



962962

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
3/19/2008	.	
	.	
	.	

1 The Committee on Children, Families, and Elder Affairs (Lynn)
 2 recommended the following **amendment**:

3
 4 Senate Amendment (with title amendment)
 5 Delete everything after the enacting clause
 6 and insert:

7
 8 Section 1. Section 937.0201, Florida Statutes, is created
 9 to read:

10 937.0201 Definitions.--As used in this chapter, the term:

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

12 (2) "Missing adult" means a person 18 years of age or
 13 older whose temporary or permanent residence is in, or is
 14 believed to be in, this state, whose location has not been

Bill No. SB 502



962962

15 determined, and who has been reported as missing to a law
16 enforcement agency.

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

23 (4) "Missing endangered person" means:

24 (a) A missing child;

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

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

29 (5) "Missing endangered person report" means a report
30 prepared on a form prescribed by the department by rule for use
31 by the public and law enforcement agencies in reporting
32 information to the Missing Persons Information Clearinghouse
33 about a missing endangered person.

34 Section 2. Section 937.021, Florida Statutes, is amended
35 to read:

36 937.021 Missing child and missing adult reports.--

37 (1) Law enforcement agencies in this state shall adopt
38 written policies that specify the procedures to be used to
39 investigate reports of missing children and missing adults. The
40 policies must ensure that cases involving missing children and
41 adults are investigated promptly using appropriate resources.
42 The policies must include:

Bill No. SB 502



962962

43 (a) Requirements for accepting missing child and missing
44 adult reports;

45 (b) Procedures for initiating, maintaining, closing, or
46 referring a missing child or missing adult investigation; and

47 (c) Standards for maintaining and clearing computer data
48 of information concerning a missing child and missing adult
49 which is stored in the Florida Crime Information Center and the
50 National Crime Information Center. The standards must require,
51 at a minimum, a monthly review of each case and a determination
52 of whether the case should be maintained in the database.

53 (2) An entry concerning a missing child or missing adult
54 may not be removed from the Florida Crime Information Center or
55 the National Crime Information Center databases based solely on
56 the age of the missing child or missing adult.

57 (3) A report that a child or adult is missing must be
58 accepted by and filed with the law enforcement agency having
59 jurisdiction in the county or municipality in which the child or
60 adult was last seen. The filing and acceptance of the report
61 imposes the duties specified in this section upon the law
62 enforcement agency receiving the report. This subsection does
63 not preclude a law enforcement agency from accepting a missing
64 child or missing adult report when agency jurisdiction cannot be
65 determined.

66 (4) (a) ~~(1)~~ Upon the filing of a police report that a child
67 is missing by the parent or guardian, the law enforcement agency
68 receiving the report shall immediately inform all on-duty law
69 enforcement officers of the existence of the missing child
70 report, communicate the report to every other law enforcement

Bill No. SB 502



962962

71 agency having jurisdiction in the county, and within 2 hours
72 after receipt of the report, transmit the report for inclusion
73 within the Florida Crime Information Center and the National
74 Crime Information Center databases ~~computer.~~

75 (b) Upon the filing of a credible police report that an
76 adult is missing, the law enforcement agency receiving the
77 report shall, within 2 hours after receipt of the report,
78 transmit the report for inclusion within the Florida Crime
79 Information Center and the National Crime Information Center
80 databases.

81 ~~(2) A police report that a child is missing may be filed~~
82 ~~with the law enforcement agency having jurisdiction in the~~
83 ~~county or municipality in which the child was last seen prior to~~
84 ~~the filing of the report, without regard to whether the child~~
85 ~~resides in or has any significant contacts with that county or~~
86 ~~municipality. The filing of such a report shall impose the~~
87 ~~duties specified in subsection (1) upon that law enforcement~~
88 ~~agency.~~

89 (5)(3)(a) Upon receiving a request to record, report,
90 transmit, display, or release Amber Alert or Missing Child Alert
91 information from the law enforcement agency having jurisdiction
92 over the missing ~~or endangered~~ child, the Department of Law
93 Enforcement as the state Amber Alert coordinator, ~~+~~ any state or
94 local law enforcement agency, and the personnel of these
95 agencies; any radio or television network, broadcaster, or other
96 media representative; any dealer of communications services as
97 defined in s. 202.11; or any agency, employee, individual, or
98 entity is immune from civil liability for damages for complying

Bill No. SB 502



962962

99 in good faith with the request and is presumed to have acted in
100 good faith in recording, reporting, transmitting, displaying, or
101 releasing Amber Alert or Missing Child Alert information
102 pertaining to such child.

103 (b) Upon receiving a request to record, report, transmit,
104 display, or release information and photographs pertaining to a
105 missing adult from the law enforcement agency having
106 jurisdiction over the missing adult, the department, a state or
107 local law enforcement agency, and the personnel of these
108 agencies; any radio or television network, broadcaster, or other
109 media representative; any dealer of communications services as
110 defined in s. 202.11; or any agency, employee, individual, or
111 person is immune from civil liability for damages for complying
112 in good faith with the request to provide information and is
113 presumed to have acted in good faith in recording, reporting,
114 transmitting, displaying, or releasing information or
115 photographs pertaining to the missing adult.

116 (c) ~~(b)~~ The presumption of good faith is not overcome if a
117 technical or clerical error is made by any ~~such~~ agency,
118 employee, individual, or entity acting at the request of the
119 local law enforcement agency having jurisdiction, or if the
120 Amber Alert, ~~or~~ Missing Child Alert, or missing adult
121 information is incomplete or incorrect because the information
122 received from the local law enforcement agency was incomplete or
123 incorrect.

124 (d) ~~(c)~~ Neither this subsection nor any other provision of
125 law creates a duty of the agency, employee, individual, or
126 entity to record, report, transmit, display, or release the

Bill No. SB 502



962962

127 Amber Alert, ~~or~~ Missing Child Alert, or missing adult
128 information received from the local law enforcement agency
129 having jurisdiction. The decision to record, report, transmit,
130 display, or release information is discretionary with the
131 agency, employee, individual, or entity receiving ~~the that~~
132 information ~~from the local law enforcement agency having~~
133 jurisdiction.

134 (6) If a missing child or missing adult is not located
135 within 90 days after the missing child or missing adult report
136 is filed, the law enforcement agency that accepted the report
137 shall attempt to obtain a biological specimen for DNA analysis
138 from the missing child or missing adult or from appropriate
139 family members in addition to obtaining necessary documentation.
140 This subsection does not prevent a law enforcement agency from
141 attempting to obtain information or approved biological
142 specimens for DNA analysis before the expiration of the 90-day
143 period.

144 (7) The department shall adopt rules specific to cases
145 involving missing children and missing adults that will:

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

148 (b) Identify the documentation necessary for the
149 department to use the biological specimens for DNA analysis.

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

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

Bill No. SB 502



962962

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

157 Section 3. Section 937.022, Florida Statutes, is amended
158 to read:

159 937.022 Missing Endangered Persons ~~Children~~ Information
160 Clearinghouse.--

161 (1) There is created a Missing Endangered Persons ~~Children~~
162 Information Clearinghouse within the department to serve ~~of Law~~
163 ~~Enforcement. The clearinghouse is established~~ as a central
164 repository of information regarding missing endangered persons
165 ~~children~~. Such information shall be collected and disseminated
166 to assist in the location of missing endangered persons
167 ~~children~~.

168 (2) The clearinghouse shall be supervised by a director
169 who shall be employed upon the recommendation of the executive
170 director. The executive director shall establish services deemed
171 appropriate by the department to aid in the location of missing
172 endangered persons ~~children~~.

173 (3) The clearinghouse shall:

174 (a) Establish a system of intrastate communication of
175 information relating to missing endangered persons ~~children~~
176 ~~determined to be missing by their parents, guardians, or legal~~
177 ~~custodians or by law enforcement agencies.~~

178 (b) Provide a centralized file for the exchange of
179 information on missing endangered persons ~~children within the~~
180 ~~state.~~

Bill No. SB 502



962962

181 1. Every state, county, or municipal law enforcement
182 agency shall submit to the clearinghouse information concerning
183 missing endangered persons ~~received by it pursuant to s.~~
184 ~~937.021.~~

185 2. Any person having knowledge ~~parent, guardian, or legal~~
186 ~~eustodian~~ may submit a missing endangered person ~~child~~ report to
187 the clearinghouse concerning ~~about~~ a child or adult younger than
188 26 years of age whose whereabouts is unknown, regardless of the
189 circumstances, subsequent to reporting such child or adult
190 missing to the appropriate law enforcement agency within the
191 county in which the child or adult became missing, and
192 subsequent to entry by the law enforcement agency of the child
193 or person into the Florida Crime Information Center and the
194 National Crime Information Center databases. The missing
195 endangered person ~~which missing child~~ report shall be included
196 in the clearinghouse database.

197 3. Only the law enforcement agency having jurisdiction
198 over the case may submit a missing endangered person report to
199 the clearinghouse involving a missing adult age 26 years or
200 older who is suspected by a law enforcement agency of being
201 endangered or the victim of criminal activity.

202 ~~(c) Interface with the National Crime Information Center~~
203 ~~for the exchange of information on children suspected of~~
204 ~~interstate travel.~~

205 ~~(c)(d)~~ Collect, process, maintain, and disseminate
206 information on missing endangered persons ~~children~~ and strive to
207 maintain or disseminate only accurate and complete information.



962962

208 (4) ~~The person parent, guardian, or legal custodian who is~~
 209 responsible for notifying the clearinghouse or a law enforcement
 210 agency about a missing endangered person ~~child~~ shall immediately
 211 notify the clearinghouse or the agency of any child or adult
 212 whose location has been determined.

213 (5) The law enforcement agency having jurisdiction over a
 214 case involving a missing endangered person shall, upon locating
 215 the child or adult, immediately purge information about the case
 216 from the Florida Crime Information Center or the National Crime
 217 Information Center databases and notify the clearinghouse.
 218 ~~Information received pursuant to s. 937.021 about a missing~~
 219 ~~child, which information has been included in the clearinghouse~~
 220 ~~database, shall be purged by the appropriate law enforcement~~
 221 ~~agency immediately upon location of such child.~~

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

223 ~~(a) "Missing child" means a person who is under the age of~~
 224 ~~18 years; whose temporary or permanent residence is in, or is~~
 225 ~~believed to be in, this state; whose location has not been~~
 226 ~~determined; and who has been reported as missing to a law~~
 227 ~~enforcement agency.~~

228 ~~(b) "Missing child report" means a report prepared on a~~
 229 ~~form designed by the Department of Law Enforcement for the use~~
 230 ~~by private citizens and law enforcement agencies to report~~
 231 ~~information about missing children to the Missing Children~~
 232 ~~Information Clearinghouse.~~

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

234
 235 ===== T I T L E A M E N D M E N T =====

Bill No. SB 502



962962

236 And the title is amended as follows:

237 Delete everything before the enacting clause
238 and insert:

239 A bill to be entitled

240 An act relating to missing persons; creating s. 937.0201,
241 F.S.; providing definitions; amending s. 937.021, F.S.;
242 requiring law enforcement agencies to adopt written
243 policies and procedures to be used when investigating
244 missing children and missing adult reports; requiring the
245 law enforcement agency having jurisdiction to accept and
246 file the report; providing a timeframe for transmitting
247 the report to state and national databases; providing
248 immunity from civil liability for certain persons
249 providing information in good faith; requiring that a law
250 enforcement agency obtain a DNA sample after a child or
251 adult has been missing for more than 90 days; authorizing
252 the Department of Law Enforcement to adopt rules; amending
253 s. 937.022, F.S.; renaming the Missing Children
254 Information Clearinghouse as the "Missing Endangered
255 Persons Information Clearinghouse"; revising provisions to
256 conform; requiring the state and national databases to be
257 purged of information about a person who has been located;
258 providing an effective date.