

2008502er

1
2 An act relating to missing persons; providing a short
3 title; creating s. 937.0201, F.S.; providing definitions;
4 amending s. 937.021, F.S.; requiring law enforcement
5 agencies to adopt written policies and procedures to be
6 used when investigating missing children and missing adult
7 reports; requiring the law enforcement agency having
8 jurisdiction to accept and file the report; providing a
9 timeframe for transmitting the report to state and
10 national databases; providing immunity from civil
11 liability for certain persons providing information in
12 good faith; requiring that a law enforcement agency obtain
13 a DNA sample after a child or adult has been missing for
14 more than 90 days; authorizing the Department of Law
15 Enforcement to adopt rules; amending s. 937.022, F.S.;
16 renaming the Missing Children Information Clearinghouse as
17 the "Missing Endangered Persons Information
18 Clearinghouse"; revising provisions to conform; requiring
19 the state and national databases to be purged of
20 information about a person who has been located; providing
21 an effective date.

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

24
25 Section 1. This act may be cited as the "Jennifer Kesse and
26 Tiffany Sessions Missing Persons Act."

27 Section 2. Section 937.0201, Florida Statutes, is created
28 to read:

29 937.0201 Definitions.--As used in this chapter, the term:

2008502er

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

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

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

39 (4) "Missing endangered person" means:

40 (a) A missing child;

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

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

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

50 Section 3. Section 937.021, Florida Statutes, is amended to
51 read:

52 937.021 Missing child and missing adult reports.--

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

2008502er

59 (a) Requirements for accepting missing child and missing
60 adult reports;

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

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

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

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

82 (4) (a) ~~(1)~~ Upon the filing of a police report that a child
83 is missing by the parent or guardian, the law enforcement agency
84 receiving the report shall immediately inform all on-duty law
85 enforcement officers of the existence of the missing child
86 report, communicate the report to every other law enforcement
87 agency having jurisdiction in the county, and within 2 hours

2008502er

88 after receipt of the report, transmit the report for inclusion
89 within the Florida Crime Information Center and the National
90 Crime Information Center databases ~~computer~~.

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

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

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

2008502er

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

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

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

2008502er

146 (6) If a missing child or missing adult is not located
147 within 90 days after the missing child or missing adult report is
148 filed, the law enforcement agency that accepted the report shall
149 attempt to obtain a biological specimen for DNA analysis from the
150 missing child or missing adult or from appropriate family members
151 in addition to obtaining necessary documentation. This subsection
152 does not prevent a law enforcement agency from attempting to
153 obtain information or approved biological specimens for DNA
154 analysis before the expiration of the 90-day period.

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

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

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

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

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

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

168 Section 4. Section 937.022, Florida Statutes, is amended to
169 read:

170 937.022 Missing Endangered Persons ~~Children~~ Information
171 Clearinghouse.--

172 (1) There is created a Missing Endangered Persons ~~Children~~
173 Information Clearinghouse within the department to serve ~~of Law~~
174 ~~Enforcement. The clearinghouse is established as a central~~

2008502er

175 repository of information regarding missing endangered persons
176 ~~children~~. Such information shall be collected and disseminated to
177 assist in the location of missing endangered persons ~~children~~.

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

183 (3) The clearinghouse shall:

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

188 (b) Provide a centralized file for the exchange of
189 information on missing endangered persons ~~children within the~~
190 ~~state.~~

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

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

2008502er

204 ~~missing child~~ report shall be included in the clearinghouse
205 database.

206 3. Only the law enforcement agency having jurisdiction over
207 the case may submit a missing endangered person report to the
208 clearinghouse involving a missing adult age 26 years or older who
209 is suspected by a law enforcement agency of being endangered or
210 the victim of criminal activity.

211 ~~(c) Interface with the National Crime Information Center~~
212 ~~for the exchange of information on children suspected of~~
213 ~~interstate travel.~~

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

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

222 (5) The law enforcement agency having jurisdiction over a
223 case involving a missing endangered person shall, upon locating
224 the child or adult, immediately purge information about the case
225 from the Florida Crime Information Center or the National Crime
226 Information Center databases and notify the clearinghouse.

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

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

232 ~~(a) "Missing child" means a person who is under the age of~~

2008502er

233 | ~~18 years; whose temporary or permanent residence is in, or is~~
234 | ~~believed to be in, this state; whose location has not been~~
235 | ~~determined; and who has been reported as missing to a law~~
236 | ~~enforcement agency.~~

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

242 | Section 5. This act shall take effect July 1, 2008.