

1                   A bill to be entitled  
 2           An act relating to missing adults; amending s.  
 3           937.0201, F.S.; revising the definition of the term  
 4           "missing endangered person" to include a missing adult  
 5           who meets the criteria for activation of the Silver  
 6           Alert Plan; amending s. 937.021, F.S.; providing  
 7           immunity from civil liability for certain persons  
 8           providing Silver Alert information pertaining to the  
 9           missing adult in good faith; amending s. 937.022,  
 10          F.S.; providing that only the law enforcement agency  
 11          having jurisdiction over the case may request that the  
 12          clearinghouse activate a state Silver Alert; providing  
 13          an effective date.

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 15 Be It Enacted by the Legislature of the State of Florida:

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 17           Section 1. Subsection (4) of section 937.0201, Florida  
 18 Statutes, is amended to read:

19           937.0201 Definitions.—As used in this chapter, the term:

20           (4) "Missing endangered person" means:

21           (a) A missing child;

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

23           (c) A missing adult 26 years of age or older who is  
 24 suspected by a law enforcement agency of being endangered or the  
 25 victim of criminal activity; or

26           (d) A missing adult who meets the criteria for activation  
 27 of the Silver Alert Plan.

28           Section 2. Subsection (5) of section 937.021, Florida

29 Statutes, is amended to read:

30 937.021 Missing child and missing adult reports.—

31 (5) (a) Upon receiving a request to record, report,  
32 transmit, display, or release Amber Alert or Missing Child Alert  
33 information from the law enforcement agency having jurisdiction  
34 over the missing child, the department ~~of Law Enforcement~~ as the  
35 state Amber Alert coordinator, any state or local law  
36 enforcement agency, and the personnel of these agencies; any  
37 radio or television network, broadcaster, or other media  
38 representative; any dealer of communications services as defined  
39 in s. 202.11; or any agency, employee, individual, or entity is  
40 immune from civil liability for damages for complying in good  
41 faith with the request and is presumed to have acted in good  
42 faith in recording, reporting, transmitting, displaying, or  
43 releasing Amber Alert or Missing Child Alert information  
44 pertaining to such child.

45 (b) Upon receiving a request to record, report, transmit,  
46 display, or release information and photographs pertaining to a  
47 missing adult from the law enforcement agency having  
48 jurisdiction over the missing adult, the department, a state or  
49 local law enforcement agency, and the personnel of these  
50 agencies; any radio or television network, broadcaster, or other  
51 media representative; any dealer of communications services as  
52 defined in s. 202.11; or any agency, employee, individual, or  
53 person is immune from civil liability for damages for complying  
54 in good faith with the request to provide information and is  
55 presumed to have acted in good faith in recording, reporting,  
56 transmitting, displaying, or releasing information or

57 | photographs pertaining to the missing adult.

58 |       (c) Upon receiving a request to record, report, transmit,  
59 | display, or release Silver Alert information from the law  
60 | enforcement agency having jurisdiction over the missing adult,  
61 | the department as the state Silver Alert coordinator, any state  
62 | or local law enforcement agency, and the personnel of these  
63 | agencies; any radio or television network, broadcaster, or other  
64 | media representative; any dealer of communications services as  
65 | defined in s. 202.11; or any agency, employee, individual, or  
66 | entity is immune from civil liability for damages for complying  
67 | in good faith with the request and is presumed to have acted in  
68 | good faith in recording, reporting, transmitting, displaying, or  
69 | releasing Silver Alert information pertaining to the missing  
70 | adult.

71 |       (d)~~(e)~~ The presumption of good faith is not overcome if a  
72 | technical or clerical error is made by any agency, employee,  
73 | individual, or entity acting at the request of the local law  
74 | enforcement agency having jurisdiction, or if the Amber Alert,  
75 | Missing Child Alert, ~~or~~ missing adult, or Silver Alert  
76 | information is incomplete or incorrect because the information  
77 | received from the local law enforcement agency was incomplete or  
78 | incorrect.

79 |       (e)~~(d)~~ Neither this subsection nor any other provision of  
80 | law creates a duty of the agency, employee, individual, or  
81 | entity to record, report, transmit, display, or release the  
82 | Amber Alert, Missing Child Alert, ~~or~~ missing adult, or Silver  
83 | Alert information received from the local law enforcement agency  
84 | having jurisdiction. The decision to record, report, transmit,

85 display, or release information is discretionary with the  
86 agency, employee, individual, or entity receiving the  
87 information.

88 Section 3. Paragraph (b) of subsection (3) of section  
89 937.022, Florida Statutes, is amended to read:

90 937.022 Missing Endangered Persons Information  
91 Clearinghouse.—

92 (3) The clearinghouse shall:

93 (b) Provide a centralized file for the exchange of  
94 information on missing endangered persons.

95 1. Every state, county, or municipal law enforcement  
96 agency shall submit to the clearinghouse information concerning  
97 missing endangered persons.

98 2. Any person having knowledge may submit a missing  
99 endangered person report to the clearinghouse concerning a child  
100 or adult younger than 26 years of age whose whereabouts is  
101 unknown, regardless of the circumstances, subsequent to  
102 reporting such child or adult missing to the appropriate law  
103 enforcement agency within the county in which the child or adult  
104 became missing, and subsequent to entry by the law enforcement  
105 agency of the child or person into the Florida Crime Information  
106 Center and the National Crime Information Center databases. The  
107 missing endangered person report shall be included in the  
108 clearinghouse database.

109 3. Only the law enforcement agency having jurisdiction  
110 over the case may submit a missing endangered person report to  
111 the clearinghouse involving a missing adult age 26 years or  
112 older who is suspected by a law enforcement agency of being

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113 | endangered or the victim of criminal activity.

114 |       4. Only the law enforcement agency having jurisdiction  
115 | over the case may make a request to the clearinghouse for the  
116 | activation of a state Silver Alert involving a missing adult if  
117 | circumstances regarding the disappearance have met the criteria  
118 | for activation of the Silver Alert Plan.

119 |       Section 4. This act shall take effect July 1, 2011.