

By the Committee on Judiciary; and Senators Benacquisto, Negron, Margolis, Smith, Dockery, Evers, and Dean

590-03205-11

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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 request that the clearinghouse activate a state Silver
15 Alert involving a missing adult who is suspected by a
16 law 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 make a request to the clearinghouse for the
123 activation of a state Silver Alert involving a missing adult if
124 circumstances regarding the disappearance have met the criteria
125 for activation of the Silver 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.