

By Senator Constantine

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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 obtain a DNA sample after a person has been missing  
10 more than 90 days; requiring the Department of Law  
11 Enforcement to adopt rules; amending s. 937.022, F.S.;  
12 renaming the Missing Children Information Clearinghouse  
13 the "Missing Children and Persons Information  
14 Clearinghouse"; requiring the clearinghouse to collect and  
15 process information regarding missing children, missing  
16 persons younger than 26 years of age, and missing persons  
17 suspected by a law enforcement agency of being in danger  
18 or a victim of criminal activity; providing definitions;  
19 providing an effective date.

20  
21 Be It Enacted by the Legislature of the State of Florida:

22  
23 Section 1. Section 937.021, Florida Statutes, is amended to  
24 read:

25 937.021 Missing child or missing person reports.--

26 (1) Law enforcement agencies in this state shall adopt  
27 written policies that specify the procedures to be used to  
28 investigate reports of missing persons. The policies adopted must  
29 ensure that cases involving reported missing persons, including

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30 cases involving minor children, are investigated promptly using  
31 appropriate resources. The adopted policies must include:

32 (a) Requirements for accepting missing person reports;

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

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

41 (2)-(1) Upon the filing of a credible police report that a  
42 child is missing by the parent or guardian, the law enforcement  
43 agency receiving the report shall immediately inform all on-duty  
44 law enforcement officers of the existence of the missing child  
45 report, communicate the report to every other law enforcement  
46 agency having jurisdiction in the county, and within 2 hours  
47 transmit the report for inclusion within the Florida Crime  
48 Information Center and the National Crime Information Center  
49 databases computer.

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

55 (4)-(2) If a law enforcement agency has a reasonable belief  
56 that a person is missing, a police report that a child is missing  
57 may be filed with the law enforcement agency having jurisdiction  
58 in the county or municipality in which the person child was last

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59 | seen shall be accepted by that agency ~~prior to the filing of the~~  
60 | ~~report, without regard to whether the child resides in or has any~~  
61 | ~~significant contacts with that county or municipality.~~ The filing  
62 | and acceptance of such a report imposes ~~shall impose~~ the duties  
63 | specified in this section subsection (1) upon the ~~that~~ law  
64 | enforcement agency receiving the missing person report. This  
65 | subsection does not preclude a law enforcement agency from filing  
66 | or accepting a missing person report when agency jurisdiction  
67 | cannot be determined.

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

74 | (6) (3) (a) Upon receiving a request to record, report,  
75 | transmit, display, or release Amber Alert or Missing Child Alert  
76 | information from the law enforcement agency having jurisdiction  
77 | over the missing or endangered child younger than 18 years of  
78 | age, the Department of Law Enforcement as the state Amber Alert  
79 | coordinator; any state or local law enforcement agency and the  
80 | personnel of these agencies; any radio or television network,  
81 | broadcaster, or other media representative; any dealer of  
82 | communications services as defined in s. 202.11; or any agency,  
83 | employee, individual, or entity is immune from civil liability  
84 | for damages for complying in good faith with the request and is  
85 | presumed to have acted in good faith in recording, reporting,  
86 | transmitting, displaying, or releasing Amber Alert or Missing  
87 | Child Alert information pertaining to such child.

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

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

108        (d) ~~(e)~~ Neither this subsection nor any other provision of  
109 law creates a duty of the agency, employee, individual, or entity  
110 to record, report, transmit, display, or release the Amber Alert, ~~or~~  
111 Missing Child Alert, or other missing person information  
112 received from the local law enforcement agency having  
113 jurisdiction. The decision to record, report, transmit, display,  
114 or release information is discretionary with the agency,  
115 employee, individual, or entity receiving that information from  
116 the local law enforcement agency having jurisdiction.

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

126       (8) The Department of Law Enforcement shall adopt rules  
127 establishing procedures for:

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

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

132       (9) Subsections (7) and (8) are contingent upon the  
133 availability of an appropriation of federal funds for the  
134 submission and processing of approved biological specimens for  
135 DNA analysis.

136       (10) Subsection (7) does not prevent a law enforcement  
137 agency from attempting to obtain information or approved  
138 biological specimens for DNA analysis before the expiration of  
139 the 90-day period.

140       Section 2. Section 937.022, Florida Statutes, is amended to  
141 read:

142       937.022 Missing Person and Children Information  
143 Clearinghouse.--

144           (1) There is created a Missing Person and Children  
145 Information Clearinghouse within the Department of Law

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146 Enforcement. The clearinghouse is established as a central  
147 repository of information regarding missing children and certain  
148 missing persons. Such information shall be collected and  
149 disseminated to assist in the location of missing children,  
150 missing persons younger than 26 years of age, or missing persons  
151 suspected by a law enforcement agency of being endangered or the  
152 victim of criminal activity.

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

160 (3) The clearinghouse shall:

161 (a) Establish a system of intrastate communication of  
162 information relating to missing children, missing persons younger  
163 than 26 years of age, or missing persons suspected by a law  
164 enforcement agency of being endangered or the victim of criminal  
165 activity ~~determined to be missing by their parents, guardians, or~~  
166 ~~legal custodians or by law enforcement agencies~~.

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

172 1. Every state, county, or municipal law enforcement agency  
173 shall submit to the clearinghouse information concerning persons  
174 who meet the criteria set forth in this section ~~received by it~~

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175 ~~pursuant to s. 937.021.~~

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

187       ~~(c) Interface with the National Crime Information Center~~  
188 ~~for the exchange of information on children suspected of~~  
189 ~~interstate travel.~~

190       (c)(d) Collect, process, maintain, and disseminate  
191 information concerning ~~on~~ missing children and strive to maintain  
192 or disseminate only accurate and complete information.

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

199       (5)(4) The parent, guardian, ~~or~~ legal custodian, or other  
200 person who is responsible for notifying the clearinghouse or a  
201 law enforcement agency about a missing child or missing person  
202 shall immediately notify the clearinghouse or the agency of any  
203 missing child or missing person whose location has been

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204 | determined.

205 |       ~~(6)-(5)~~ Information received pursuant to s. 937.021 about a  
206 | missing person or child, which information has been included in  
207 | the clearinghouse database and in the Florida Crime Information  
208 | Center and the National Crime Information Center database, shall  
209 | be purged by the appropriate law enforcement agency and the  
210 | clearinghouse shall be notified immediately upon location of the  
211 | person ~~such child~~.

212 |       ~~(7)-(6)~~ As used in this section, the term:

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

218 |       (b) "Missing child or missing person report" means a report  
219 | prepared on a form designed by the Department of Law Enforcement  
220 | for ~~the~~ use by the public ~~private citizens~~ and law enforcement  
221 | agencies in reporting to the Missing Persons and Children  
222 | Information Clearinghouse ~~to report~~ information about missing  
223 | children, missing persons who were younger than 26 years of age  
224 | at the time they were reported missing, or missing persons 26 or  
225 | older who are suspected by the law enforcement agency having  
226 | jurisdiction of being endangered or the victim of criminal  
227 | activity ~~to the Missing Children Information Clearinghouse~~.

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

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