

By Senator Benacquisto

27-00672-11

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1                   A bill to be entitled  
2           An act relating to missing person investigations;  
3           amending s. 937.0201, F.S.; defining terms; amending  
4           s. 937.021, F.S.; providing that certain specified  
5           persons are immune from civil liability for damages  
6           for complying with the request to release Silver Alert  
7           information to appropriate agencies; providing a  
8           presumption that a person recording, reporting,  
9           transmitting, displaying, or releasing such  
10          information acted in good faith; amending s. 937.022,  
11          F.S., relating to the Missing Endangered Persons  
12          Information Clearinghouse; authorizing only the law  
13          enforcement agency having jurisdiction over a case to  
14          submit a Silver Alert report to the clearinghouse  
15          involving a missing adult who is suspected by a law  
16          enforcement agency of meeting the criteria for  
17          activation of the Silver Alert Plan; providing an  
18          effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

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

24           937.0201 Definitions.—As used in this chapter, the term:

25           (4) "Missing endangered person" means:

26           (a) A missing child;

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

28           (c) A missing adult 26 years of age or older who is

29           suspected by a law enforcement agency of being endangered or the

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30 victim of criminal activity; or

31 (d) A missing adult who meets the criteria for activation  
32 of the Silver Alert Plan of the Department of Law Enforcement.

33 Section 2. Subsection (5) of section 937.021, Florida  
34 Statutes, is amended to read:

35 937.021 Missing child and missing adult reports.—

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

50 (b) Upon receiving a request to record, report, transmit,  
51 display, or release information and photographs pertaining to a  
52 missing adult from the law enforcement agency having  
53 jurisdiction over the missing adult, the department, a state or  
54 local law enforcement agency, and the personnel of these  
55 agencies; any radio or television network, broadcaster, or other  
56 media representative; any dealer of communications services as  
57 defined in s. 202.11; or any agency, employee, individual, or  
58 person is immune from civil liability for damages for complying

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59 in good faith with the request to provide information and is  
60 presumed to have acted in good faith in recording, reporting,  
61 transmitting, displaying, or releasing information or  
62 photographs pertaining to the missing adult.

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

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

84 (e)~~(d)~~ Neither this subsection nor any other provision of  
85 law creates a duty of the agency, employee, individual, or  
86 entity to record, report, transmit, display, or release the  
87 Amber Alert, Missing Child Alert, ~~or~~ missing adult information,

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88 or Silver Alert information received from the local law  
89 enforcement agency having jurisdiction. The decision to record,  
90 report, transmit, display, or release information is  
91 discretionary with the agency, employee, individual, or entity  
92 receiving the information.

93 Section 3. Subsection (3) of section 937.022, Florida  
94 Statutes, is amended to read:

95 937.022 Missing Endangered Persons Information  
96 Clearinghouse.—

97 (3) The clearinghouse shall:

98 (a) Establish a system of intrastate communication of  
99 information relating to missing endangered persons.

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

102 1. Every state, county, or municipal law enforcement agency  
103 shall submit to the clearinghouse information concerning missing  
104 endangered persons.

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

116 3. Only the law enforcement agency having jurisdiction over

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117 the case may submit a missing endangered person report to the  
118 clearinghouse involving a missing adult age 26 years or older  
119 who is suspected by a law enforcement agency of being endangered  
120 or the victim of criminal activity.

121 4. Only the law enforcement agency having jurisdiction over  
122 the case may submit a Silver Alert report to the clearinghouse  
123 involving a missing adult who is suspected by a law enforcement  
124 agency of meeting the criteria for activation of the Silver  
125 Alert Plan.

126 (c) Collect, process, maintain, and disseminate information  
127 on missing endangered persons and strive to maintain or  
128 disseminate only accurate and complete information.

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