

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

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

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22 Section 1. Paragraphs (c) and (d) of subsection (4) of
23 section 937.0201, Florida Statutes, are amended, and paragraph
24 (e) is added to that subsection, to read:

25 937.0201 Definitions.—As used in this chapter, the term:

26 (4) "Missing endangered person" means:

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

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

33 (e) A missing person who meets the criteria for activation
 34 of the Lime Alert Plan of the Department of Law Enforcement.

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

37 937.021 Missing child and missing adult reports.—

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

52 (b) Upon receiving a request to record, report, transmit,

53 display, or release information and photographs pertaining to a
54 missing adult or missing child from the law enforcement agency
55 having jurisdiction over the missing adult or missing child, the
56 department, a state or local law enforcement agency, and the
57 personnel of these agencies; any radio or television network,
58 broadcaster, or other media representative; any dealer of
59 communications services as defined in s. 202.11; or any agency,
60 employee, individual, or person is immune from civil liability
61 for damages for complying in good faith with the request to
62 provide information and is presumed to have acted in good faith
63 in recording, reporting, transmitting, displaying, or releasing
64 information or photographs pertaining to the missing adult or
65 missing child.

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

79 (d) Upon receiving a request to record, report, transmit,
 80 display, or release Lime Alert information from the law
 81 enforcement agency having jurisdiction over the missing person,
 82 the Department of Law Enforcement as the state Lime Alert
 83 coordinator, any state or local law enforcement agency, and the
 84 personnel of these agencies; any radio or television network,
 85 broadcaster, or other media representative; any dealer of
 86 communications services as defined in s. 202.11; or any agency,
 87 employee, individual, or entity is immune from civil liability
 88 for damages for complying in good faith with the request and is
 89 presumed to have acted in good faith in recording, reporting,
 90 transmitting, displaying, or releasing Lime Alert information
 91 pertaining to the missing person.

92 (e)~~(d)~~ The presumption of good faith is not overcome if a
 93 technical or clerical error is made by any agency, employee,
 94 individual, or entity acting at the request of the local law
 95 enforcement agency having jurisdiction, or if the Amber Alert,
 96 Missing Child Alert, Lime Alert, missing child information,
 97 missing adult information, ~~or~~ Silver Alert information, or Lime
 98 Alert information is incomplete or incorrect because the
 99 information received from the local law enforcement agency was
 100 incomplete or incorrect.

101 (f)~~(e)~~ Neither this subsection nor any other provision of
 102 law creates a duty of the agency, employee, individual, or
 103 entity to record, report, transmit, display, or release the
 104 Amber Alert, Missing Child Alert, Lime Alert, missing child

105 information, missing adult information, ~~or~~ Silver Alert
106 information, or Lime Alert information received from the local
107 law enforcement agency having jurisdiction. The decision to
108 record, report, transmit, display, or release information is
109 discretionary with the agency, employee, individual, or entity
110 receiving the information.

111 Section 3. Paragraph (b) of subsection (3) of section
112 937.022, Florida Statutes, is amended to read:

113 937.022 Missing Endangered Persons Information
114 Clearinghouse.—

115 (3) The clearinghouse shall:

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

118 1. Every state, county, or municipal law enforcement
119 agency shall submit to the clearinghouse information concerning
120 missing endangered persons.

121 2. Any person having knowledge may submit a missing
122 endangered person report to the clearinghouse concerning a child
123 or adult younger than 26 years of age whose whereabouts is
124 unknown, regardless of the circumstances, subsequent to
125 reporting such child or adult missing to the appropriate law
126 enforcement agency within the county in which the child or adult
127 became missing, and subsequent to entry by the law enforcement
128 agency of the child or person into the Florida Crime Information
129 Center and the National Crime Information Center databases. The
130 missing endangered person report shall be included in the

131 clearinghouse database.

132 3. Only the law enforcement agency having jurisdiction
133 over the case may submit a missing endangered person report to
134 the clearinghouse involving a missing adult age 26 years or
135 older who is suspected by a law enforcement agency of being
136 endangered or the victim of criminal activity.

137 4. Only the law enforcement agency having jurisdiction
138 over the case may make a request to the clearinghouse for the
139 activation of a state Silver Alert involving a missing adult if
140 circumstances regarding the disappearance have met the criteria
141 for activation of the Silver Alert Plan.

142 5. Only the law enforcement agency having jurisdiction
143 over the case may make a request to the clearinghouse for the
144 activation of a state Lime Alert involving a missing person if
145 circumstances regarding the disappearance have met the criteria
146 for activation of the Lime Alert Plan.

147 Section 4. This act shall take effect July 1, 2016.