

By Senator Dean

5-00755-15

2015330__

1 A bill to be entitled
2 An act relating to missing persons with special needs;
3 amending s. 937.0201, F.S.; revising the definition of
4 the term "missing endangered person" to include
5 certain persons with special needs; amending s.
6 937.021, F.S.; providing immunity from civil liability
7 for certain persons who comply with a request to
8 release information concerning missing persons with
9 special needs to appropriate agencies; providing a
10 presumption that a person recording, reporting,
11 transmitting, displaying, or releasing such
12 information acted in good faith; amending s. 937.022,
13 F.S.; specifying who may submit a report concerning a
14 missing person with special needs; creating s.
15 937.035, F.S.; requiring the Department of Law
16 Enforcement, contingent on funding, to provide
17 electronic monitoring devices to certain persons with
18 autism spectrum disorder; requiring the Agency for
19 Persons with Disabilities to make an annual report
20 concerning such individuals to the department;
21 requiring the Department of Children and Families,
22 contingent on funding, to provide electronic
23 monitoring devices to certain persons with dementia;
24 creating s. 943.17297, F.S.; requiring the Criminal
25 Justice Standards and Training Commission to
26 incorporate the retrieval of missing persons with
27 special needs into the curriculum required for law
28 enforcement officers; reenacting ss. 39.0141 and
29 39.301(22), F.S., to incorporate the amendment made to

5-00755-15

2015330__

30 s. 937.021, F.S., in references thereto; providing an
31 effective date.

32
33 Be It Enacted by the Legislature of the State of Florida:

34
35 Section 1. Paragraphs (c) and (d) of subsection (4) of
36 section 937.0201, Florida Statutes, are amended, and paragraph
37 (e) is added to that subsection, to read:

38 937.0201 Definitions.—As used in this chapter, the term:

39 (4) "Missing endangered person" means:

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

43 (d) A missing adult who meets the criteria for activation
44 of the Silver Alert Plan of the Department of Law Enforcement;
45 or

46 (e) A missing person with special needs who is at risk of
47 becoming lost or is prone to wander due to autism spectrum
48 disorder, a developmental disability, or any other disease or
49 condition.

50 Section 2. Present paragraphs (d) and (e) of subsection (5)
51 of section 937.021, Florida Statutes, are amended, and a new
52 paragraph (d) is added to that subsection, to read:

53 937.021 Missing child and missing adult reports.—

54 (5)

55 (d) Upon receiving a request to record, report, transmit,
56 display, or release information about a missing person with
57 special needs, as described in s. 937.0201(4)(e), from the law
58 enforcement agency having jurisdiction over the missing person,

5-00755-15

2015330__

59 the Department of Law Enforcement, any state or local law
60 enforcement agency, and the personnel of these agencies; any
61 radio or television network, broadcaster, or other media
62 representative; any dealer of communications services as defined
63 in s. 202.11; or any agency, employee, individual, or entity is
64 immune from civil liability for damages for complying in good
65 faith with the request and is presumed to have acted in good
66 faith in recording, reporting, transmitting, displaying, or
67 releasing information pertaining to the missing person with
68 special needs.

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

78 (f)~~(e)~~ Neither this subsection nor any other provision of
79 law creates a duty of the agency, employee, individual, or
80 entity to record, report, transmit, display, or release the
81 information regarding an Amber Alert, Missing Child Alert,
82 Silver Alert, missing child information, missing adult
83 information, or missing person with special needs Silver Alert
84 information received from the local law enforcement agency
85 having jurisdiction. The decision to record, report, transmit,
86 display, or release information is discretionary with the
87 agency, employee, individual, or entity receiving the

5-00755-15

2015330__

88 information.

89 Section 3. Paragraph (b) of subsection (3) of section
90 937.022, Florida Statutes, is amended to read:

91 937.022 Missing Endangered Persons Information
92 Clearinghouse.—

93 (3) The clearinghouse shall:

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

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

99 2. Any person having knowledge may submit a missing
100 endangered person report to the clearinghouse concerning a
101 child, an ~~or~~ adult younger than 26 years of age, or a person
102 with special needs, as described in s. 937.0201(4)(e), whose
103 whereabouts are ~~is~~ unknown, regardless of the circumstances,
104 subsequent to reporting such child, ~~or~~ adult, or person with
105 special needs missing to the appropriate law enforcement agency
106 within the county in which the child, ~~or~~ adult, or person with
107 special needs went ~~became~~ missing, and subsequent to entry by
108 the law enforcement agency of the child or person into the
109 Florida Crime Information Center and the National Crime
110 Information Center databases. The missing endangered person
111 report shall be included in the clearinghouse database.

112 3. Only the law enforcement agency having jurisdiction over
113 the case may submit a missing endangered person report to the
114 clearinghouse involving a missing adult age 26 years or older
115 who is suspected by a law enforcement agency of being endangered
116 or the victim of criminal activity.

5-00755-15

2015330__

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

122 Section 4. Section 937.035, Florida Statutes, is created to
123 read:

124 937.035 Electronic monitoring devices for certain persons.-

125 (1) (a) The department shall, to the extent federally
126 funded, provide electronic monitoring devices to persons
127 described in s. 937.0201(4) (e) who have the potential to go
128 missing due to autism spectrum disorder.

129 (b) The Agency for Persons with Disabilities shall annually
130 provide the department with a list of the number of persons in
131 each county who would be eligible for an electronic monitoring
132 device under this subsection.

133 (2) The Department of Children and Families shall, subject
134 to legislative appropriation, provide electronic monitoring
135 devices to persons described in s. 937.0201(4) (e) who have the
136 potential to go missing due to diagnosed Alzheimer's disease or
137 any other form of dementia.

138 Section 5. Section 943.17297, Florida Statutes, is created
139 to read:

140 943.17297 Training in retrieval of persons with special
141 needs.-The commission shall incorporate detailed training in the
142 retrieval of missing persons with special needs as described in
143 s. 937.0201(4) (e) into the curriculum required for continuous
144 employment or appointment as a law enforcement officer.

145 Section 6. Section 39.0141 and subsection (22) of section

5-00755-15

2015330__

146 39.301, Florida Statutes, are reenacted for the purpose of
147 incorporating the amendment made by this act to section 937.021,
148 Florida Statutes, in references thereto.

149 Section 7. This act shall take effect July 1, 2015.