

By the Committee on Children, Families, and Elder Affairs; and  
Senators Constantine, Jones, Fasano, Lynn and Ring

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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; requiring the  
7 law enforcement agency having jurisdiction to accept and  
8 file the report; providing a timeframe for transmitting  
9 the report to state and national databases; providing  
10 immunity from civil liability for certain persons  
11 providing information in good faith; requiring that a law  
12 enforcement agency obtain a DNA sample after a child or  
13 adult has been missing for more than 90 days; authorizing  
14 the Department of Law Enforcement to adopt rules; amending  
15 s. 937.022, F.S.; renaming the Missing Children  
16 Information Clearinghouse as the "Missing Endangered  
17 Persons Information Clearinghouse"; revising provisions to  
18 conform; requiring the state and national databases to be  
19 purged of information about a person who has been located;  
20 providing an effective date.

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

23  
24 Section 1. Section 937.0201, Florida Statutes, is created  
25 to read:

26 937.0201 Definitions.--As used in this chapter, the term:

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

28 (2) "Missing adult" means a person 18 years of age or older  
29 whose temporary or permanent residence is in, or is believed to

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30 be in, this state, whose location has not been determined, and  
31 who has been reported as missing to a law enforcement agency.

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

36 (4) "Missing endangered person" means:

37 (a) A missing child;

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

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

42 (5) "Missing endangered person report" means a report  
43 prepared on a form prescribed by the department by rule for use  
44 by the public and law enforcement agencies in reporting  
45 information to the Missing Endangered Persons Information  
46 Clearinghouse about a missing endangered person.

47 Section 2. Section 937.021, Florida Statutes, is amended to  
48 read:

49 937.021 Missing child and missing adult reports.--

50 (1) Law enforcement agencies in this state shall adopt  
51 written policies that specify the procedures to be used to  
52 investigate reports of missing children and missing adults. The  
53 policies must ensure that cases involving missing children and  
54 adults are investigated promptly using appropriate resources. The  
55 policies must include:

56 (a) Requirements for accepting missing child and missing  
57 adult reports;

58 (b) Procedures for initiating, maintaining, closing, or

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59 referring a missing child or missing adult investigation; and

60 (c) Standards for maintaining and clearing computer data of  
61 information concerning a missing child and missing adult which is  
62 stored in the Florida Crime Information Center and the National  
63 Crime Information Center. The standards must require, at a  
64 minimum, a monthly review of each case and a determination of  
65 whether the case should be maintained in the database.

66 (2) An entry concerning a missing child or missing adult  
67 may not be removed from the Florida Crime Information Center or  
68 the National Crime Information Center databases based solely on  
69 the age of the missing child or missing adult.

70 (3) A report that a child or adult is missing must be  
71 accepted by and filed with the law enforcement agency having  
72 jurisdiction in the county or municipality in which the child or  
73 adult was last seen. The filing and acceptance of the report  
74 imposes the duties specified in this section upon the law  
75 enforcement agency receiving the report. This subsection does not  
76 preclude a law enforcement agency from accepting a missing child  
77 or missing adult report when agency jurisdiction cannot be  
78 determined.

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

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88        (b) Upon the filing of a credible police report that an  
89 adult is missing, the law enforcement agency receiving the report  
90 shall, within 2 hours after receipt of the report, transmit the  
91 report for inclusion within the Florida Crime Information Center  
92 and the National Crime Information Center databases.

93        ~~(2) A police report that a child is missing may be filed~~  
94 ~~with the law enforcement agency having jurisdiction in the county~~  
95 ~~or municipality in which the child was last seen prior to the~~  
96 ~~filing of the report, without regard to whether the child resides~~  
97 ~~in or has any significant contacts with that county or~~  
98 ~~municipality. The filing of such a report shall impose the duties~~  
99 ~~specified in subsection (1) upon that law enforcement agency.~~

100        (5)(3)(a) Upon receiving a request to record, report,  
101 transmit, display, or release Amber Alert or Missing Child Alert  
102 information from the law enforcement agency having jurisdiction  
103 over the missing ~~or endangered~~ child, the Department of Law  
104 Enforcement as the state Amber Alert coordinator, + any state or  
105 local law enforcement agency, + and the personnel of these  
106 agencies; any radio or television network, broadcaster, or other  
107 media representative; any dealer of communications services as  
108 defined in s. 202.11; or any agency, employee, individual, or  
109 entity is immune from civil liability for damages for complying  
110 in good faith with the request and is presumed to have acted in  
111 good faith in recording, reporting, transmitting, displaying, or  
112 releasing Amber Alert or Missing Child Alert information  
113 pertaining to such child.

114        (b) Upon receiving a request to record, report, transmit,  
115 display, or release information and photographs pertaining to a  
116 missing adult from the law enforcement agency having jurisdiction

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117 over the missing adult, the department, a state or local law  
118 enforcement agency, and the personnel of these agencies; any  
119 radio or television network, broadcaster, or other media  
120 representative; any dealer of communications services as defined  
121 in s. 202.11; or any agency, employee, individual, or person is  
122 immune from civil liability for damages for complying in good  
123 faith with the request to provide information and is presumed to  
124 have acted in good faith in recording, reporting, transmitting,  
125 displaying, or releasing information or photographs pertaining to  
126 the missing adult.

127 (c)~~(b)~~ The presumption of good faith is not overcome if a  
128 technical or clerical error is made by any ~~such~~ agency, employee,  
129 individual, or entity acting at the request of the local law  
130 enforcement agency having jurisdiction, or if the Amber Alert, ~~or~~  
131 Missing Child Alert, or missing adult information is incomplete  
132 or incorrect because the information received from the local law  
133 enforcement agency was incomplete or incorrect.

134 (d)~~(e)~~ Neither this subsection nor any other provision of  
135 law creates a duty of the agency, employee, individual, or entity  
136 to record, report, transmit, display, or release the Amber Alert,  
137 ~~or~~ Missing Child Alert, or missing adult information received  
138 from the local law enforcement agency having jurisdiction. The  
139 decision to record, report, transmit, display, or release  
140 information is discretionary with the agency, employee,  
141 individual, or entity receiving the ~~that~~ information ~~from the~~  
142 ~~local law enforcement agency having jurisdiction.~~

143 (6) If a missing child or missing adult is not located  
144 within 90 days after the missing child or missing adult report is  
145 filed, the law enforcement agency that accepted the report shall

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146 attempt to obtain a biological specimen for DNA analysis from the  
147 missing child or missing adult or from appropriate family members  
148 in addition to obtaining necessary documentation. This subsection  
149 does not prevent a law enforcement agency from attempting to  
150 obtain information or approved biological specimens for DNA  
151 analysis before the expiration of the 90-day period.

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

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

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

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

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

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

165 Section 3. Section 937.022, Florida Statutes, is amended to  
166 read:

167 937.022 Missing Endangered Persons ~~Children~~ Information  
168 Clearinghouse.--

169 (1) There is created a Missing Endangered Persons ~~Children~~  
170 Information Clearinghouse within the department to serve of Law  
171 ~~Enforcement. The clearinghouse is established as a central~~  
172 repository of information regarding missing endangered persons  
173 ~~children~~. Such information shall be collected and disseminated to  
174 assist in the location of missing endangered persons ~~children~~.

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175 (2) The clearinghouse shall be supervised by a director who  
176 shall be employed upon the recommendation of the executive  
177 director. The executive director shall establish services deemed  
178 appropriate by the department to aid in the location of missing  
179 endangered persons ~~children~~.

180 (3) The clearinghouse shall:

181 (a) Establish a system of intrastate communication of  
182 information relating to missing endangered persons ~~children~~  
183 ~~determined to be missing by their parents, guardians, or legal~~  
184 ~~custodians or by law enforcement agencies.~~

185 (b) Provide a centralized file for the exchange of  
186 information on missing endangered persons ~~children within the~~  
187 ~~state.~~

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

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

203 3. Only the law enforcement agency having jurisdiction over

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204 the case may submit a missing endangered person report to the  
205 clearinghouse involving a missing adult age 26 years or older who  
206 is suspected by a law enforcement agency of being endangered or  
207 the victim of criminal activity.

208 ~~(c) Interface with the National Crime Information Center~~  
209 ~~for the exchange of information on children suspected of~~  
210 ~~interstate travel.~~

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

214 (4) The person ~~parent, guardian, or legal custodian who is~~  
215 responsible for notifying the clearinghouse or a law enforcement  
216 agency about a missing endangered person ~~child~~ shall immediately  
217 notify the clearinghouse or the agency of any child or adult  
218 whose location has been determined.

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

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

229 ~~(a) "Missing child" means a person who is under the age of~~  
230 ~~18 years; whose temporary or permanent residence is in, or is~~  
231 ~~believed to be in, this state; whose location has not been~~  
232 ~~determined; and who has been reported as missing to a law~~



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233 ~~enforcement agency.~~

234 ~~(b) "Missing child report" means a report prepared on a~~  
235 ~~form designed by the Department of Law Enforcement for the use by~~  
236 ~~private citizens and law enforcement agencies to report~~  
237 ~~information about missing children to the Missing Children~~  
238 ~~Information Clearinghouse.~~

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