedures for forwarding biological
 173 specimens by law enforcement agencies to the department.

174 (8) Subsections (6) and (7) are contingent upon the
 175 availability of federal funding for the submission and
 176 processing of approved biological specimens for DNA analysis.

177 Section 3. Section 937.022, Florida Statutes, is amended
 178 to read:

179 937.022 Missing Endangered Persons ~~Children~~ Information
 180 Clearinghouse.--

181 (1) There is created a Missing Endangered Persons ~~Children~~
 182 Information Clearinghouse within the department to serve of Law
 183 ~~Enforcement. The clearinghouse is established as a central~~
 184 repository of information regarding missing endangered persons
 185 ~~children~~. Such information shall be collected and disseminated
 186 to assist in the location of missing endangered persons
 187 ~~children~~.

188 (2) The clearinghouse shall be supervised by a director
 189 who shall be employed upon the recommendation of the executive
 190 director. The executive director shall establish services deemed
 191 appropriate by the department to aid in the location of missing
 192 endangered persons ~~children~~.

193 (3) The clearinghouse shall:

194 (a) Establish a system of intrastate communication of
 195 information relating to missing endangered persons ~~children~~
 196 ~~determined to be missing by their parents, guardians, or legal~~

197 ~~eustodians or by law enforcement agencies.~~

198 (b) Provide a centralized file for the exchange of
 199 information on missing endangered persons ~~children within the~~
 200 ~~state.~~

201 1. Every state, county, or municipal law enforcement
 202 agency shall submit to the clearinghouse information concerning
 203 missing endangered persons ~~received by it pursuant to s.~~
 204 ~~937.021.~~

205 2. Any person having knowledge ~~parent, guardian, or legal~~
 206 ~~eustodian~~ may submit a missing endangered person ~~child~~ report to
 207 the clearinghouse concerning ~~about~~ a child or adult younger than
 208 26 years of age whose whereabouts is unknown, regardless of the
 209 circumstances, subsequent to reporting such child or adult
 210 missing to the appropriate law enforcement agency within the
 211 county in which the child or adult became missing, and
 212 subsequent to entry by the law enforcement agency of the child
 213 or person into the Florida Crime Information Center and the
 214 National Crime Information Center databases. The missing
 215 endangered person ~~which missing child~~ report shall be included
 216 in the clearinghouse database.

217 3. Only the law enforcement agency having jurisdiction
 218 over the case may submit a missing endangered person report to
 219 the clearinghouse involving a missing adult age 26 years or
 220 older who is suspected by a law enforcement agency of being
 221 endangered or the victim of criminal activity.

222 ~~(c) Interface with the National Crime Information Center~~
 223 ~~for the exchange of information on children suspected of~~
 224 ~~interstate travel.~~

225 ~~(c)-(d)~~ Collect, process, maintain, and disseminate
226 information on missing endangered persons ~~children~~ and strive to
227 maintain or disseminate only accurate and complete information.

228 (4) ~~The person parent, guardian, or legal custodian who is~~
229 responsible for notifying the clearinghouse or a law enforcement
230 agency about a missing endangered person ~~child~~ shall immediately
231 notify the clearinghouse or the agency of any child or adult
232 whose location has been determined.

233 (5) The law enforcement agency having jurisdiction over a
234 case involving a missing endangered person shall, upon locating
235 the child or adult, immediately purge information about the case
236 from the Florida Crime Information Center or the National Crime
237 Information Center databases and notify the clearinghouse.

238 ~~Information received pursuant to s. 937.021 about a missing~~
239 ~~child, which information has been included in the clearinghouse~~
240 ~~database, shall be purged by the appropriate law enforcement~~
241 ~~agency immediately upon location of such child.~~

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

243 ~~(a) "Missing child" means a person who is under the age of~~
244 ~~18 years; whose temporary or permanent residence is in, or is~~
245 ~~believed to be in, this state; whose location has not been~~
246 ~~determined; and who has been reported as missing to a law~~
247 ~~enforcement agency.~~

248 ~~(b) "Missing child report" means a report prepared on a~~
249 ~~form designed by the Department of Law Enforcement for the use~~
250 ~~by private citizens and law enforcement agencies to report~~
251 ~~information about missing children to the Missing Children~~
252 ~~Information Clearinghouse.~~

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2008

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Section 4. This act shall take effect July 1, 2008.